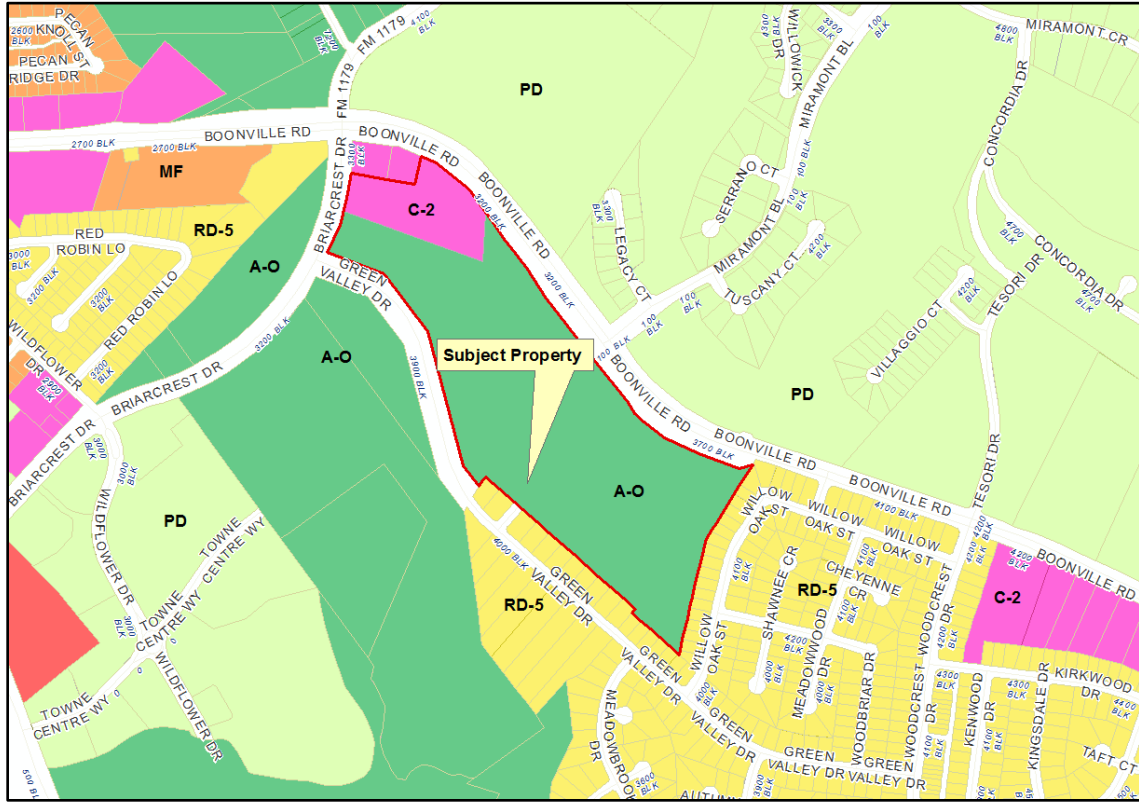


LOCATION MAPS:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM A COMBINATION OF AGRICULTURAL OPEN DISTRICT (A-O) AND RETAIL DISTRICT (C-2) TO PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 52.683 ACRES OF LAND OUT OF THE J. W. SCOTT LEAGUE, A-49 AND RICHARD CARTER LEAGUE, A-8, LOCATED AT THE SOUTHEAST CORNER OF BRIARCREST DRIVE (FM 1179) AND BOONVILLE ROAD (FM 158) NORTH OF GREEN VALLEY DRIVE, IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 is for 52.683 acres of vacant land out of the J. W. Scott League, A-49 and Richard Carter League, A-8, located at the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive, in Bryan, Brazos County, Texas, (case no. RZ17-18) was recommended for approval by the Planning and Zoning Commission during a special meeting on October 19, 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of Agricultural - Open District (A-O) and Retail District (C-2) to Planned Development – Mixed Use District (PD-M), on 52.683 acres of vacant land out of the J. W. Scott League, A-49 and Richard Carter League, A-8, located at the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive, in Bryan, Brazos County, Texas, and more particularly described on attached Exhibit “A” and subject to development requirements specified in attached Exhibit “B” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 14th day of November, 2017 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 15th day of November, 2017 by a vote of ___ yeses and ___ noes at a special meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":

**METES AND BOUNDS DESCRIPTION
OF A
52.683 ACRE TRACT
J. W. SCOTT LEAGUE, A-49
RICHARD CARTER LEAGUE, A-8
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE J. W. SCOTT LEAGUE, ABSTRACT NO. 49 AND THE RICHARD CARTER LEAGUE, ABSTRACT NO. 8, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 1580.68 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO M.D. WHEELER, LTD. RECORDED IN VOLUME 3008, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND BENT (N:10230357.384, E:3558728.667) ON THE SOUTHWEST LINE OF FM 158 – BOONVILLE ROAD (R.O.W. VARIES) MARKING THE EAST CORNER OF LOT 2R-A, REPLAT OF HANSEN SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 3622, PAGE 210 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. COORDINATES AND BEARING SYSTEM SHOWN HEREIN ARE NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) BASED ON THE PUBLISHED COORDINATES OF THE CITY OF BRYAN CONTROL MONUMENT GPS-121 (N:10230582.075, E:3558378.587) AND AS ESTABLISHED BY GPS OBSERVATION;

THENCE: ALONG THE SOUTHWEST LINE OF FM 158 FOR THE FOLLOWING CALLS:

S 66° 39' 48" E FOR A DISTANCE OF 90.91 FEET (CALLED: S 66° 37' 08" E – 90.92 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 52° 37' 12" E FOR A DISTANCE OF 231.02 FEET (CALLED: S 52° 34' 32" E – 231.05 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 37° 49' 50" E FOR A DISTANCE OF 227.09 FEET (CALLED: S 37° 47' 10" E – 227.12 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 37° 08' 34" E FOR A DISTANCE OF 113.11 FEET (CALLED: S 37° 05' 54" E – 113.12 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 39° 57' 37" E FOR A DISTANCE OF 100.11 FEET (CALLED: S 39° 54' 57" E – 100.12 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 37° 08' 34" E FOR A DISTANCE OF 108.13 FEET (CALLED: S 37° 05' 54" E – 108.14 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 35° 37' 30" E FOR A DISTANCE OF 185.77 FEET (CALLED: S 35° 34' 50" E – 185.79 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 37° 22' 33" E FOR A DISTANCE OF 403.02 FEET (CALLED: S 37° 19' 53" E – 403.06 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 38° 52' 10" E FOR A DISTANCE OF 335.85 FEET (CALLED: S 38° 49' 30" E – 335.89 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 28° 19' 58" E FOR A DISTANCE OF 73.40 FEET (CALLED: S 29° 39' 33" E – 72.90 FEET, PER R.O.W. PLANS) TO A T.X.D.O.T. RIGHT-OF-WAY DISK IN CONCRETE FOUND;

S 47° 46' 30" E FOR A DISTANCE OF 70.91 FEET (CALLED: S 48° 15' 26" E – 70.86 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

S 53° 24' 46" E FOR A DISTANCE OF 141.42 FEET (CALLED: S 53° 10' 06" E – 141.65 FEET, PER R.O.W. PLANS) TO A T.X.D.O.T. RIGHT-OF-WAY DISK IN CONCRETE FOUND;

S 64° 48' 09" E FOR A DISTANCE OF 211.66 FEET (CALLED: S 64° 53' 45" E – 211.62 FEET, PER R.O.W. PLANS) TO A T.X.D.O.T. RIGHT-OF-WAY DISK IN CONCRETE FOUND;

S 70° 08' 52" E FOR A DISTANCE OF 236.92 FEET (CALLED: S 70° 06' 29" E – 236.91 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET;

N 83° 34' 29" E FOR A DISTANCE OF 63.80 FEET (CALLED: N 83° 39' 18" E – 63.62 FEET, PER R.O.W. PLANS) TO A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF LOT 5, BLOCK 5, WHEELER RIDGE PHASE 1 ACCORDING TO THE PLAT RECORDED IN VOLUME 380, PAGE 337 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE WEST LINE OF SAID BLOCK 5 FOR THE FOLLOWING CALLS:

S 31° 36' 01" W FOR A DISTANCE OF 515.23 FEET (PLAT CALL: S 34° 43' 02" E – 515.36 FEET, 380/337) TO A 1/2 INCH IRON ROD SET MARKING THE NORTHWEST CORNER OF LOT 12 OF SAID BLOCK 5;

S 12° 50' 32" W, AT 15.40 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID LOT 12, AT 507.56 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF LOTS 20 AND 21 OF SAID BLOCK 5, CONTINUE ON FOR A TOTAL DISTANCE OF 654.63 FEET (PLAT CALL: S 15° 57' 57" W – 655.27 FEET, 380/337) TO A 1/2 INCH IRON ROD SET ON THE NORTHEAST LINE OF LOT 25 OF SAID BLOCK 5. SAID IRON ROD SET MARKING THE SOUTHWEST CORNER OF LOT 23 OF SAID BLOCK 5;

THENCE: N 48° 30' 25" W ALONG THE NORTHEAST LINE OF SAID BLOCK 5, AT 143.58 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF LOTS 27 AND 28 OF SAID BLOCK 5, CONTINUE ON FOR A TOTAL DISTANCE OF 349.08 FEET (PLAT CALL: N 45° 20' 01" W – 350.00 FEET, 380/337) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF LOT 1, BLOCK 1, WHEELER RIDGE PHASE 2 ACCORDING TO THE PLAT RECORDED IN VOLUME 398, PAGE 857 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD SET MARKING THE NORTH CORNER OF LOT 30 OF SAID BLOCK 5;

THENCE: N 41° 29' 35" E ALONG THE SOUTHEAST LINE OF SAID LOT 1 FOR A DISTANCE OF 30.00 FEET (CALLED: N 44° 39' 59" E – 30.00 FEET, 398/857) TO A 1/2 INCH IRON ROD SET MARKING THE EAST CORNER OF SAID LOT 1, BLOCK 1;

THENCE: N 48° 30' 25" W ALONG THE NORTHEAST LINE OF SAID BLOCK 1, AT 727.80 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF LOTS 8 AND 9, CONTINUE ON FOR A TOTAL DISTANCE OF 1105.92 FEET (PLAT CALL: N 45° 20' 01" W – 1106.04 FEET, 398/857) TO A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF LOT 2, BLOCK 2 OF SAID WHEELER RIDGE PHASE 2;

THENCE: ALONG THE NORTHWEST LINE OF SAID BLOCK 2 FOR THE FOLLOWING CALLS:

S 41° 29' 35" W FOR A DISTANCE OF 30.00 FEET (PLAT CALL: S 44° 39' 59" W – 30.00 FEET, 398/857) TO A 1/2 INCH IRON ROD SET;

S 31° 16' 05" W FOR A DISTANCE OF 32.43 FEET (PLAT CALL BEARING: S 34° 26' 29" W, 398/857) TO A 1/2 INCH IRON ROD SET ON THE NORTHEAST LINE OF GREEN VALLEY DRIVE (150' R.O.W. PER PLAT, 1165/523). FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 2 BEARS: S 31° 16' 05" W FOR A DISTANCE OF 69.38 FEET;

THENCE: ALONG THE NORTHEAST LINE OF GREEN VALLEY DRIVE FOR THE FOLLOWING CALLS:

N 36° 44' 28" W FOR A DISTANCE OF 140.39 FEET (PLAT CALL: N 33° 34' 04" W – 140.41 FEET, 1165/523) TO A 1/2 INCH IRON ROD SET;

N 14° 01' 43" W FOR A DISTANCE OF 769.10 FEET (PLAT CALL: N 10° 51' 19" W – 769.19 FEET, 1165/523) TO A 1/2 INCH IRON ROD SET;

N 36° 44' 28" W FOR A DISTANCE OF 405.38 FEET (PLAT CALL: N 33° 34' 04" W – 405.42 FEET, 1165/523) TO A 1/2 INCH IRON ROD SET;

N 68° 24' 25" W FOR A DISTANCE OF 335.10 FEET (PLAT CALL: N 65° 14' 01" W – 335.72 FEET, 1165/523) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF BRIARCREST DRIVE – FM 1179 MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 1492.34 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17° 6' 35" 44" FOR AN ARC DISTANCE OF 458.30 FEET (CHORD: N 14° 13' 04" E – 456.50 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE SOUTHWEST CORNER OF LOT 1R-A OF SAID HANSEN SUBDIVISION;

THENCE: S 80° 24' 08" E ALONG THE SOUTH LINE OF SAID LOTS 1R-A AND 2R-A FOR A DISTANCE OF 357.82 FEET (PLAT CALL: S 77° 05' 10" E – 357.22 FEET, 3622/210) TO A 1/2 INCH IRON ROD SET MARKING THE SOUTHEAST CORNER OF SAID LOT 2R-A;

THENCE: N 12° 59' 40" E ALONG THE EAST LINE OF SAID LOT 2R-A FOR A DISTANCE OF 156.61 FEET (PLAT CALL: N 16° 18' 39" E – 156.63 FEET, 3622/210) TO THE **POINT OF BEGINNING** CONTAINING 52.683 ACRES OF LAND, AS SURVEYED ON THE GROUND SEPTEMBER 2016. SEE PLAT PREPARED SEPTEMBER, 2016, FOR MORE DESCRIPTIVE INFORMATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO DETERMINE SURFACE DISTANCES MULTIPLY BY A COMBINED SCALE FACTOR OF 1.000110807820743 (CALCULATED USING GEOID12A).

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4502

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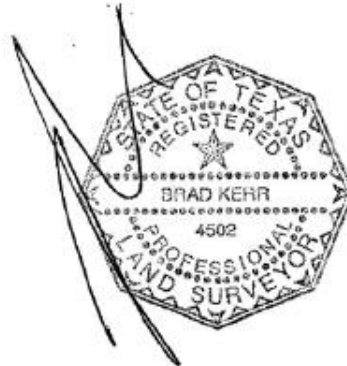


Exhibit “B”:
Development Requirements for Planned Development – Mixed Use (PD-M) District

I. Purpose and Intent:

The Trafalgar Planned Development - Mixed Use District (“Trafalgar PD”) is intended to guide land use and physical development of the subject property. This development plan is enacted as a means to provide the City and the Developer with an alternate to the standards set forth by the City for their mutual benefit. This Trafalgar PD is intended to improve property utilization by facilitating the highest and best uses, strengthen the area economy, and promote the general welfare of the surrounding community. The proposed PD-M development plan is to allow residential, office, and retail uses on approximately 52.683 acres of land out of the JW Scott League, A-41, being southeast of the intersection of Briarcrest Drive and Boonville Road.

II. Definitions:

Terms that are not expressly defined below shall have the meanings set forth in the City of Bryan Code of Ordinances. Terms not defined in either this Trafalgar PD or the City of Bryan Code of Ordinances shall have their ordinary dictionary meanings, based on the latest edition of Merriam-Webster’s Unabridged Dictionary.

- A. Construction Field Office – shall mean a temporary building used as an office for supervisory or administrative functions related to the construction of (1) new residential structures within the subdivision in which the construction field office is located or (2) a new commercial development on the tract on which the construction field office is located. A Construction Field Office shall not be used as a residence and shall not be constructed with sleeping facilities. RVs, motor homes, manufactured homes or mobile homes are not permitted or defined as a Construction Field Office. The temporary building shall only remain at the construction site during the duration of the associated construction.
- B. Neighborhood Amenity Center – shall mean a private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of that residential development. The Neighborhood Amenity Center may also serve as a Real Estate Sales Center or information center during the sales life of the community.
- C. Senior Living - shall mean a facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments may include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing and social and recreational service, such as meal services, transportation, housekeeping, linen, and organized social activities. A senior living facility may include an adult day care as an accessory use.
- D. Trafalgar Commercial Association, Inc. (“Commercial Association”) - shall mean the property owners association formed for the purpose of the enforcement and administering of the provisions of the Declaration of Covenants, Conditions and Restrictions for Trafalgar (Commercial Property) to be recorded in the Real Property Records of Brazos County, Texas.
- E. Trafalgar Commercial Guidelines – shall mean the guidelines promulgated by the board of directors of the Commercial Association and recorded in the Real Property Records of Brazos County, Texas, as may be amended and/or supplemented from time to time.

- F. Trafalgar Residential Association, Inc. (“Residential Association”) – shall mean the residential homeowner’s association formed for the purpose of the enforcement and administering of the provisions of the Declaration of Covenants, Conditions and Restrictions for Trafalgar (Residential Property), to be recorded in the Real Property Records of Brazos County, Texas.
- G. Trafalgar Residential Guidelines – shall mean the guidelines promulgated by the board of directors of the Residential Association and recorded in the Real Property Records of Brazos County, Texas, as may be amended and/or supplemented from time to time.
- H. Twin-home - shall mean a dwelling comprised of 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.

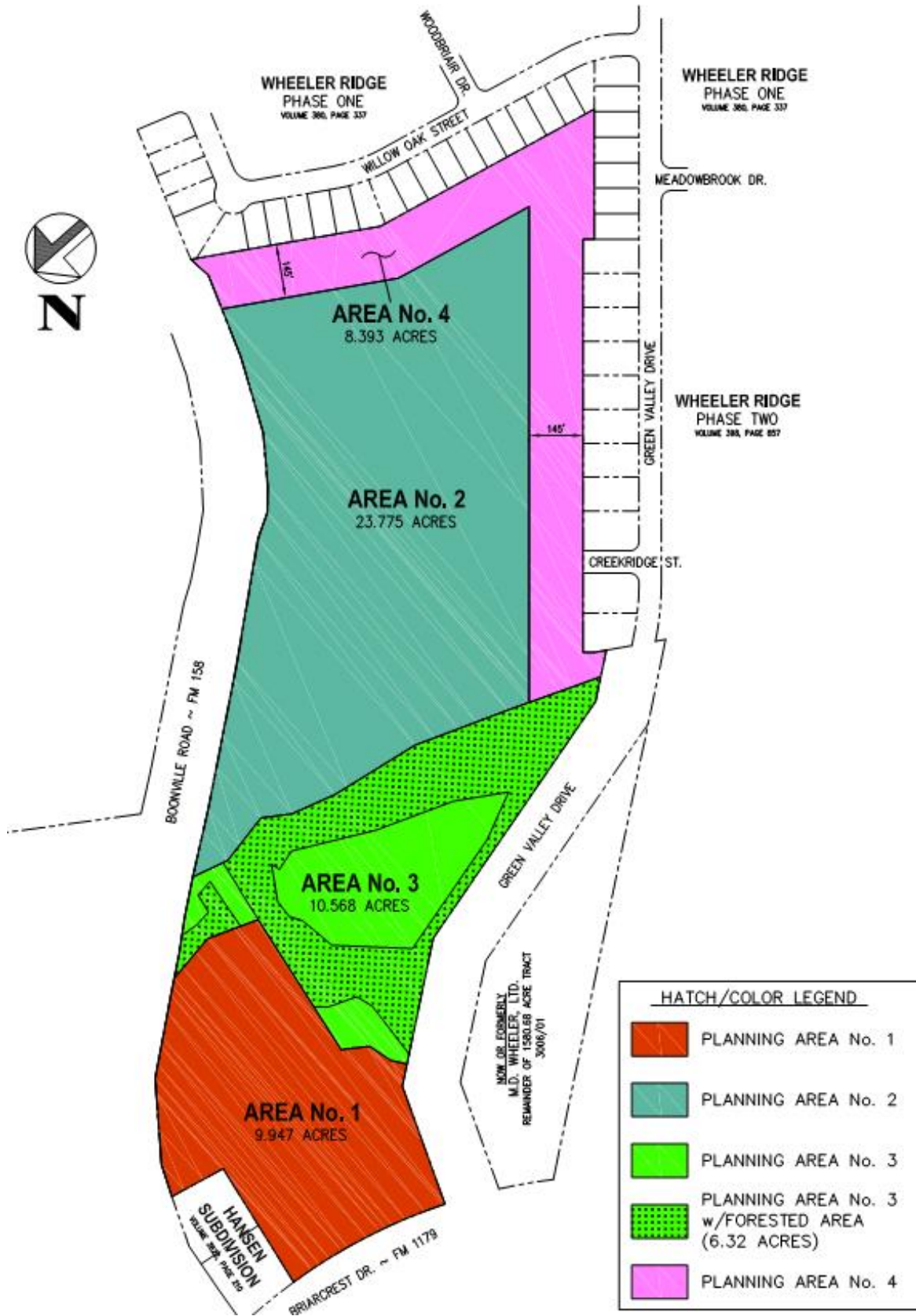
III. Land Use:

The Trafalgar PD provides for four (4) different planning areas designed to respect and respond to existing conditions at the property boundaries. Please refer to the Trafalgar Land Use Plan and Use Matrix below.

- A. Land Uses for Planning Area 1 (Business Zone) - Planning Area 1, generally located at the intersection of Briarcrest Drive and Boonville Road, provides for typical business uses that are desirable along high visible locations and “hard” corners. Uses would including; office, retail, and other business uses as identified in the Land Use Matrix below. Other auxiliary uses (open spaces, drainage facilities, common areas, and other supporting facilities to the proposed developments) are also permitted as needed for the appropriate development of Planning Area 1.
- B. Land Uses for Planning Area 2 (Mixed Use Zone) - Planning Area 2, generally along Boonville Road and located along the southern portion of the community, provides for greater flexibility of uses in order to respond to changing market conditions over time. Land uses will include commercial office and retail, single-family (attached or detached, Garden Homes, Patio Homes, Townhouses, Twin-homes), and multi-family residential districts as permitted by right on lots specified for such use with an approved plat or site plan. Other auxiliary uses (open spaces, drainage facilities, common areas, private/public streets, and other supporting facilities to the proposed developments) are also permitted as needed for the appropriate development of Planning Area 2. Non-residential areas shall not exceed 80% of the total area.
- C. Land Uses for Planning Area 3 (Creekridge Conservation Area) - Planning Area 3, located in the middle of the development, will be a reserved area. Uses would include retention (i.e. water features), detention or extended detention (i.e. utilizing natural topography), park, trails, walks, wetlands, enhanced wetlands, and necessary ancillary parking and/or building facilities that support the aforementioned items contained within Planning Area 3. Clearing of trees, brush, vegetation, and groundcover for the construction of these amenities, shall not exceed 20% of the existing forested area. The existing forested area is quantified on the attached Land Use Plan.
- D. Land Uses for Planning Area 4 (Residential Zone) – Planning Area 4, generally along the perimeter of the Wheeler Ridge Subdivision, provides for various types of residential uses. These residential uses will include single-family (attached or detached, Garden Homes, Patio Homes, Townhouses, Twin-Homes) and multi-family (Senior Living only) uses as permitted by right on lots specified for such use with an approved plat or site plan. Other auxiliary uses (open spaces, drainage facilities, common areas, private/public streets, and other supporting facilities to the

proposed developments) are also permitted as needed for the appropriate development of Planning Area 4. Land uses within Planning Area 4 shall be limited to two (2) stories in height.

TRAFALGAR – LAND USE PLAN



Land Use Matrix	PLANNING AREAS					
	Area 1		Area 2		Area 4	
	Permitted Use	Conditional Use	Permitted Use	Conditional Use	Permitted Use	Conditional Use
Single Family Residential						
Detached Single-Family Residential			X		X	
Duplex				X		X
Gated Neighborhood			X		X	
Model Homes			X		X	
Neighborhood Amenity Center			X		X	
Patio Home			X		X	
Townhouses			X		X	
Twin-Homes			X		X	
Multi-Family Residential						
Condominiums			X			
Multi-Family Residential			X			
Senior Living			X		X	
Business						
Banks, Savings & Loans or Credit Unions	X		X			
Bed & Breakfast		X		X		
Business or Trade School	X		X			
Charitable Uses	X		X			
Child Care (Class B or C)	X		X			
Construction Field Office	X		X			
Commerical Amusement (indoor)		X		X		
Dance Studio	X		X			
Fitness Center	X		X			
Funeral Home/Mortuary	X		X			
General Office Use (Professional/Adminstrative)	X		X			
Indoor Archery & Shooting Range		X		X		
Laundromats (self-service washateria)	X		X			
Medical Facilities or Clinics	X		X			
Motel or Hotel	X		X			
Package Liquor Store	X		X			
Pharmacies	X		X			
Reception Hall or Community Center	X		X			
Retail Services (including incidental uses)	X		X			
Restaurant or Cafeteria	X		X			
School or Educational Support Facilities	X		X			
Studio	X		X			
Theater (indoor)		X		X		
Heating or Air Conditioning						
Sales/Service		X				

IV. Physical Development:

Unless stated otherwise, the physical development in this PD-M district shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply with single-family, multi-family, office and retail zoning districts. The following additional standards shall apply:

- A. Traffic Calming – Traffic calming techniques will be included in the geometric design of the streets within the Trafalgar PD. At least one traffic calming feature (i.e. widening of sidewalks/narrowing of streets, drive neck-downs/medians, roundabouts, and surface treatments) shall be implemented into each plat or site development.
- B. Screening & Buffers – Planning Area 2 & 4: At the time of development, the land use within the mixed used Planning Area 2 & 4 shall be designated and illustrated on the approved City of Bryan site plans or plats. Designated land uses shall correspond with the uses defined by this ordinance on the Land Use Matrix.

When it is determined that a zoning usage area abuts a non-compatible zoning usage area along a mutual side or rear property line, screening and buffer areas shall be established. A non-compatible zoning use shall exist when two differing categories abut. No screening and buffering shall be required along Planning Area No. 3.

The three (3) general use categories designated in this PD-M are as follows.

SR – Single-Family residential as defined by the Land Use Matrix within this PD-M District;

MF – Multiple-Family residential as defined by the Land Use Matrix within this PD-M District; or condo uses;

B – Business, as defined by the Land Use Matrix within this PD-M District.

Screening and buffering requirements for abutting non-compatible uses are as follows:

- 1) Solid wood or masonry fence (a minimum of 6 feet high) as approved by the City of Bryan during site plan or plat approval for all developments abutting non-compatible usage including adjacent undeveloped property; and,
- 2) Buffer area requirements are described below in the Buffer Area Matrix. This matrix describes the minimum buffer area between incompatible uses and shall be no less than the stated buffer width. The portion of the buffer area required to be landscaped shall be the stated number (width) multiplied by the linear foot of lot line adjacent to the incompatible use. This landscaping shall be placed in the buffer area and shall not count toward the development landscaping requirements. No improvements will be allowed within the buffer area except for the required screening, landscaping, permitted stormwater drainage and detention facilities, pedestrian walkways, and utility easements crossing the buffer area. The buffer setback is measured from the property line.
- 3) In Planning Area 4 land uses shall be limited to two (2) stories in height.

Buffer Area Matrix					
Minimum Width of Buffer					
Land Use	Wheeler Ridge¹	Undeveloped²	SR	MF	B
SR	0	5	0	15	30
MF	25	10	15	0	25
B	n/a	15	30	25	0

Buffer Area Matrix					
Minimum Width of Buffer to be Landscaped					
Land Use	Wheeler Ridge¹	Undeveloped²	SR	MF	B
SR	0	0	0	10	20
MF	15	5	10	0	15
B	n/a	5	20	15	0

Footnotes:

- (1) When non-compatible development is proposed adjacent to an existing development, the difference of the minimum buffer width and landscaping requirements shall be met on the tract developing second.
- (2) The Buffer Area may include the existing easements adjacent to the Wheeler Ridge subdivision that are located on this property.
- (3) Buffers created when developments abut undeveloped property will be permitted the additional use of vehicular access if the neighboring property develops as a compatible use.

C. Design Criteria - The 52+ acre tract, as defined by this PD-M district, shall adhere to the FM 158 Corridor Overlay District Guidelines as prescribed by the Bryan Code of Ordinances unless otherwise stated. Design criteria not addressed in the Trafalgar Guidelines shall comply with the development standards and limitations of the City of Bryan Code of Ordinances, Ordinance 62-528: FM 158 Corridor Overlay District, and as follows:

- 1) *Multi-family Residential* – The physical development of Multi-family Residential shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that apply to properties zoned Multiple-Family District (MF).
- 2) *Non-residential* – The physical development of non-residential uses shall comply with the development standards and limitations of the City of Bryan Code of Ordinances and the Commercial Design Guidelines that apply to properties zoned Office District (C-1).

D. Community Signage System – All permanent signs and hardscape elements will be located entirely on private property. Permanent signage, free-standing, wall, or monument signs will conform to the requirements listed in Chapter 98 – Signs of City of Bryan Code of Ordinances with the exceptions stated below. Sign locations and types shall generally comply with the Sign Plan attached. All sign locations illustrated on the Sign Plan are approximate only. Locations shall be permitted on a case-by-case basis.

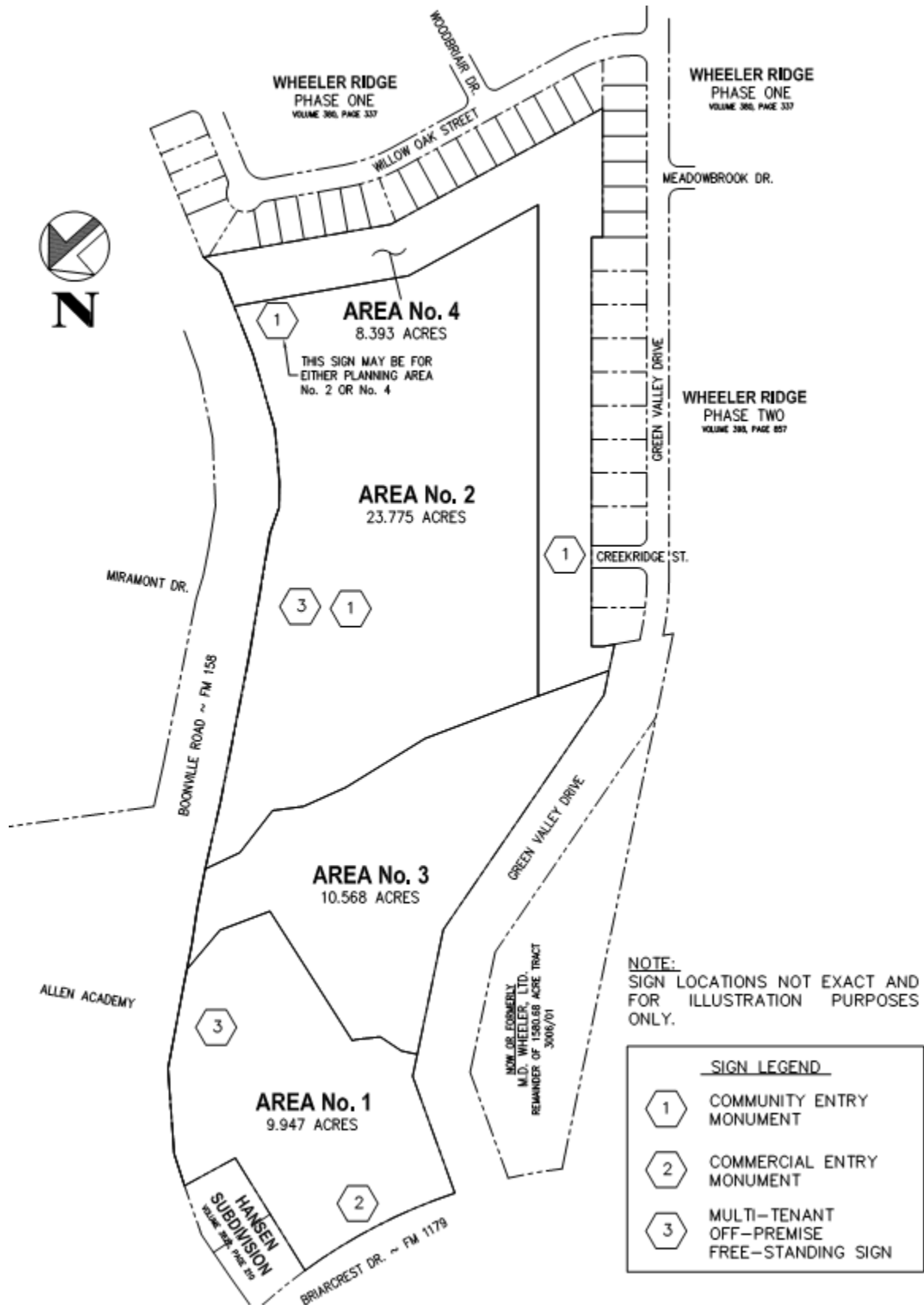
- 1) *Community Entry Monuments (Multi-family or Single-family Residential Uses)* – Off-Premise community monuments may be used at community entrances on Boonville Road, Creekridge Street, or appropriate private streets. Monument signs will be designed within the constraints outlined below:
 - a) Quantity – Planning Area 2 & 4 combined will be allowed a total of three monument signs.

- b) Height & Setback – The overall height of the structure will not exceed eight feet (8’). Height will be as measured from the adjacent grade or top of curb, whichever is applicable. Monuments adjacent to Boonville Road shall have a minimum setback of twenty feet (20’). Setback is measured from the Boonville Road curb.
 - c) Size – Font size will not exceed one foot (1’), and the overall graphic portion of the monument will not exceed 60 square feet.
 - d) Lighting – Signage may be illuminated using an indirect lighting source.
- 2) *Commercial Entry Sign (Business Uses)* – Signs installed adjacent to non-residential uses will comply with both the Trafalgar Commercial Guidelines and the City of Bryan sign regulations. Sign approval must be obtained from both the Architectural Control Committee (ACC) of the Commercial Association and the City of Bryan. Commercial monument signs will be designed within the constraints outlined below:
- a) Quantity – Planning Area 1 will be allowed one Commercial Entry sign along Briarcrest Drive near the corner of Green Valley Drive.
 - b) Height & Setback – The overall height of the structure will not exceed eight feet (8’). Height will be as measured from the adjacent grade or top of curb, whichever is applicable. The minimum setback from Briarcrest Drive shall be twenty feet (20’). Setback is measured from the Briarcrest Drive curb.
 - c) Size – Font size will not exceed one foot (1’), and the overall graphic portion of the monument will not exceed 100 square feet.
 - d) Lighting – Signage may be illuminated using an indirect lighting source.
- 3) *Multi-Tenant Off-Premise Free-standing Signage (Business Uses)* – Signs installed adjacent to non-residential uses will comply with both the Trafalgar Commercial Guidelines and the City of Bryan sign regulations. Sign approval must be obtained from both the Architectural Control Committee (ACC) of the Commercial Association and the City of Bryan. Free-standing signs will be designed within the constraints outlined below:
- a) Quantity – Both Planning Area 1 and Planning Area 2 will be allowed one (1) free-standing sign per each planning area. Planning Area 1 free-standing sign will be located along Boonville Road.
 - b) Height – The overall height of the structure will not exceed twenty-five feet (25’). Height will be measured from the adjacent grade or top of curb, whichever is applicable.
 - c) Setback – Hardscape elements will be set back from Boonville Road a minimum of forty feet (40’) and from all other interior roadways a minimum of fifteen feet (15’). Setback is measured from the curb.
 - d) Size – The overall graphic portion of any one free-standing sign will not exceed 300 square feet.
- 4) *Wall Signage (Business Uses)* – Wall signs installed with non-residential uses will comply with both the Trafalgar Commercial Guidelines and the City of Bryan sign regulations. Sign approval must be obtained from both the Architectural Control Committee (ACC) of the Commercial Association and the City of Bryan. Wall signs will be designed within the constraints outlined below:

a) Size – 1 to 1 ratio of square-footage of wall sign size to linear footage of building frontage.

E. Traffic Impact Analysis – All development shall be in conformance with the TIA (prepared by Binkley-Barfield – dated 7/5/17) and updated accordingly with each new site plan or plat.

TRAFALGAR – SIGN PLAN




V. Subdivision of Land:


The subdivision of land within this Planned Development District shall be in accordance with Chapter 110 – Subdivisions of the City of Bryan Code of Ordinances.

- A. Planning Area 1: Shall be in accordance with subdivision standards for properties in the Retail (C-2) zoning district;
- B. Planning Area 2: Shall be in accordance with subdivision standards for properties in the Residential District - 5000 (RD-5), Multiple-Family Residential (MF), and Retail (C-2) zoning districts as applicable.
- C. Planning Area 3: No further subdivision shall be permitted.
- D. Planning Area 4: Shall be in accordance with subdivision standards for properties in the Residential District – 5000 (RD-5) and Multiple-Family Residential (MF) zoning districts as applicable.

LETTER FROM APPLICANT

 Tue 10/24/2017 5:08 PM
Rabon Metcalf <rabon@rmengineer.com>
RE: Trafalgar

To: Doland, Stephanie
You forwarded this message on 10/25/2017 7:57 AM.


 SD RZ17-18.pdf
116 KB

[*EXTERNAL email. Please be cautious.*](#)

Stephanie:

Please note that the Developers of the Trafalgar PD development are acceptable to the conditions recommended by the P&Z per the attached action form.

Rabon A. Metcalf, P.E., C.F.M.



P.O. Box 9253
College Station, TX 77842
Cell: (979) 219-4174
Off: (979) 764-0704
Fax: (979) 764-0704

The information transmitted, by RME Consulting Engineers (RME), for the above referenced project is considered by RME to be confidential. This material is intended ONLY for the use of the recipient named above and permission is not granted to the recipient for distribution of these documents in any form or fashion. The recipient understands and agrees to RME that upon release of these documents is no longer responsible for their use or modification. The user and recipient of the documents accept full responsibility and liability for any consequences arising out of the use of these documents.



CITY OF BRYAN
The Good Life, Texas Style.™

**THE PLANNING AND ZONING COMMISSION
MEETING OF OCTOBER 19, 2017**

ACTION NOTIFICATION

Owner:	MD Wheeler, LTD 1919 Whitney Street Houston, TX 77006 garcia@wheelercompanies.com	Applicant	RME Consulting Engineers c/o Rabon Metcalf PO Box 9253 College Station, TX 77842 rabon@rmengineer.com
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Case Contact: Stephanie Doland, Project Planner

Item: A request to change the zoning classification from a combination of Agricultural - Open District (A-O) and Retail District (C-2) to Planned Development – Mixed Use District (PD-M), on 52.683 acres of vacant land out of the J. W. Scott League, A-49 and Richard Carter League, A-8, located at the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive, in Bryan, Brazos County, Texas.

Case No: RZ17-18

Action: The Planning and Zoning Commission voted to recommend **approval** of this request, **subject to the condition** that building height in Planning Area 4 be limited to two stories.

Additional Comments: This case is now scheduled for consideration by Bryan’s City Council on **November 14, 2017** (public hearing/1st ordinance reading) and **November 15, 2017** (2nd ordinance reading). Both meetings will be held in City Council Chambers on the first floor of the Municipal Building located at 300 South Texas Avenue, Bryan, Texas, beginning at 6:00 p.m.

If you have any questions or need assistance, please call us at (979) 209-5030.
Para informacion in Espanol, por favor llamas (979) 209-5030.

LETTERS IN OPPOSITION TO PREVIOUS REZONING REQUEST (CASE NO. RZ17-11) FROM OWNERS OF PROPERTY LOCATED WITHIN 200 FEET OF SUBJECT PROPERTY:

Bryan Planning & Zoning Commission

Bryan, TX

My name is Deborah Schuler Mushinski. I am the owner of the home located at 4009 Willow Oak St in the Wheeler Ridge subdivision. My husband, Dennis Mushinski & I attended the meeting on July 6, 2017 of the Bryan Planning & Zoning Commission. We listened with great interest to the proposal to change the zoning classification from A-O and C-2 to Planned Development-Mixed Use District, on the 52.683 acres that back up directly to our property.

I attempted to speak and share my opinions with the council. I am not adept in public speaking. I felt shot down and humiliated by council remarks. I stated I did not want the woods replaced with an 8' wooden fence or brick fence. It is correct, I did not "purchase the woods" behind my property. However, at the time of purchase of my lot, in 1978, the developer of Wheeler Ridge, assured buyers that the property behind the lots on Willow Oak St, (4101 through 4125) would remain natural woodland (green space) for the enrichment of the City of Bryan. There are numerous species of wild birds & butterflies whose annual migratory flight pattern is directly through the 52.683 acres adjacent to Wheeler Ridge. Turtles lay their eggs in the nesting grounds of the marshy areas of this acreage. There are rabbits, raccoons, deer and other animals that live & raise their babies inside those 52.683 acres. Bryan residents want to keep natural woodlands in their city. People moving into Bryan are looking for natural green spaces within their community.

RME Consulting Engineers presented an interesting concept. If we understood correctly, Planning Area 1, the "business" area, office & retail uses, are to be located at the corner between FM 158, Briarcrest Dr and Green Valley Dr. Planning Area 2 is a COMBINATION of business, multiple-family & single-family uses, including Twin Homes in residential areas. This area borders Willow Oak St, Green Valley Dr & Booneville Rd. The residents of Green Valley Dr & Willow Oak St will be greatly affected by this proposal, as well as Allen Academy on Booneville Rd. Planning Area 3 proposes 10.5 acres as an area reserved for regional detention, open space, parks, and trails referred to as the CreekrIDGE Conservation Area. The developer failed to include acreage bordering the homes on Green Valley Dr and Willow Oak St into the CreekrIDGE Conservation Area. This acreage is part of the main migratory path for the birds & butterflies. Why not propose a plan that would preserve the existing woodlands in its natural state without eradicating a natural environment for wildlife & disrupt the migratory patterns of thousands of birds & butterflies? Why subject the entire neighborhood of Wheeler Ridge to potential extensive flooding?

The negative effects of this proposal appear to far outweigh any positive progress for the Betterment of Bryan. We are all for progress. Progress equals growth for Bryan and is essential to our city. When has progress become such a fixation with Bryan that demolishing nature is acceptable? Why destroy what is already in place and then erect "green spaces" somewhere else?

In this instance, we feel the responsibility of the Bryan Planning & Zoning Commission is to ensure that the residents of the Wheeler Ridge subdivision and adjoining subdivisions are given extreme consideration before making a decision that cannot be reversed. Flooding will be an inevitable consequence if this plan is put in effect. The Wheeler Ridge community needs to be supported & protected by proposals of progress that supports the building of Twin Homes, multiple-family and business uses. This planned development proposal will ultimately create negative effects on the existing woodlands & its inhabitants. It will increase traffic & parking, making the neighborhood roads extremely dangerous. Noise pollution & light pollution will infiltrate the neighborhood. The flooding problem will be greatly increased.

Thank you for your consideration in this deeply personal matter for myself, my husband and our children, as well as our neighbors. Again we would like to reiterate, please do not remove the A-O & C-2 zoning on the 52.683 acres to Mixed Use District PD-M to allow a developer to "Better Bryan" at the demise of an established Bryan community neighborhood.

Sincerely,

Debi Schuler Mushinski
Debi S. Mushinski
Dennis Mushinski
Dennis Mushinski

I would like to request, The City of Bryan Planning and Zoning Commission to reschedule the discussion and voting on this decision due short notification on the Rezoning Case RZ17-11:MD Wheeler, LTD. Not only short notice but The 4th of July holiday in the middle of the time we received the notice and the Hearing. This decision is one that the city needs to give the residence time to react to. It appears some neighbors involved have not even received a letter. We as a neighborhood have concerns with the proposed request. As of today many residents in this neighborhood are not in favor of the proposed change to Planned Development-Mixed Use District. There are still unanswered questions in a very short notice time frame.

Thank you,
Andrew Vanderford

4303 Green Valley Drive
Bryan, Tx 77802

I would like to request, The City of Bryan Planning and Zoning Commission to reschedule the discussion and voting on this decision due short notification on the Rezoning Case RZ17-11:MD Wheeler, LTD. Not only short notice but The 4th of July holiday in the middle of the time we received the notice and the Hearing. This decision is one that the city needs to give the residence time to react to. It appears some neighbors involved have not even received a letter. We as a neighborhood have concerns with the proposed request. As of today many residents in this neighborhood are not in favor of the proposed change to Planned Development-Mixed Use District. There are still unanswered questions in a very short notice time frame.

Thank you,
Kim Cueto

I am writing to express my opposition to the proposed rezoning of the lot behind my house. I have serious concerns with this rezoning.

First, the traffic on Briarcrest, particularly around 5pm, make exiting the Wheeler Ridge subdivision from Green Valley Dr near impossible. Without the addition of a traffic light at this intersection, any new traffic will make an already dangerous intersection more so.

I also am concerned with water runoff from this area. On two separate occasions in 6 years since purchasing my property at 4035 Green Valley, I have had substantial flooding in my backyard. Luckily it didn't enter my house. If this property is developed extensively without improvements being made to the water drainage through Wheeler Ridge, my home will surely see flooding. I have attached pictures from May of 2016 showing to some extent the flooding I experienced. Without this green space to absorb watershed, my home and numerous others will be in jeopardy.

Finally, the rezoning as requested is so broad, so encompassing, that anything could be built on this lot without any buffer between residents of Wheeler Ridge and any future development. The potential to drive down property values and damage an established neighborhood through flooding and traffic and safety concerns do not merit this rezoning without more information regarding the proposed development.

Sincerely,

Jack P. Moore
4035 Green Valley Dr
Bryan, TX 77802
979-218-6508





Howdy! My name is Dean Davis and I live in Wheeler Ridge with my wife and our 4 young children. I thought it would be easier to convey my thoughts in a short video so I put a link below. Please let me know if the link doesn't work for some reason and thank you so much for your time and consideration!

[Wheeler Ridge Land Proposal Thoughts](#)

Blessings,
Dean

EXCERPT FROM JULY 6, 2017 PLANNING AND ZONING COMMISSION MINUTES:

b. Rezoning RZ17-11: MD Wheeler, LTD

A request to change the zoning classification from a combination of Agricultural - Open District (A-O) and Retail District (C-2) to Planned Development – Mixed Use District (PD-M), on 52.683 acres of vacant land out of the J. W. Scott League, A-49 and Richard Carter League, A-8, located at the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive, in Bryan, Brazos County, Texas. (S. Doland)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

In response to questions from the Commission, Mr. Haynes stated that Planned Development zoning offers flexibility in development regulations, and that the proposed preservation Area 2 will likely be maintained by a property owners association.

The public hearing was opened.

Commissioner Regan stepped down from the dais at 7:43 pm, a quorum still being present.

Commissioner Regan returned to the dais at 7:45 pm.

Mr. Rabon Metcalf, agent for the applicant, gave a presentation regarding the proposed development, stating the following:

- A commercial association will maintain the preservation area, and a homeowners' association will maintain residential areas.
- The majority of the floodplain on this property is located in proposed Area 3, with a small portion located in Area 1.
- Any development in the floodplain would require FEMA approval.
- Proposed Area 2 is not in floodplain, and the Future Land Use Plan recommends that it be developed for retail use.
- At least 40% of Area 2 will be reserved for residential use.
- The landscaping and buffer requirements proposed for this development are equal to or greater than those required for C-1 or C-2 zoning districts.
- The developer intends to fund drainage improvements that will divert stormwater away from the Wheeler Ridge subdivision.
- A traffic impact analysis of the subject property and surrounding area was conducted by Binkley and Barfield, Inc.

In response to questions from the Commission, Mr. Metcalf stated the following:

- Drainage improvements will be beneficial to the proposed development as well as the Wheeler Ridge subdivision.
- Any construction or improvements to infrastructure will have to comply with City ordinances.

- Portions of the subject property will be cleared in preparation for large-scale development.

Commissioner Gutierrez stepped down from the dais at 8:02 pm, a quorum still being present.

Commissioner Gutierrez returned to the dais at 8:04 pm.

Commissioner Bush stepped down from the dais at 8:09 pm, a quorum still being present.

Commissioner Conlee stepped down from the dais at 8:10pm, a quorum still being present.

Commissioner Bush returned to the dais at 8:11 pm.

Commissioner Conlee returned to the dais at 8:14 pm.

In response to questions from the Commission, Mr. Paul Kaspar, City Engineer, stated the following:

- Discussions regarding drainage typically take place during the development phase, rather than during the zoning process.
- Any drainage improvement plans would first have to be approved by the City and meet erosion control and stormwater quality standards.
- The property owner can remove trees from their land regardless of whether or not this rezoning request is approved.

Mr. Marvin Konecny, 4027 Green Valley Dr, Bryan, TX, Ms. Lucille Buchanan, 4103 Green Valley Dr, Bryan, TX, Ms. Gina Harris, 4013 Willow Oak St, Bryan, TX, Mr. Dennis & Ms. Debi Mushinski, 4009 Willow Oak St, Bryan, TX, Ms. Sue Idol, 4025 Green Valley Dr, Bryan, TX, Ms. Victoria Graves, 4025 Green Valley Dr, Bryan, TX, Ms. Sydney Whipple, 4021 Green Valley Dr, Bryan, TX, Mr. Leland Cox, 4031 Green Valley Dr, Bryan, TX, and Ms. Kim Cueto, 3715 Ravenwood Dr, Bryan, TX, came forward to speak in opposition to the request. Cited concerns included:

- That the proposed buffer zone adjacent to the Wheeler Ridge subdivision will not adequately protect the privacy of residents.
- Increased flooding, and resulting debris and property damage.
- Loss of existing trees and habitat for animals currently living in the wooded area.
- The height of proposed commercial and multi-family structures.
- Negative impact on quality of life for residents of Wheeler Ridge.
- Increase in traffic on Green Valley Drive.
- The location of the proposed screening fence in regard to the existing utility easement.
- Potential expansion of Green Valley Drive, safety of pedestrians and children.
- Short notice of public hearing.
- Loss of neighborhood integrity and family-oriented characteristics.

Mr. Brad Brimley, traffic engineer for the applicant, came forward to speak in favor of the request, stating the following:

- A traffic impact analysis found that the intersection of Green Valley Drive and Woodcrest Drive currently operates below capacity, and will continue to do so if the proposed developments are completed.

- Green Valley Drive is wide enough to allow for three lanes of traffic, but this expansion should not be necessary.
- Separate left and right turn lanes are proposed for the exit of Green Valley Drive onto Briarcrest Drive.

In response to questions from the Commission, Mr. Brinley stated that access to Boonville Road is proposed at Miramont Blvd and Allen Academy, as there are already median breaks at those locations.

Mr. Mike Davis, 729 S Rosemary Drive, Bryan, TX, applicant, came forward to speak in favor of the request, stating that developers have met with nearby residents and this proposal is intended to respect the surrounding residential areas, and that solving drainage issues will be a first priority.

In response to questions from the Commission, Mr. Davis stated that the Blueprint 2040 Comprehensive Plan indicates that the proposed Area 2 should be developed for retail use, and that developers have made an effort to limit commercial development to 60%.

In response to questions from the Commission, Mr. Haynes stated that any development will have to comply with the City's drainage ordinance, and that the owner already has the right to clear trees from their property.

In response to questions from the Commission, Mr. Kaspar confirmed that development plans will have to be approved by the City, and that drainage issues will have to be addressed for the entire site, rather than incrementally.

In response to questions from the Commission, Mr. Metcalf stated that the public utility easement located behind the Wheeler Ridge Subdivision will be included in the proposed buffer area.

The public hearing was closed.

Commissioner Conlee moved to recommend denial of Rezoning RZ17-11 based on the finding that the development plans lack specificity, and due to concerns about drainage. Commissioner Gutierrez seconded the motion.

In response to questions from the Commission, Mr. Jonathan Koury, Assistant City Attorney, stated that motions must be based on legally defensible findings, and that the Commission may vote to postpone consideration of this item to a later meeting date.

Commissioner Conlee withdrew her motion to recommend denial.

Commissioner Conlee moved to postpone consideration of Rezoning RZ17-11 to the next regular meeting of the Commission on August 3, 2017. Commissioner Gutierrez seconded the motion, and the motion passed unanimously.

**EXCERPT FROM AUGUST 3, 2017 PLANNING AND ZONING COMMISSION
MINUTES:**

7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ17-11: MD Wheeler, LTD

A request to change the zoning classification from a combination of Agricultural - Open District (A-O) and Retail District (C-2) to Planned Development – Mixed Use District (PD-M), on 52.683 acres of vacant land out of the J. W. Scott League, A-49 and Richard Carter League, A-8, located at the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive, in Bryan, Brazos County, Texas. (S. Doland)

Ms. Doland presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

In response to questions from the Commission, Ms. Doland stated the following:

- The 75-ft setback requirement only applies to multi-family housing structures that are at least three stories, and the requirement for a two-story building would be 40 ft.
- This setback requirement is the only modification to this request since it was last presented.
- Staff has worked with the applicant over a period of several months to develop this request as presented.

The public hearing was opened.

Mr. Rabon Metcalf, agent for the applicant, gave a presentation regarding the proposed development, stating the following:

- The Oakmont Planned Development was used as a template for drafting this proposal.
- Developers met with residents of the Wheeler Ridge Subdivision on June 29 and July 30, and wish to maintain transparency regarding development plans.
- Developers are aware of drainage and flooding concerns, and any infrastructure improvements will have to comply with City ordinance and will be dependent on funding availability.
- The buffer and landscape requirements proposed with this development exceed those required by City ordinance.
- A Traffic Impact Analysis was conducted for this area, and TxDOT and City staff will require traffic mitigation measures if any new development would place surrounding roads above capacity.
- Landscaping will be required in all proposed buffer yards.

In response to questions from the Commission, Mr. Metcalf stated that it is not possible to produce a site plan for this property, as it could be sold to multiple developers, and that residential development will adhere to RD-5 zoning standards.

Mr. John Bond, 4016 Green Valley Dr, Bryan, TX, Ms. Gina Harris, 4013 Willow Oak St, Bryan, TX, Mr. Brian Davis, 4023 Green Valley Dr, Bryan, TX, Mr. David Ratke, 4108 Meadowbrook Dr, Bryan, TX, Ms. Lucille Buchanan, 4103 Green Valley Dr, Bryan, TX, Ms. Sydney Whipple, 4021 Green Valley Dr, Bryan, TX, Ms. Victoria Graves, 4025 Green Valley Dr, Bryan, TX, Ms. Sue Idol, 4025 Green Valley Dr, Bryan, TX, Ms. Fran Gray, 4025 Green Valley Dr, Bryan, TX, came forward to speak in opposition to the request. Cited concerns included: |

- The potential for multi-family development on this property.
- Increase in traffic and safety of pedestrians and children.
- Lack of specificity regarding development plans.
- Buffer for multi-story commercial buildings as well as residential structures.
- Increase in vehicle traffic cutting through Wheeler Ridge.
- Preservation of neighborhood integrity and family-oriented character.
- Loss of mature vegetation.
- Increase in flooding, inadequate drainage infrastructure.
- Inadequate response to concerns voiced at the previous meeting.
- Funding and maintenance of proposed drainage improvements.
- Increased on-street parking inhibiting emergency vehicle access.
- Discrepancies in FEMA floodplain maps.

Mr. Rabon Metcalf, agent for the applicant, came forward and stated that:

- A 6-ft solid wood or masonry fence will be constructed on the property line, allowing for maintenance of the buffer yard.
- There are incentives for retaining existing trees.
- Developers will have discretion in clearing any trees from their property.

In response to questions from the Commission, Mr. Metcalf stated that:

- Current drainage issues must be mitigated in order for this development to prosper.
- FEMA data would need to be updated to reflect current floodplain conditions.
- This proposal intends to allow flexibility for developers, but development must still adhere to City ordinance.
- A 75-ft setback will not be required for multi-story commercial structures, as privacy concerns were primarily related to residential development.
- A requirement to maintain existing vegetation would place hardship on developers by preventing the installation of any below-ground utilities that may be required in this area.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ17-11 to the Bryan City Council, subject to the condition that 250 feet of the subject property adjacent to the existing single family dwellings in the Wheeler Ridge subdivision be assigned as a separate planning area and limited to single-family residential uses as specified in the Land Use Matrix, and to adopt the written staff report and analysis as the report, findings, and evaluation of the Commission. Commissioner Regan seconded the motion.

Commissioners commented that the concerns related to the development of multi-family housing are valid, and that housing within the development will be marketed with the understanding that commercial developments could be located nearby.

The motion passed unanimously.

EXCERPT FROM THE OCTOBER 19, 2017 PLANNING AND ZONING COMMISSION MINUTES:

7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ17-18: MD Wheeler, LTD

A request to change the zoning classification from a combination of Agricultural - Open District (A-O) and Retail District (C-2) to Planned Development – Mixed Use District (PD-M), on 52.683 acres of vacant land out of the J. W. Scott League, A-49 and Richard Carter League, A-8, located at the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive, in Bryan, Brazos County, Texas. (S. Doland)

Ms. Doland presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions from the Commission, Ms. Doland stated the following:

- The current request does not impose height restrictions on buildings in Planning Area 4.
- This Planned Development would require a 75-ft setback for buildings in Area 4 that are taller than three stories, which is 50 feet greater than the setback required by ordinance.
- Twin homes would be allowed in Area 4, and are not restricted to senior living use.
- Senior-living as a transitional use is in accordance with the Comprehensive Plan.
- If single-family residences were developed in Planning Area 4, the required setback from properties in Wheeler Ridge would be 7.5 feet.

Mr. Leeper clarified that the Commission may impose conditions upon a recommendation of approval to City Council.

Commissioner Conlee stepped down from the dais at 7:11 pm, a quorum still being present.

The public hearing was opened.

Mr. Rabon Metcalf, applicant, came forward and stated that the developer wishes to accommodate the concerns of the Commission and nearby property owners, and does not foresee the development of structures taller than two stories taking place in Planning Area 4.

Mr. Dennis and Debi Mushinski, 4009 Willow Oak Street, Bryan, TX, and Ms. Sydney Whipple, 4021 Green Valley Drive, Bryan, TX, came forward to speak in opposition to the request, citing concerns related to increased flooding and sufficient access for emergency vehicles.

In response to questions from the Commission, Ms. Doland stated that any development plans for the property would be subject to consideration by the Site Development Review Committee, and drainage and access concerns would be addressed during this stage.

The public hearing was closed.

Commissioner Regan moved to recommend approval of Rezoning RZ17-18 to the Bryan City Council, subject to the condition that building height in Planning Area 4 be limited to two stories, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Brisby seconded the motion.

Commissioners commented that the concerns expressed by residents are valid, but that the property owner has worked to address these concerns and adhere to the recommendations of the Commission and staff, and maintains a right to develop their land.

The motion passed unanimously.

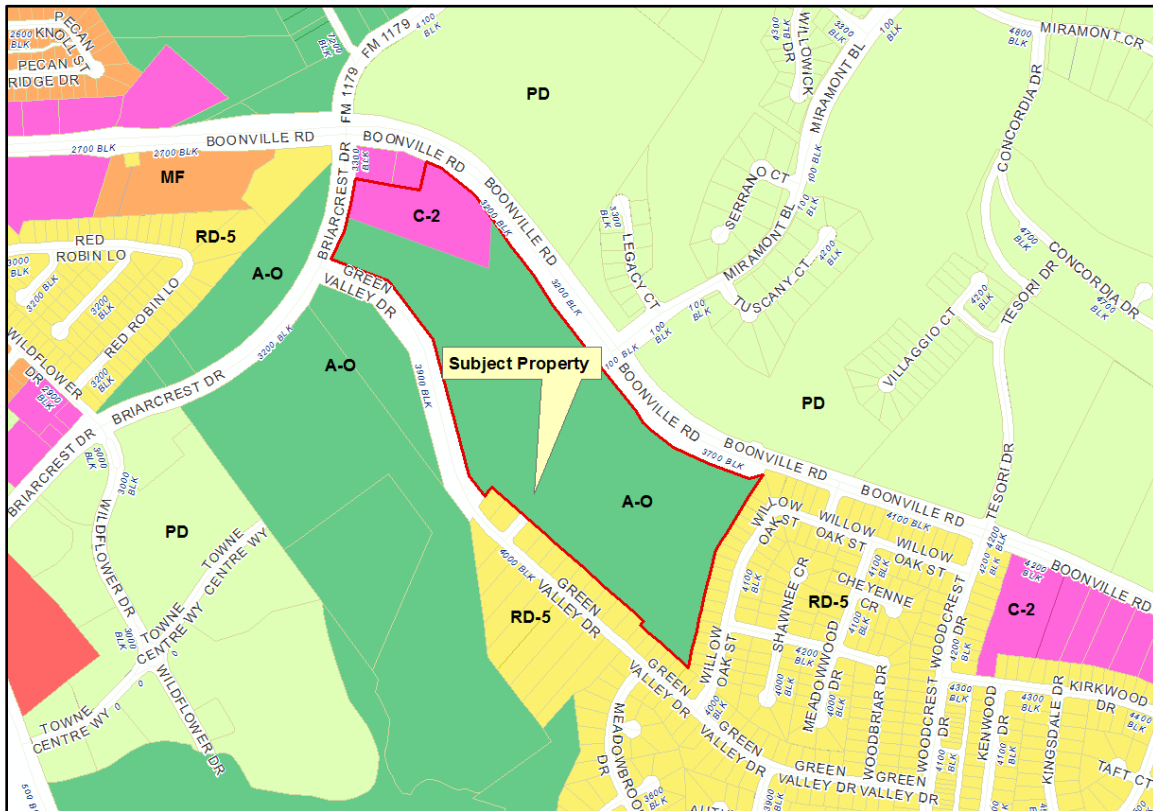
**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 19, 2017



Rezoning case no. RZ 17-18: MD Wheeler, LTD

- CASE DESCRIPTION:** a request to change the zoning classification from a combination of Agricultural - Open District (A-O) and Retail District (C-2) to Planned Development – Mixed Use District (PD-M)
- LOCATION:** southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive
- LEGAL DESCRIPTION:** 52.683 acres of vacant land out of the J. W. Scott League, A-49, and Richard Carter League, A-8
- EXISTING LAND USE:** vacant
- PROPERTY OWNER:** MD Wheeler, LTD
- APPLICANT(S):** Rabon Metcalf, RME Consulting Engineers
- STAFF CONTACT:** Stephanie Doland, Project Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



AERIAL PHOTOGRAPH (2017):



SURROUNDING ZONING AND LAND USES:

north	C-2, PD	convenience store, private school, country club and single-family residences
west	A-O, RD-5	vacant acreage
east	RD-5	single-family residences
south	A-O, RD-5	vacant acreage, Brazos Center, single-family residences

BACKGROUND:

The subject property is 52.68 acres in size and adjoins the southeast corner of Briarcrest Drive (FM 1179) and Boonville Road (FM 158) north of Green Valley Drive. To the north the property is adjacent to a convenience store, and across FM 158 is Allen Academy and Miramont Subdivision. To the west of the subject tract, across Briarcrest Drive and to the southwest, across Green Valley Drive is vacant land. To the southeast, across Green Valley Drive, as well as adjacent to the eastern side of the subject tract is Wheeler Ridge Subdivision. A majority of these 52.68 acres is currently zoned Agricultural – Open District (A-O). Approximately 5.6 acres of the property nearest to the intersection of FM 158 and Briarcrest drive acres is zoned Retail District (C-2).

Earlier this year, the Planning and Zoning Commission considered a request for PD-M zoning on this same property (case no. RZ17-11). That request was first considered during the Commission's regular meeting on July 6, 2017. During the public hearing portion of the meeting, citizens brought forward the following concerns:

- That the proposed buffer zone adjacent to the Wheeler Ridge subdivision will not adequately protect the privacy of residents.
- Increased flooding, and resulting debris and property damage.
- Loss of existing trees and habitat for animals currently living in the wooded area.
- The height of proposed commercial and multi-family structures.
- Negative impact on quality of life for residents of Wheeler Ridge.
- Increase in traffic on Green Valley Drive.
- The location of the proposed screening fence in regard to the existing utility easement.
- Potential expansion of Green Valley Drive, safety of pedestrians and children.
- Short notice of public hearing.
- Loss of neighborhood integrity and family-oriented characteristics.

Following the public hearing, Commissioners voted to postpone consideration of the request on the basis that additional clarification on matters related to land use, buffer requirements, and drainage were needed prior to formulating a decision on the matter, the motion passed unanimously.

On August 3, 2017, the Commission considered a modified request which included the additional restriction that any multiple-family structures on land abutting the Wheeler Ridge Subdivision, that are three-stories tall or greater shall have a minimum seventy-five foot (75') building setback measured from the property line. Following the public hearing, the Commission voted to recommend approval of the request, subject to the condition that land located within 250 feet of properties occupied by single family dwellings in the Wheeler Ridge Subdivision be designated assigned as a separate, fourth planning area, and that land use in this Planning Area 4 be limited to single-family residential uses as specified in the Land Use Matrix. Excerpts from the July 6 and August 3 Planning and Zoning Commission meeting minutes are attached to this staff report.

On September 12, 2017, the City Council, at the request of the applicants, MD Wheeler, LTD., voted to postpone consideration of the request to its October 10, 2017 regular meeting. The applicants subsequently withdraw that application and submitted this new application for PD-M District zoning (case no. RZ17-18).

PROPOSED PD-M DISTRICT:

With this new application, the applicants are requesting rezoning of the property to a Planned Development Mixed-Use District (PD-M), to allow for a mix of open space, residential, multiple-family, office, and retail uses in a new mixed-use community referred to as Trafalgar. The property is proposed to be divided into four "planning areas":

1. Planning Area 1 is approximately 9.95 acres and is designated for "business" (office and retail) uses at the corner between FM 158, Briarcrest Drive and Green Valley Drive.
2. Planning Area 2 is 23.78 acres, located adjacent to FM 158 and is a combination of business, multiple-family and single-family uses.
3. Planning Area 3 is 10.5 acres, located between Areas 1 and 2 and is proposed as an area reserved

for regional detention, open space, parks, trails and referred to as the Creekridge Conservation Area. Clearing of trees, brush, vegetation, and groundcover within Planning Area 3, shall not exceed 20% of the existing forested area. The existing forested area is quantified on the attached Land Use Plan.

4. Planning Area 4 is 8.39 acres, located between Area 2 and the existing Wheeler Ridge Subdivision and is limited to single-family residential uses and senior (assisted) living as shown in the Land Use Matrix below.

The proposed PD-M would provide flexibility to adjust to changing market trends and development demands over time, as well as the ability to implement a cohesive system of signage, public open space and other amenities all designed within the overall community character. As such, the primary components of the proposed PD-M District address land use, signage, buffer requirements, and open space.

The proposed PD-M differs from the previous request (case no. RZ17-11) recommended by the Planning and Zoning Commission for approval by the City Council on August 3, 2017, in that:

1. Planning Area 4 (adjacent to Wheeler Ridge) is 145 feet in width as opposed to 250 feet recommended by the Commission; and,
2. a land use definition for “senior living” is proposed; and
3. senior living is proposed to be allowed by right in Planning Area 4 in addition to single-family residential uses as described on the land use matrix (previously senior living was not proposed as an allowed use in Area 4).

The applicants are proposing the following development standards for this PD-M District:

1. Land Use:

- a. The PD-M includes designation of 4 different planning areas designed to respect and respond to existing conditions surrounding the property boundaries. Please refer to the Trafalgar Land Use Plan and Use Matrix below.
- b. The additional use of Twin Homes and Senior Living are proposed as allowed uses within Planning Areas 2 and 4.
 - i. Twin-home shall be: a dwelling comprised of 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.
 - ii. Senior Living shall be: shall mean a facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments may include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing and social and recreational service, such as meal services, transportation, housekeeping, linen, and organized social activities. A senior living facility may include an adult day care as an accessory use.

2. Physical Development:

- a. The entire 52+ acres shall adhere to the regulations pertaining to FM 158 Corridor Overlay District and non-residential uses shall adhere to the Commercial Building Design and Color Guidelines.

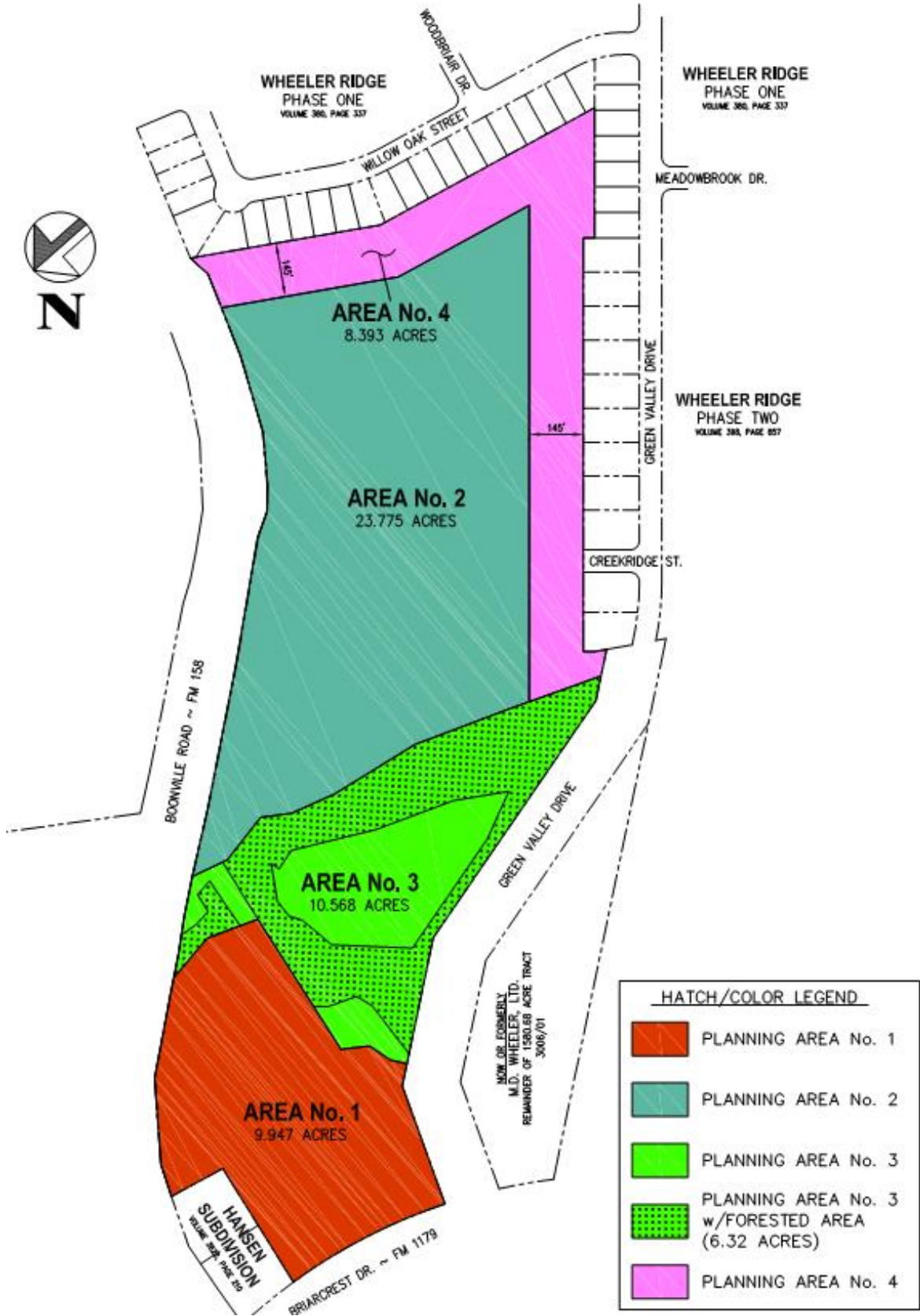
- b. At least one traffic calming feature (i.e. widening of sidewalks/narrowing of streets, drive neck-downs/medians, roundabouts, and surface treatments) shall be implemented into each plat or site development.
- c. Screening and Buffer requirements are established between non-compatible zoning uses. Non-compatible uses are defined as SR - Single-Family Residential, MF – Multiple-Family Residential, and B – Business and are defined by the Land Use Matrix (see below). Buffer area requirements between non-compatible uses shall include a 6’ screening fence, the minimum buffer area and minimum landscape area as shown on the buffer area matrix below. Increased buffer area and landscaping requirements are proposed between incompatible uses and the existing Wheeler Ridge Subdivision.
- d. Structures with MF Land Uses, abutting Wheeler Ridge, that are three-stories tall or greater shall have a seventy-five foot (75’) setback measured from the property line.

Buffer Area Matrix Minimum Width of Buffer					
Land Use	Wheeler Ridge¹	Undeveloped²	SR	MF	B
SR	0	5	0	15	30
MF	25	10	15	0	25
B	n/a	15	30	25	0

Buffer Area Matrix Minimum Width of Buffer to be Landscaped					
Land Use	Wheeler Ridge¹	Undeveloped²	SR	MF	B
SR	0	0	0	10	20
MF	15	5	10	0	15
B	n/a	5	20	15	0

3. Signage System: As part of the proposed Trafalgar PD-M District, the applicant proposes reductions to the allowed signage system within Planning Areas 1, 2 and 4 through a community signage system. Sign locations and types shall generally comply with the sign plan included below. Four types of signage shall be permitted within the Community Signage System and are described as follows:
 - a. Community Entry Monuments:
 - i. Permitted for Multi-family or Single-family Residential.
 - ii. A total of 3 community entry monuments are allowed in Planning Area 2 and 4.
 - iii. Shall not exceed 8’ in height and a total area of 60 square feet.
 - b. Commercial Entry Sign:
 - i. Permitted for Business Uses.
 - ii. Limited to 1 Commercial Entry Sign in Planning Area 1.
 - iii. Shall not exceed 8’ in height and a total area of 100 square feet.
 - c. Multi-Tenant Off-Premise Free-standing Signage:
 - i. Permitted for Business Uses.
 - ii. Limited to 1 Free-standing sign in Planning Areas 1 and 2.
 - iii. Shall not exceed 25’ in height and a total area of 300 square feet.
 - d. Wall Signage:
 - i. Permitted for Business Uses.
 - ii. Wall signs shall be limited in size with a 1 to 1 ratio of square-footage of wall sign size to linear footage of building frontage.

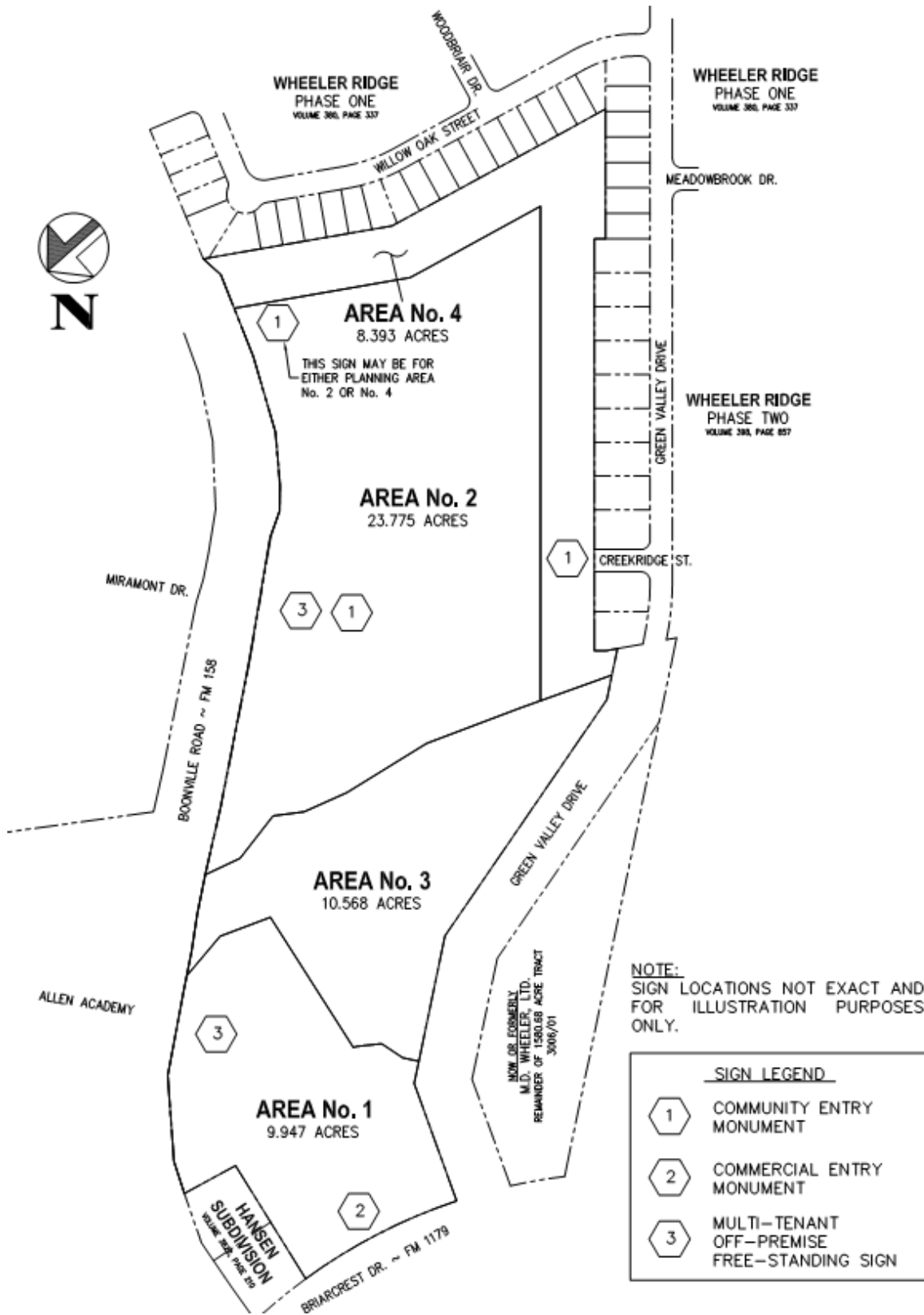
TRAFALGAR PD-M District – PROPOSED LAND USE PLAN



TRAFALGAR PD-M District – PROPOSED LAND USE MATRIX

Land Use Matrix	PLANNING AREAS					
	Area 1		Area 2		Area 4	
	Permitted Use	Conditional Use	Permitted Use	Conditional Use	Permitted Use	Conditional Use
Single Family Residential						
Detached Single-Family Residential			X		X	
Duplex				X		X
Gated Neighborhood			X		X	
Model Homes			X		X	
Neighborhood Amenity Center			X		X	
Patio Home			X		X	
Townhouses			X		X	
Twin-Homes			X		X	
Multi-Family Residential						
Condominiums			X			
Multi-Family Residential			X			
Senior Living			X		X	
Business						
Banks, Savings & Loans or Credit Unions	X		X			
Bed & Breakfast		X		X		
Business or Trade School	X		X			
Charitable Uses	X		X			
Child Care (Class B or C)	X		X			
Construction Field Office	X		X			
Commerical Amusement (indoor)		X		X		
Dance Studio	X		X			
Fitness Center	X		X			
Funeral Home/Mortuary	X		X			
General Office Use (Professional/Adminstrative)	X		X			
Indoor Archery & Shooting Range		X		X		
Laundromats (self-service washateria)	X		X			
Medical Facilities or Clinics	X		X			
Motel or Hotel	X		X			
Package Liquor Store	X		X			
Pharmacies	X		X			
Reception Hall or Community Center	X		X			
Retail Services (including incidental uses)	X		X			
Restaurant or Cafeteria	X		X			
School or Educational Support Facilities	X		X			
Studio	X		X			
Theater (indoor)		X		X		
Heating or Air Conditioning Sales/Service		X				

TRAFALGAR – PROPOSED SIGN PLAN



EXCERPT FROM FUTURE LAND USE PLAN MAP:



RELATION TO BRYAN'S COMPREHENSIVE PLAN, (BLUEPRINT 2040):

Blueprint 2040, the City of Bryan's Comprehensive Plan, is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Future Land Use Plan identifies the subject 52.68 acres of land as a combination of land uses, including flood hazard area and retail designations. Of the 52.68 acres, approximately 30 acres are considered within the flood hazard area and outside of an area typically considered suitable for development. The remaining 22 acres of the subject property is identified as suitable for retail uses. The following excerpts from the Blueprint 2040 may be relevant for consideration of this request:

Land Use Policies

Negative impacts on historic areas or environmentally sensitive areas, including wildlife habitat areas and topographically constrained areas within the floodplain, should be avoided or adequately mitigated.

Floodplain areas should be preserved but may be incorporated into recreational areas where appropriate and/or reclaimed for development in accordance with the City of Bryan's drainage regulations.

The City should encourage flexibility when drafting special regulations or plans geared toward redevelopment and/or infill projects.

Residential redevelopment and/or infill must be sensitive to the context within which it occurs. Contextual standards shall be included to ensure compatibility with surrounding residential areas to include lot size, setbacks, density, building height and mass, and architectural design.

Mixed-Use Development

Areas with this land use designation are intended for an appropriately planned mixture of non-residential and residential uses. They are referred to as mixed-use because it is envisioned that these areas would be integrated developments of retail, public, office and entertainment, with a residential component appropriately blended into larger scale buildings that would otherwise be used to support those uses independently. Mixed-use areas are intended to provide flexibility for the City and the development community in order to encourage innovative, unique, and sustainable developments.

- A well thought-out, master planned approach is needed to make certain these development types are coordinated with surrounding developments.
- Mixed-use design should be oriented around the pedestrian.
- Buildings should be placed near the front property line and should be oriented towards the street.
- Additionally, much of the mixed-use designation will be located in small pockets.
- Mixed-use development should be located at high points of visibility, such as along arterials and collectors.
- They should serve as a buffer and transition between higher intensity uses and lower density residential areas.

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 and their relationship to general area and the City as a whole.

Staff believes that the proposed combination of residential and non-residential land uses on these 52+ acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The land use polices of the Comprehensive Plan suggests mixed-use developments are appropriate along arterial roadways and at high points of visibility. The subject property is at a high point of visibility as it is adjacent to the intersection of two heavily traveled major arterial roadways, Briarcrest Drive and FM 158.

The proposed request for PD-M zoning includes land that is currently zoned Retail District and therefore proposes adding no other uses than those already permitted on the 5.6 northwestern-most acres of the subject property. Proposed Planning Area 1 allows for office and retail uses and includes these 5.6 acres of land for a total of 9.95 acres of land. Staff finds that the additional 4+ acres of land to be developed with non-residential uses are appropriate at the intersection of two major arterial roadways.

The Future Land Use Plan component of the Comprehensive Plan suggests the property is also suitable for retail development adjacent to major arterial FM 158. Planning Area 2 is proposed to be adjacent to FM 158 and allowed uses include single-family, multiple-family residential, office and retail uses. Land Use Policies included in the Comprehensive Plan suggest that infill development should be sensitive when proposed adjacent to established single-family development. For this reason, the proposal by the developer stipulates that Planning Area 4, be located adjacent to the Wheeler Ridge Subdivision between Planning Area 2 with uses limited to single-family dwellings and senior living. Planning Area 4 is proposed to be 145 feet in width, which allows for the development of a private road and one row of residential lots meeting the minimum lot depth requirements established by the Subdivision Ordinance. Furthermore, multiple-family uses allowed in Planning Area 4 are restricted to Senior Living, and further restricted such that structures three-stories or greater shall have a 75-foot setback measured from the property line.

Lastly, Planning Area 3 is proposed as the Creekridge Conservation Area and is in line with the Future Land Use Plan and Land Use Policies of the Comprehensive Plan. Planning Area 3 is reserved for retention, detention, parks, trails, and restricts clearing of this area for the aforementioned uses shall not exceed 20% of the existing forested area.

Staff believes that the range of allowed or potentially allowed uses has been carefully selected to help guarantee overall compatibility with the unique conservation area, existing Wheeler Ridge Subdivision and existing convenience store, not only for the benefit of the potential new residents in this area, but for residents of adjoining neighborhoods and all of Bryan alike.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

City of Bryan utilities will be available for this development for point-of-use extension based on applicable utility extension polices and/or ordinances. Staff has not received any feedback from

franchised utility companies that any utility services would not be available in this proposed subdivision. The developer has been made aware of the existing utility capacities and the requirement to extend public infrastructure to and through this property in accordance with existing standards. Staff is not aware of any circumstances that would prevent this property from having access to required utilities.

A Traffic Impact Analysis (TIA) was conducted to determine the impacts of the proposed Mixed-Use development. The proposed PD Concept Plan is consistent with the findings of the TIA and proposes five connections to the subject property. Connection points are shown on the proposed PD Concept Plan at Creekridge Street, Green Valley Drive and 3 connections along FM 158. Staff believes that the proposed driveway connections within this Planned Development – Mixed District will provide desired connectivity that meets the intent of the City’s access and circulation requirements and applicable ordinances. Additionally, with the proposed PD-M ordinance the developer has also committed to incorporate traffic calming measures within the infrastructure design for this new mixed-use subdivision.

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 in the Miramont subdivision located across FM 158 from the subject property. The nearest property zoned for multiple-family residential development is located approximately 500 feet to the west of the subject property adjacent to FM 158. The closest vacant land zoned for office/retail development lies to the northwest, across Boonville Road approximately 1,000 feet. 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 single-family residential developments are developing at a higher-than-average pace in this general vicinity and at an average pace elsewhere in the City. Similarly, multiple-family and retail developments are developing at a higher-than-average pace in this vicinity when compared to other areas in Bryan. Staff believes that approval of this master-planned mixed-use infill 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.

Staff believes that if a zoning proposal for a combination of residential and non-residential mixed-use subdivision were approved for this property, there would be no need to modify the zoning designation for other areas designated for similar developments. If the proposed PD-M District were approved, staff believes there to be few, if any, effects on other areas designated for single-family, multiple-family residential, office or retail developments.

6. Any other factors which will substantially affect the 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 combination of

single-family dwellings, multiple-family development and business establishments (office and retail) 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.

Staff believes that the proposed mixed-use master-planned development, if approved, would be compatible with existing uses surrounding this property. The previous rezoning request (case no. RZ-11) proposed three planning areas with stipulations concerning compatible land use, buffer area and setback requirements.

The Planning and Zoning Commission recommended to amend that request to include a fourth planning area, Planning Area 4, 250 feet in width adjacent to the Wheeler Ridge Subdivision, to allow for compatible and orderly development adjacent to an existing residential neighborhood. The applicants now propose to create a Planning Area 4 but to a reduced width of 145 feet and to also allow “senior living” uses within this Area 4. To mitigate against any potentially unfavorable impacts, the proposed PD-M District requirements require a 75-foot wide building setback for senior living structures three stories or greater in height, from the adjacent Wheeler Ridge Subdivision.

Staff believes that the applicant’s proposed width of Area 4 and the proposed range of allowed uses therein is still compatible with existing and proposed land uses in this vicinity, and in accordance with the land use recommendations of the Comprehensive Plan. Furthermore, staff believes that regulating use and development of this property as a Planned Development District will perhaps better help mitigate any potential adverse impacts on nearby properties that might be created if the property were rezoned to C-2 (Retail) or C-1 (Office) District instead. All new development here will be governed by guidelines of the FM 158 Corridor Overlay District, Commercial Design Guidelines and the Trafalgar Commercial and Residential Association. All third party developers will be required to obtain approval from the Trafalgar Commercial or Residential Association and the City of Bryan.

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-M District. The vacant land nearest to an existing established residential neighborhood, Wheeler Ridge, is required to abide by an increased buffer area and landscaping requirements than is currently required by the City Ordinance. Additionally, more than 10 acres of the property is proposed to be a conservation area with water features and open space for the enjoyment of future and current residents in the vicinity.

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. If the development plan were approved as now proposed, 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. The subject property is adjacent to two major arterial roadways, Briarcrest Drive and FM 158, each of which are capable of handling increased traffic associated with this development.

The Traffic Impact Analysis (TIA) provided by the applicant assumes a specific land use and density projection. Should the actual development differ from the assumed projections within the TIA, a revised TIA will be required to reflect the traffic impacts of the development. The TIA suggests that a moderate but acceptable delay currently occurs between the area of Green Valley and Briarcrest Drives. At the time of site plan submission a revised TIA will be required to detail when and what mitigation strategies are necessary for the intersections surrounding the subject property, specifically the intersections of Green Valley /Briarcrest Drives and FM 158 and the Allen Academy driveway. Staff believes that the proposed mixed-use development would not more adversely affect vehicular traffic circulation in this vicinity than any other predominantly mixed use subdivision built on the subject property under conventional zoning district designations.

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. Signage in the residential portions of the development is purposefully restricted. Signage for all business uses in Planning Area 1 has been reduced to allow for one multi-tenant freestanding sign and one commercial entry monument, each of which is regulated in regards to setbacks, height and overall area. Similarly, Planning Area 2 is also restricted to one multi-tenant freestanding sign and a cumulative total of three residential community monument signs are proposed within Planning Areas 2 and 4. Traffic signs will be in compliance with the Texas Manual on Uniform Traffic Control Devices. Traffic signs and lighting will be reviewed during the subdivision approval process.

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. Each of the 4 planning areas are required to provide the appropriate drainage and detention facilities for proposed development in each respective planning area. Planning Area 3 is proposed to be the Carters Creek "Creeside Conservation Area" for the use of regional detention, retention and/or public open space. A master drainage study will be conducted and submitted as part of the subdivision approval process.

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 mixed-use 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 52.683 acres to Planned Development – Mixed Use District (PD-M), as requested.

ATTACHMENTS:

1. development plan
2. traffic impact analysis
3. excerpts from Planning and Zoning Commission meeting minutes of July 6 and August 3, 2017