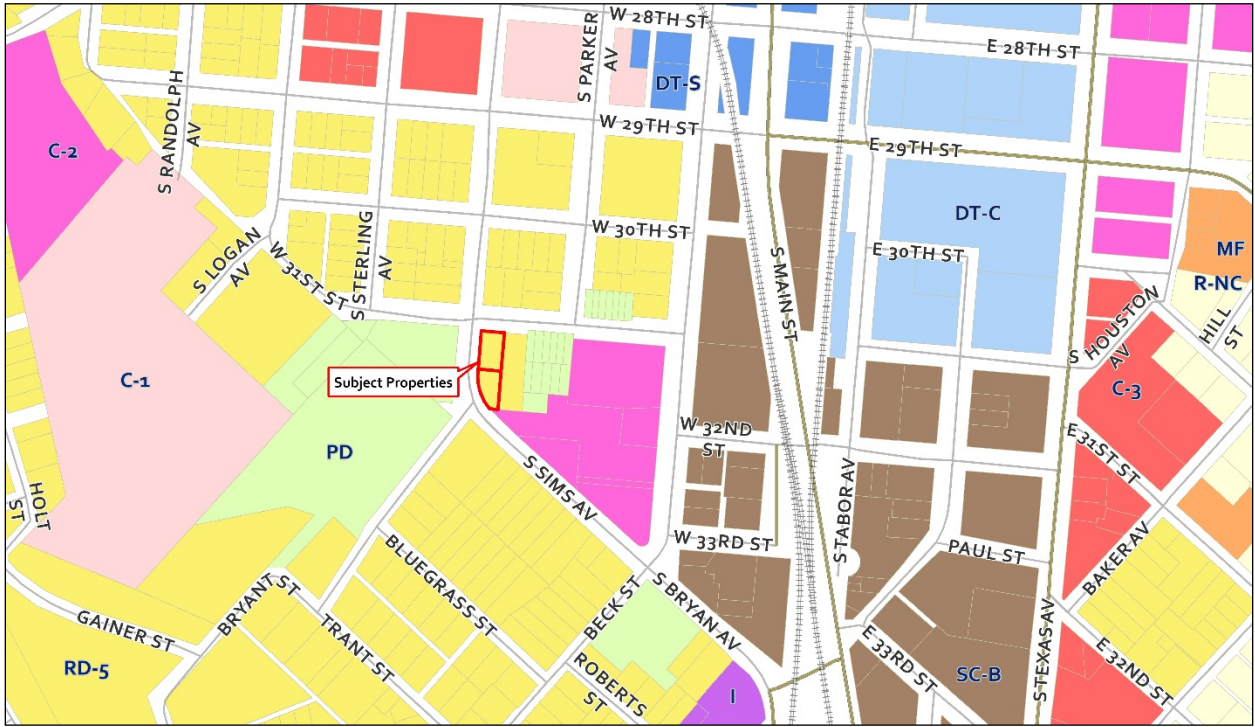


**LOCATION MAPS:**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, TO CHANGE THE ZONING CLASSIFICATION FROM RESIDENTIAL DISTRICT - 5000 (RD-5) TO PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M), ON 0.415 ACRES OF LAND ADJOINING THE EAST SIDE OF SOUTH SIMS AVENUE BETWEEN WEST 31<sup>ST</sup> AND BRYANT STREETS, BEING LOT 10 AND 25 FEET OF LOT 9, LOT 1 AND 25 FEET OF LOT 2, AND PARTS OF AN ABANDONED ALLEY RIGHT-OF-WAY IN BLOCK 134 OF THE BRYAN ORIGINAL TOWNSITE, AS WELL AS A PORTION OF WEST 31<sup>ST</sup> STREET RIGHT-OF-WAY THAT HAS BEEN REQUESTED TO BE ABANDONED, IN BRYAN, BRAZOS COUNTY, TEXAS, SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN; 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, Zoning, for each particular permanent zoning change; and

**WHEREAS**, this requested change to Chapter 130, Zoning, for 0.415 acres of land adjoining the east side of South Sims Avenue between West 31st and Bryant Streets, being Lot 10 and 25 feet of Lot 9, Lot 1 and 25 feet of Lot 2, and parts of an abandoned alley right-of-way in Block 134 of the Bryan Original Townsite, as well as a portion of West 31<sup>st</sup> Street right-of-way that has been requested to be abandoned, in Bryan, Brazos County, Texas, was considered by the Planning and Zoning Commission during its regular meeting on June 3, 2021 (case no. RZ21-12).

**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 specifically to change the zoning classification from Residential District - 5000 (RD-5) to Planned Development – Mixed Use District (PD-M), on 0.415 acres of land adjoining the east side of South Sims Avenue between West 31st and Bryant Streets, being Lot 10 and 25 feet of Lot 9, Lot 1 and 25 feet of Lot 2, and parts of an abandoned alley right-of-way in Block 134 of the Bryan Original Townsite, as well as a portion of West 31<sup>st</sup> Street right-of-way that has been requested to be abandoned in Bryan, Brazos County, Texas, said 0.42 acres being more particularly described by metes-and-bounds 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 meeting at which this ordinance was passed was 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 meeting was given.

6.

This ordinance shall take effect immediately upon its first and only reading and passage.

**PASSED, ADOPTED and APPROVED** the 13<sup>th</sup> day of July 2021, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of \_\_\_ yeses and \_\_\_ noes.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Andrew Nelson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Janis K. Hampton, City Attorney

## Exhibit "A":

FIELD NOTES DESCRIPTION  
OF A  
0.415 ACRE TRACT  
STEPHEN F. AUSTIN LEAGUE NO. 9, A-62  
BRYAN ORIGINAL TOWNSITE  
BRYAN, BRAZOS COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 0.415 ACRES IN THE STEPHEN F. AUSTIN LEAGUE NO. 9, ABSTRACT 62, BRYAN, BRAZOS COUNTY, TEXAS, BEING THE REMAINDER OF LOT 1 AND THE ADJOINING ONE-HALF OF LOT 2, ALL OF LOT 10 AND THE ADJOINING ONE-HALF OF LOT 9 AND THAT PORTION OF THE 20.00 FOOT WIDE ALLEY BETWEEN SAID LOTS, BLOCK 134, BRYAN ORIGINAL TOWNSITE, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 721 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS (DRBCT) AND A PORTION OF THE EXISTING RIGHT-OF-WAY OF W. 31<sup>ST</sup> STREET ADJOINING SAID LOTS 9 AND 10; SAID 0.415 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH CAP STAMPED "SM KLING RPLS 2003" FOUND ON THE EASTERLY LINE OF S. SIMS AVENUE MARKING THE SOUTHWEST CORNER OF SAID REMAINDER OF LOT 1 AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 163.18 FEET, SAID IRON ROD BEING ON THE NORTH LINE OF A CALLED 0.9325 ACRE TRACT CONVEYED TO DALE CARPENTER AND LINDA CARPENTER IN VOLUME 9318, PAGE 163 (OPRBCT);

THENCE, ALONG THE EAST LINE OF S. SIMS AVENUE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44° 48' 10", AN ARC DISTANCE OF 127.60 FEET AND A CHORD WHICH BEARS N 17° 38' 01" W A DISTANCE OF 124.38 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "SM KLING RPLS 2003" FOUND AT THE END OF SAID CURVE;

THENCE, CONTINUING ALONG THE EAST LINE OF S. SIMS AVENUE N 04° 46' 04" E, A DISTANCE OF 148.51 FEET TO A POINT IN SAID RIGHT-OF-WAY OF W. 31<sup>ST</sup> STREET FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE, THROUGH THE RIGHT-OF-WAY OF W. 31<sup>ST</sup> STREET, 15.00 FEET FROM AN PARALLEL TO THE NORTH LINE OF SAID LOTS 9 AND 10, S 85° 13' 13" E, A DISTANCE OF 74.99 FEET TO THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE, CONTINUING THROUGH SAID RIGHT-OF-WAY OF W. 31<sup>ST</sup> STREET, S 04° 46' 04" W, AT 15.00 FEET PASS A 1/2 INCH IRON ROD WITH CAP STAMPED "RPLS 5743" FOUND ON THE NORTH LINE OF SAID LOT 9 MARKING THE NORTHEAST CORNER OF A CALLED TRACT OF LAND CONVEYED TO ANTHONY EMOLA IN VOLUME 12459, PAGE 45 (OPRBCT), CONTINUE ON THROUGH SAID LOT 9, SAID ALLEY AND SAID LOT 2 AND ALONG THE WEST LINE OF SAID EMOLA TRACT FOR A TOTAL DISTANCE OF 263.49 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "SM KLING RPLS 2003" FOUND ON THE NORTH LINE OF SAID 0.9325 ACRE TRACT MARKING THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON LINE OF SAID LOT 2, SAID REMAINDER OF LOT 1 AND SAID 0.9325 ACRE TRACT, N 85° 13' 55" W, A DISTANCE OF 27.60 FEET TO THE POINT OF BEGINNING HEREOF, AND CONTAINING 0.415 ACRES, MORE OR LESS.

**Exhibit “B”:**

**PLANNED DEVELOPMENT - MIXED USED DISTRICT (PD-M)  
DEVELOPMENT REQUIREMENTS FOR 0.415 ACRES OF LAND**

**GENERAL PURPOSE AND DESCRIPTION**

This development plan is intended to guide planning of land use and physical development on the subject property. Herein called “the District” or “this District”, this District development plan is envisioned as a tool to help establish uses of this property, to facilitate appropriate future development of the property, and to strengthen the area’s economy and promote the general welfare of the community. The area of this district is described by metes and bounds on attached “Exhibit A”.

This District is established to accommodate existing developments in the area while encouraging new development, which traditionally provides for various types of general retail, office, business and service uses while encouraging secondary residential uses within the same buildings.

**SECTION 1: DEFINITIONS**

When not inconsistent with the context, words used in the present tense include the future; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to definitions found in the Zoning Ordinance, and failing that, customary usage based on the latest edition of Merriam-Webster’s Unabridged Dictionary.

**SECTION 2: LAND USES**

The following land uses shall be permitted by right in this District:

- Child care—Class B;
- Child care—Class C;
- Dance studio;
- Fitness center;
- General office use (professional, administrative);
- Laundromats (self-service washateria);
- Loft apartments;
- Nightclub or tavern;
- Package liquor store;
- Personal service shop or custom personal services;
- Restaurant, cafeteria;
- Retail—General.

**SECTION 3: PHYSICAL DEVELOPMENT**

Physical development in this District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to development on properties zoned Retail District (C-2). The following additional standards shall be applicable in this District:

1. All buildings with the district shall be multiple stories
2. Building setbacks shall be as follows:
  - a. Zero side building setback (from Sims Avenue)

- b. All other building setbacks shall be 5-feet
3. Minimum parking requirements shall be as follows:
  - a. Non-Residential: one parking space per 350 square feet of GFA
  - b. Residential: one parking space per bedroom
4. There is no maximum lot coverage limitation in this district.
5. An area equal to 20% of the developed area shall be landscaped. Credited landscaping can be located anywhere onsite.
6. The maximum building height for this district shall be 28 feet.
7. All non-residential permitted land uses shall be limited to less than 2,500 square feet.

#### **SECTION 4: SUBDIVISION OF LAND**

The subdivision of land in this District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances and the applicable requirements within this District.

#### **SECTION 5: SIGNS**

Regulation of signage in this District shall be in accordance with Article VI, Downtown Historical District, of Chapter 98, Signs, of the City of Bryan Code of Ordinances.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF JUNE 3, 2021:**

**3. REQUESTS RELATING TO POSSIBLE REZONING – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).**

**a. Rezoning RZ21-12: NN Out Properties, LTD**

*A request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development – Mixed Use District (PD-M) on 0.42 acres of land adjoining the east side of South Sims Avenue between West 31<sup>st</sup> and Bryant Streets, being Lot 10 and 25 feet of Lot 9, as well as Lot 1 and 25 feet of Lot 2 and alley, in Block 134 of the Bryan Original Townsite in Bryan, Brazos County, Texas. (A. Kay)*

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

The public hearing was opened.

Ms. Sara Norman, 105 N Main St, in favor of applicant, made herself available for questions.

The public hearing was closed.

**Commissioner Bush moved to recommend approval of Rezoning RZ21-12 to the Bryan City Council, as requested, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Conlee seconded the motion.**

Commissioners commented that they appreciate the development.

**The motion passed unanimously.**

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**June 3, 2021**



**Rezoning case no. RZ21-12: NN Out Properties, LTD**

**CASE DESCRIPTION:** a request to change the zoning classification from Residential District - 5000 (RD-5) to Planned Development – Mixed Use District (PD-M)

**LOCATION:** 0.42 acres of land adjoining the east side of South Sims Avenue between West 31st and Bryant Streets, being Lot 10 and 25 feet of Lot 9, as well as Lot 1 and 25 feet of Lot 2 and alley, in Block 134 of the Bryan Original Townsite

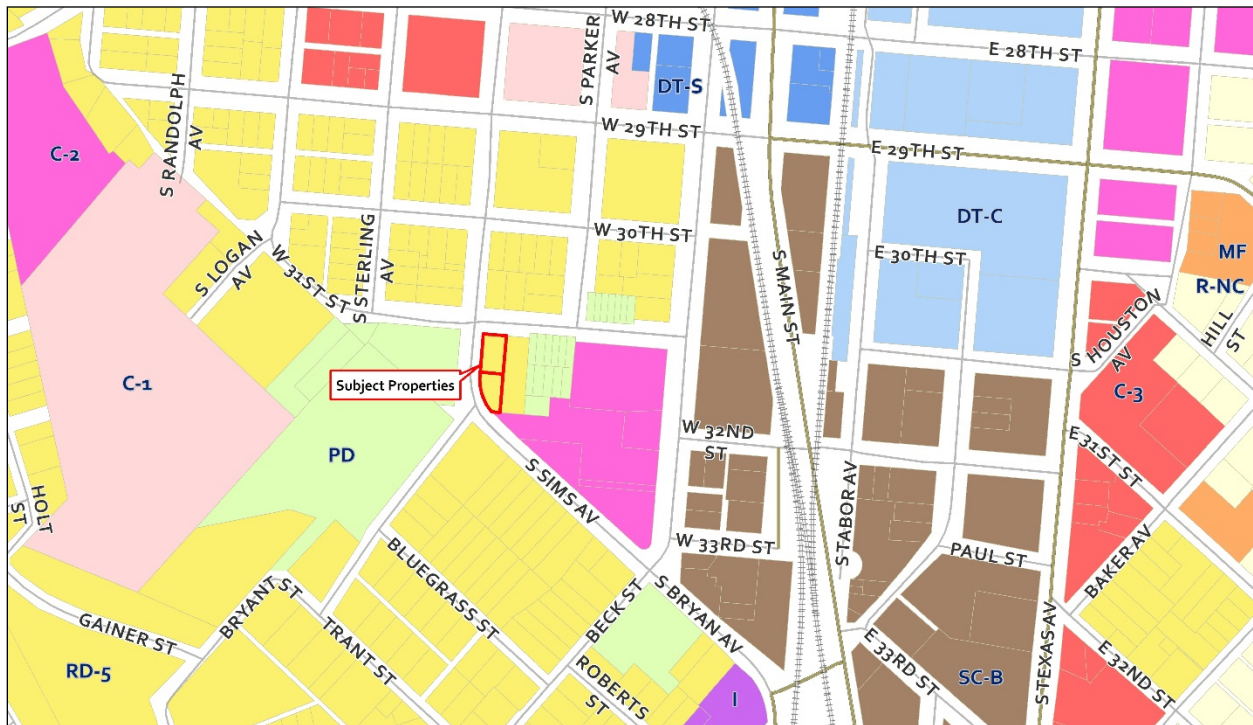
**EXISTING LAND USE:** Detached residential dwellings

**APPLICANT:** NN Out Properties, LTD

**STAFF CONTACT:** Allison Kay, Project Planner

**SUMMARY**

**RECOMMENDATION:** Staff recommends **approving** the requested zoning change





## 2019 AERIAL:



## BACKGROUND:

The applicants are requesting to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development – Mixed Use District (PD-M) on 0.42 acres of land adjoining the east side of South Sims Avenue between West 31st and Bryant Streets, being Lot 10 and 25 feet of Lot 9, as well as Lot 1 and 25 feet of Lot 2 and alley, in Block 134 of the Bryan Original Townsite.

The adjacent property located to the east and properties to the north and south are currently zoned RD-5. The property to the west is zoned PD-M and is the location of the Reserve at Cottonwood Creek, while property located southeast is zoned Retail District (C-2).

The intent of this PD-M District is to accommodate mixed-use re-development. The proposed plan provides for various types of general retail, office, business and service uses while encouraging secondary residential uses within the same buildings. The applicant's intent is to develop two multi-story mixed-use buildings, which will consist of retail uses on the ground level with residential units above. There will be a one-way drive to access on-site parking with an entrance off West 31<sup>st</sup> Street and an exit onto South Sims Avenue. The applicant is proposing to provide landscaping equal to 20% of the developed area in point value, 5% higher than that required for commercial development.

Procedurally, in order to redevelop the subject properties in the proposed arrangement, several events must take place in specific order. The proposed development plan envisions the project constructed on one lot. To accommodate that, a replat of the two existing lots and abandoned public rights of way will be required. That future replat is contingent upon prior approval, by the City Council, of a right-of-way abandonment request along West 31<sup>st</sup> Street. The related right-of-way abandonment (case no. RA21-02) is scheduled for consideration by the Planning and Zoning Commission during the regular meeting on June 3, 2021. The related replat (case no. RP21-09) is currently under review by the Site Development Review Committee (SDRC).

**CURRENT CONDITIONS:**



**EXCERPT FROM APPLICANT'S REQUEST FOR REZONING:**

# Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

To allow for a new mixed-use development. The property is adjacent to the established Downtown-South zoning district and mixed-use with office/retail on the ground floor and lofts above is an established use in the downtown area. This request would promote the same type of growth recommended by the City's comprehensive plan.

List the changed or changing conditions in the area or City which make this zone change necessary:

The continued growth and revitalization of Downtown Bryan and its surrounding areas. The mixed-use aspects are better aligned with the City's vision for growth in this area. Neighboring property's are currently zoned R-Retail with a townhome project by the same developer.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

Yes. The future land use plan recommends "central urban" use for this property and promotes a mixture of residential options as well as supportive retail, commercial, and office uses. The plan specifically mentions the potential for infill housing development in this area that complements the character of downtown.

List any other reasons to support this zone change:

---

---

---

## **PROPOSED DEVELOPMENT PLAN:**

### **PLANNED DEVELOPMENT - MIXED USED DISTRICT (PD-M) DEVELOPMENT REQUIREMENTS FOR 0.415 ACRES OF LAND BEING PROPOSED LOT 1R IN BLOCK 134 OF THE BRYAN ORIGINAL TOWNSITE.**

#### **GENERAL PURPOSE AND DESCRIPTION**

This development plan is intended to guide planning of land use and physical development on the subject property. Herein called “the District” or “this District”, this District development plan is envisioned as a tool to help establish uses of this property, to facilitate appropriate future development of the property, and to strengthen the area’s economy and promote the general welfare of the community. The area of this district is described by metes and bounds shown in “Exhibit A”.

This District is established to accommodate existing developments in the area while encouraging new development, which traditionally provides for various types of general retail, office, business and service uses while encouraging secondary residential uses within the same buildings.

#### **SECTION 1: DEFINITIONS**

When not inconsistent with the context, words used in the present tense include the future; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to definitions found in the Zoning Ordinance, and failing that, customary usage based on the latest edition of Merriam-Webster’s Unabridged Dictionary.

#### **SECTION 2: LAND USES**

The following land uses shall be permitted by right in this District:

- Child care—Class B;
- Child care—Class C;
- Dance studio;
- Fitness center;
- General office use (professional, administrative);
- Laundromats (self-service washateria);
- Loft apartments;
- Nightclub or tavern;
- Package liquor store;
- Personal service shop or custom personal services;
- Restaurant, cafeteria;
- Retail—General.

#### **SECTION 3: PHYSICAL DEVELOPMENT**

Physical development in this District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to development on properties zoned Retail District (C-2). The following additional standards shall be applicable in this District:

1. All buildings with the district shall be multiple stories
2. Building setbacks shall be as follows:

- a. Zero side building setback (from Sims Avenue)
  - b. All other building setbacks shall be 5-feet
3. Minimum parking requirements shall be as follows:
  - a. Non-Residential: one parking space per 350 square feet of GFA
  - b. Residential: one parking space per bedroom
4. There is no maximum lot coverage limitation in this district.
5. An area equal to 20% of the developed area shall be landscaped. Credited landscaping can be located anywhere onsite.
6. The maximum building height for this district shall be 28 feet.
7. All non-residential permitted land uses shall be limited to less than 2,500 square feet.

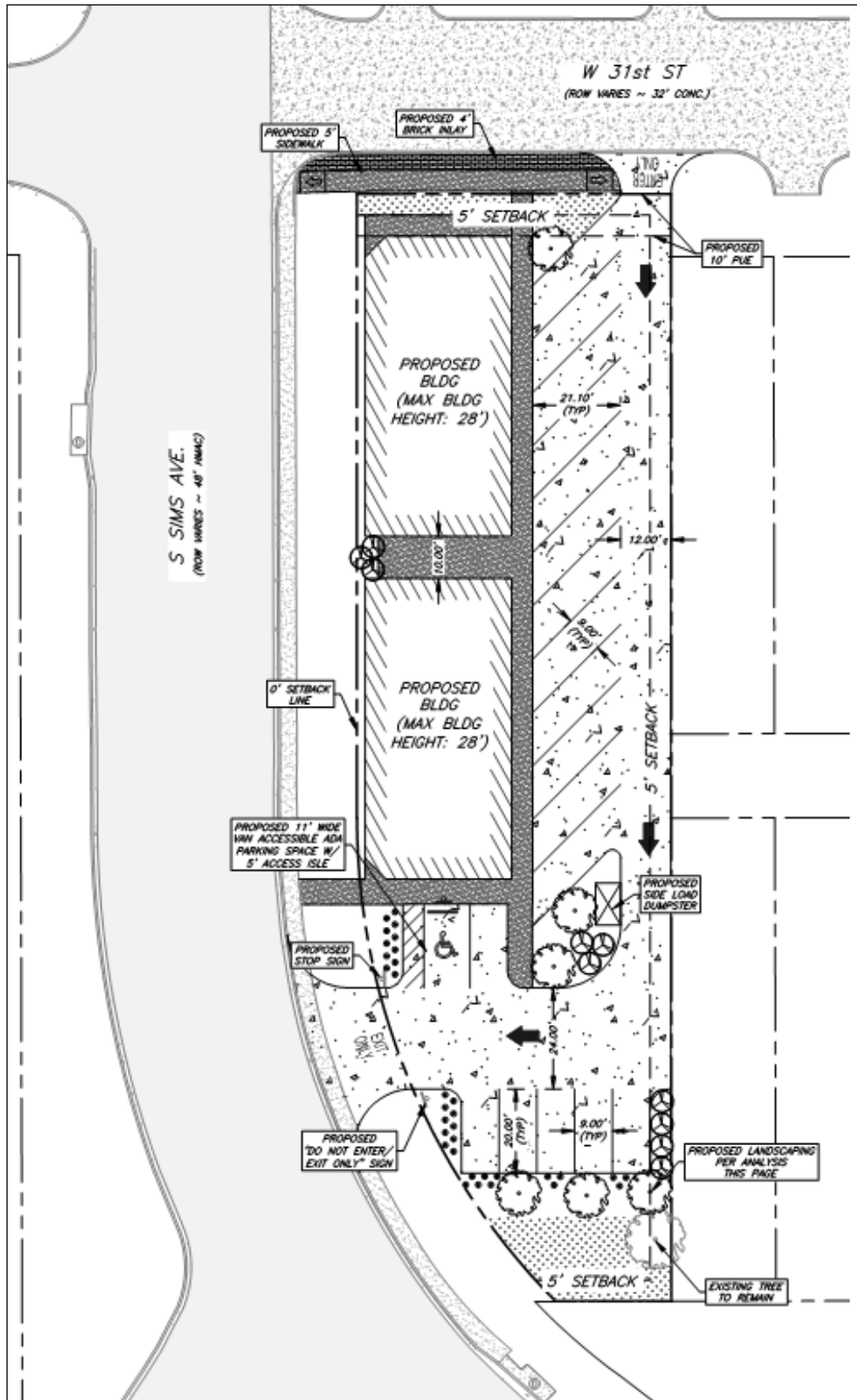
#### **SECTION 4: SUBDIVISION OF LAND**

The subdivision of land in this District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances and the applicable requirements within this District.

#### **SECTION 5: SIGNS**

Regulation of signage in this District shall be in accordance with Article VI, Downtown Historical District, of Chapter 98, Signs, of the City of Bryan Code of Ordinances.

**PROPOSED CONCEPT PLAN DRAWING:**



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

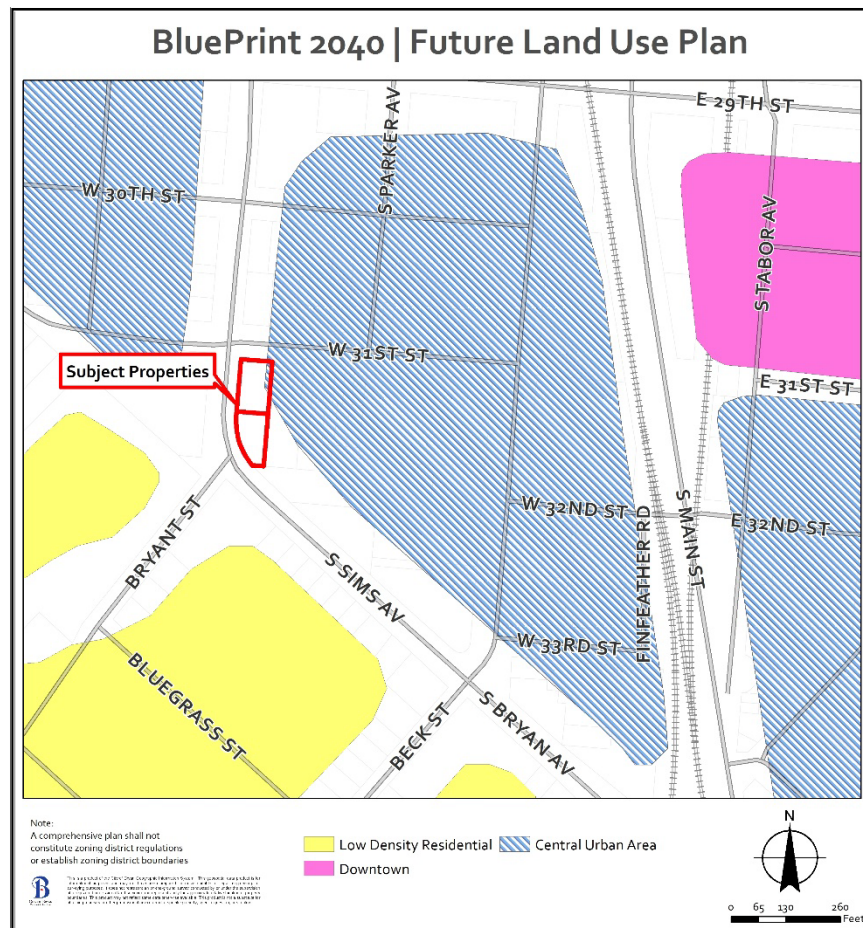
The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Future Land Use Plan (as shown below) suggests the subject property is located in an area that may be appropriate for Central Urban Area development. According to the land use policies of the Future Land Use Plan and Comprehensive Plan, land to be developed in this district shall be located adjacent to the downtown core and serve as a transition between the core and existing peripheral low-density residential neighborhoods.

### Chapter 5: Land Use

Central Urban (pg.139-140):

- Central Urban areas *should be infused with a mixture of residential options as well as supportive retail, commercial and office uses.* There is a large potential for infill housing development guided by design principles that complement the existing framework and character of Downtown.
- The existing pattern in this area should not be altered without a more detailed study of land use change and traffic patterns.
- Appropriate uses include live/work units, single family, townhomes and multi-family and small-scale retail and office.

### EXCERPT FROM FUTURE LAND USE PLAN MAP:



## ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

**The adjacent property located to the east and properties to the north and south are currently zoned similarly as RD-5. Properties to the west are zoned PD-M and is the location of the Reserve at Cottonwood Creek, while property located southeast is zoned Retail District (C-2). Also within this block and on the north side of West 31<sup>st</sup> Street are two recently approved Planned Development – Housing Districts (PD-H), which were developed by this applicant, both consisting of multiple townhome units.**

**BluePrint 2040 suggests the subject properties are located in an area that may be suitable for Central Urban Area development. As defined, central urban development should be infused with a mixture of residential options as well as supportive retail, commercial and office uses. Staff contends that the proposed mix of land uses, as shown on the development plan, would complement the surrounding multifamily and detached residential uses allowed by right on the adjacent properties and would create a mixed-use, walkable pedestrian environment where residents can be within walking distance to services that are provided in the area.**

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

**Staff believes that the existing layout of streets surrounding the subject properties will provide for the smooth circulation of traffic for this development and in this vicinity. The subject property has access to an 8-inch water line along the west side of South Sims Avenue and the south side of West 31<sup>st</sup> Street, as well as a 24-inch water distribution line along the south side of West 31<sup>st</sup> Street. There also exists an 8-inch sanitary sewer line along the north side of West 31<sup>st</sup> Street.**

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.

**Staff believes that this PD-M District development plan request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development. In addition, this proposed development may further increase development interest in Bryan's west side.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**Staff finds that near the subject properties retail developments are being constructed at a slow pace. Directly across South Sims Avenue from the subject properties, a new wedding venue, The Reserve at Cottonwood Creek has finished construction, but no other retail development has occurred.**

**In 2015 and 2017, the Bryan City Council approved requests for Planned Development – Housing (PD-H) District rezonings along this portion of West 31<sup>st</sup> Street. These developments consisted of**



**multiple townhome units (case nos. RZ15-11 and RZ17-02). Although this general area has been mostly developed for many years, recent living patterns, market changes and close proximity to the revitalized Downtown Bryan appears to be bringing about increased interest in redevelopment at higher densities.**

**Staff contends that the requested PD-M District would not be harmful or have negative effects on the neighboring properties and would not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.**

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.

**If the proposed PD-M District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments. The proposed development standards of this PD-M District are specifically designed for this site.**

6. Any other factors affecting health, safety, morals, or general welfare.

**Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed mixed-use development at this location will allow for a useful and orderly urban redevelopment of this property along a major collector roadway. In addition, the majority of this block is currently zoned Retail District (C-2) while a smaller portion is zoned PD-H and developed with townhomes. Only one remaining Residential District – 5000 (RD-5) property exists within this block and is currently occupied with a detached dwelling.**

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

**Staff believes that the proposed PD-M District will not only have a positive effect in the surrounding area and be compatible with existing and anticipated uses, but will bring a mixed-use concept to the area creating pedestrian connectivity to existing infrastructure. A recent example of one of the applicant's mixed-use developments, The Dechiro Lofts, located just three blocks to the north, would be a good indication of the proposed development.**

**In addition, staff believes that the proposed uses and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole. The most notable may be an increase in vehicular and pedestrian traffic and a mixed-use development adjacent to a detached dwelling.**

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 proposed standards within this PD-M District.**

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 land uses and development standards within the PD-M District will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The existing and proposed network of roadways and sidewalks can reasonably be expected to provide for adequate and safe traffic circulation adjacent to and within the proposed development. Within this development, one-way circulation is provided with an entrance from West 31<sup>st</sup> Street and an exit onto South Sims Avenue.**

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

**Staff contends that the proposed request will not adversely affect adjacent properties by inappropriate lighting, or types of signs. As stated in the Planned Development document, all signs located within this district shall adhere to sign standards found in Article VI, Downtown Historical District, of Chapter 98, Signs, of the City of Bryan Code of Ordinances. Signs located in the Downtown Historical District are limited and have additional standards that may not be found in other districts in the City of Bryan. An example includes specifications for the size of words located on signs both for the upper and lower level floors.**

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

**Any concerns regarding reasonably protecting persons and the subject property from erosion, flood and water damage, fire, noise, glare, and similar hazards or impacts will be addressed at the time that a site plan is submitted for review to the Site Development Review Committee. The site plan must be in conformance with applicable city ordinances including this PD-M District zoning.**

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

**Staff is unable to discern any additional detrimental impacts not already identified in this staff report.**

#### **RECOMMENDATION:**

Based on all of the aforementioned considerations, staff recommends that the Planning and Zoning Commission recommend to the City Council to **approve** the requested Planned Development – Mixed Use (PD-M) zoning district on the 0.42-acre subject properties.