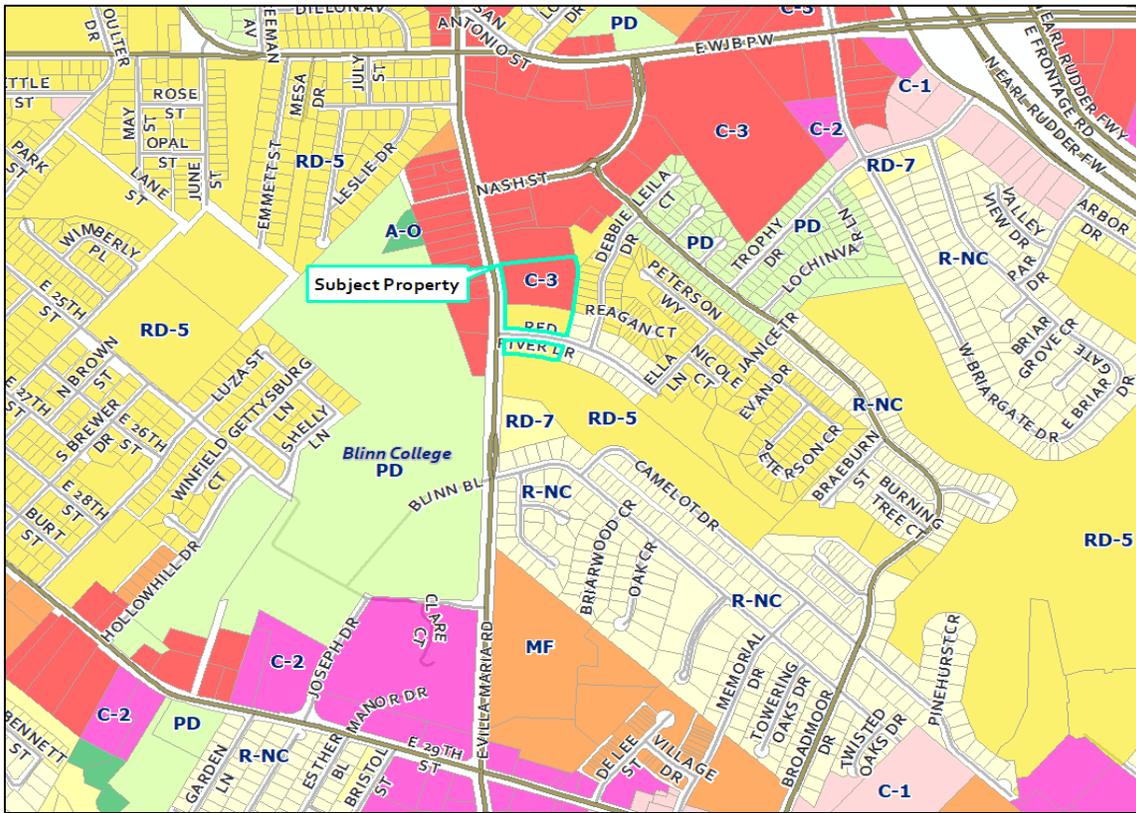


**LOCATION MAP:**



**AERIAL PHOTOGRAPH, 2021:**



**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 COMMERCIAL DISTRICT (C-3) AND RESIDENTIAL DISTRICT – 5000 (RD-5) TO MULTIPLE-FAMILY DISTRICT (MF) ON 6.2 ACRES OF LAND OUT OF THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, ADJOINING THE NORTHEAST AND SOUTHEAST CORNERS OF THE INTERSECTION OF EAST VILLA MARIA ROAD AND RED RIVER DRIVE, AND CURRENTLY ADDRESSED AS 2539 EAST VILLA MARIA ROAD 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 MEETING AT WHICH SAID ORDINANCE IS PASSED IS 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 amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of Commercial District (C-3) and Residential District – 5000 (RD-5) to Multiple-Family District (MF) on 6.2 acres of land out of the John Austin League, Abstract No. 2, adjoining the northeast and southeast corners of the intersection of East Villa Maria Road and Red River Drive, and currently addressed as 2539 East Villa Maria Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on February 17, 2022 (case no. RZ22-01).

**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 Commercial District (C-3) and Residential District – 5000 (RD-5) to Multiple-Family District (MF) on 6.2 acres of land out of the John Austin League, Abstract No. 2, adjoining the northeast and southeast corners of the intersection of East Villa Maria Road and Red River Drive, and currently addressed as 2539 East Villa Maria Road in Bryan, Brazos County, Texas, being depicted on attached Exhibit “A” and described more particularly by metes-and-bounds on attached Exhibit “B”.

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 12<sup>th</sup> day of April 2022, 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:**

\_\_\_\_\_  
Thomas A. Leeper, City Attorney



**EXHIBIT "B":**

**TRACT ONE:**

**METES AND BOUNDS DESCRIPTION  
OF A  
5.316 ACRE TRACT  
JOHN AUSTIN LEAGUE, A-2  
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 24.427 ACRE TRACT AS DESCRIBED BY A DEED TO M. G. PERKINS AND B. T. YAGER RECORDED IN VOLUME 264, PAGE 425 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID 24.427 ACRE TRACT BEING A PORTION OF A CALLED TRACT OF LAND AS DESCRIBED BY A DEED TO JEFFREY N. CHAPMAN AND WIFE, ANN YAGER CHAPMAN, RECORDED IN VOLUME 1866, PAGE 329 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

**BEGINNING** AT A ¼ INCH IRON PIPE FOUND (N:10229005.80, E:3549211.59) ON THE EAST LINE OF VILLA MARIA ROAD (100' R.O.W.) MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, ASSISTED LIVING CONCEPTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2529, PAGE 337 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-33 (N:10230645.059, E:3550917.699) AND AS ESTABLISHED BY GPS OBSERVATION;

**THENCE:** N 83° 43' 48" E ALONG THE COMMON LINE OF SAID REMAINDER OF 24.427 ACRE TRACT AND SAID ASSISTED LIVING CONCEPTS FOR A DISTANCE OF 490.26 FEET (DEED CALL: N 86° 40' 48" E – 491.41 FEET, 264/425) (PLAT CALL: N 63° 06' 00" E – 490.18 FEET, 2529/337) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET ON THE SOUTHWEST LINE OF LOT 3, BRIAR MEADOWS CREEK SUBDIVISION, PHASE III ACCORDING TO THE PLAT RECORDED IN VOLUME 8637, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD SET MARKING THE SOUTHEAST CORNER OF SAID ASSISTED LIVING CONCEPTS;

**THENCE:** S 11° 47' 50" E ALONG THE SOUTHWEST LINE OF SAID LOT 3 FOR A DISTANCE OF 98.33 FEET (PLAT CALL: S 11° 47' 50" E – 98.34 FEET, 8637/61) TO A 5/8 INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' FOUND ON THE NORTHWEST LINE OF LOT 3, BRIAR MEADOWS CREEK SUBDIVISION, PHASE I ACCORDING TO THE PLAT RECORDED IN VOLUME 8364, PAGE 33 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID PHASE III;

**THENCE:** S 06° 20' 27" W ALONG THE WEST LINE OF SAID PHASE I FOR A DISTANCE OF 295.16 FEET (PLAT CALL: S 06° 20' 27" W – 295.20 FEET, 8364/33) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET MARKING THE SOUTHWEST CORNER OF LOT 8 OF SAID PHASE I AND THE NORTHWEST CORNER OF LOT 2, BLOCK 2, BRIARCREST PARK, 2<sup>ND</sup> INSTALLMENT, ACCORDING TO THE PLAT RECORDED IN VOLUME 372, PAGE 855 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

**THENCE:** S 13° 31' 41" W ALONG THE WEST LINE OF SAID BLOCK 2 FOR A DISTANCE OF 177.97 FEET (PLAT CALL: S 16° 42' 04" W – 178.00 FEET, 372/855) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET ON THE NORTH LINE OF RED RIVER DRIVE (80' R.O.W., 372/855) MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 2, BRIARCREST PARK 2<sup>ND</sup> INSTALLMENT ACCORDING TO THE PLAT RECORDED IN VOLUME 489, PAGE 217 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 1228.55 FEET;

**THENCE:** ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 20' 49" FOR AN ARC DISTANCE OF 307.63 FEET (CHORD BEARS: N 81° 06' 41" W – 306.83 FEET) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET MARKING THE ENDING POINT OF SAID CURVE;

**THENCE:** N 88° 21' 26" W CONTINUING ALONG THE NORTH LINE OF RED RIVER DRIVE FOR A DISTANCE OF 100.83 FEET (PLAT CALL: N 85° 06' 54" W – 100.24 FEET, 372/855) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET ON THE EAST LINE OF VILLA MARIA ROAD;

**THENCE:** N 01° 50' 16" E ALONG THE EAST LINE OF VILLA MARIA ROAD FOR A DISTANCE OF 13.01 FEET (DEED CALL BEARING: N 04° 59' 00" E, 264/425) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 2234.31 FEET;

**THENCE:** ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11° 28' 35" FOR AN ARC DISTANCE OF 447.53 FEET (CHORD BEARS: N 03° 48' 33" W – 446.79 FEET) (DEED CALL CHORD: N 00° 45' 15" W – 446.89 FEET, 264/425) TO THE **POINT OF BEGINNING** CONTAINING 5.316 ACRES OF LAND AS SURVEYED ON THE GROUND SEPTEMBER 2017. SEE PLAT PREPARED SEPTEMBER 2017, FOR MORE DESCRIPTIVE INFORMATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO DETERMINE SURFACE DISTANCES MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00011168 (CALCULATED USING GEOID12B).

**TRACT TWO:**

**METES AND BOUNDS DESCRIPTION  
OF A  
0.908 ACRE TRACT  
JOHN AUSTIN LEAGUE, A-2  
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 24.427 ACRE TRACT AS DESCRIBED BY A DEED TO M. G. PERKINS AND B. T. YAGER RECORDED IN VOLUME 264, PAGE 425 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID 24.427 ACRE TRACT BEING A PORTION OF A CALLED TRACT OF LAND AS DESCRIBED BY A DEED TO JEFFREY N. CHAPMAN AND WIFE, ANN YAGER CHAPMAN, RECORDED IN VOLUME 1866, PAGE 329 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

**BEGINNING** AT A ½ INCH IRON ROD FOUND (N:10228467.05, E:3549238.29) AT THE INTERSECTION OF THE EAST LINE OF VILLA MARIA ROAD (100' R.O.W.) AND THE SOUTH LINE OF RED RIVER DRIVE (80' R.O.W., 372/855). 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-33 (N:10230645.059, E:3550917.699) AND AS ESTABLISHED BY GPS OBSERVATION;

**THENCE:** S 88° 21' 26" E ALONG THE SOUTH LINE OF RED RIVER DRIVE FOR A DISTANCE OF 101.01 FEET (PLAT CALL: S 85° 06' 54" E – 100.97 FEET, 372/855) TO A ½ INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 1148.56 FEET;

**THENCE:** ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 22' 28" FOR AN ARC DISTANCE OF 288.15 FEET (CHORD BEARS: S 81° 05' 52" E – 287.40 FEET) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET MARKING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, BRIARCREST PARK, 2<sup>ND</sup> INSTALLMENT, ACCORDING TO THE PLAT RECORDED IN VOLUME 1486, PAGE 299 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

**THENCE:** S 16° 00' 36" W ALONG THE WEST LINE OF SAID BLOCK 1 FOR A DISTANCE OF 105.18 FEET (PLAT CALL: S 19° 10' 49" W – 105.00 FEET, 1486/299) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET ON THE NORTH LINE OF A CALLED 16.249 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE CITY OF BRYAN RECORDED IN VOLUME 323, PAGE 6 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD SET MARKING THE SOUTHWEST CORNER OF SAID BLOCK 1 AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 1043.39 FEET;

**THENCE:** ALONG THE NORTH LINE OF SAID 16.249 ACRE TRACT AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 22' 55" FOR AN ARC DISTANCE OF 261.21 FEET (CHORD BEARS: N 81° 05' 36" W – 261.21 FEET) TO A ½ INCH IRON ROD FOUND MARKING THE END POINT OF SAID CURVE;

**THENCE:** N 88° 12' 17" W CONTINUING ALONG THE NORTH LINE OF SAID 16.249 ACRE TRACT FOR A DISTANCE OF 101.24 FEET (DEED CALL: N 85° 06' 54" W – 101.93 FEET, 323/6) TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED 'KERR 4502' SET ON THE EAST LINE OF VILLA MARIA ROAD MARKING THE NORTHWEST CORNER OF SAID 16.249 ACRE TRACT;

**THENCE:** N 01° 50' 16" E ALONG THE EAST LINE OF VILLA MARIA ROAD FOR A DISTANCE OF 104.91 FEET (DEED CALL BEARING, N 04° 59' 00" E, 264/425) TO THE **POINT OF BEGINNING** CONTAINING 0.908 OF AN ACRE OF LAND (39,551 SQUARE FEET) AS SURVEYED ON THE GROUND SEPTEMBER 2017. SEE PLAT PREPARED SEPTEMBER 2017, FOR MORE DESCRIPTIVE INFORMATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO DETERMINE SURFACE DISTANCES MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00011168 (CALCULATED USING GEOID12B).

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF FEBRUARY 17, 2022:**

**3. 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 RZ22-01: LJR Properties, LLC**

*A request to change the zoning classification from Commercial District (C-3) and Residential District – 5000 (RD-5) to Multiple-Family District (MF) on 6.2 acres of land out of the John Austin League, Abstract number 2, adjoining the northeast and southeast corners of the intersection of East Villa Maria Road and Red River Drive, and currently addressed as 2539 East Villa Maria Road in Bryan, Brazos County, Texas. (K. Williams)*

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

Commissioners questioned how the current zoning is divided within the property, how close could the proposed development be to nearby residential zoned properties, and questioned the projected floodplain within the property.

In response, Ms. Williams stated how the property zoning was divided and that multi-family buildings require a 25-foot buffer that could be reduced down to 15-feet.

Mr. Paul Kaspar, City Engineer, commented the shown proposed floodplain map is currently under review with FEMA and the map shown is appropriately modeled.

In response to questions, Mr. Kaspar noted there are restrictions developing within floodplain properties and there are federal and local permits and restrictions required.

The public hearing was opened.

Mr. Larry Godfrey, 1907 Debbie Drive, stated there are currently drainage issues behind his home towards the subject property and that he has been on the subject property and there are very low spots within the middle of the property. Mr. Godfrey also stated concerns for the creek behind his property and that there is a sanitary sewer line that runs through the creek.

Ms. Sue Williamson, 1917 Debbie Drive, stated the land around the creek is not stable and she is currently dealing with structural issues with her home. She stated concerns of the development furthering the land being unstable. Ms. Williamson also stated concerns of the subdivision is for elderly community members and they have concerns of noise violations with the proposed development.

Mr. Frank Dworaczyk, 3123 Anderson Way, stated the subdivision previously was advertised as an age-restricted community and there are concerns for the traffic this development will bring.

Mr. Justin Walton, applicant, 10022 Collier Cemetery, Montgomery, presented his proposed development at the subject property. In response to questions from Commissioners, Mr. Walton stated traffic and drainage concerns are being examined and addressed, and that the proposed development would not be visible to neighboring properties. Mr. Walton also reassured that he has experience in building and will ensure the exterior fits with surrounding properties.

Ms. Martha McSpadden, 1901 Debbie Drive, stated concerns for the drainage and that the subject property has not been maintained.

The public hearing was closed.

**Commissioner Bush moved to recommend approval of Rezoning RZ22-01 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 Rodriguez seconded the motion.**

Commissioners commented that buffers being put into place are large and are greater than required, the issues brought forth seem to have been addressed, and the proposed project would be a good fit for this location.

**The motion passed with a vote of 8 to 1, with Commissioner Beckendorf casting the vote in opposition.**

PLANNING AND ZONING COMMISSION  
STAFF REPORT



February 17, 2022

**Rezoning case no. RZ22-01: LJR Properties, LLC**

**CASE DESCRIPTION:** A request to change the zoning classification from a combination of Commercial District (C-3) and Residential District – 5000 (RD-5) to Multiple-Family District (MF)

**LOCATION:** 6.2 acres of land out of the John Austin League, Abstract No. 2, adjoining the northeast and southeast corners of the intersection of East Villa Maria Road and Red River Drive, and currently addressed as 2539 East Villa Maria Road

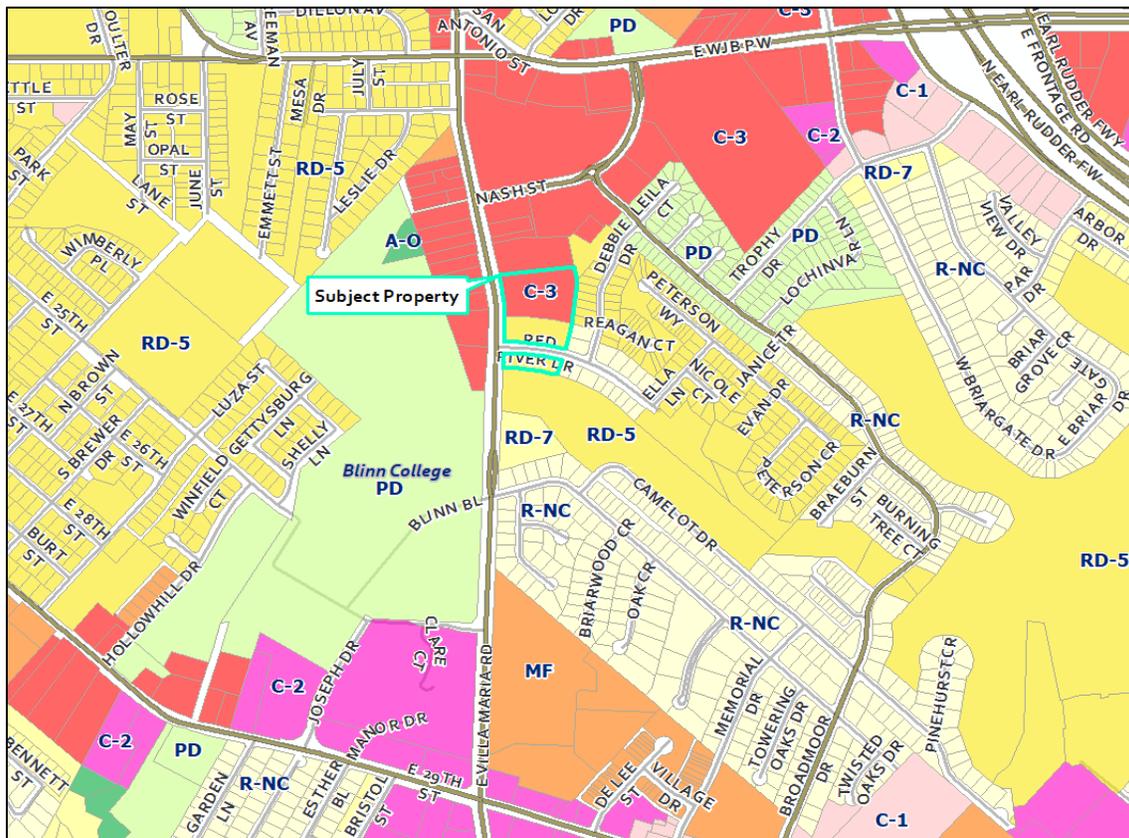
**EXISTING LAND USE:** Vacant Acreage

**PROPERTY OWNER:** Jeffrey N. Chapman

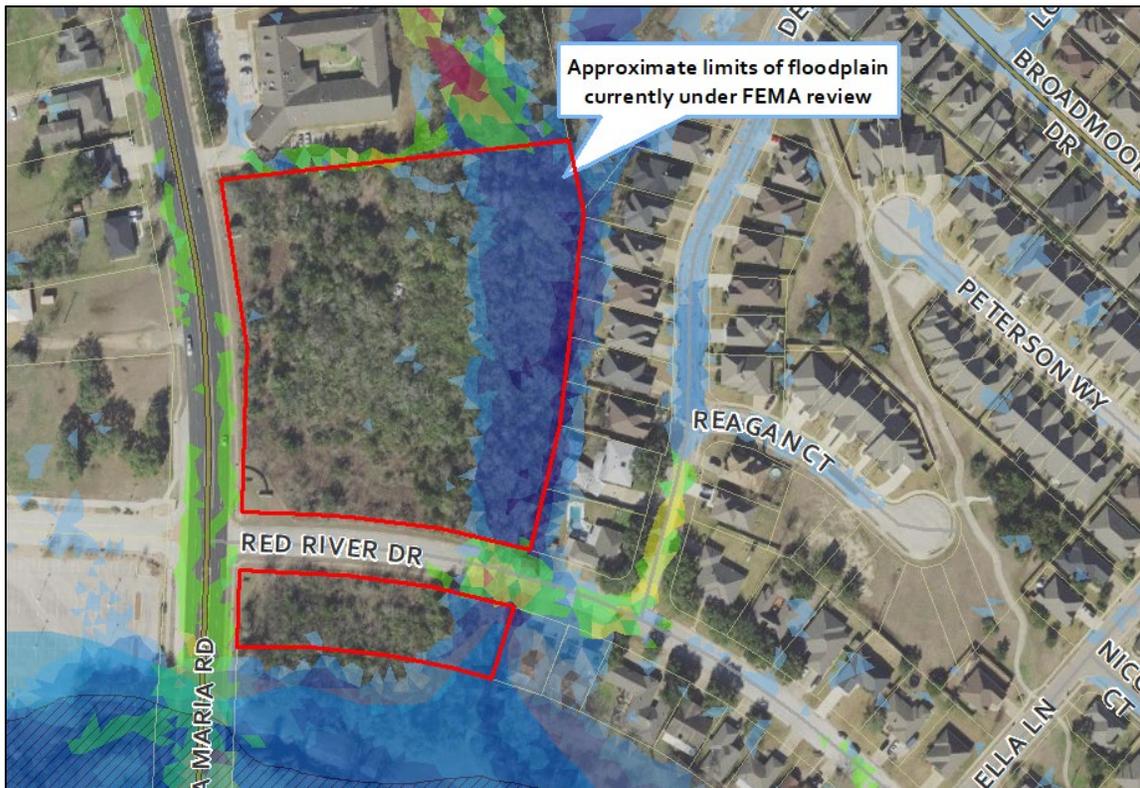
**APPLICANT:** LJR Properties, LLC – Justin Walton

**STAFF CONTACT:** Katie Williams, AICP, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



**AERIAL VIEW (2021)**



## **BACKGROUND:**

LJR Properties, LLC, on behalf of property owner Jeffrey N. Chapman, are requesting to change the zoning classification on 6.2 acres of land from a combination of Commercial District (C-3) and Residential District – 5000 (RD-5) to Multiple-Family Residential District (MF). The adjacent properties located to the north and west are also zoned C-3 District, while properties located to the south and east are zoned Residential District – 5000 (RD-5) and Residential – Neighborhood Conservation District (R-NC).

The MF zoning classification is a residential district intended to provide a residential density of a maximum of 25 dwelling units per acre. Within the MF District, the principal permitted land uses include low-rise multifamily dwellings, garden apartments, condominiums, duplexes, and townhouses. Recreational, religious, health and educational uses intended to service residential areas are also permitted in this district. MF District should be located adjacent to arterial or collector streets, as shown on the City's Thoroughfare Plan, and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

Two previous applications to rezone the subject property to MF District were submitted during the last twenty years. The first was in 2003 (case no. RZ03-04), when a standard apartment house was proposed. After three separate public hearings, that request was denied by the Planning and Zoning Commission, and not subsequently appealed to the City Council. In 2006, (case no. RZ06-04), an age-restricted apartment complex was proposed and received a recommendation for approval from the Planning and Zoning Commission. Ultimately, the project did not move forward due to private financial matters. For more details, please also refer to the attached minutes from these previous Planning and Zoning Commission meetings.

Prior to the construction of any development on the subject property, a preliminary plan, final plat and formal site plan submittal to the City's Site Development Review Committee (SDRC) will be required. During this review process, various City departments will review the proposal to ensure that all applicable ordinances and regulations are met. In this specific case, City civil engineers will request that the developer's design engineer submit a utility report to ensure sufficient water and sanitary sewer capacity, as well as a drainage report to ensure that the development is able to properly manage stormwater runoff.

**PICTURES OF EXISTING SITE CONDITIONS:**



**EXCERPT FROM APPLICATION:**

Please list the reasons for this rezoning request:

- 1.) Student housing has not kept pace with the increasing student population at Blinn College, Bryan.
- 2.) Blinn College has no "On Campus Housing" and this 40 unit student housing will be the closest as it is located directly across the street from the campus.

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

Student enrollment at Blinn College has been increasing and with the location of this land being directly across the street, this student housing can provide the needed student housing.

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:

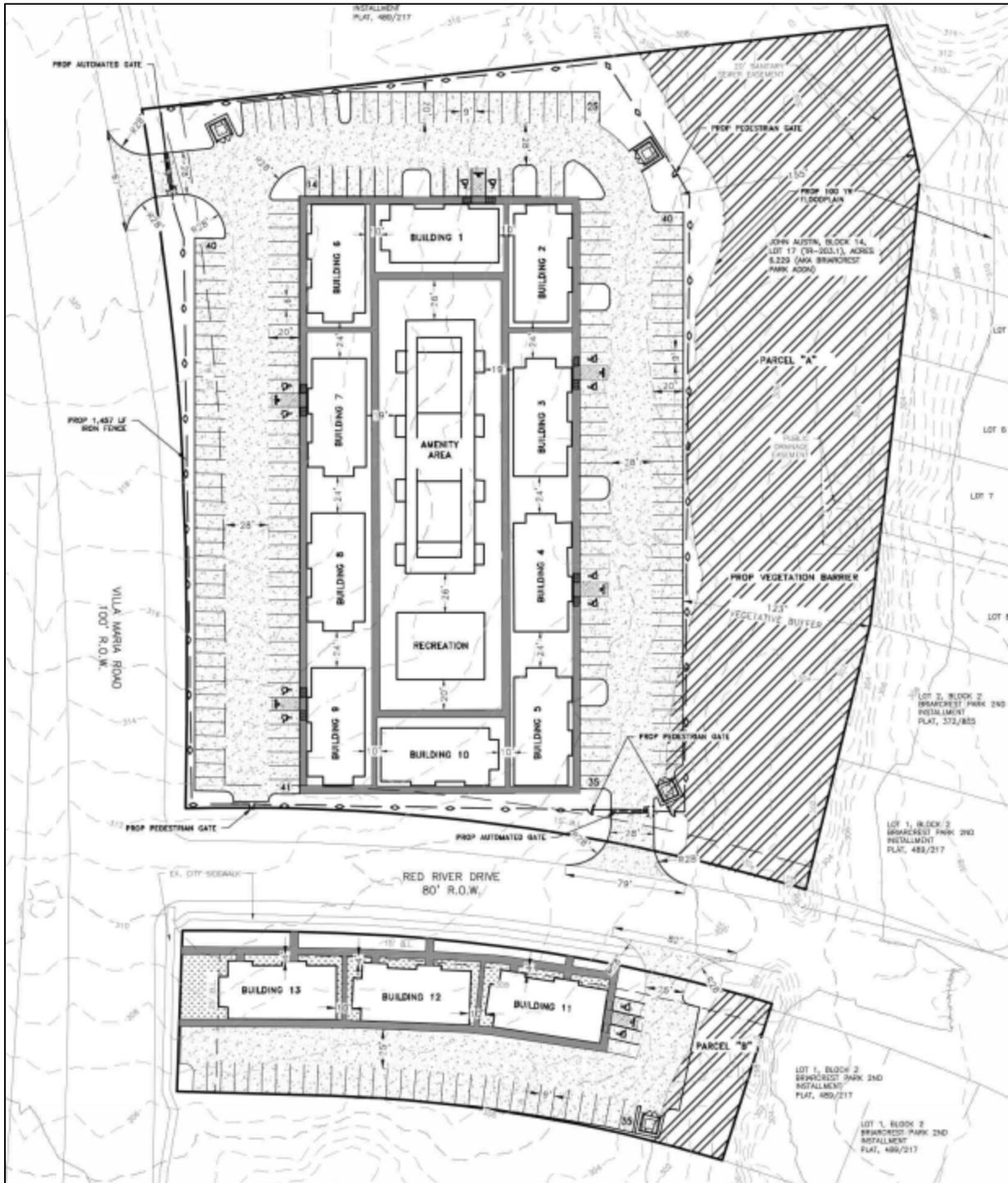
Future Land Plan designates this property for future office development. Coronavirus has changed the need for office space as more companies have allowed their employees to work from home while student housing at Blinn College has not kept up with demand. Location of property is ideal for student housing.

List any other reasons to support this zone change:

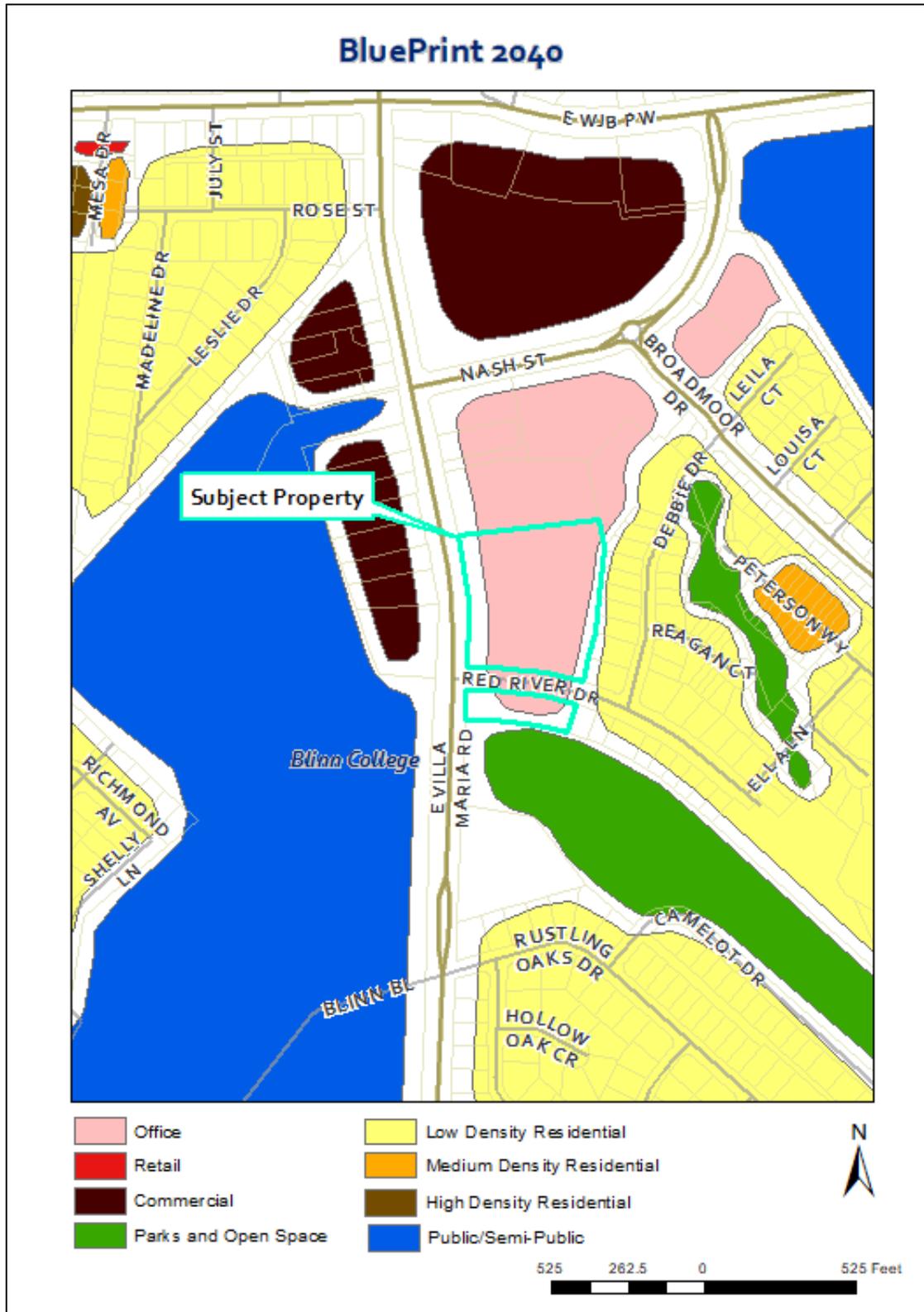
- 1.) Blinn College student population has continued growth which needs additional student housing.
- 2.) Location fills the need for housing where students can walk to campus.

**SITE PLAN EXAMPLE SUBMITTED BY APPLICANT:**

**Please note that this site plan is not part of the subject rezoning request. This site plan is just one example of how the property could develop and has not yet been submitted for any formal review.**



EXCERPT FROM THE FUTURE LAND USE PLAN MAP:



## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

Bryan's Comprehensive Plan, Blueprint 2040, includes policy recommendations related to various use-specific types of development. It states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns.

In the case of the subject property, the Future Land Use Plan designates the location as one appropriate for Office development. Office areas provide for low- to medium-rise suburban-scale developments. Generally, permitted uses include corporate, professional, medical and financial offices as well as offices for individuals and non-profit organizations. These areas can serve as a lower intensity transitional use to adjacent residential areas. The following are policies to guide office areas:

- A combination of screening, increased rear setbacks and enhanced landscaping should be used to ensure adequate buffering from adjacent residential areas.
- Buildings are permitted to be two stories or less, however multi-story structures would be permitted with appropriate buffer and setback standards.
- At points of high visibility along non-residential arterials and major collectors and at intersections of minor arterials and major or minor arterials, major collectors and major or minor arterials, and minor collectors and major arterials.
- Convenient and accessible to residential areas.
- Providing a transitional land use between residential uses and higher intensity commercial land uses.
- The convergence of minor arterials and minor collectors and the convergence of major collectors and minor collectors may be appropriate for office uses but not light commercial uses.

Alternatively, high density residential is reflective of multifamily apartments. Depending on location, densities in high density residential may vary significantly. Garden style apartments have densities between 12 and 20 dwelling units per acre. Newer construction, particularly if a mixed-use configuration, has densities ranging from 20 to 30 dwelling units per acre. Higher densities would be more appropriate in Downtown Bryan and in mixed-use areas. High density residential can serve as a transitional use between low density neighborhoods and much higher intensities, such as commercial and industrial activity. The following are policies to guide high density residential areas:

- They are appropriate along major collector or arterial roadways.

- They serve as a buffer between commercial or retail uses and low density residential areas.
- Maximum acreage per individual development should be 30 acres or less.

Staff notes that both office and multifamily residential development are suggested to be located on major collectors or arterials and should be used as a transition to adjacent low density residential. In this specific case, staff believes that the policies outlined in the Future Land Use Plan would support multi-family residential on the subject property.

## **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.

**Existing features on and adjacent to the subject property, specifically Briar Creek tributary and the established Briar Meadows Creek and Briarcrest Park neighborhoods, require special attention during the site planning process. These features would need to be accounted for and protected no matter what kind of development is proposed for the subject property. Staff believes that Multiple-Family District zoning on these 6.2-acres could be appropriate at this location so long as the layout and scale of the development are carefully designed and laid out in a way that is sensitive to the existing conditions. Applicable City departments will review the proposal for its conformity with all required regulations and ordinances. Specifically, City civil engineers will request that the developer's design engineer submit a utility report to ensure sufficient water and sanitary sewer capacity, as well as a drainage report to ensure that the development is able to properly manage stormwater runoff.**

**The applicant states that in their current plan, 40 dwelling units are proposed, which would mean a ratio of 6.5 dwelling units per acre. The density proposed by this particular development is equal to that of a detached residential subdivision. This is far less than the maximum density of 25 dwelling units per acre that is permitted by right in the MF zoning district.**

**Staff believes that MF zoning is appropriate on the subject property even if the specific proposed development were not to move forward. Current conditions of the site and the natural topography lend themselves to creating a natural buffer between the existing residential neighborhoods. Per BluePrint 2040, high-density residential development is appropriate along major collectors or arterial roadways and should serve as a buffer between commercial or retail uses and low density residential areas. While high-density residential development is not specifically recommended by the Future Land Use Plan for this particular property, the proposed rezoning would be appropriate for the subject property according to the land use policies adopted by the same plan. Additionally, Office Development is proposed on the Future Land Use Plan, and multi-family development is potentially allowed with prior approval of a Conditional Use Permit in the Office District. While the applicants could request a rezoning of the subject property to Office District (C-1) and a simultaneous Conditional Use Permit for a multi-family dwelling, staff believes that MF zoning would be just as appropriate at this location and has the added benefit of not allowing for potentially unwanted and high-traffic commercial uses, including pharmacies, veterinary services or banks.**

Staff believes that the development of a multi-family residence at this location will promote orderly urban growth in an area of Bryan where residential development has been generally unhurried. Over 6,700 students are enrolled at Bryan's Blinn College campus, which notably lacks any on-campus student housing. MF zoning on the subject property would allow for residential development that fills the student housing gap for Blinn College, while also providing a transition to adjacent low-density residential.

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 contends that East Villa Maria Road, classified as a minor arterial street on Bryan's Thoroughfare Plan, is capable of accommodating traffic loads typically associated with multi-family development. Red River Drive, a local street, would not typically be sufficient for multi-family development; however, this portion of Red River Drive was previously designated as a minor collector on the City's Thoroughfare Plan. As a result, Red River Drive was constructed with 80 feet of right-of-way and 37-feet of pavement, which is 30 feet and 10 feet greater, respectively, than the minimum required by local street standards. Additionally, Staff finds the subject property to be adequately served by public water and sanitary sewer facilities.

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.

Because residential zoning districts, including MF district, are specific and limited in regards to the uses that are permitted by right, rezoning requests for these districts usually only occur in response to a specific development plan. At present, there is a shortage of vacant lots zoned for multi-family development in Bryan. Of the approximately 50 acres of property zoned MF district within a half a mile radius of the subject property, only seven of those acres remain vacant. Staff contends that if the requested change in zoning classification were approved, it will not make similarly-zoned properties in the City unavailable for development. In fact, the continued development and use of the subject property as multi-family may spur additional, complimentary development in the surrounding area.

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 multi-family residential growth is occurring at a moderate pace in other parts of the City, but there has been little recent demand for these developments in this general vicinity since the construction of the Camber Villas in 2012 on property located 600 feet to the north of the subject property along the north side of Nash Street.

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.

The majority of multi-family development within a half a mile radius of the subject property is age-restricted (Arbor Oaks and Waldenbrook Estates), and designed for a different demographic than what is being proposed on the subject property. However, even if the specific development proposed by the applicants does not come to fruition, staff believes that any of the other housing

types (condominiums, townhouses, duplexes, etc.) permitted by right in the MF zoning district would be appropriate on the subject property.

While the existing Camber Villas are similar in scope, staff does not believe that an additional option for housing in such close proximity to Blinn College will have a negative effect. If approved, staff anticipates this development to spark additional development in and around the general vicinity, which is seen as a positive indicator of growth.

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

As mentioned above, staff does have concerns regarding the proximity of the subject property to a large Briar Creek Tributary and established detached residential subdivisions. However, these concerns are not exclusive to multifamily development. Staff also believes that these concerns can be mitigated if careful consideration is paid to the layout and density of any proposed development. Prior to the construction of any structures on the subject property, a formal site plan submittal to the City's Site Development Review Committee (SDRC) will be required. During this review process, various City departments will review the proposal to ensure that all applicable ordinances and regulations are met including, but not limited to, building height, parking, stormwater detention, adequate utilities and protection of the Briarcreek Tributary and the required landscaping buffer.

Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.

#### **RECOMMENDATION:**

Staff recommends **approving** the proposed MF District zoning, as requested.

#### **ATTACHMENTS:**

- A. Excerpt from minutes of the regular May 15, 2003 Planning and Zoning Commission meeting where a similar zoning request was considered on the subject property;
- B. Excerpt from minutes of the regular September 4, 2003 Planning and Zoning Commission meeting where a second public hearing was held for the same zoning request originally considered on May 15, 2003;
- C. Excerpt from minutes of the regular September 18, 2003 Planning and Zoning Commission meeting where a third and final public hearing was held for the same zoning request originally considered on May 15, 2003; and
- D. Excerpt from minutes of the regular April 20, 2006 Planning and Zoning Commission meeting where a similar zoning request was considered on the subject property.

**EXCERPT FROM REGULAR MAY 15, 2003 PLANNING AND ZONING COMMISSION MEETING REGARDING A PREVIOUS ZONING REQUEST FOR THE SUBJECT PROPERTY:**

**16. PUBLIC HEARING/CONSIDERATION – REZONING (RZ 03-04)**

**Request to rezone property currently zoned ‘C’ Commercial & ‘SF5’ Single Family 5000 to ‘MF’ Multi-Family. This property is located off of East Villa Maria on Red River Drive, Bryan, Brazos County, Texas, approximately 15 acres.**

Missy Pollard, Assistant City Planner, presented the staff report (on file in Planning Services).

Ms. Pollard informed the Commission that the applicant is requesting the rezoning in order to develop an apartment complex on the site. Ms. Pollard informed the Commission that staff contends the uses permitted in an ‘MF’ Multi-Family zoning district are not appropriate for the entire subject area. Ms. Pollard explained that rezoning the ‘C’ Commercial part of the tract would be considered a “down-zoning”, to a generally less intense use, and would therefore be appropriate for that segment of the tract. Ms. Pollard explained that rezoning the ‘SF-5’ Single Family residential tract to ‘MF’ Multi-Family would only be appropriate if significant measures were taken to protect existing adjacent neighborhoods.

Ms. Pollard informed the Commission that the City of Bryan Future Land Use Plan reflects medium density for this parcel of land. Ms. Pollard explained that because an apartment complex is considered high density residential, this request would not be in accordance with the Plan. Ms. Pollard also informed the Commission that the request is not in accordance with the Thoroughfare Plan in the area, as the development would restrict the future construction of a street connecting Broadmoor and Red River Drives to William Joel Bryan Parkway.

Ms. Pollard informed the Commission that location of the site makes it a prime location for providing housing to the students of Blinn College, and that there is only a small amount of land available for multi-family housing in the area. Ms. Pollard informed the Commission, however, that these multi-family properties are being developed at only a moderate rate.

The Commission discussed the following with Staff:

1. Traffic – Overall, ‘C’ Commercial uses tend to lend themselves to more traffic than ‘MF’ Multi-Family uses, and ‘SF-5’ Single-Family uses lend themselves to less traffic than ‘MF’ Multi-Family. As staff has not seen a layout of the proposal, it is difficult to say what the traffic impact would be to either Red River or Debbie Drive; and
2. Multi-Family residential is usually considered a good buffer between the two uses; and
3. Density – ‘MF’ Multi-Family zoning provides for a maximum of 25 dwelling units per acre. The rezoning application states that no more than 15 dwelling units will be built. However, the rezoning does not enforce that number, and the developer could later decide to build as many as 25 units; and
4. Thoroughfare Plan – At this time, the city has no plans to construct the street which would connect Broadmoor and Red River Drives to William Joel Bryan Parkway. Usually, the developer is required to build new infrastructure.

The public hearing was opened.

Justin McSpadden, of 1901 Debbie Drive, informed the Commission of the following:

1. Debbie Drive is a dead-end street; and
2. High pressure gas line running across property; and
3. Future Land Use Plan – Identifies “Medium Density” as having 6 to 12 dwelling units per acre, and “High Density” as having 12 to 24 units per acre; and
4. Disturbed that the assisted living facility, Millican House, was not contacted about the proposal; and
5. Comparison of police calls – In one year’s time, Debbie Drive had 39 police calls, compared with 413 calls from the Hollow Hill apartment complex located on the other side of Blinn College.

Mr. McSpadden submitted to the Commission a petition against the rezoning (on file in the City Secretary’s office).

Wayne Dunlap, of 3104 Broadmoor Drive, representing the Briarcrest West Home Owners Association, informed the Commission of the following:

1. Oppose all rezoning proposals, including that of the ‘C’ Commercial tract to ‘MF’ Multi-Family Residential; and
2. Rezoning to ‘MF’ Multi-Family would be detrimental to the neighborhood visually, and with added noise and traffic; and
3. Estimates that rezoning the entire tract would bring 750 to 800 new people and 600 to 700 new cars to the area; and
4. Traffic increased on Broadmoor Drive when Trophy Drive was opened to the bypass. Traffic problems will increase if a multi-family development is built with access to Broadmoor Drive; and
5. The proposal would decrease property values and increase crime rates in the area.

Mr. Dunlap submitted to the Commission a petition against the rezoning (on file in the City Secretary’s office).

Martha McSpadden, of 1901 Debbie Drive, informed the Commission of the following:

1. 7 out of 15 homes on Debbie Drive are owned by retirees who have worked hard to maintain and improve the atmosphere of the neighborhood; and
2. This proposal is causing turmoil in the neighborhood; and
3. Purpose of the Commission is to protect homeowners from this very thing.

Judith Bennett, of 3303 Broadmoor Drive, informed the Commission of the following:

1. 55 years old and older age limit in Broadmoor makes for a quiet neighborhood; and
2. Once the city opened Trophy Drive, the police had to patrol and begin giving citations for speeding; and
3. All college students are the same – only like to party, get drunk, and make noise. This proposal will only bring more students to the area, disturbing the peace and quiet that is enjoyed there.

John Moore, of 2101 Red River Drive, informed the Commission of the following:

1. Privacy - Multi-family dwellings tend to be multi-storied. Students will be able to look into backyards and homes of the surrounding neighborhood; and
2. More students in the area most likely means more broken beer bottles and litter in residents’ front yards.

Peggy Neddo, of 2601 East Villa Maria, administrator of the Millican House, informed the Commission of the following:

1. 30-unit assisted living facility is already affected by heavy traffic during peak hours; and
2. This proposal would further impact the quiet setting needed for the elderly.

Aida Luna, of 2108 Red River Drive, informed the Commission of the following:

1. Has had to call the police a few times since college kids started moving into their neighborhood; and
2. Must watch children while they ride their bikes due to speeding drivers from Blinn College; and
3. Traffic on Villa Maria already backs up to Red River Drive; and
4. Privacy concerns; and
5. This proposal will only add to the problems of the neighborhood and decrease the value of their homes.

Ann Kellett, of 2103 Red River Drive, informed the Commission of the following:

1. Concerns about stormwater control – Addition of so much more impervious cover in the area will be devastating to homeowners who back onto the creek; and
2. Animals and rodents will be displaced from the site and end up in their homes; and
3. Concerns about disrupting the peaceful environment of the Millican House.

Marc Luther, of 2905 Briarcreek Court, representing the Memorial Forest Neighborhood Association, informed the Commission that the association agrees with everything else the other neighborhood associations have said tonight.

Ginger Freeze, of 2101 Red River Drive, informed the Commission of the following:

1. Thankful for the helpfulness of staff – especially Ms. Pollard; and
2. Error on agenda – Lists the proposal as affecting “Red Robin Drive” rather than Red River Drive; and
3. Traffic concerns for Debbie Drive; and
4. Neighborhood would prefer no rezonings at all, whether currently zoned ‘C’ Commercial or not.

Miriam Gerdes, of 2104 Red River Drive, a realtor in the area, informed the Commission of the following:

1. Dependent on students for their income, but do not want them living in neighborhood; and
2. Chose their house because of the quietness or the neighborhood and its dead-end street; and
3. Closest Apartment complex is Autumn Woods Apartments, which are 3 years old now and not even at full occupancy. Most students in the area prefer the atmosphere of College Station. Currently, there is no need for a rezoning to high-density residential; and
4. Concerns for traffic, noise, etc. that would result from the proposal.

Everett Laird, of 2105 Red River Drive, informed the Commission that he agrees with everything that has been said tonight.

Diane Klebenow, of 2602 Trophy Drive, representing the Briarcrest Northwest Home Owners Association, informed the Commission of the following:

1. The association is in opposition to this proposal; and
2. Since Trophy Drive was opened up, the neighborhood has been overwhelmed by traffic. Should a new apartment complex be built in the area, the neighborhood could see 2-3 times more vehicles.

Barbara Peevey, of 1903 Debbie Drive, informed the Commission of the following:

1. This proposal would be adjacent to her property; and
2. If Autumn Woods is only 85 percent full, and already receives 413 police calls per year, a couple hundred additional calls would result if the complex reaches full occupancy.

Rusty Gerdes, of 2104 Red River Drive, informed the Commission of the following:

1. Researched home before buying, knowing that Blinn College was across the street, and felt secure with the 'SF-5' Single Family residential zoning; and
2. The Commission should think about how they would feel if this proposal were next to their home; and
3. The Commission should concur with the recommendation of the city planners.

Lynn Laird, of 2808 Broadmoor Drive, informed the Commission of the following:

1. Broadmoor Drive was not made for the kind of traffic it receives – Its pavement is already deteriorating; and
2. The Commission should also consider the cost to the city for maintenance of infrastructure, as well as the financial burden to the families whose property values would decrease.

Jay Brees, of 3207 Broadmoor Drive, informed the Commission that he agreed with the sentiments of the people in his neighborhood that were going on the record as against this proposal.

Larry Freeze, of 2101 Red River Drive, informed the Commission of the following:

1. Researched every zoning area before buying his home – Felt secure in his decision; and
2. With the money lost in the stock market recently, his family couldn't handle another loss on his home; and
3. Agrees with everything else that has been said tonight.

Joan Tatge, of 2100 Red River Drive, informed the Commission of the following:

1. Commends staff for their recommendation of denial; and
2. Researched the thoroughfare plan before buying home – Was assured that Red River would remain a dead-end street; and
3. Buying their home was a long-term plan – Stretched budget in order to afford a home in an area that they could one day retire in; and
4. There are increasingly more young families and retirees in the area – This proposal is not an appropriate zoning request.

Charles Phelps, of 3116 Broadmoor Drive, informed the Commission of the following:

1. Appreciative of the Commission's decisions in previous situations; and

2. The proposal would be a problem for the entire community; and
3. Since Trophy Drive was opened, traffic in the neighborhood has increased close to ten-fold; and
4. Agrees with most everything else that has been said tonight.

Helen Hart, of 3007 Broadmoor Drive, informed the Commission that she agrees with everything else that has been said against the rezoning, and that she wants to continue living in a quiet neighborhood with no disturbances.

John Godfrey, of 2810 Broadmoor Drive, informed the Commission of the following:

1. Last traffic count for Broadmoor Drive was 1200 cars a day; and
2. Lately, he and his neighbor have lost mailboxes, which cost about \$800 to replace; and
3. The apartment complex north of College Park has never been full in the past 2 years. The Commission should make sure the surrounding apartment complexes are at full-occupancy before considering a rezoning to 'MF' Multi-Family residential.

Wesley Summers, of 3123 Broadmoor Drive, informed the Commission of the following:

1. Member of the Briarcrest Northwest Home Owners Association; and
2. Also has concerns about additional traffic and safety; and
3. Researched zoning and property location before buying his home; and
4. Proposal will depreciate the value of his home.

Greg Taggart, of 1008 Madera Circle, College Station, Texas, representing the applicant, informed the Commission of the following:

1. Listened to and understands the feelings of the neighborhood in this matter; and
2. What constitutes "Medium-Density" housing is an academic question – Some land use planning texts consider 15 dwelling units per acre to be medium density; and
3. Privacy issue – Modern apartment design turns "blind walls" towards single family residential areas, preventing everyone from losing their privacy, and allowing the complex to focus in on itself; and
4. No schematic designs of the proposal yet, as the group first wanted to pursue the rezoning; and
5. The group is open to meeting and discussing the design with the neighborhood; and
6. Property value issue – Saying that property values will certainly decline is incorrect, based on information available from the Brazos County Appraisal District. Cites example of College Ridge Apartments located next to a single-family residential neighborhood in College Station, where land value appreciated over a 10 year period; and
7. Not saying property values cannot decline if the apartment complex is poorly designed and maintained; and
8. Drainage and traffic issues – Proper engineering will be used to design appropriate traffic and detention/ flood control measures.

Alice Smith, of 3211 Broadmoor Drive, informed the Commission of the following:

1. Agrees with everything the homeowners have said in opposition of the proposal; and

2. Disagrees with Mr. Taggart – Property values will decline. Cites example of her previous home on Sweetbriar. After Tahoe apartments were built, the value of her home greatly decreased.

Miriam Gerdes, of 2104 Red River Drive, informed the Commission of the following:

1. In response to Mr. Taggart – Yes, property values can increase if a good developer is involved; and
2. The Commission cannot control the design of the complex after the property is rezoned and sold.

The public hearing was closed.

Missy Pollard, Assistant City Planner, informed the Commission of the following:

1. The Millican House was notified as Texas ALC Partners LP Bluebonnet House in Portland, Oregon, as per the Brazos County tax record dated February 24, 2003; and
2. Notification letters did list the proposal location as “East Villa Maria at Red River Drive”. Therefore, there is no legal issue regarding the error on the agenda.

Commissioner Rosas made the motion to deny rezoning (RZ 03-04), based on staff findings, and Commissioner Conlee seconded the motion.

Commissioner Nelson discussed the following:

1. The passage of zoning allows property owners the right to this process; and
2. A “dead-end” street can in all likelihood be extended in the future. The only way a street is prevented from extension is by having a cul-de-sac; and
3. Thoroughfare plan has been in effect for 25 years. The plan’s intention has always been to get Broadmoor Drive out to Villa Maria for additional access to William Joel Bryan Parkway. This should protect the people in the neighborhood by allowing traffic out, rather than through the neighborhood.

Commissioner Rosas discussed the following:

1. Thankful for students; and
2. The people who bought these homes understood the area to be a retirement center (i.e. age limit in deed restrictions, proximity to medical center). Developers should not try to change the game plan here; and
3. This proposal is not fair to the people who live there, and the Commission should strongly deny this request.

The motion passed with a unanimous vote.

**EXCERPT FROM REGULAR SEPTEMBER 4, 2003 PLANNING AND ZONING COMMISSION MEETING REGARDING A PREVIOUS ZONING REQUEST FOR THE SUBJECT PROPERTY:**

**11. PUBLIC HEARING/CONSIDERATION – REZONING (RZ 03-04)**

**Rezoning request from ‘C’ Commercial District & ‘SF-5’ Single Family 5000 District to ‘PD-H’ Planned Development - Housing District, this property is located near the intersection of East Villa Maria and Red River, Bryan, Brazos County, Texas.**

Ms. Pollard informed the Commission that the applicant has requested this item be postponed to the next regularly scheduled meeting. Ms. Pollard informed the Commission that the public has been notified of the item, and that staff recommends opening of the public hearing so that any citizens who attended the meeting for this item may be heard.

The public hearing was opened.

Sunny McSpadden, of 1901 Debbie Drive, informed the Commission of the following:

1. This battle has been fought before; and
2. Regardless of the zoning designation, an apartment complex is still an apartment complex.

Martha McSpadden, of 1901 Debbie Drive, informed the Commission of the following:

1. The neighborhood will not accept student housing in the midst of private homes; and
2. In meeting with Mr. Taggart, the neighborhood expressed interest in the development of retirement housing, which is in great demand. Such a development would be a win-win situation for everyone involved.

Ginger Freeze, of 2101 Red River Drive, informed the Commission of the following:

1. The Commission must consider neighborhood integrity; and
2. Though the developer has met with the neighborhood, his new plans still raise concerns for traffic, noise, etc.

The public hearing was closed.

Commissioner Benson made the motion to postpone rezoning (RZ 03-04) until the regular meeting of September 18, 2003, and Commissioner Casey seconded the motion.

The motion was passed by a unanimous vote.

**EXCERPT FROM REGULAR SEPTEMBER 18, 2003 PLANNING AND ZONING COMMISSION MEETING REGARDING A PREVIOUS ZONING REQUEST FOR THE SUBJECT PROPERTY:**

**11. PUBLIC HEARING/CONSIDERATION – REZONING (RZ 03-04)**

**Rezoning request from ‘C’ Commercial District & ‘SF-5’ Single Family 5000 District to ‘PD-H’ Planned Development - Housing District, this property is located near the intersection of East Villa Maria and Red River, Bryan, Brazos County, Texas.**

Missy Pollard, Assistant City Planner, presented the staff report for item 11 (on file in Planning Services).

Ms. Pollard informed the Commission that on May 15, 2003, the Commission recommended denial of the rezoning request for this property to ‘MF’ Multi-Family. Ms. Pollard informed the Commission that the applicant has revised the submission to a ‘PD-H’ Planned Development – Housing designation, per recommendation of staff, to require the developer to mitigate development factors affecting the surrounding neighborhood.

Ms. Pollard informed the Commission that on July 2, 2003, the owner/applicant held a public meeting and invited all property owners within 200’ of the site to discuss design solutions that would mitigate the neighborhood’s concerns. Ms. Pollard informed the Commission that of the 30 people were in attendance; the general consensus was that the neighbors were unwilling to consider any type of development other than single family residential.

The Commission discussed the following with Staff:

1. Public access from the proposed collector – A compromise both parties can support; and
2. Public meeting with neighborhood – Multi-Family is not desired; and
3. Clarification of current zoning – Portion from Debbie Drive to the left is zoned ‘C’ Commercial and to the right is zoned ‘SF-5’ Single Family 5000; and
4. Collector street – Contingent on the developer buying property from the assisted living complex; and
5. The developer has addressed the Master Thoroughfare Plan.

The public hearing was opened.

Sunny McSpadden, of 1901 Debbie Drive, informed the Commission of the following:

1. Red River is a neighborhood full of retirees; and
2. Concerns for increased traffic, crime, and noise due to the addition of an apartment complex.

Mr. McSpadden submitted a petition to the Commission, signed by the neighborhood against this proposal.

Peggy Nedo, representing Assisted Living Concepts at 2601 East Villa Maria, informed the Commission of the following:

1. To her knowledge, her company has not been approached about the purchase of the land needed for the proposed collector.
2. Totally opposed to this proposed collector locating directly next to their building, emptying possibly 200 cars into their driveway; and
3. Want to keep the facility quiet and peaceful.

Peggy Sachtleben, of 2110 Red River, informed the Commission of the following:

1. Bought home to retire in peace; and
2. Former apartment manager – There will be an increase of crime and drug/ alcohol abuse in the area; and
3. Attraction of low-income people to the area.

Wayne Dunlap, of 3104 Broadmoor Drive, representing the Briarcrest Northwest Homeowners' Association, informed the Commission of the following:

1. This proposal is practically the same as the last; and
2. A single family residential development would bring 5 times less people and 8 times less vehicles to the area; and
3. Overbuilt apartment market; and
4. The project will quickly go to low-income; and
5. Developers will most likely sell the project rather than stay behind to make sure it is well-managed.

Ginger Freeze, of 2101 Red River, informed the Commission of the following:

1. Developers do not understand the area – College students want to be in College Station; and
2. Area around St. Joseph's Hospital is geared towards retirees; and
3. Property value concerns; and
4. Neighborhood integrity would be jeopardized.

Anna Kellett, of 2103 Red River, informed the Commission of the following:

1. Increase in impervious cover will increase danger of flooding to existing residents; and
2. Personal experience - proposed detention pond will not help.

Barbara Peevey, of 1903 Debbie Drive, informed the Commission of the following:

1. Crime statistics of Autumn Woods apartments; and
2. Only 78.5% occupied, though located directly next door to Blinn College; and
3. This project proposes double the amount of bedrooms; and
4. Increased traffic to an already stressed area – Students today will not walk to class, regardless of how close they live.

Miriam Gerdes, of 2104 Red River Drive, informed the Commission of the following:

1. Manager of Autumn Woods apartments – Parties get out of hand; and
2. Developers are concerned with reselling; and
3. Autumn Woods is in financial difficulty and has never been more than 75% occupied; and
4. As property conditions decrease, so will the clientele; and
5. Realtor in the area – Single family use is better use for the land.

Charles Phelps, of 3116 Broadmoor Drive, informed the Commission of the following:

1. Moved to neighborhood because of proximity to the hospital; and
2. Need for more retirement communities in the area.

Richard Peevey, of 1903 Debbie Drive, informed the Commission of the following:

1. Diminished quality of life; and
2. Environmental concerns.

Joan Tatge, of 2100 Red River, informed the Commission of the following:

1. Did zoning research before moving into home; and
2. Significant investment – Planned to raise kids and retire there; and
3. Bryan should have a different vision for its community than College Station; and
4. Bryan should stick to its plan and not rezone from ‘SF-5’.

Wanda Hall, of 2109 Red River, and Carlos Luna, of 2108 Red River, said ditto to all opinions presented against the rezoning.

Greg Taggart, of 1008 Madera Circle, College Station, Texas, representing the applicant, discussed the following with the Commission:

1. Sage Properties is nationally recognized for quality development; and
2. Dr. Branson, real estate expert, determined there is a market for new apartments in Bryan; and
3. Addressed concerns for property values, noise, crime, and traffic – Research shows this proposal is a reasonable use for the land; and
4. Project will be more than 65’ away from the nearest neighbor – Designed in a way to have the least impact on the existing neighborhood; and
5. Proposed collector street will not affect the assisted living center’s existing infrastructure; and
6. Proposed collector street location was the most technically feasible route. If the assisted living center will not sell their property, alternative routes will be pursued; and
7. Land values are affected by property tax increases – The appraisal district is legally bound to reflect market values in their appraisals.

Joan Tatge, of 2100 Red River, informed the Commission of the following:

1. Hazard of student pedestrian increase on a major thoroughfare; and
2. Disagrees with Mr. Taggart’s research on property values, crime, noise, etc.; and
3. Proposal reflects a short-term benefit, but the Commission is held to assessing in the long term.

Lawrence Freeze, of 2101 Red River, informed the Commission of the following:

1. Apartments are all the same; and
2. Not discriminating against students – Just want single family homes there instead of multi-family.

The public hearing was closed.

The Commission recessed at 7:48 p.m.

The Commission reconvened at 7:55 p.m.

Commissioner Haynes made the motion to recommend denial of rezoning request (RZ 03-04), and Commissioner Benson seconded the motion.

The Commission discussed the following:

1. Step-down zoning – using an apartment as a buffer between commercial and residential use is good planning; and
2. Zoning should protect the neighborhood; and
3. This area is geared towards retirees and the elderly; and
4. Thoroughfare Plan – Do not know that the proposed collector is a good idea;

and

5. The proposal doesn't fit with the area and the Commission is obligated to protect the vision and investment of those homeowners.

Commissioner Walker called the question.

The motion was passed by a unanimous vote.

**EXCERPT FROM REGULAR APRIL 20, 2006 PLANNING AND ZONING COMMISSION MEETING REGARDING A PREVIOUS ZONING REQUEST FOR THE SUBJECT PROPERTY:**

**10. PUBLIC HEARING/CONSIDERATION – Rezoning (RZ 06-04)**

*This is a request to change the zoning classification from a combination of 'C' Commercial District and 'SF-5' Single-Family Residential District - 5000, to 'MF' Multi-Family District on 6.959 acres of vacant land generally located at the northeast and southeast corners of E. Villa Maria Road and Red River Drive, in east central Bryan, Texas.*

Martin Zimmermann, Project Planner, presented the staff report (on file in Planning Services). Mr. Zimmermann informed the Commission that the applicants are requesting this zone change to accommodate a planned multi-family apartment complex at this location.

Mr. Zimmermann discussed the following with the Commission:

1. The 'MF' zoning classification is primarily intended for apartments and other forms of multi-family residential buildings; and,
2. Multi-Family residences at this location will promote a balanced pattern of land use and provide a transition of land use intensities; and,
3. MF zoning on the subject property will provide a useful transition between anticipated commercial use and existing and anticipated single-family residences; and,
4. The subject property adjoins Villa Maria Road, a major collector street, capable of accommodating traffic loads that are associated with these types of developments; and,
5. There is currently no land zoned for multi-family residential development available in this area; and
6. There maybe land zones multi-family use and available for development elsewhere in the City; and,
7. There continues to be a high demand for a variety of housing options; and,
8. Staff contends that all residential developments are developing at a rapid pace, in this vicinity and elsewhere in the City; and,
9. If the proposed zoning change are approved, staff believes there to be few if any effects on other areas designated for similar developments; and,
10. This proposed development should not adversely affect health, safety, morals, of general welfare; and,
11. MF zoning Is likely to have minimal direct detrimental impacts on the appearance, comfort and value of existing nearby single-family residences; and,
12. Staff recommends approving 'MF' zoning as requested by the applicants; and,
13. Staff mailed 34 letters of notification to nearby property owners and received no written responses.

The Commission asked staff the following:

1. Were there any telephone calls made?  
Staff responded no.
2. How deep is the property on the south side and is it deep enough to accommodate what we are considering?  
Staff responded that the portion of the subject property adjacent to the south side of Red River Drive is at least 100 feet in depth and could conceivably accommodate a variety of residential structures allowed under MF zoning.
3. Would staff still recommend approving MF zoning at this location even if Red River Drive were not planned to be closed?  
Yes, 'MF' zoning at this location can provide a useful transition of land use intensities.

2. Is it correct that the proposed closing of Red River Drive is not part of this rezoning request?  
Staff responded that the proposed closing of Red River Drive is not the issue at hand at this time.

The public hearing was opened.

Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, informed the Commission of the following:

1. He is the attorney for the Burton Creek Association; and,
2. This is the first phase of a multi-phase area of development; and,
3. This is proposed to be a senior citizen complex with 154 units, including 94 1-bedroom and 60 2-bedroom apartments; and
4. The development will have a 40-year land use restriction requiring that at least one resident in each dwelling unit is at least 55 years of age; and
5. There will be no children living on the property; and,
6. The property owner does not want to rezone the property until the sale is complete; and,
7. Respectfully asks the Commission to recommend approving this request for MF zoning, but delay the report to the City Council for a period up to 90 days, as allowed by the Zoning Ordinance; and,

The Commission asked Mr. Peterson the following:

1. Residents in the proposed apartment complex have to be 55 years of age or older?  
Yes, at least one resident per dwelling has to be at least 55 years of age.
2. Will there only be two residents allowed per dwelling?  
Not necessarily, it could be more but the specifics are not known at this time.
3. Are there no children allowed on the property?  
No minors under the age of 18 will be allowed.
4. Why does the owner want to wait to take this rezoning request to the City Council?  
The current property owner would prefer to keep portions of this property zoned commercial in case the proposed apartment development does not go through.

Robert Birchfield, 6011 Cuban Court, Houston, Texas, informed the Commission of the following:

1. The City of Bryan supported the tax credit application for this apartment project; and
2. Believes it to be an excellent idea; and,
3. He has built many similar apartment complexes in different communities; and
4. Marketing studies have shown a high demand for such units in this area.

The Commission asked Mr. Birchfield the following:

1. Are you planning on selling any units?  
The apartment complex is planned to remain under unified ownership and control. The sale of individual units is not planned at this time.

Sunny McSpaden 1901 Debbie Drive, Bryan, Texas, informed the Commission of the following:

1. Would like to see Red River Drive closed; and,
2. Traffic generation would be too high for the adjoining single-family residential neighborhood; and,
3. Developer has informed him that a fence would be built between his property and the subject property.

Martha McSpaden 1901 Debbie Drive, Bryan, Texas, informed the Commission of the following:

1. Is thankful that a similar apartment complex intended for occupancy by students was not approved when it was proposed at this same location several years ago; and,
2. Believes that the age restriction will keep the neighborhood quiet; and,
3. Supports closing of Red River Drive.

John Bradenburg, 2628 Trophy Drive, Bryan, Texas, informed the Commission of the following:

1. He lives in an age-restricted neighborhood and loves it; and,
2. Expresses his support for the entire project;
3. Thinks that this area could become a showplace for the elderly and the City.

The public hearing was closed.

Commissioner Clark made a motion to recommend approving Rezoning case no. RZ 06-04 accepting the findings of staff and allowing staff, at its discretion, to defer a report on this matter to the City Council for no more than 90 days, and Commissioner Horton seconded the motion.

The Commission discussed the following:

1. The project appears to be a good use for the land; and
2. Do not want to see property values decline; and,
3. The project seems to have the support of the adjoining neighborhood.

The motion was passed with a vote of 6-1. Commissioner Bond cast the vote in opposition.

**WRITTEN REQUEST FROM PROPERTY OWNER'S AGENT TO DELAY COUNCIL CONSIDERATION TO THE APRIL 12, 2022 MEETING:**

**Williams, Katie**

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**From:** Jeremy Richmond [REDACTED]  
**Sent:** Thursday, February 10, 2022 10:22 AM  
**To:** Williams, Katie  
**Subject:** RZ22-01 - 6.3 Acres at 2539 E Villa Maria

**Notice: EXTERNAL EMAIL! Phishing = #1 threat to Cyber Security. Is this a phishing email? – Look again!**

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Katie,

On behalf of the owners of the above referenced property, we are requesting the rezoning to be delayed until the April 12 council meeting. Please proceed with the Planning & Zoning meeting on February 17<sup>th</sup> as planned, but we'd like to make sure rezoning is added to a later council agenda.

Thanks,



**JEREMY RICHMOND, CCIM**  
Managing Director | Land Services

[REDACTED]  
2800 South Texas Avenue, Suite 401, Bryan, TX 77802

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