

## Agenda Item Details

Meeting	Oct 27, 2020 - Bryan City Council Special Meeting
Category	3. Public Hearing and First Readings of Ordinances - Public hearing, presentation, and consideration of the first and only reading of ordinances
Subject	A. Rezoning Request Case No. RZ20-24 - 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	Oct 27, 2020
Absolute Date	Oct 27, 2020
Fiscal Impact	No
Budgeted	No

### Summary:

The applicant, Mr. Ram Galindo of the Galindo Group, proposes to alter the allowed land uses and development standards on these 10.29 acres to accommodate a very specific type of development, specifically high-rise condominiums. The proposed development plan will replace the existing allowed uses within the Market Village area and will restrict land use and building type to those defined within the plan.

Earlier this year, a similar request of Mr. Galindo's to amend the development plan for this property (case no. RZ20-15) was considered by the Planning and Zoning Commission during their regular meeting on July 16, 2020. During that meeting, the Commission recommended that the City Council approve the request, subject to modifications. After initially postponing consideration and action on the request until the City Council had the opportunity to allow concerned citizens to attend and address the City Council in person, on September 8, 2020, the City Council voted to deny that request. The City Council encouraged Mr. Galindo to work with staff and develop a new proposal that defines in specific detail the proposed land use and the physical form of the project.

In the days following the City Council denial of the previous rezoning request, staff met with Galindo Group representatives to address issues regarding the request identified as concerns by the P&Z and the City Council. The resulting dialog produced several draft versions of a development plan that defined, in detail, the high-rise condominium land use and development standards to regulate and ensure the realization of Mr. Galindo's description to the City Council of the proposed project.

An early draft of the physical standards was a distillation of measurable standards communicated in marketing websites for both the existing Arabella building in Houston and the proposed Innovation Condominium project in Bryan for which this request is being made. Standards in that early draft attempted to capture basic measurable standards relative to the form of the building such as percentage of exterior

glass, size of individual units, interior living space ceiling height, and outdoor patio/balcony area relative to the area of the adjacent dwelling unit.

Following the delivery of the initial draft of development standards compiled by City staff to the Galindo Group, a meeting between City staff and Galindo Group representatives occurred to collaborate on the ultimate terms of the development plan for this property. At the direction of Mr. Galindo, several of the numeric values defining measurable standards were reduced. Below is a table that illustrates some of the standards discussed and the difference between staff research and applicant proposed standards.

**COMPARISON OF STAFF RESEARCH VS. APPLICANT’S PROPOSED STANDARDS:**

<b>Staff Research</b>	<b>Applicant's proposal</b>
No more than 50 individual units per structure.	<b>Eliminated requirement</b>
70% of the exterior glass	50% of the exterior glass
Not less than 70% interior ceiling height 11 feet	Not less than 70% interior ceiling height <b>10</b> feet
Not less than 40% interior ceiling height 13 feet	<b>Eliminated requirement</b>
Not less than 60% balcony living spaces 20% gfa	Not less than 60% balcony living spaces 5% gfa
100% dwelling units greater than 990 square feet	100% dwelling units greater than <b>900</b> square feet
60% dwelling units greater than 1,253 square feet	60% dwelling units greater than 1,500 square feet
40% dwelling units greater than 2,500 square feet	25% dwelling units greater than 2,250 square feet
20% dwelling units greater than 4,000 square feet	<b>Eliminated requirement</b>
Not less than one pied-à-terre per structure.	May have pied-à-terre, <b>not required</b>

As per suggestions from the City Council that any standards proposed should clearly define the proposed development in detail as described by the applicant during the September 8, 2020 meeting, **the applicant’s proposed standards, followed at their minimum values, will not produce the buildings described as equal to the Arabella or the Innovation Condominiums described in the applicant’s marketing website.**

**Staff Analysis and Recommendation:**

During its regular meeting on October 1, 2020, the Planning and Zoning Commission, held a public hearing and voted on two separate motions regarding this request (case no. RZ20-24): one to recommend approval and one to recommend denial to the City Council. Both motions ended in a tie with four (4) votes in favor and four (4) votes in opposition, respectively. In the event of such tie votes, the P&Z bylaws specify that the vote shall be considered an official action of making no recommendation to the City Council.

By not recommending approval of the request to the City Council, the inverse action (a recommendation of denial) could perhaps be assumed. However, such a conclusion would disregard several statements supporting the proposal made by those P&Z commissioners who ultimately cast negative votes. The attached minutes of the Planning and Zoning Commission reflect the points considered in the discussion during the P&Z meeting on October 1, 2020.

Absent a recommendation from the P&Z, staff submits the same findings reached in its staff report analysis and recommendations to the P&Z, for City Council consideration in this case. Staff finds that, considered as now submitted, the proposed development plan:

- produces a high-quality mixed-use development featuring high-rise condominium residences;
- creates development in a unique environment that makes use of the conservation of large natural spaces as an amenity; and

- creates development that could become one of Bryan and College Station's most recognizable features.

Staff contends that the proposed plan is unique and supportable, based on its merits and sound planning principles.

- The proposed mixed-use development standards along with the newly-defined high-rise residential condominium land use at this particular location will generally be compatible with existing permitted land uses on surrounding properties.
- 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.
- Given to the fact the subject property lies adjacent to West Villa Maria Road (FM 1179) classified as a major arterial roadway, and its maximum depth from that roadway is only 600 feet, the form and location of the land may not easily lend itself to low density development as envisioned by the future land use recommendation of the Comprehensive Plan (BluePrint 2040) for this property.
- Higher-density residential development may a better alternative than the existing PD-M zoning allows on the subject property.
- 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 plan specifies a traffic impact analysis (TIA) will be required to be submitted, reviewed, and accepted by the City Engineer and that subsequent to the review and acceptance, the developer will incorporate in the project plan any recommended measures to mitigate against resulting impact upon the municipal or state transportation systems.
- The proposed development plan will allow for a useful and orderly urban development of this property.

Based on these considerations, staff recommends **approving** this request, **subject to the condition that standard parkland dedication and development procedures apply** to this project and that any reference to the City accepting the previous establishment of the Turkey Creek Conservation and Recreation Preserve in lieu of parkland dedication and development requirements of the Subdivision Ordinance be deleted from the development plan for this property.

**The draft ordinance attached to this Council Action Form represents the applicant's proposal and also includes the above-mentioned conditions recommended by City staff.**

#### **Options:**

1. approve the requested zoning change, as recommended by city staff; or
2. approve the requested zoning change, as originally requested by the applicant; or
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, proposed ordinance, excerpt from P&Z October 1, 2020 meeting, and other related documents

[RZ20-24, Innovation Towers, Ram Galindo.pdf \(3,095 KB\)](#)

[10-27-2020 special meeting agenda item 3.A. - RZ20-24.pdf \(1,819 KB\)](#)