

September 1, 2022

**Rezoning case no. RZ22-13: Bryan Independent School District**

**CASE DESCRIPTION:** a request to amend the development standards of a previously-approved Planned Development – Mixed Use District (PD-M), specifically to allow for the construction of a Bryan Independent School District-operated maintenance and transportation facility

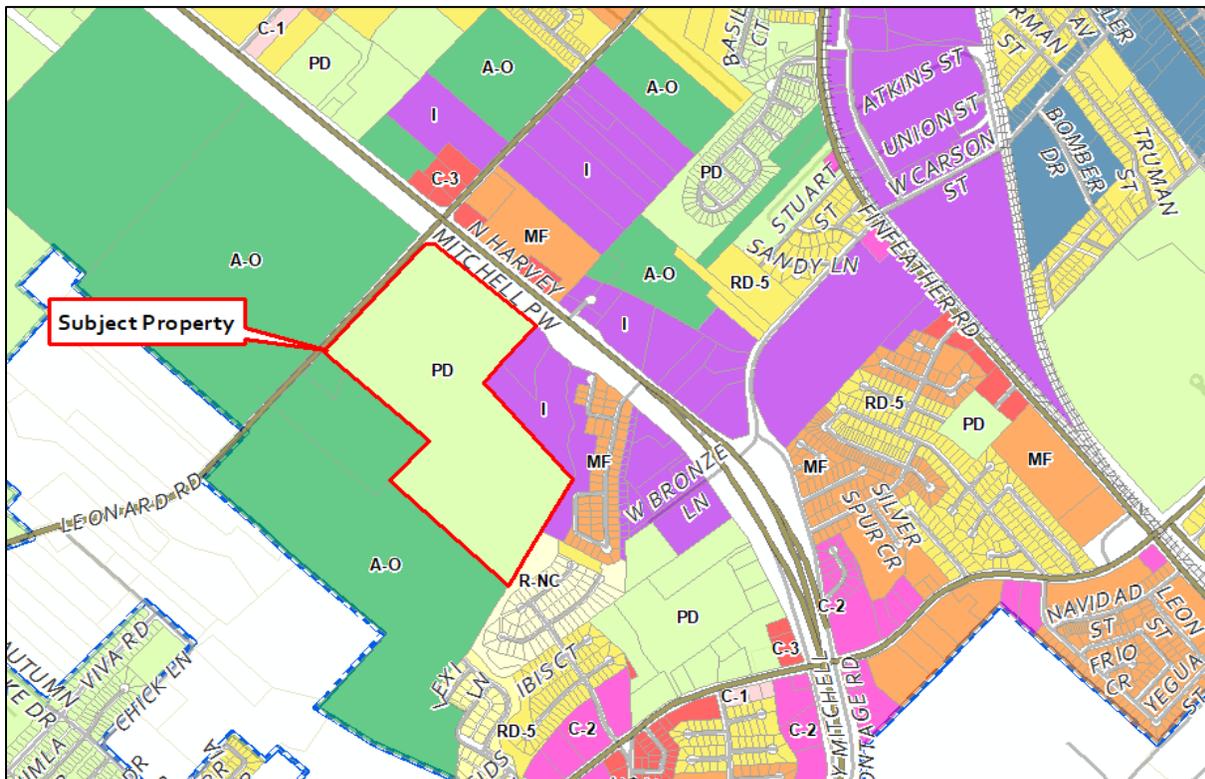
**LOCATION DESCRIPTION:** 95.29 acres of land out of the Zeno Phillips League, A-45, adjoining the west side of North Harvey Mitchell Parkway between Leonard and West Villa Maria Roads

**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** Bryan Independent School District

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

**SUMMARY RECOMMENDATION:** Staff recommends **denying** the proposed rezoning.



**AERIAL IMAGERY, 2021:**



**BACKGROUND:**

The applicant, Bryan Independent School District (BISD), proposes to amend the existing planned development land uses and development standards of this 95.29-acre subject tract in order to construct the new Ruby Haliburton Maintenance and Transportation Facility. The existing transportation facility, located at southeast corner of Wilkes Street and North Earl Rudder Frontage Road, is scheduled for demolition in order to allow for the ultimate construction of the new Sadberry Intermediate School.

Over the past three years, BISD has explored a number of sites that could potentially house the new maintenance and transportation facility. On June 9, 2022, BISD purchased the subject property from the previous owners, Blinn College District.

A previous proposal was considered by the Planning and Zoning Commission during their regular meeting on August 4, 2022. This proposal was recommended for denial by a vote of six (6) to one (1), with Commissioners stating that the location of the maintenance and transportation facility did not meet the

intent of the Future Land Use Plan and that there should be a retail component reserved and incorporated into the proposal. The minutes from this meeting are attached to this report.

Since the August 4, 2022 Planning and Zoning Commission meeting, City staff has met with BISD representatives to discuss possible revisions to the development plan that could provide flexibility for use by the school district or private development in the future. On Tuesday, August 23, staff authored a revised development regulations document, which incorporated the P&Z recommendations and suggestions that staff had made to the applicants as far back as October 2021. Staff's proposal, which is attached to this staff report, expanded the original BISD development into four land use areas, each with a unique list of permitted and conditional uses. The land use areas are summarized as follows:

- Land Use Area I - located at the highly visible corner of North Harvey Mitchell Parkway (FM 2818) and Leonard Road (FM 1688), and intended for a variety of uses ranging from high-density residential to retail.
- Land Use Area II, formally referred to as the Transportation and Logistics District, is intended primarily for the uses directly associated with housing and maintaining the school district's fleet of school buses and other vehicles. This land use area has been relocated away from the property frontage along North Harvey Mitchell Parkway (FM 2818).
- Land Use Area III, previously referred to as the General Office District, is located on the southern half of the subject property, and similar to Land Use Area I, contains a variety of permitted uses primarily oriented towards office and auxiliary educational support uses.
- Land Use Area IV contains over 15 acres of conservation area, and is virtually unchanged from the previous proposal. This conservation area will be maintained in order to provide a natural buffer and wildlife habitat, and consequently, the permitted uses within this land use area are heavily restricted. The permitted uses for this area include parks and/or multi-modal trails and outdoor educational facilities.

On Thursday, August 25, BISD responded to staff with a development exhibit that reflected the four land uses area, but significantly altered language in the plan including that relating to specific development regulations. BISD then offered further revisions, which were received by staff on Friday, August 26. Staff found the plan language inappropriate for several reasons and determined it unusable for the purposes of a development plan that could ultimately serve as part of the Bryan Code of Ordinances. Staff is unable to support the proposal in its submitted form. The most recent version of BISD's proposed development regulations is attached to this staff report. A redline version highlighting the differences between the City staff and BISD proposals is attached as well.

Staff has advised the applicant that the proposed development regulations are inappropriate within the immediate area, and that they fail to adequately establish land uses within the proposed zoning district. Consequently, staff is not able to recommend approval of the proposal.

The existing zoning of the subject property is Planned Development – Mixed Use District (PD-M), which was approved in 2015 in response to Blinn College's proposed new campus. Prior to any construction, Blinn and TAMU System leadership determined that RELIS campus would be the preferred option for housing new Blinn College programs, thus the subject property has remained vacant.

On October 4, 2021, staff met with BISD officials, architects and engineers to discuss development of the subject tract for the purposes of the maintenance and transportation facility. As recorded in the minutes of that meeting BISD stated that their initial plans included:

- Transportation and Maintenance Building, potential elementary school, other auxiliary buildings
- T&M building would be in back of property, office and other auxiliary buildings closer to Leonard
- Buses will take access to Leonard as well as N Harvey Mitchell.

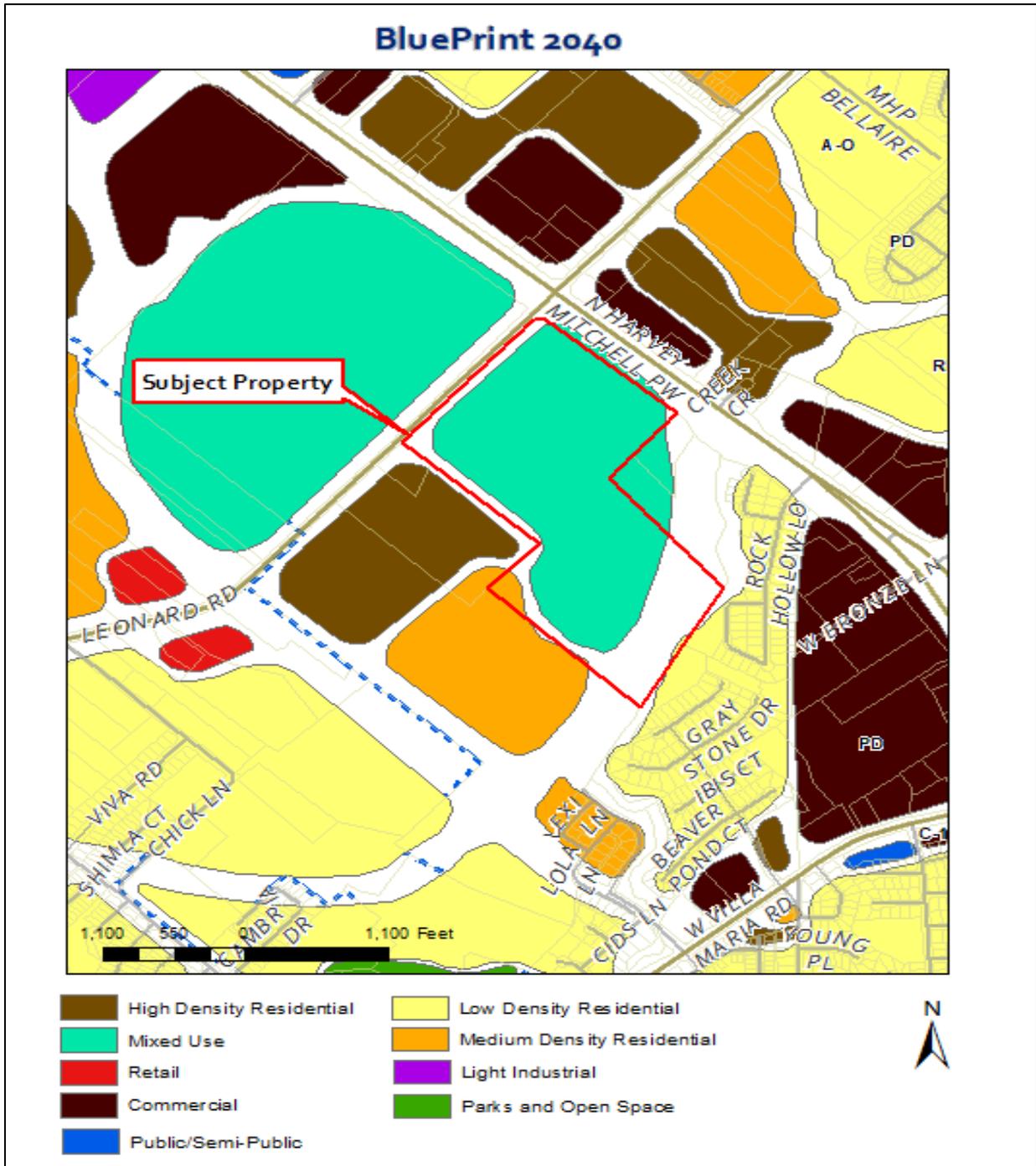
During the meeting, the City of Bryan Planning staff agreed to create a Planned Development District document that would replace the existing Blinn College PD ordinance. On December 21, 2021 staff submitted the planning documents to the engineering firm, Jones & Carter (now Quiddity Engineering), and BISD's agents. In addition to the text describing land use and development standards, a map describing the location of land uses was included. The map sent in December 2021 is inserted below.

**DECEMBER 21, 2021 PROPOSED DEVELOPMENT PLAN DRAWING:**



Property to the north and west is unimproved acreage and is zoned Agricultural – Open District (A-O). Property to the east, across North Harvey Mitchell Parkway, is zoned a combination of Commercial District (C-3) and Multiple-Family District (MF) and improved with new construction apartment buildings and a convenience store. To the south, property is zoned a combination of Industrial District (I) and Residential – Neighborhood Conservation District (R-NC). Due the location of floodplain, this adjacent property has remained undeveloped, and nearly 13 acres is owned and maintained by the City of Bryan as part of the Turkey Creek walking trail.

**RELATION TO BLUEPRINT 2040:**



The City of Bryan's Comprehensive Plan, BluePrint 2040, includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns. The subject property is envisioned as being used for mixed-use development. Areas with this land use designation are intended for an appropriately planned mixture of non-residential and residential uses. Mixed-use areas are intended to provide flexibility for the City and the development community in order to encourage innovative, unique, and sustainable developments. The following are policies to guide mixed-use areas:

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

#### **ANALYSIS:**

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

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

**Staff contends that generally, the proposed PD-B zoning could be appropriate on the subject property, however not as proposed by the applicant. In the BISD development proposal attached to this report, the applicant refers to their rights as an independent school district and states that the purpose of the development regulations is to guide development, *"but only to the extent applicable for the furtherance of the Bryan Independent School District's operation..."* The applicant's removal of all references to the development maintaining a harmonious and cohesive relationship with the surrounding area is intentional, and without the applicant's cooperation and careful consideration of land use and appearance, this development cannot be supported by staff.**

**Without properly defining the proposed uses, staff finds that it is likely that development created by this planned development, if it were approved as submitted, would generate land uses that are harmful to the immediate area concerned and the City as a whole.**

**Staff finds that the proposed land uses as described by the applicant are inappropriate within the immediate area, and fail to adequately clearly establish land uses within the proposed zoning district. Staff finds that the proposal is an impermissible delegation of discretion in defining permitted land uses.**

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 finds that there is adequate capacity in the area for extension of public water and sewer utilities. In accordance with the City's thoroughfare plan, 80 feet of right-of-way for the Viva**

**Road extension, a major collector designated roadway, will be dedicated for public use and connection to North Harvey Mitchell Parkway as part of the platting process.**

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.

**The current PD-M district zoning on the subject property is functionally obsolete as the proposed Blinn College Campus development it was created for is no longer moving forward at this location. Given that the requested arrangement of land uses is somewhat unique, staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.**

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

**Staff contends that light industrial and commercial developments are developing at a moderate pace in this general vicinity and within the various industrial parks located within the City. Staff observes that within the past few years there has been a general increase in interest for residential and retail development in the vicinity of the Leonard Road (FM 1688) and North Harvey Mitchell Parkway (FM 2818) intersection. Of note is the fact that since 2015, over 1000 lots intended for residential development have been platted within a mile west of the subject tract. Staff contends that reasonable stewardship of available land that could provide retail service opportunities for those living in the area is an important function of the planning process.**

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.

**As mentioned above, the requested arrangement of land uses is unique, and no areas in the city are specifically designated for similar development. While staff finds that there is an arrangement of land uses and development criteria that would be appropriate at this location, the proposed PD-B District, if approved, could trigger a need to modify the zoning designation for other areas designated for industrial and heavy commercial developments. To allow the applicant to develop as proposed, with little to no observation of physical development criteria, would create a dangerous precedence for industrial uses in the future, especially in relation to a major City thoroughfare, in this case, North Harvey Mitchell Parkway.**

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

**Staff finds that there are factors related to this request that will adversely affect health, safety, and general welfare. As presented, the development regulations list the following statement as a permitted use,**

***“Bryan ISD will not move forward with any development without discussion, collaboration, or approval, to the extent necessary within the scope of the law, from the City of Bryan.”***

**This statement is an example of contract zoning, which is not a land use, nor is a process legal in the State of Texas.**

**Without these uses being defined, staff is unable to determine what the school district intends to develop at this location. If this planned development were to be approved as presented by the applicant, it is entirely possible that the development could affect the health, safety or general welfare of Bryan residents.**

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 finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance. Staff does not believe that the proposed amendments involving this 95.29-acre planned development will be compatible with existing and anticipated uses surrounding this property. The development regulation language proposed by the applicant eliminates the requirement for compatibility with surrounding property in regards to building height, setbacks and open spaces, landscaping and on-site circulation features. Without the planned application of mitigating factors to reduce the potential negative effects on surrounding property, staff can only consider the proposed planned development to be incompatible and contextually inappropriate given its location on the intersection of a major City thoroughfare.**

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 finds that as proposed, the development will create unfavorable effects or impacts on other existing or permitted uses on abutting sites. Previously, staff identified concerns regarding the visibility of a high-intensity use from a major City corridor (North Harvey Mitchell Parkway) as well as compatibility with the existing land uses surrounding the subject property in the staff report dated August 4, 2022. However, staff was able to collaborate with the applicant on features that would mitigate these concerns, specifically relating to screening of industrial uses, lighting, and appropriate landscaping.**

**In the current iteration of the development regulations, the applicant proposes to eliminate these mitigating features for all land use areas besides Land Use Area I. Staff has significant concerns regarding the lack of carefully designed mitigating attributes intended to protect the public and adjacent landowners from harmful effects. If the development regulations were approved as proposed by the applicant, the developer would not be required to comply with any physical development criteria, including exterior building materials, landscaping, screening and signage on over 85 acres of land.**

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, as proposed by the applicant, the proposed development will adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The applicants have intentionally eliminated standards mandating minimum standards for on-site driveways. These standards are to ensure that emergency and solid waste vehicles have the ability to service**

**developments, and without them, staff finds that the development could adversely affect on-site traffic.**

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

**Signage is intended to safely guide drivers throughout and around developments, however, the applicant requests that signage regulations only apply to ten of the 95+ acres. Staff believes that as written, the development regulations will permit construction that could adversely affect traffic control, lighting and signage.**

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

**Staff finds that the proposal, as presented, would fail to protect persons and property from erosion, flood, fire, noise, glare and similar impacts. While the applicant would typically be required to comply with the proposed development regulations, the regulations were authored in a way that precludes 85+ acres of the subject property from conforming with any physical development criteria.**

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

**Staff believes that the proposed list of permitted land uses and development regulations as submitted by the applicant have the potential to adversely affect health, safety, and general welfare. As stated throughout this report, the applicant's recent proposal to eliminate from the development plan mitigating factors and physical development criteria for over 85 acres of land is a matter of concern. With no requirements to screen or adequately separate high-intensity uses from adjacent residential, significant negative effects to current and future development on area properties and improvements are anticipated.**

#### **RECOMMENDATION:**

Staff recommends **denying** this request to amend a previously-approved Planned Development District.

#### **ATTACHMENTS:**

1. Excerpt of minutes from the August 4, 2022 Planning and Zoning Commission meeting;
2. City staff proposed Planned Development – Business District (PD-B) development regulations;
3. BISD's revised proposed PD-B development regulations;
4. Redline version comparing staff-proposed and BISD-proposed PD-B development regulations;  
and
5. PD-B zoning exhibit.

**EXCERPT OF MINUTES FROM THE AUGUST 4, 2022 PLANNING AND ZONING COMMISSION MEETING:**

**3. Request for Approval of Zoning Changes - A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval).**

**d. Rezoning RZ22-13: Bryan Independent School District**

*A request to amend the development standards of a previously-approved Planned Development – Mixed Use District (PD-M), specifically to allow for the construction of a Bryan Independent School District-operated maintenance and transportation facility, being 95.29 acres of land out of the Zeno Phillips League, A-45, adjoining the west side of North Harvey Mitchell Parkway between Leonard and West Villa Maria Roads 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.

In response to a question, Ms. Williams stated a traffic impact analysis had been completed and submitted for review.

The public hearing was opened.

Manny Torres, Architect of Applicant, described the development of the site including the layout of the site plan, the number of buses that will be housed here, and there will be a berm around the north and west side of the site.

In response to a question, Warren Lanphier, Agent of the Applicant, stated traffic would not be impeded and a traffic signal will be installed.

Tyler Green, Engineer of the Applicant, stated there are no current plans for development of the southeast side of the property.

The public hearing was closed.

**Commissioner Salvato moved to recommend approval of RZ22-13 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 Bush seconded the motion.**

Commissioners discussed that they do not believe this is the best use of land and that the use is not supported within the Blueprint Plan.

**The motion failed with a vote of 6 to 1, with Commissioner Salvato casting the vote of approval.**

**Commissioner Boriskie moved to recommend denial of RZ22-13 to the Bryan City Council. Commissioner Beckendorf seconded the motion.**

**The motion passed with a vote of 6 to 1, with Commissioner Salvato casting the vote of opposition.**

## **PD-B DEVELOPMENT REGULATIONS PROPOSED BY CITY STAFF AUGUST 23, 2022:**

### **Proposed Planned Development – Business District (PD-B)**

#### **Section 1: General Purpose and Description**

The intent of this development plan is to guide planning of land use and physical development on the subject property. This PD-B District development plan shall direct the design, implementation, and growth of a sustainable auxiliary educational campus environment that meets the needs of the Bryan Independent School District and the City of Bryan, and allows for orderly and cohesive development within the District.

This development plan is also intended to set forth guidelines, which will promote aesthetic objectives such as protection of natural features and visual resources, and the use of quality materials to create and maintain harmony throughout the District and the North Harvey Mitchell Parkway (FM 2818) corridor.

#### **Section 2: 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.

In this specific context, the term *Auxiliary Educational Campus* (referred to as Campus herein) shall refer to the grounds and the buildings situated thereon, which are intended to house facilities that provide support to students, faculty or staff of a public school district.

*Conservation District* shall be an identified area which remains undisturbed and in its natural state to provide a wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area as well as existing ponds outside of the Turkey Creek system. Walking Trails can be incorporated into conservation areas where feasible with minimal disturbance. The Conservation District is further depicted in attached Exhibit A.

#### **Section 3: Land Uses**

This District provides for four different planning areas depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Uses permitted in each of these areas are listed below, any use not identified by these Development Regulations shall be assumed to be prohibited.

**Land Use Area I** - The land depicted on Exhibit “A” as Land Use Area I is intended to provide a complementary and context-appropriate combination of residential and commercial opportunities.

The following land uses shall be permitted by right in Land Use Area I:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Branch banks, savings and loans. or credit union offices;
- Child care, Class B and C;
- Essential municipal uses;
- Farmer’s Market;
- Fitness, recreational sports, gym, or athletic club;

- Food Service Uses such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation;
- Food services and/or restaurants, not including drive-through establishments;
- Hotels;
- Laboratories;
- Medical facilities or clinics;
- Multi- family dwelling unit and / or condominiums;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration etc;
- Parking, structured;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, laundromats, plant nursery, package liquor stores, and all incidental uses. Excluded from this category are retail sales and services establishments intended for the automobile, including motor fuel sales;
- Temporary structures for uses incidental to construction work on the premise;
- Theaters— indoor;
- Upper floor residential uses; and
- Veterinary clinic (no outdoor facilities for overnight storage of animals).

**Land Use Area II** - The land depicted on Exhibit “A” as Land Use Area II is intended to provide space for development of support facilities for the use of the Bryan Independent School District. The following land uses shall be permitted by right in Land Use Area II:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Essential municipal uses;
- Food preparation and distribution;
- Fueling point (nonpaid for noncommercial use);
- General office use;
- Lawn and Landscape Maintenance (Grounds Building);
- Parking lot (nonpaid for nonresidential use);
- Private recycling center of commercial and light industrial waste including tires, batteries and motor oil;
- School District Transit Garage (Bus Barn);
- Public Schools;
- Storm water management systems;
- Technology and network operation support;
- Temporary structures for uses incidental to construction work on the premises;
- Vehicle repair and maintenance; and
- Warehouse and storage.

**Land Use Area III** - The land depicted on Exhibit “A” as Land Use Area III is intended to provide for a variety of complementary and context-appropriate residential and commercial opportunities.

The following land uses shall be permitted by right in Land Use Area III:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the public;
- Essential municipal uses;
- Farmer’s Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation;
- Food services and/or restaurants, not including drive-through establishments;
- Government (federal or state) owned structures, facilities, and uses;
- Health, sports, and athletic training facilities;
- Lawn and Landscape Maintenance (Grounds Building);
- Multifamily dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration etc;
- Place of worship;
- Public Schools;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, laundromats, plant nursery, package liquor stores, and all incidental uses;
- Storm water management systems; and
- Temporary structures for uses incidental to construction work on the premises.

The following land uses shall be potentially permitted upon prior approval of a conditional use permit by the Planning and Zoning Commission in Land Use Area III:

- Detached dwelling units with no more than 4 unrelated persons;
- Live-work unit;
- Patio home zero lot line dwelling;
- Single family detached dwelling; and
- Townhouse.

**Land Use Area IV** - The land depicted on Exhibit “A” as Land Use Area IV is intended to remain undisturbed and in its natural state to provide wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area as well as existing ponds outside of the Turkey Creek system.

The following land use(s) shall be permitted by right in Land Use Area IV:

- Outdoor educational facilities no greater than 1000 square feet in area; and
- Private or public parks walking paths multimodal trails.

#### **Section 4: Physical Development**

The following standards are intended to guide site and building design in this District in order to create and maintain a human-scale environment, preserve existing water systems and promote placemaking through the use of design and construction methods.

This District provides for four different planning areas, depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Development standards for these areas are further described below:

1. Physical development of office projects in this District shall comply with the development standards and limitation of the City of Bryan Code of Ordinances that generally apply to properties zoned Office District (C-1), subject to any modifications specified herein.
2. The following additional physical development standards shall also apply:
  - a) On all non-residential lots created by means of a subdivision plat in accordance with Chapter 110 of the Bryan Code of Ordinances, no minimum building setbacks shall be required from interior lot lines; however, separation requirements mandated by the applicable building and fire code will still apply.
  - b) All facades facing and located within 200 feet of the right-of-way or within 100 feet of a residential zoning district shall be constructed with at least 50 percent of each facade covered by masonry/brick construction or architectural metal paneling. This regulation does not include temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.
  - c) Approved Exterior Material List (Limitations subject to paragraphs 2b and 2d)
    - i. Masonry, including brick, natural stone, cast stone, and concrete masonry units (CMU).
    - ii. Corrugated pre-engineered metal building wall and roof panels.
    - iii. Architectural metal wall and soffit panels.
    - iv. Black vinyl-coated metal chain-link fencing, with or without slats (screening required when adjacent to Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818)).
    - v. Black ornamental metal fencing.
  - d) Screening. Vehicle bays and rolling doors, as well as all materials, products, or equipment which are stored outside of a fully-enclosed building must be entirely screened from public view. This includes but is not limited to, outdoor storage, service and equipment areas, solid waste dumpsters, above-ground fuel storage tanks, campus-use electric vehicles (golf carts), heating or cooling equipment (located on rooftops or at grade), equipment loading/unloading areas and bus parking. Such areas shall be completely screened from parking and pedestrian areas and adjacent properties by a solid visual barrier not less than six feet in height. Loading and unloading areas for people are not required to be screened, nor are rooftop exhaust stacks that exceed the six-foot visual barrier requirement. All

required screening, including that provided by landscape materials shall be 100% effective at the time of installation. Permitted screening methods shall consist of:

- i. Approved brick or brick-clad concrete masonry unit (CMU) fence with cast stone or painted aluminum caps;
  - ii. Approved evergreen trees, berms or other landscaping, planted such that the items intended to be screened remain so throughout the year;
  - iii. Architectural treatments which are compatible with the surrounding building architecture. The screening of rooftop equipment may include the use of parapet walls and the encasement of partition screens.
  - iv. Chain-link fencing with wood, metal, or plastic slats shall not be considered as an acceptable means of creating a visual barrier. Such materials shall be allowed when not visible from the Leonard Road (FM 1688), Viva Road or North Harvey Mitchell Parkway (FM 2818) right-of-way.
- e) Prior to the recordation of a final plat for this District, 80-feet of right-of-way for the extension of Viva Road, a major collector, will be dedicated to the City of Bryan in accordance with the Thoroughfare Plan.
- i. At the time of development, and as agreed upon by the City Engineer, only the pavement width required for the current scale of development shall be constructed. However, the pavement shall be constructed to City standards and accepted by the City of Bryan prior to the release of a building permit.
- f) Internal drives shall be constructed to City standards and specifications for public roadways.
- g) Installation of public sidewalks shall not be required along Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818).
- h) Detached dwelling units in this district shall conform to standards as specified in the RD-5 district.
- i) Patio home and townhouse dwellings are subject to the supplemental regulations of section 62-167 and section 62-168, respectively.
- j) Signage within this District shall be, at a minimum, as listed below. All other sign regulations of the Bryan Code of Ordinances for properties zoned C-2 District shall apply unless specifically modified by the following:
- i. Freestanding signage:
    1. One freestanding sign at the intersection of North Harvey Mitchell Parkway (FM 2818) and Leonard Road (FM 1688) with a maximum height of 25 feet and a maximum area of 200 square feet;
    2. One freestanding sign at the Campus entrance on Leonard Road (FM 1688) with a maximum height of eight (8) feet and a maximum area of 80 square feet.

3. Directional signs to be a maximum area of 20 square feet.
  - ii. Electronic message board:
    1. One of the aforementioned signs may incorporate an electronic message board with a maximum sign area of 80 square feet.
  - iii. Building/wall signage:
    1. Building/wall signage shall be allowed on the exterior walls of each building, provided the cumulative sign area of all signs on a building shall not exceed 30 percent of the building façade with the main entrance to that building.
- k) Landscaping shall be provided in order to create and maintain a healthy environment, provide visual interest, reduce the impact between light industrial, office, and residential uses on site, obscure the view of parking and storage and provide protection from soil erosion.
- i. Existing trees located within the District at least eight-inches in diameter measured at DBH (diameter breast height), in good health and not of an invasive species, shall be assigned a value of 100 square feet per caliper inch, or 800 square feet, whichever is greater.
    1. Any existing trees claimed for landscape credit must be barricaded in accordance with City standards prior to any construction or earthwork occurring on site.
- l) No physical development shall be permitted within Conservation Area A or B. Existing trees within these Conservation Areas and located within 50-feet of a public right-of-way may be claimed for landscape credit.
- m) Buffers. When any non-residential structure or land-use abuts a residential area, the non-residential land-use along a mutual side or rear property line or where separated only by an alley, setbacks shall be greater than the minimum requirements previously set forth in this District. The purpose of the additional setback is to establish a buffer area to help mitigate noise, lighting, and other possible adverse impacts. No development shall be authorized within the buffer area except for required or permitted landscaping and screening, stormwater detention facilities, and pedestrian walkways. The increased setbacks, which are measured from the property line, shall be required on the property in the higher intensity zoning district, and shall be observed at the time of construction. These buffer requirements are in addition to the screening standards set forth in Section 4.D of this District. No reductions in the buffer area will be allowed
- i. The depth of the side and rear buffer setbacks shall be in accordance with the following:
    1. Fifty feet (50') when a non-residential land-use abuts any residential land use.
    2. Twenty-five feet (25') when any multi-family dwelling lot abuts a detached dwelling unit lot.

## **PD-B DEVELOPMENT REGULATIONS PROPOSED BY BISD AUGUST 26, 2022:**

### **Exhibit “B”:**

#### **Proposed Planned Development – Business District (PD-B)**

##### **Section 1: General Purpose and Description**

The intent of this development plan is to guide planning of land use and physical development on the subject property. This PD-B District (“District”) development plan shall guide the auxiliary educational campus environment, but only to the extent applicable for the furtherance of the Bryan Independent School District’s operation as an independent school district and political subdivision of the State of Texas (“BISD”) and that it meets the needs of the BISD. BISD, at the request of the City of Bryan, has worked on the District to prepare this Proposed Planned Development – Business District (PD-B) in collaboration with the City of Bryan in order to foster collaboration between the governmental entities. BISD does not waive, but specifically reserves its rights as an independent school district and political subdivision of the State of Texas.

##### **Section 2: 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.

The term *Auxiliary Educational Campus* (referred to as Campus herein) shall refer to the grounds and the buildings situated thereon, which are intended to include facilities in furtherance and/or to support BISD’s educational mission, including but not limited to support to students, faculty or staff of an independent school district and political subdivision of the State of Texas.

The term *Conservation District* shall be an identified area which remains undisturbed and in its natural state to provide a wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area as well as existing ponds outside of the Turkey Creek system. Walking Trails can be incorporated into conservation areas where feasible with minimal disturbance. The Conservation District is further depicted in attached Exhibit A.

##### **Section 3: Land Uses**

This District provides for four different planning areas depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Uses permitted in each of these areas are listed below, any use not identified shall be assumed to be prohibited.

**Land Use Area I** - The land depicted on Exhibit “A” as Land Use Area I is for BISD’s use and shall also be permitted by right to the following uses:

- Bryan ISD will not move forward with any development without discussion, collaboration, or approval, to the extent necessary within the scope of the law, from the City of Bryan.
- Accessory or incidental uses to the main use;
- Branch banks, savings and loans. or credit union offices;
- Child care;

- Essential municipal uses;
- Governmental Entity Use;
- Farmer’s Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses (excluding sale of liquor) such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation;
- Food services and/or restaurants, not including drive-through establishments;
- Hotels;
- Laboratories;
- Medical facilities or clinics;
- Multi- family dwelling unit and / or condominiums;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration etc;
- Parking, structured;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, drycleaners, plant nursery, and all incidental uses. Excluded from this category are retail sales and services establishments intended for the automobiles, including motor fuel sales, liquor sales and sexually oriented businesses;
- Temporary structures for uses incidental to construction work on the premise;
- Theaters;
- Upper floor residential uses; and
- Veterinary clinic (no outdoor facilities for overnight storage of animals).

**Land Use Area II** - The land depicted on Exhibit “A” as Land Use Area II is intended to provide space for BISD’s development of facilities for the use of the Bryan Independent School District. The following additional land uses shall be permitted by right in Land Use Area II:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Essential municipal uses;
  - Governmental Entity Use;
  - BISD operations and maintenance, including shops, service vehicles, and associated storage;
- Food preparation and distribution;
  - Fueling point (nonpaid for noncommercial use);
- General office use;
  - Lawn and Landscape Maintenance, and associated storage of equipment;
  - Parking lot (nonpaid for nonresidential use);
  - Private recycling center of commercial and light industrial waste including tires, batteries and motor oil;
  - School District Transit Garage;
- Public Schools;
  - Storm water management systems;
- Technology and network operation support;
- Temporary structures for uses incidental to construction work on the premises;

- Vehicle repair and maintenance; and
- Warehouse and storage.

**Land Use Area III** - The land depicted on Exhibit “A” as Land Use Area III is intended for BISD’s use. Further, the following additional land uses shall be permitted by right in Land Use Area III:

- Bryan ISD will not move forward with any development without discussion, collaboration, or approval, to the extent necessary within the scope of the law, from the City of Bryan.
- Accessory structures;
- Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the public;
- Essential municipal uses;
- Governmental Entity Use;
- Farmer’s Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses (excluding liquor sales) such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation;
- Food services and/or restaurants, not including drive-through establishments;
- Government (federal, state, or other political subdivision) owned structures, facilities, and uses;
- Health, sports, and athletic training facilities;
- Lawn and Landscape Maintenance Facilities;
- Multifamily dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration, etc;
- Place of worship;
- Public Schools;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, drycleaners, plant nursery, and all incidental use. Excluded from this category are retail sales and services establishments intended for the automobiles, including motor fuel sales, liquor sales; and sexually oriented businesses;
- Storm water management systems; and
- Temporary structures for uses incidental to construction work on the premises.

The following land uses shall be potentially permitted upon prior approval of a conditional use permit by the Planning and Zoning Commission in Land Use Area III:

- Detached dwelling units with no more than 4 unrelated persons;
- Live-work unit
- Patio home zero lot line dwelling
- Single family detached dwelling
- Townhouse

**Land Use Area IV** – The land depicted on Exhibit “A” as Land Use Area IV for BISD Use and current planned to remain in its natural state (except for fencing and other support of BISD Use) to provide wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area outside of the Turkey Creek system.

In addition to BISD Use, the following land use(s) shall be permitted by right in Land Use Area IV:

- Private or public parks walking paths multimodal trails
- Outdoor educational facilities

**Section 4: Physical Development – Applicable to Land Use Area I Only**

The following standards are intended to guide site and building design in Land Use Area I of this District in order to create and maintain a human-scale environment, preserve existing water systems and promote placemaking through the use of design and construction methods. The Physical Development Standards set forth herein are applicable to any successor owner use, but not to BISD use of its property.

This District provides for four different planning areas, depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Development standards for these areas are further described below:

3. Physical development of office projects in this District shall comply with the development standards and limitation of the City of Bryan Code of Ordinances that generally apply to properties zoned Office District (C-1), subject to any modifications specified herein.
4. The following additional physical development standards shall also apply:
  - a) On all non-residential lots created by means of a subdivision plat in accordance with Chapter 110 of the Bryan Code of Ordinances, no minimum building setbacks shall be required from interior lot lines; however, separation requirements mandated by the applicable building and fire code will still apply.
  - b) All facades facing and located within 200 feet of the right-of-way or within 100 feet of a residential zoning district shall be constructed with at least 50 percent of each facade covered by masonry/brick construction or architectural metal paneling. This regulation does not include temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.
  - c) Approved Exterior Material List (Limitations subject to paragraphs 2b and 2d)
    - i. Masonry, including brick, natural stone, cast stone, and concrete masonry units (CMU).
    - ii. Corrugated pre-engineered metal building wall and roof panels.
    - iii. Architectural metal wall and soffit panels.
    - iv. Black vinyl-coated metal chain-link fencing, with or without slats (screening required when adjacent to Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818)).

- v. Black ornamental metal fencing.
- d) Screening. Vehicle bays and rolling doors, as well as all materials, products, or equipment which are stored outside of a fully-enclosed building must be entirely screened from public view. This includes but is not limited to, outdoor storage, service and equipment areas, solid waste dumpsters, above-ground fuel storage tanks, campus-use electric vehicles (golf carts), heating or cooling equipment (located on rooftops or at grade), equipment loading/unloading areas and bus parking. Such areas shall be completely screened from parking and pedestrian areas and adjacent properties by a solid visual barrier not less than six feet in height. Loading and unloading areas for people are not required to be screened, nor are rooftop exhaust stacks that exceed the six-foot visual barrier requirement. All required screening, including that provided by landscape materials shall be 100% effective at the time of installation. Permitted screening methods shall consist of:
- i. Approved brick or brick-clad concrete masonry unit (CMU) fence with cast stone or painted aluminum caps;
  - ii. Approved evergreen trees, berms or other landscaping, planted such that the items intended to be screened remain so throughout the year;
  - iii. Architectural treatments which are compatible with the surrounding building architecture. The screening of rooftop equipment may include the use of parapet walls and the encasement of partition screens.
  - iv. Chain-link fencing with wood, metal, or plastic slats shall not be considered as an acceptable means of creating a visual barrier. Such materials shall be allowed when not visible from the Leonard Road (FM 1688), Viva Road or North Harvey Mitchell Parkway (FM 2818) right-of-way.
- e) Prior to the recordation of a final plat for this District, 80-feet of right-of-way for the extension of Viva Road, a major collector, will be dedicated to the City of Bryan in accordance with the Thoroughfare Plan.
- i. At the time of development, and as agreed upon by the City Engineer, only the pavement width required for the current scale of development shall be constructed. However, the pavement shall be constructed to City standards and accepted by the City of Bryan.
- f) Installation of public sidewalks shall not be required along Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818).
- g) Detached dwelling units in this district shall conform to standards as specified in the RD-5 district.
- h) Patio home and townhouse dwellings are subject to the supplemental regulations of section 62-167 and section 62-168, respectively.
- i) Signage within this District shall be, at a minimum, as listed below. All other sign regulations of the Bryan Code of Ordinances for properties zoned C-2 District shall apply unless specifically modified by the following:

- i. Freestanding signage:
    - 1. One freestanding sign at the intersection of North Harvey Mitchell Parkway (FM 2818) and Leonard Road (FM 1688) with a maximum height of 25 feet and a maximum area of 200 square feet;
    - 2. One freestanding sign at the Campus entrance on Leonard Road (FM 1688) with a maximum height of eight (8) feet and a maximum area of 80 square feet.
    - 3. Directional signs to be a maximum area of 20 square feet.
  - ii. Electronic message board:
    - 1. One of the aforementioned signs may incorporate an electronic message board with a maximum sign area of 80 square feet.
  - iii. Building/wall signage:
    - 1. Building/wall signage shall be allowed on the exterior walls of each building, provided the cumulative sign area of all signs on a building shall not exceed 30 percent of the building façade with the main entrance to that building.
- j) Landscaping shall be provided in order to create and maintain a healthy environment, provide visual interest, reduce the impact between light industrial, office, and residential uses on site, obscure the view of parking and storage and provide protection from soil erosion.
  - ii. Existing trees located within the District at least eight-inches in diameter measured at DBH (diameter breast height), in good health and not of an invasive species, shall be assigned a value of 100 square feet per caliper inch, or 800 square feet, whichever is greater.
    - 1. Any existing trees claimed for landscape credit must be barricaded in accordance with City standards prior to any construction or earthwork occurring on site.
- k) No physical development shall be permitted within Conservation Area A or B. Existing trees within these Conservation Areas and located within 50-feet of a public right-of-way may be claimed for landscape credit.
- l) Buffers. When any non-residential structure or land-use abuts a residential area, the non-residential land-use along a mutual side or rear property line or where separated only by an alley, setbacks shall be greater than the minimum requirements previously set forth in this District. The purpose of the additional setback is to establish a buffer area to help mitigate noise, lighting, and other possible adverse impacts. No development shall be authorized within the buffer area except for required or permitted landscaping and screening, stormwater detention facilities, and pedestrian walkways. The increased setbacks, which are measured from the property line, shall be required on the property in the higher intensity zoning district, and shall be observed at the time of construction. These buffer requirements are in addition to the screening standards set forth in Section 4.D of this District. No reductions in the buffer area will be allowed

- i. The depth of the side and rear buffer setbacks shall be in accordance with the following:
  - 1. Fifty feet (50') when a non-residential land-use abuts any residential land use.
  - 2. Twenty-five feet (25') when any multi-family dwelling lot abuts a detached dwelling unit lot.

**REDLINE VERSION DEPICTING BISD REVISIONS TO CITY STAFF-PROPOSED DEVELOPMENT REGULATIONS:**

**Exhibit “B”:**

**Proposed Planned Development – Business District (PD-B)**

**Section 1: General Purpose and Description**

The intent of this development plan is to guide planning of land use and physical development on the subject property. This PD-B District (~~“District”~~) development plan shall ~~direct guide~~ the ~~design, implementation, and growth of a sustainable~~ auxiliary educational campus environment ~~that meets, but only to the needs extent applicable for the furtherance~~ of the Bryan Independent School ~~District~~ ~~District’s operation as an independent school district and political subdivision of the State of Texas (“BISD”)~~ and ~~that it meets the needs of the BISD. BISD, at the request of the City of Bryan, and allows for orderly and cohesive development within~~ ~~has worked on~~ the District. This ~~development plan is also intended to set forth guidelines, which will promote aesthetic objectives such as protection of natural features and visual resources, and the use of quality materials to create and maintain harmony throughout the~~ ~~prepare this Proposed Planned Development – Business District and the North Harvey Mitchell Parkway (FM 2818) corridor. (PD-B) in collaboration with the City of Bryan in order to foster collaboration between the governmental entities. BISD does not waive, but specifically reserves its rights as an independent school district and political subdivision of the State of Texas.~~

**Section 2: 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.

~~In this specific context, the~~ The term *Auxiliary Educational Campus* (referred to as Campus herein) shall refer to the grounds and the buildings situated thereon, which are intended to ~~house~~ include facilities ~~that provide in furtherance and/or to support BISD’s educational mission, including but not limited to~~ support to students, faculty or staff of ~~a public an independent school district, and political subdivision of the State of Texas.~~

The term *Conservation District* shall be an identified area which remains undisturbed and in its natural state to provide a wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area as well as existing ponds outside of the Turkey Creek system. Walking Trails can be incorporated into conservation areas where feasible with minimal disturbance. The Conservation District is further depicted in attached Exhibit A.

**Section 3: Land Uses**

This District provides for four different planning areas depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Uses permitted in each of these areas are listed below, any use not identified ~~by these Development Regulations~~ shall be assumed to be prohibited.

**Land Use Area I** - The land depicted on Exhibit “A” as Land Use Area I is ~~intended to provide a complementary and context appropriate combination of residential and commercial opportunities. for~~ BISD’s use and shall also be permitted by right to the following uses:

The following land uses shall be permitted by right in Land Use Area I:

- Bryan ISD will not move forward with any development without discussion, collaboration, or approval, to the extent necessary within the scope of the law, from the City of Bryan.
- Accessory or incidental uses to the main use;
- ~~Accessory structures;~~
- Branch banks, savings and loans. or credit union offices;
- Child care, ~~Class B and C;~~
- Essential municipal uses;
- Governmental Entity Use;
- Farmer's Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses (excluding sale of liquor) such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation;
- Food services and/or restaurants, not including drive-through establishments;
- Hotels;
- Laboratories;
- Medical facilities or clinics;
- Multi- family dwelling unit and / or condominiums;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration etc;
- Parking, structured;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, ~~laundromats drycleaners~~, plant nursery, ~~package liquor stores~~, and all incidental uses. Excluded from this category are retail sales and services establishments intended for the ~~automobile automobiles~~, including motor fuel sales, liquor sales and sexually oriented businesses;
- Temporary structures for uses incidental to construction work on the premise;
- Theaters ~~—indoor;~~
- Upper floor residential uses; and
- Veterinary clinic (no outdoor facilities for overnight storage of animals).

**Land Use Area II** - The land depicted on Exhibit "A" as Land Use Area II is intended to provide space for BISD's development of ~~support~~ facilities for the use of the Bryan Independent School District. The following additional land uses shall be permitted by right in Land Use Area II:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Essential municipal uses;
- Governmental Entity Use;
- BISD operations and maintenance, including shops, service vehicles, and associated storage;
- Food preparation and distribution;
- Fueling point (nonpaid for noncommercial use);
- General office use;
- Lawn and Landscape Maintenance (~~Grounds Building~~); and associated storage of equipment;

- Parking lot (nonpaid for nonresidential use);
- Private recycling center of commercial and light industrial waste including tires, batteries and motor oil;
- School District Transit Garage ~~(Bus Barn)~~;
- Public Schools;
- Storm water management systems;
- Technology and network operation support;
- Temporary structures for uses incidental to construction work on the premises;
- Vehicle repair and maintenance; and
- Warehouse and storage.

**Land Use Area III** - The land depicted on Exhibit “A” as Land Use Area III is intended ~~to provide for a variety of complementary and context appropriate residential and commercial opportunities for~~ BISD’s use. Further, the following additional land uses shall be permitted by right in Land Use Area III:

~~The following land uses shall be permitted by right in Land Use Area III:~~

- ~~Accessory or incidental uses to the main use;~~
- Bryan ISD will not move forward with any development without discussion, collaboration, or approval, to the extent necessary within the scope of the law, from the City of Bryan.
- Accessory structures;
- Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the public;
- Essential municipal uses;
- Governmental Entity Use;
- Farmer’s Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses (excluding liquor sales) such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation;
- Food services and/or restaurants, not including drive-through establishments;
- Government (federal ~~or~~, state, or other political subdivision) owned structures, facilities, and uses;
- Health, sports, and athletic training facilities;
- Lawn and Landscape Maintenance ~~(Grounds Building);~~ Facilities;
- Multifamily dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration, etc;
- Place of worship;
- Public Schools;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, ~~laundromats~~ drycleaners, plant nursery, ~~package liquor stores~~, and all incidental uses use. Excluded from this category

are retail sales and services establishments intended for the automobiles, including motor fuel sales, liquor sales; and sexually oriented businesses;

- Storm water management systems; and
- Temporary structures for uses incidental to construction work on the premises.

The following land uses shall be potentially permitted upon prior approval of a conditional use permit by the Planning and Zoning Commission in Land Use Area III:

- Detached dwelling units with no more than 4 unrelated persons;
- Live-work unit;
- Patio home zero lot line dwelling;
- Single family detached dwelling; and
- Townhouse

**Land Use Area IV** – The land depicted on Exhibit “A” as Land Use Area IV ~~is intended for BISSD Use and current planned~~ to remain ~~undisturbed and~~ in its natural state ~~(except for fencing and other support of BISSD Use)~~ to provide wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area ~~as well as existing ponds~~ outside of the Turkey Creek system.

~~The~~ In addition to BISSD Use, the following land use(s) shall be permitted by right in Land Use Area IV:

- Outdoor educational facilities ~~no greater than 1000 square feet in area~~; and
- Private or public parks walking paths multimodal trails.

#### **Section 4: Physical Development – Applicable to Land Use Area I Only**

The following standards are intended to guide site and building design in Land Use Area I of this District in order to create and maintain a human-scale environment, preserve existing water systems and promote placemaking through the use of design and construction methods. The Physical Development Standards set forth herein are applicable to any successor owner use, but not to BISSD use of its property.

This District provides for four different planning areas, depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Development standards for these areas are further described below:

1. Physical development of office projects in this District shall comply with the development standards and limitation of the City of Bryan Code of Ordinances that generally apply to properties zoned Office District (C-1), subject to any modifications specified herein.
2. The following additional physical development standards shall also apply:
  - a) On all non-residential lots created by means of a subdivision plat in accordance with Chapter 110 of the Bryan Code of Ordinances, no minimum building setbacks shall be required from interior lot lines; however, separation requirements mandated by the applicable building and fire code will still apply.

- b) All facades facing and located within 200 feet of the right-of-way or within 100 feet of a residential zoning district shall be constructed with at least 50 percent of each facade covered by masonry/brick construction or architectural metal paneling. This regulation does not include temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.
- c) Approved Exterior Material List (Limitations subject to paragraphs 2b and 2d)
  - i. Masonry, including brick, natural stone, cast stone, and concrete masonry units (CMU).
  - ii. Corrugated pre-engineered metal building wall and roof panels.
  - iii. Architectural metal wall and soffit panels.
  - iv. Black vinyl-coated metal chain-link fencing, with or without slats (screening required when adjacent to Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818)).
  - v. Black ornamental metal fencing.
- d) Screening. Vehicle bays and rolling doors, as well as all materials, products, or equipment which are stored outside of a fully-enclosed building must be entirely screened from public view. This includes but is not limited to, outdoor storage, service and equipment areas, solid waste dumpsters, above-ground fuel storage tanks, campus-use electric vehicles (golf carts), heating or cooling equipment (located on rooftops or at grade), equipment loading/unloading areas and bus parking. Such areas shall be completely screened from parking and pedestrian areas and adjacent properties by a solid visual barrier not less than six feet in height. Loading and unloading areas for people are not required to be screened, nor are rooftop exhaust stacks that exceed the six-foot visual barrier requirement. All required screening, including that provided by landscape materials shall be 100% effective at the time of installation. Permitted screening methods shall consist of:
  - i. Approved brick or brick-clad concrete masonry unit (CMU) fence with cast stone or painted aluminum caps;
  - ii. Approved evergreen trees, berms or other landscaping, planted such that the items intended to be screened remain so throughout the year;
  - iii. Architectural treatments which are compatible with the surrounding building architecture. The screening of rooftop equipment may include the use of parapet walls and the encasement of partition screens.
  - iv. Chain-link fencing with wood, metal, or plastic slats shall not be considered as an acceptable means of creating a visual barrier. Such materials shall be allowed when not visible from the Leonard Road (FM 1688), Viva Road or North Harvey Mitchell Parkway (FM 2818) right-of-way.
- e) Prior to the recordation of a final plat for this District, 80-feet of right-of-way for the extension of Viva Road, a major collector, will be dedicated to the City of Bryan in accordance with the Thoroughfare Plan.
  - i. At the time of development, and as agreed upon by the City Engineer, only the pavement width required for the current scale of development shall be

constructed. However, the pavement shall be constructed to City standards and accepted by the City of Bryan ~~prior to the release of a building permit.~~

~~f) Internal drives shall be constructed to City standards and specifications for public roadways.~~

g) Installation of public sidewalks shall not be required along Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818).

h) Detached dwelling units in this district shall conform to standards as specified in the RD-5 district.

i) Patio home and townhouse dwellings are subject to the supplemental regulations of section 62-167 and section 62-168, respectively.

j) Signage within this District shall be, at a minimum, as listed below. All other sign regulations of the Bryan Code of Ordinances for properties zoned C-2 District shall apply unless specifically modified by the following:

i. Freestanding signage:

1. One freestanding sign at the intersection of North Harvey Mitchell Parkway (FM 2818) and Leonard Road (FM 1688) with a maximum height of 25 feet and a maximum area of 200 square feet;
2. One freestanding sign at the Campus entrance on Leonard Road (FM 1688) with a maximum height of eight (8) feet and a maximum area of 80 square feet.
3. Directional signs to be a maximum area of 20 square feet.

ii. Electronic message board:

1. One of the aforementioned signs may incorporate an electronic message board with a maximum sign area of 80 square feet.

iii. Building/wall signage:

1. Building/wall signage shall be allowed on the exterior walls of each building, provided the cumulative sign area of all signs on a building shall not exceed 30 percent of the building façade with the main entrance to that building.

k) Landscaping shall be provided in order to create and maintain a healthy environment, provide visual interest, reduce the impact between light industrial, office, and residential uses on site, obscure the view of parking and storage and provide protection from soil erosion.

iii. Existing trees located within the District at least eight-inches in diameter measured at DBH (diameter breast height), in good health and not of an invasive species, shall be assigned a value of 100 square feet per caliper inch, or 800 square feet, whichever is greater.

1. Any existing trees claimed for landscape credit must be barricaded in accordance with City standards prior to any construction or earthwork occurring on site.

- l) No physical development shall be permitted within Conservation Area A or B. Existing trees within these Conservation Areas and located within 50-feet of a public right-of-way may be claimed for landscape credit.
  
- m) Buffers. When any non-residential structure or land-use abuts a residential area, the non-residential land-use along a mutual side or rear property line or where separated only by an alley, setbacks shall be greater than the minimum requirements previously set forth in this District. The purpose of the additional setback is to establish a buffer area to help mitigate noise, lighting, and other possible adverse impacts. No development shall be authorized within the buffer area except for required or permitted landscaping and screening, stormwater detention facilities, and pedestrian walkways. The increased setbacks, which are measured from the property line, shall be required on the property in the higher intensity zoning district, and shall be observed at the time of construction. These buffer requirements are in addition to the screening standards set forth in Section 4.D of this District. No reductions in the buffer area will be allowed
  - i. The depth of the side and rear buffer setbacks shall be in accordance with the following:
    1. Fifty feet (50') when a non-residential land-use abuts any residential land use.
    2. Twenty-five feet (25') when any multi-family dwelling lot abuts a detached dwelling unit lot.

**PD-B ZONING EXHIBIT:**

