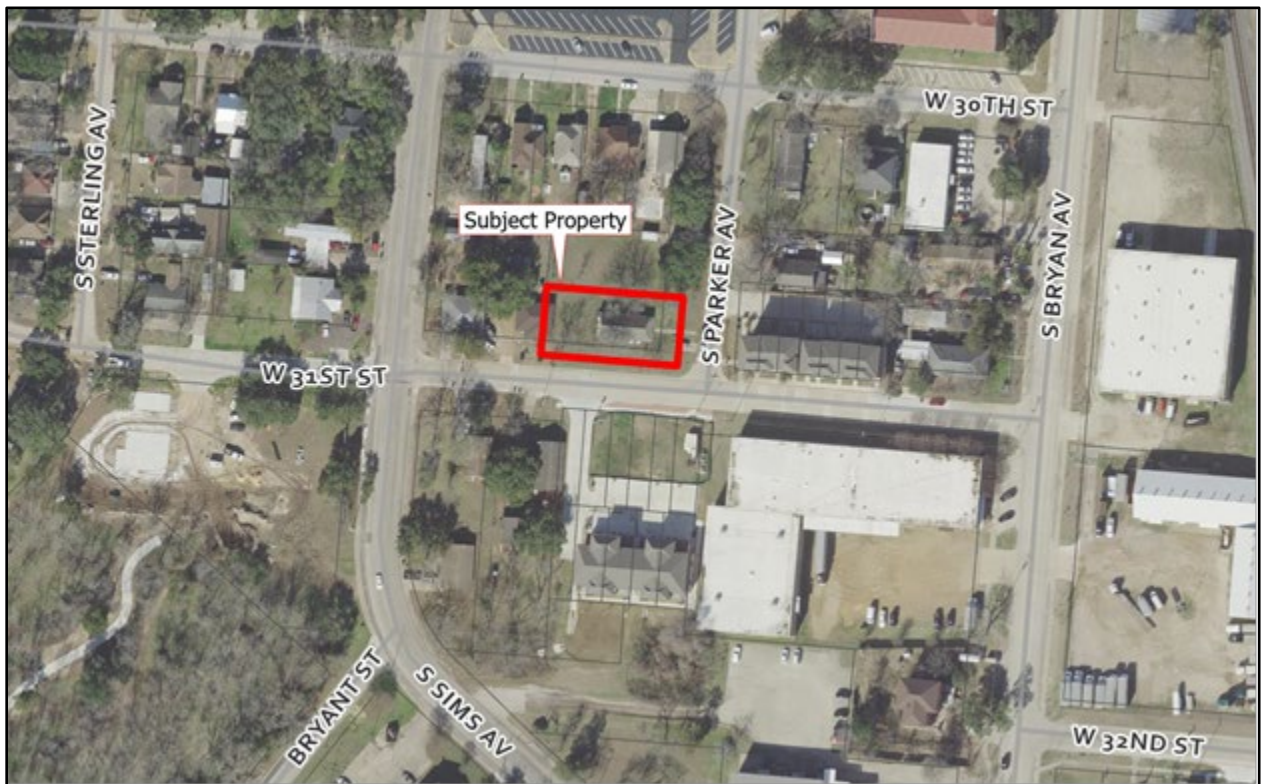


**LOCATION MAPS AND AERIAL PHOTOGRAPH:**



**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 RESIDENTIAL DISTRICT-5000 (RD-5) TO PLANNED DEVELOPMENT-HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 0.24 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF W. 31<sup>ST</sup> STREET AND S. PARKER AVENUE, BEING PARTS OF LOTS 3 THROUGH 5 IN BLOCK 135 OF BRYAN ORIGINAL TOWNSITE IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS 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 Chapter 130, Zoning, of the City of Bryan Code of Ordinances, being a request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development – Housing District (PD-H), on 0.24 acres of land located at the northwest corner of W. 31<sup>st</sup> Street and S. Parker Avenue, being parts of Lots 3 through 5 in Block 135 of Bryan Original Townsite, in Bryan, Brazos County, Texas, was considered by the Planning and Zoning Commission during its regular meeting on December 1, 2022 (case no. RZ22-26), but the Commission made no recommendation regarding the request to the City Council.

**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 Residential District-5000 (RD-5) to Planned Development-Housing District (PD-H), on 0.24 acres of land located at the northwest corner of W. 31<sup>st</sup> Street and S. Parker Avenue, being parts of Lots 3 through 5 in Block 135 of Bryan Original Townsite in Bryan, Brazos County, Texas, and subject to development requirements specified in attached Exhibit “A” and “B” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, 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.

That the Code of the City of Bryan, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

That 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 the time, place and purpose of said meeting was given.

6.

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

**PASSED, ADOPTED AND APPROVED** the 13<sup>th</sup> day of December 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

\_\_\_\_\_  
Bobby Gutierrez, Mayor

**APPROVED AS TO FORM:**

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

## **EXHIBIT “A”:**

### **Proposed Planned Development Housing (PD-H) District**

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

This Planned Development Housing District (PD-H) is proposed as a means to provide the City and the Developer with an alternate to the standards set forth by the City for their mutual benefit. This PD-H is intended to improve property utilization by facilitating the highest and best uses, strengthen the area economy, and promote the general welfare of the community.

The proposed development does provide additional benefits to the city that would not be the case if the land was developed as straight zoning. These benefits include:

- A cluster-housing concept that increases residential density in the downtown area. Additional residential options help to provide sustainability of the down revitalization effects by providing downtown retail, shops, and services with customers that live within walking distance.
- Under the cluster-housing concept, homes will be facing each other, creating a micro-neighborhood inside the downtown area and providing a sense of community.

#### **SECTION 1: LAND USES**

The following range of land uses shall be permitted by right in this PD-H District:

- Zero-Lot Line Single Family Detached Dwellings (Patio Homes)

#### **SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall generally comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to detached dwelling unit and patio home developments on properties zoned Residential District-5000 (RD-5). The following standards shall be applicable:

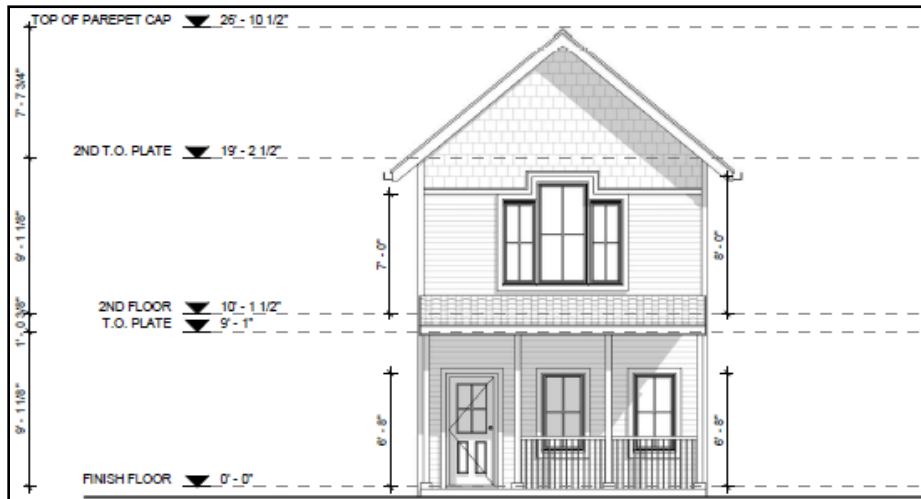
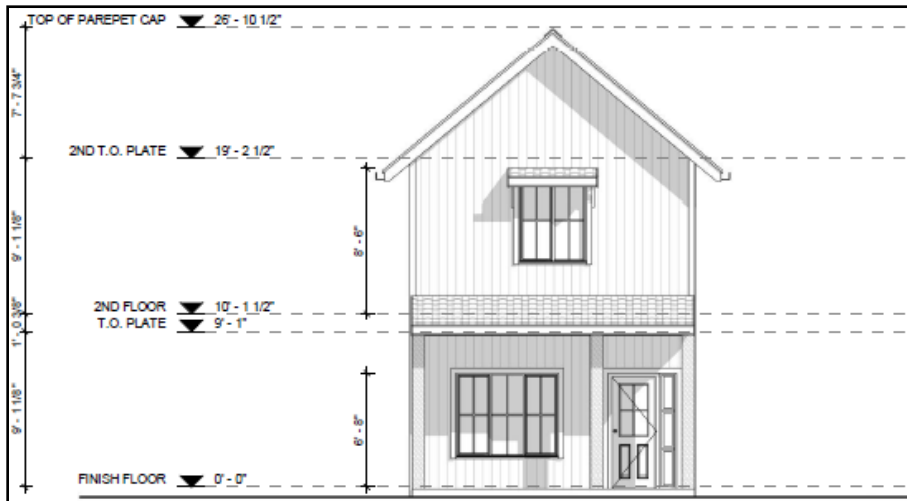
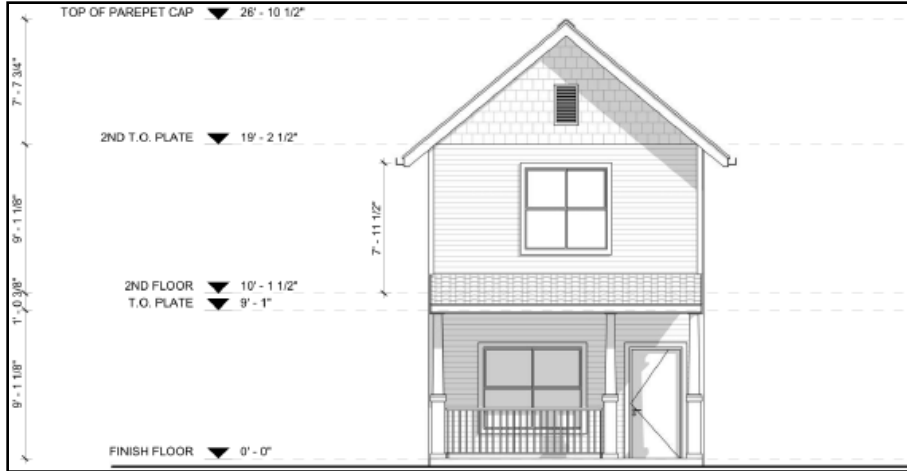
1. Exhibit “A” is attached hereto and provides for the overall development of this district.
2. Lots can be subdivided that are not adjacent to or otherwise contiguous with a public right-of-way.
3. All lots shall have access either by public right-of-way or shared access easement(s).
4. All shared access easements shall be for the common use of all homes within this development.
5. Lots shall be a minimum of 1,350 square feet in area.
6. Lots shall have a minimum width of 22.5 feet.
7. Lots shall have a minimum depth of 60 feet.
8. Corner lots shall have a minimum width that is 4 feet greater than interior lots.
9. There shall be no minimum front or rear building setback.
10. Homes shall be constructed at least 6 feet from one side lot line.
11. Minimum building setbacks from a lot that is not within this PD-H District is 6 feet.
12. Each home shall have a minimum of one (1) off-street parking space, provided by either on-street or off-street parking facilities.
13. The common courtyard area shall be defined as the area from the front of one home to the front of the opposite home, for the full width of each lot. Each home shall face (front) the common courtyard area as shown on Exhibit “A”.
14. Each home shall have a maximum square footage of 1,100 square feet and a maximum of two (2) bedrooms.

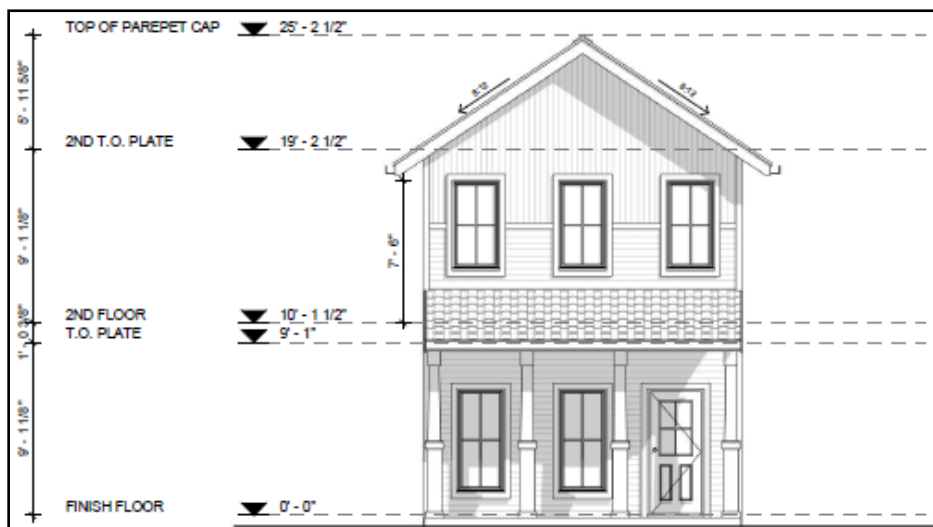
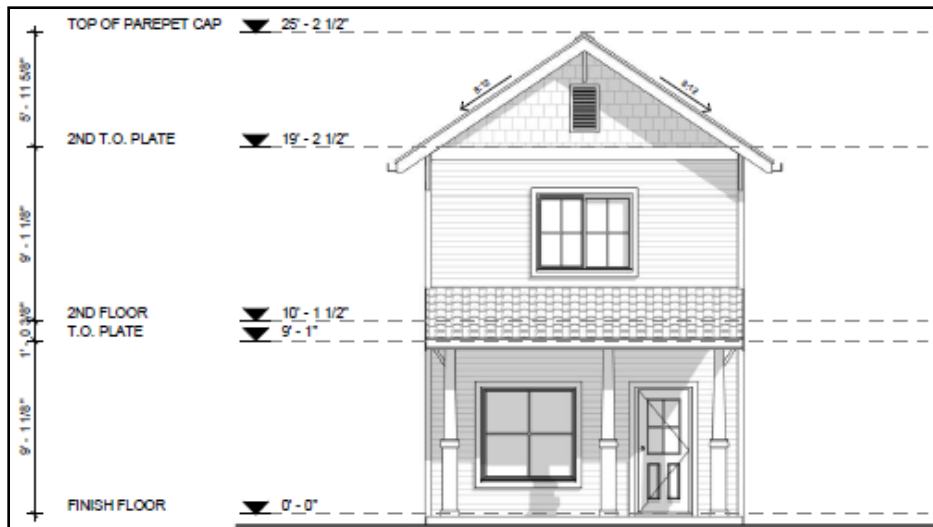
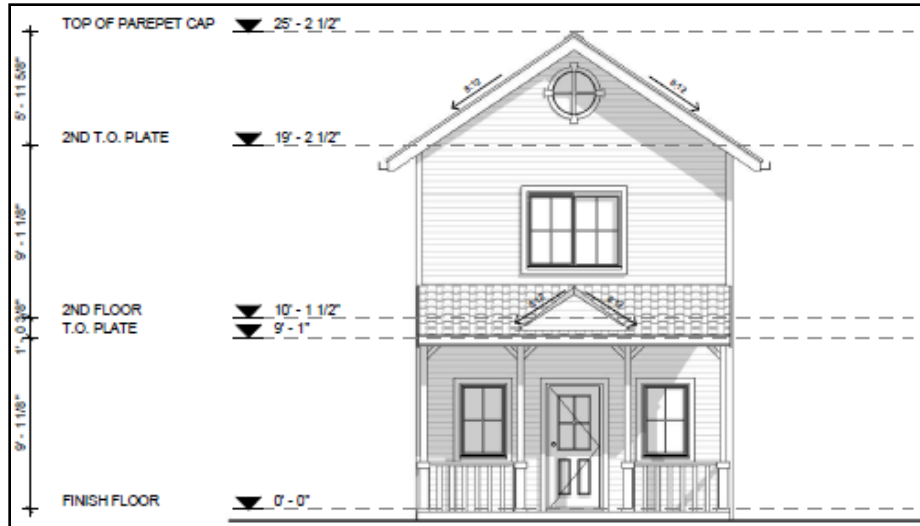
15. No fencing shall be allowed within the shared common courtyard area.
16. Minimum landscaping shall be at least one (1) canopy tree per lot, located within the common courtyard area. Additionally, there shall be a minimum of four (4) street trees planted along W. 31<sup>st</sup> Street and three (3) street trees planted along S. Parker Avenue. Street trees shall be planted as close as possible to the public sidewalk.
17. For solid waste services, each home shall utilize a 90-gallon residential can, placed at the curb of W. 31<sup>st</sup> Street for collection.

### **SECTION 3: SUBDIVISION OF LAND**

The subdivision of land in this Planned Development Housing District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances Subdivision of the property into Single-Family Detached Dwelling lots shall be permitted as per the adopted development plan drawing.









**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF DECEMBER 1, 2022:**

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

**a. Rezoning RZ22-26: NN Out Properties, LTD**

*A request to change the zoning classification from Residential District-5000 (RD-5) to Planned Development-Housing District (PD-H), on 0.24 acres of land located at the northwest corner of West 31st Street and South Parker Avenue, being parts of Lots 3 through 5 in Block 135 of Bryan Original Townsite, in Bryan, Brazos County, Texas. (M. Cameron)*

Mr. Mitchell Cameron presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

In response to Commissioner's questions, Mr. Cameron stated that the proposal includes two-bedroom dwellings and that one off-street parking space per dwelling and on-street parking is proposed. Mr. Haynes added that the parking space dimensions meet adopted standards and explained that the proposal is unique and inspired by the regulations for the Midtown zoning districts.

The public hearing was opened.

Mr. Wade Surovik, 204 W. 31st Street, Bryan, TX, came forward to speak in opposition to the request. He stated concerns about reduced property values on adjoining properties, the perceived narrowing of a Parker Avenue, and increased traffic on a road where children frequently play.

Ms. Katie Neason, applicant, 8275 Francis Road, Bryan, TX, provided an overview of her background in developing in Bryan, specifically her history with residential development in Downtown Bryan and the economic benefit that they allow.

The public hearing was closed.

**Commissioner Rodriguez moved to recommend approval of RZ22-26, 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 the perceived risk of higher density development as well as the potential benefits such development could bring to the area.

Some Commissioners voiced concerns about not providing more off-street parking traffic and the proposed on-street parking on Parker Avenue. Mr. Haynes clarified that no street width would be lost along 31st Street and Parker Avenue with this proposal. He reminded Commissioners of the Midtown Plan's recommendation for on-street parking and pointed out nearby residential developments in downtown where no off-street parking is required.

**The motion failed by a vote of four (4) in favor and four (4) in opposition with Commissioners Bush, Cooper, Holman and Rodriguez voting in favor and Commissioners Watson, Gonzales, Balke, and Beckendorf voting in opposition.**

**Commissioner Watson moved to recommend denial of RZ22-26, citing impact on traffic circulation and parking layout. Commissioner Beckendorf seconded the motion. The motion**

**failed by a vote of four (4) in favor and four (4) in opposition with Commissioners Watson, Gonzales, Balke, and Beckendorf voting in favor and Commissioners Bush, Cooper, Holman and Rodriguez voting in opposition.**

The two tied votes resulted in no Commission recommendation to the City Council regarding this request.

**EMAIL FROM APPLICANT FROM DECEMBER 1, 2022:**

**From:** [REDACTED]  
**Sent:** Thursday, December 1, 2022 7:09 PM  
**To:** Cameron, Mitchell  
**Subject:** Request to move forward to City council

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

In spite of the P&Z tied vote and the ultimate failure of their support, we would like to move forward with city council.

Katie Neason  
Renovation Wranglers  
Peridot Investments  
[REDACTED]

PLANNING AND ZONING COMMISSION  
STAFF REPORT

December 1, 2022



**Rezoning case no. RZ22-26: 508 South Parker**

**CASE DESCRIPTION:** a request to change the zoning classification from Residential District-5000 (RD-5) to Planned Development District-Housing (PD-H)

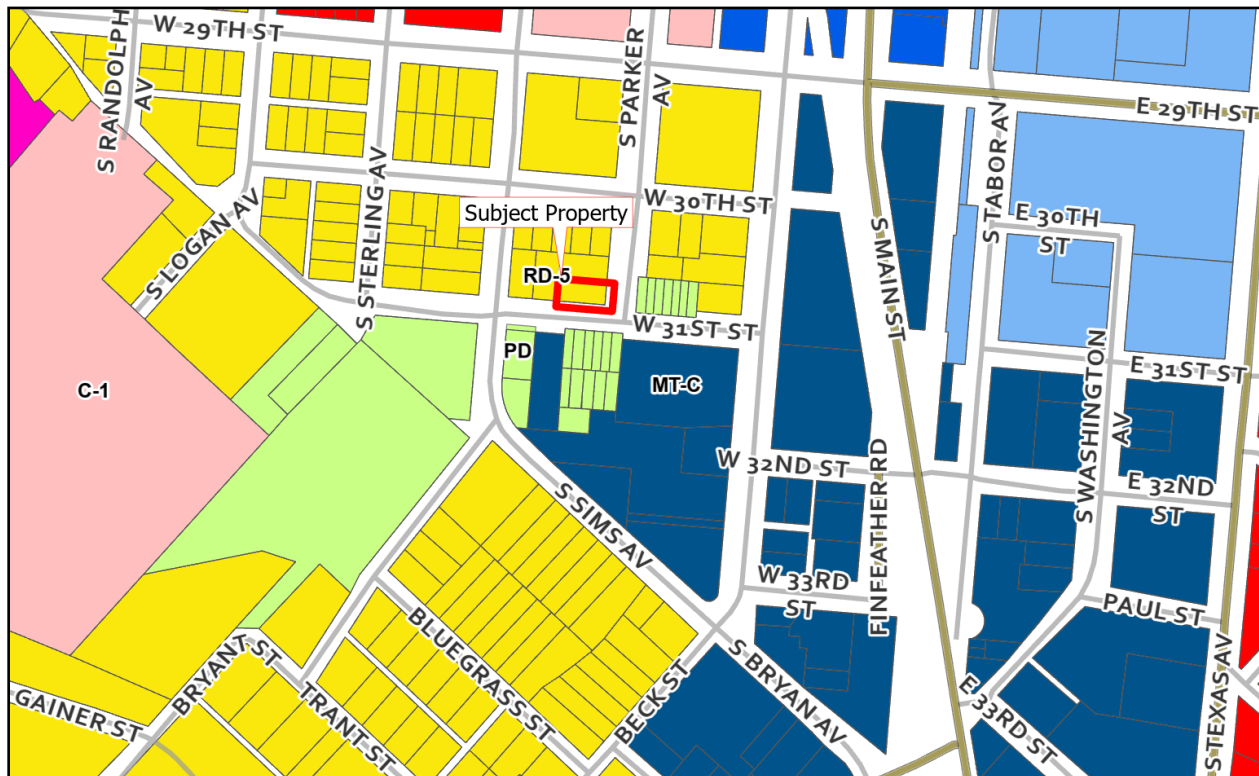
**LOCATION:** 0.240 acres of land located at the northwest corner of West 31<sup>st</sup> Street and South Parker Avenue, being parts of Lots 3-5 in Block 135 of the Bryan Original Townsite,

**EXISTING LAND USE:** vacant

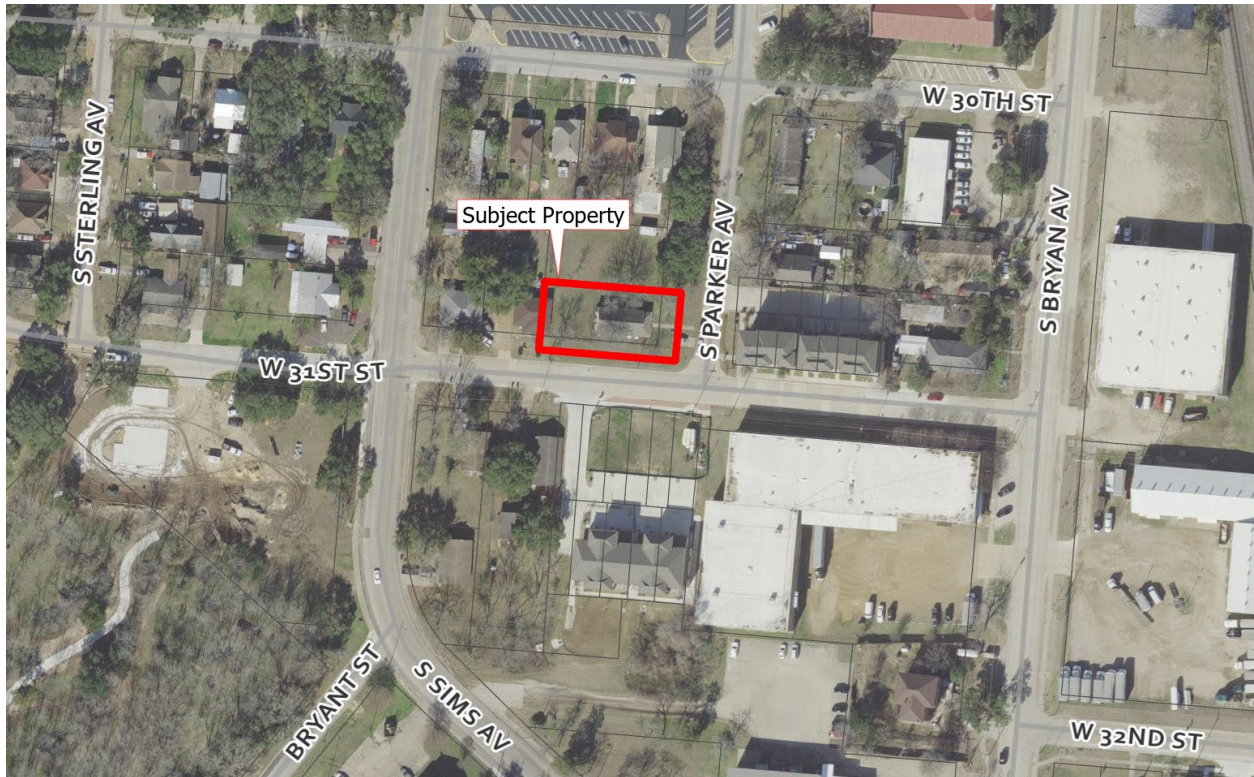
**APPLICANT:** Katie Neason, NN Out Properties LTD

**STAFF CONTACT:** Mitchell Cameron, Staff Planner

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



**2021 AERIAL:**



**BACKGROUND:**

The applicant, Katie Neason of NN Out Properties, is requesting to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 0.240 acres of land located at the northwest corner of West 31st Street and South Parker Avenue, being parts of Lots 3-5 in Block 135 of Bryan Original Townsite.

In late 2020, The City of Bryan adopted the Midtown Area Plan. The plan called for development incentives and a regulatory framework intended to streamline incremental infill development projects.

This proposed rezoning, although outside of the Midtown Corridor District, is directly adjacent. This proposed rezoning employs a concept drawn from the Midtown Area Plan called a Cottage Court. The proposed development plan attempts to harmonize with the standards proposed in that adopted plan. The Midtown Area Plan called for the establishment of regulations that would allow for platting of courtyard subdivisions. The planned strategy involved codify new subdivision regulations to allow for new parcels to be created which have frontage on common open space instead of a public street, when certain conditions for high quality open spaces are met. The Cottage Court process would allow for the development of courtyard arrangements of single-unit structures on infill parcels. Cottage courts are intended to offer new home ownership opportunities within neighborhoods.

The proposed plan does not use pre-approved pattern plans offered by another component of the Midtown Plan, Pattern Zoning, but a design that both matches the spirit and purpose of the Cottage Pattern.

## **EXHIBIT “A”:**

### **Proposed Planned Development Housing (PD-H) District**

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

This Planned Development Housing District (PD-H) is proposed as a means to provide the City and the Developer with an alternate to the standards set forth by the City for their mutual benefit. This PD-H is intended to improve property utilization by facilitating the highest and best uses, strengthen the area economy, and promote the general welfare of the community.

The proposed development does provide additional benefits to the city that would not be the case if the land was developed as straight zoning. These benefits include:

- A cluster-housing concept that increases residential density in the downtown area. Additional residential options help to provide sustainability of the down revitalization effects by providing downtown retail, shops, and services with customers that live within walking distance.
- Under the cluster-housing concept, homes will be facing each other, creating a micro-neighborhood inside the downtown area and providing a sense of community.

#### **SECTION 1: LAND USES**

The following range of land uses shall be permitted by right in this PD-H District:

- Zero-Lot Line Single Family Detached Dwellings (Patio Homes)

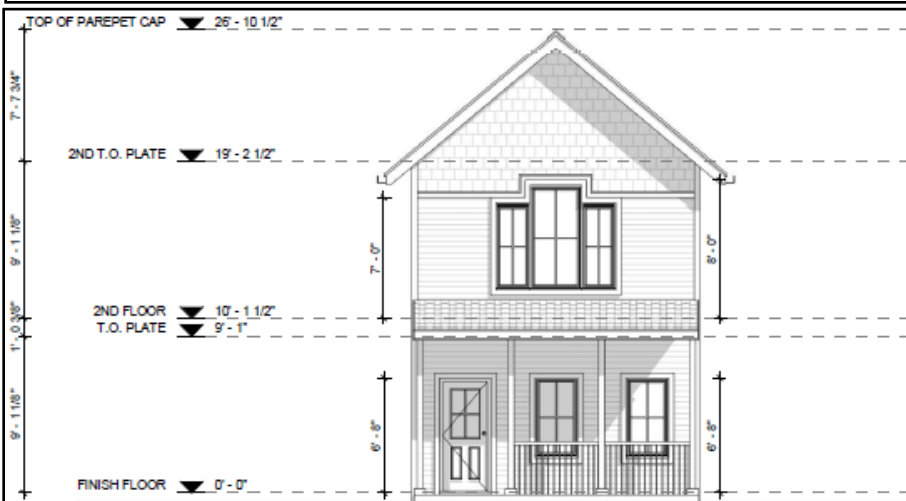
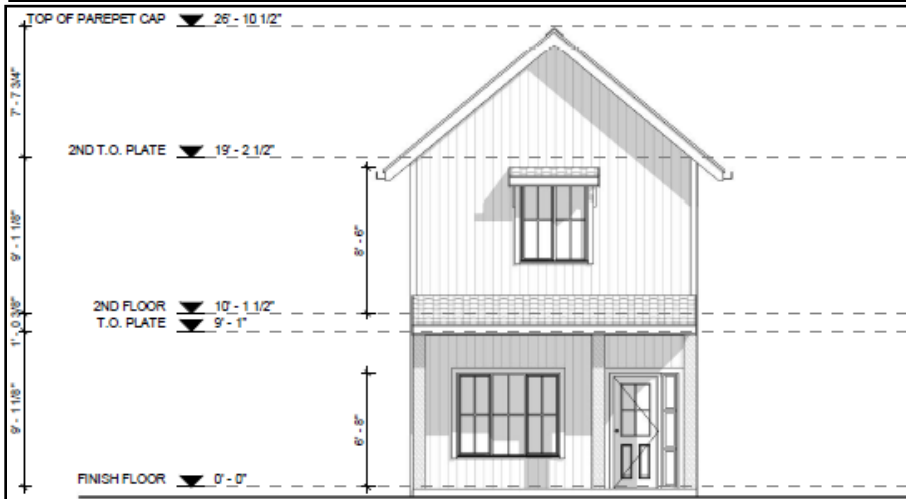
#### **SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall generally comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to single family detach dwelling development on properties zoned Residential District-5000 (RD-5) and the patio home requirements of Chapter 62-167. The following standards shall be applicable:

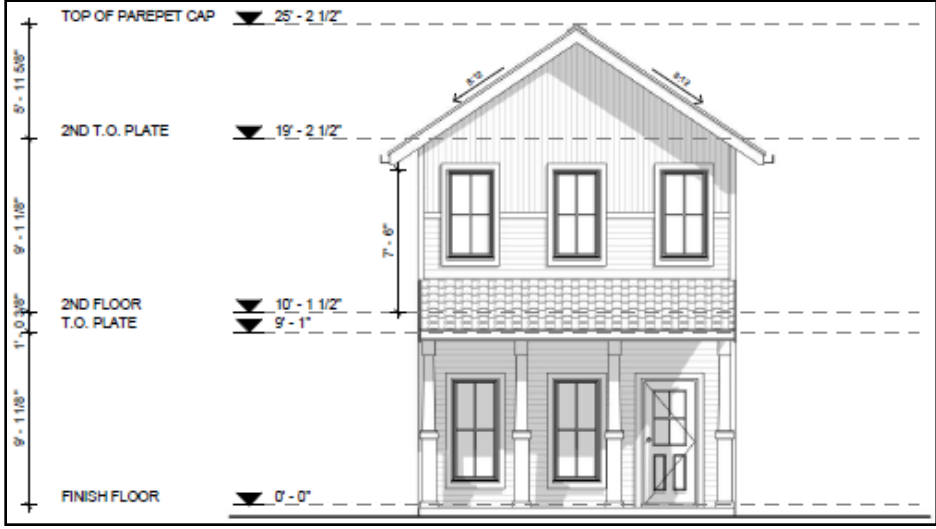
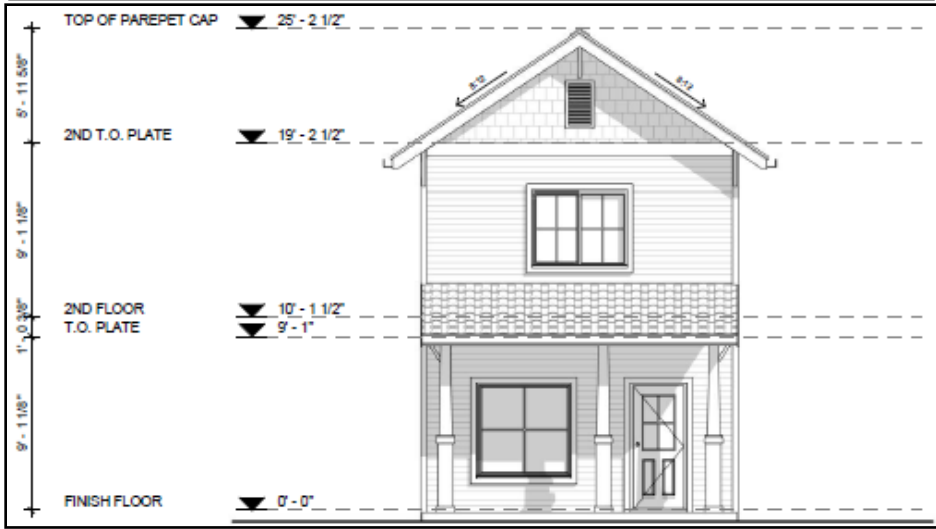
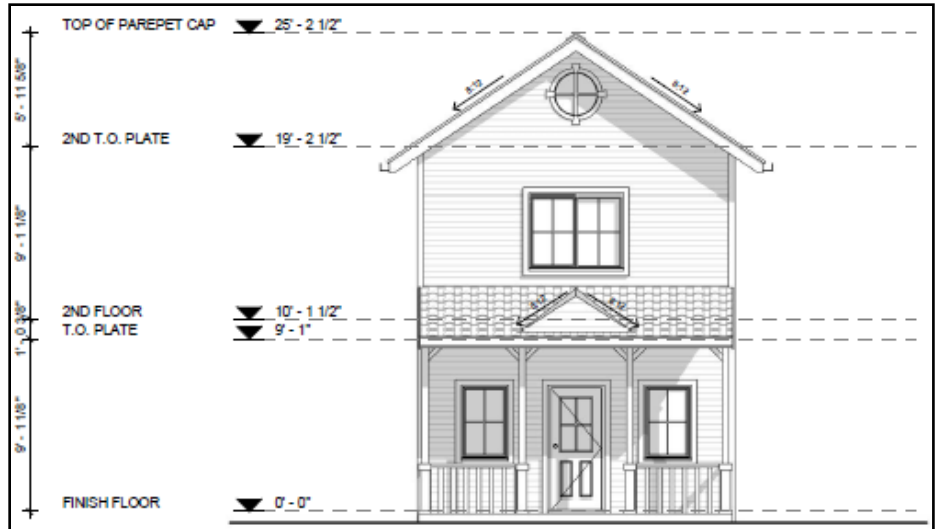
18. Exhibit A is attached hereto and provides for the overall development of this district.
19. Lots can be platted that are not adjacent to or otherwise contiguous with a Public Right-of-Way.
20. All lots shall have access either by Public Right-of-Way or Shared Access Easement(s).
21. All shared access easements shall be for the common use of all homes within this development.
22. Lots shall be a minimum of 1350 square feet.
23. Lots shall have a minimum width of 22.5 feet.
24. Lots shall have a minimum depth of 60 feet.
25. Corner lots shall have a minimum width of 4 feet greater than interior lots.
26. There shall be no minimum front or rear yard setback.
27. Homes will be constructed at least 6-feet from one side lot line.
28. Minimum setback from a lot not within this district is 6 feet.
29. Each home shall have a minimum of one parking space, provided by either on-street or off-street parking facilities.
30. The common courtyard area shall be defined as the area from the front of one home to the front of the opposite home, for the full width of each lot. Each home shall face (front) the common courtyard area as shown on Exhibit A.
31. Each home will have a maximum square footage of 1100 SF and a maximum of 2 bedrooms.
32. No fencing will be allowed within the shared common courtyard area.
33. Minimum landscaping shall be at least one canopy tree, per lot, located within the common courtyard area. Additionally, there shall be a minimum of 4 street trees planted along W. 31<sup>st</sup> Street



**PROPOSED ELEVATIONS:**







**CURRENT CONDITIONS:**



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

# Rezoning Supplement A



Minimum Requirements:

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

Please list the reasons for this rezoning request:

The property is currently developed with one, single story residential unit that are being used for rental property. These older homes are in need of upgrades and there is a growing demand for higher density residential in the downtown area.

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

The downtown area has seen several developments geared towards young professionals that want an urban residence. The proposed cluster-home development is compatible with the downtown district's shops, services, and existing lofts and other residential units.

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:

The proposed zoning is in accordance with the Future Land Use Plan and is compatible with the existing and proposed developments neighboring this site.

List any other reasons to support this zone change:

NA.

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

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Future Land Use Plan (as shown below) suggests the subject property is located in an area that may be appropriate for commercial/high intensity office uses. According to the land use policies of the Future Land Use Plan and Comprehensive Plan, land to be developed in this area shall be located along major arterial, super arterial and freeway corridors.

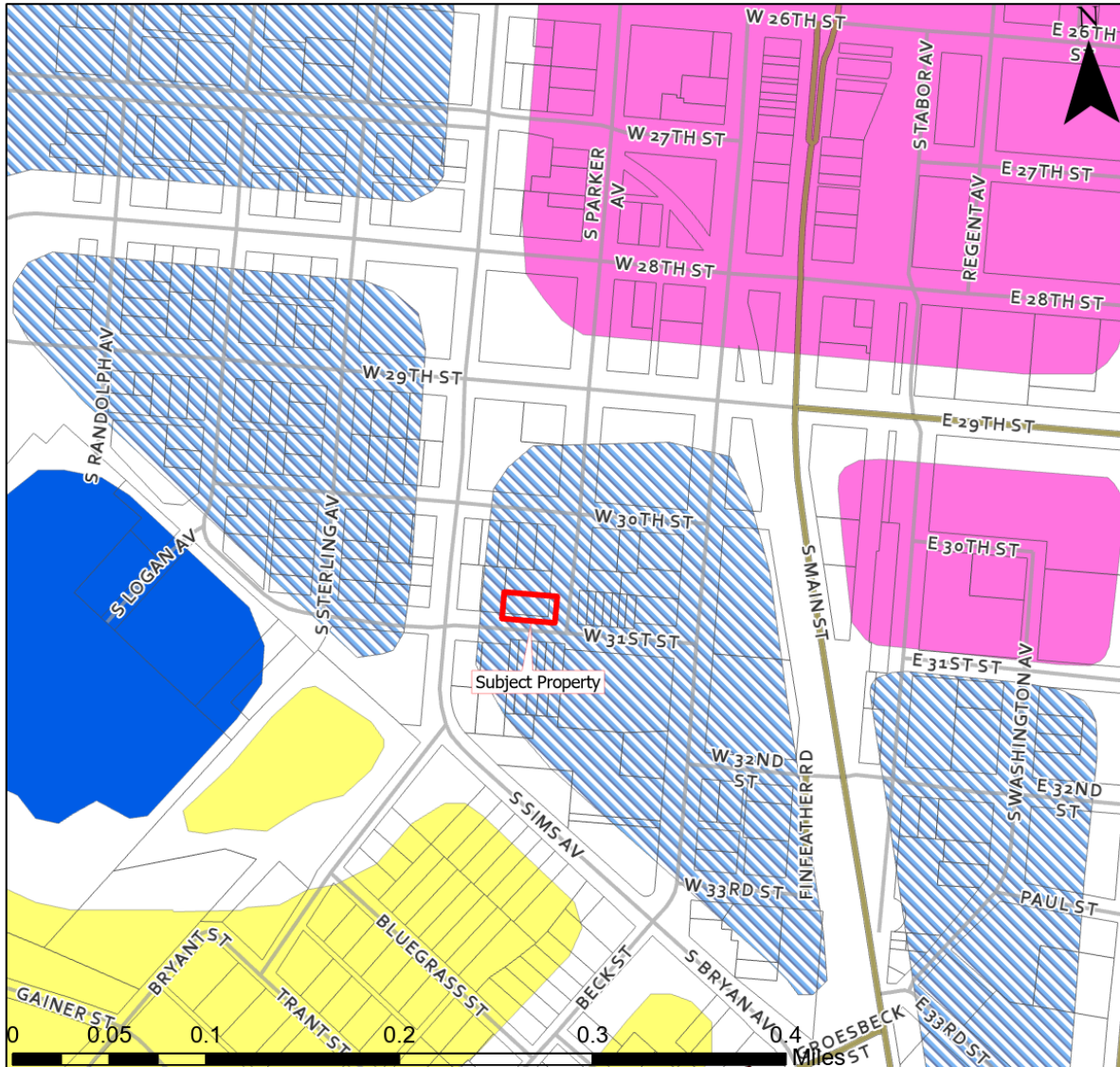
### Chapter 5: Land Use

The Central Urban area is adjacent to the downtown core and serves as a transition between the core and existing peripheral low density residential neighborhoods. This area should be infused with a mixture of residential options as well as supportive retail, commercial and office uses. There is a large potential for infill housing development; which should be guided by design principles that complement the existing framework and character of the Downtown core. The following are policies to guide central urban areas:

- The existing pattern in this area should not be altered without a more detailed study of land use change and traffic patterns.
- A new zoning district should be created to allow supporting and complimentary land uses to the Downtown area.
- This area should be a horizontal mixed use district.
- Densities should be less than allowed Downtown.
- Appropriate uses include
  - Live/work units,
  - Single family,
  - Townhomes and multi-family,
  - Small scale retail and office.
- Entertainment and other similar uses should be encouraged Downtown

**EXCERPT FROM FUTURE LAND USE PLAN MAP:**

# Future Land Use Plan



- Low Density Residential
- Downtown
- Central Urban Area
- Commercial
- Public/Semi-Public



This is a product of the City of Bryan Geographic Information System. This geospatial data product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor and represents only the approximate relative location of property boundaries. This product may not reflect some data otherwise available. This product is not a substitute for obtaining a survey or other professional advice about a specific property, specific question, or situation.

## 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 finds that the proposed Planned Development District – Housing (PD-H) will be appropriate for the immediate area, general area, and the City as a whole. In the immediate area, there has been a number of Planned Development approved for townhomes, to allow for the increase of dwelling density. While this PD-H is not for the construction of townhomes, the proposed PD-H will have a similar effect.**

**In the general area and City as a whole, staff finds that proposed development will provide a useful transition between the downtown core and existing peripheral low density residential neighborhoods. Staff notes that BluePrint 2040 specifies that this area be infused with a mixture of residential options as well as supportive retail, commercial and office uses. Staff finds that there is a large potential for infill housing development in the area of the subject property. Staff contends that the proposed development plan is guided by design principles that complement the existing framework and character of both the Midtown and Downtown Districts.**

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.

**The subject property has adequate access to water lines to provide potable water and fire protection. The subject property has adequate access to sewer lines. When developed, four public parking spaces are to be dedicated and protected along West 31<sup>st</sup> Street. Although the proposed PD-H will be increasing the housing density, leading to an increase of traffic volume in the area. The subject property has easy access a minor arterial and major collector roadways respectively being Beck Street and South Sims Avenue.**

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

**Staff believes that this PD-H District development plan request, if approved, is unique in nature and finds that there will be no other land classified for similar development in the vicinity outside of the MT-C and elsewhere in the City.**

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.

**As stated previously, staff believes that this PD-H District development plan request, if approved, is unique in nature and finds that there will be no other land classified for similar development in the vicinity outside of the MT-C and elsewhere in the City. Staff contends that in this specific case, the requested PD-H District would not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.**

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

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

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

**Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare that were not already mentioned above. Staff contends that this proposed PD-H District at this location will allow for limited and orderly development on the subject properties.**

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

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

**Staff believes that given the adopted goals in BluePrint 2040 and the Midtown Area Plan, the proposed use, patio homes, in this PD-H District is a compatible land use with the abutting sites. In the surrounding area, many townhomes have been built, and the height of the homes will not exceed that of the normal 2 story home. Trees are to be provided along W 31<sup>st</sup> Street, but not in-between the sidewalk and road that Midtown standards state, due to the location of public utilities.**

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

**Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the proposed standards within this PD-H District.**

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff contends that the proposed land use and development standards within the PD-H District will have an increase of vehicle traffic in the area do to the increase of housing density. This negative affect is easily mitigated do to its relative location near a minor collector and minor arterial roadways. Protected on street parking is being provided in addition to sidewalks along the property, which should improve safety for the property.**

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

**Staff contends that the proposed development and use standards will adequately mitigate against harmful effects to adjacent properties by inappropriate lighting, or types of signs.**

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

**Staff contends that the proposed request will reasonably protect persons and property from erosion, flood or water damage, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.**

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

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

**RECOMMENDATION:**

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