

Agenda Item Details

Meeting	Sep 08, 2020 - Bryan City Council Second Regular Meeting
Category	6. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.
Subject	A. Rezoning Request Case No. RZ20-15 - Re-open public hearing, presentation and consideration of the first and only reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by amending a previously approved Planned Development – Mixed Use District (PD-M) on 10.29 acres of land out of the T.J. Wooten Tract, adjoining the south side of West Villa Maria Road between Autumn Lake and Kimmy Drives in Bryan, Brazos County, Texas.
Type	Action
Preferred Date	Aug 11, 2020
Absolute Date	Aug 11, 2020
Fiscal Impact	No
Budgeted	No
Goals	Quality of Life

During its second regular meeting on August 11, 2020, the City Council voted to postpone consideration of this rezoning request "until the Council next meets in person". The Council is scheduled to resume in-person meetings on September 8, 2020, for all aspects of the open sessions. Therefore, this request is being scheduled for Council's consideration on this date.

Summary:

The existing zoning of this 10.29-acre subject property is Planned Development – Mixed Use District (PD-M). The subject tract has remained vacant. The original development plan was approved in 2013 and created a master-planned mixed-use development (Planned Development – Mixed Use District, PD-M) with residential, commercial and land conservation components, referred to as "Regency Gardens". The current rezoning request involves only the 10.29-acre undeveloped tract labeled "Market Village" on the development plan, and does not involve the remaining 29+ acres regulated under the existing PD-M District standards.

The applicant, Mr. Ram Galindo, proposes to alter the allowed uses and development standards on the "Market Village" tract to accommodate planned multi-family and condominium land uses along with higher residential density and allowance for greater architectural massing close to the

property line. The alterations proposed to the architectural massing standards involve allowing a taller building height at the minimum building setback line. The proposal adds a small portion of the 10.29-acre tract to the existing Creekside Conservation Area. The Creekside Conservation Area is identified on the existing development plan as an area that will remain largely in its natural state to provide wildlife habitat, open space, and to preserve the ecosystem of Turkey Creek and the surrounding riparian area. Allowed land uses within the Creekside Conservation Area are extremely limited, those being only private or public parks, walking paths, multi-modal trails, and outdoor educational facilities less than 1,000 square feet. Details of the applicant's proposal appear in the staff report attached to this Council Action Form.

The applicant's proposal was considered by the Planning and Zoning Commission during their regular meeting on July 16, 2020. Prior to the meeting, three (3) citizens had submitted written comments in opposition to the request. During the public hearing, three (3) citizens came forward to speak in opposition to this request. Citizen opposition generally fell into two categories: 1. perceived reduction in property value and privacy; and 2. perceived loss of P&Z oversight if land use and development standards are altered to permit by right large-scale development and increased use intensity.

Following the public hearing, the Commission voted to recommend to the City Council that certain elements of the applicant's request be granted, certain components be altered, and one part of the request be rejected. The text of the attached draft ordinance reflects these recommendations of the Planning and Zoning Commission.

Analysis and Recommendation:

During its regular meeting on July 16, 2020, the Planning and Zoning Commission, by a vote of six (6) in favor and two (2) in opposition, concurred with staff and **voted to recommend approval of** the applicant's requested amendment to this previously approved PD-M District development, **but subject to some modifications**. In summary, the P&Z recommends to

1. accept the addition of multiple-family and parking garage as land uses permitted by right within this 10.29-acre area of the Planned Development District;
2. accept the proposal that the maximum height of any structure shall be 200 feet, or 15 floors, whichever is less, without a requirement to increase the minimum building setback to accommodate heights above 35 feet;
3. potentially permit other requested land uses with prior approval from the P&Z of a Conditional Use Permit (CUP);
4. reject the applicant's proposal that the previously established Turkey Creek Conservation and Recreation Preserve serve as credit against, and in lieu of, land dedication or payment into the required parkland dedication and development fund (in other words, the project would be subject to standard parkland dedication and development fees); and
5. accept the balance of the applicant's proposal not otherwise addressed, accepted, rejected, or amended.

Commissioners found that:

- The proposed alteration to the mixed-use development standards at this particular location will generally be compatible with existing land uses on surrounding properties.
- There exists considerable distance between the subject tract and adjacent development. The 180-foot right-of-way for West Villa Maria Road to the north, the large flood hazard

area to the east and south and the wide Traditions Club golf course green space located to the west will serve as natural buffers to high-rise residential development in this case.

- The 10.29-acre tract incorporated within this planned development lies in an area that is considered one of the City's higher growth areas due to its proximity to Riverside Parkway, the Health Science Center and the RELLIS campus.
- The proposed alterations to the Market Village portion of the existing district will offer the exposure that most retail trade requires, and will be convenient and accessible to residential users nearby or within this development.
- The proposed alterations to the existing development plan of this mixed-use development at this location will allow for a useful and orderly urban development of this property.

The applicant has not indicated any opposition to the Planning and Zoning Commission's recommendation in this matter.

Options:

1. approve the requested zoning change, as recommended by the Planning and Zoning Commission;
2. approve the requested zoning change, as originally requested by the applicant;
3. approve the requested zoning change with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda; or
4. deny the requested zoning change.

Attachments:

1. location maps;
2. draft ordinance with exhibits;
3. Ordinance No. 2009, which established the PD-M District, parts of which are proposed to be modified with this request;
4. excerpt from the July 16, 2020, Planning and Zoning Commission regular meeting minutes;
5. minutes from the June 16, 2020 Parks and Recreation Advisory Board meeting;
6. written comments received regarding the proposal; and
7. staff report to the Planning and Zoning Commission.

[RZ20-15, Innovation Towers, Ram Galindo.pdf \(2,303 KB\)](#)

[2 - ATTACHMENT CAF RZ20-15 ord. 2009 RZ13-07 Regency Gardens.pdf \(557 KB\)](#)

[3 - ATTACHMENT CAF RZ20-15_Citizen Comment Emails.pdf \(441 KB\)](#)

[4 - ATTACHMENT CAF RZ20-15 Massing Table and Building View.pdf \(34,238 KB\)](#)

[8-11-2020 item 4.B. - RZ20-15.pdf \(4,234 KB\)](#)

