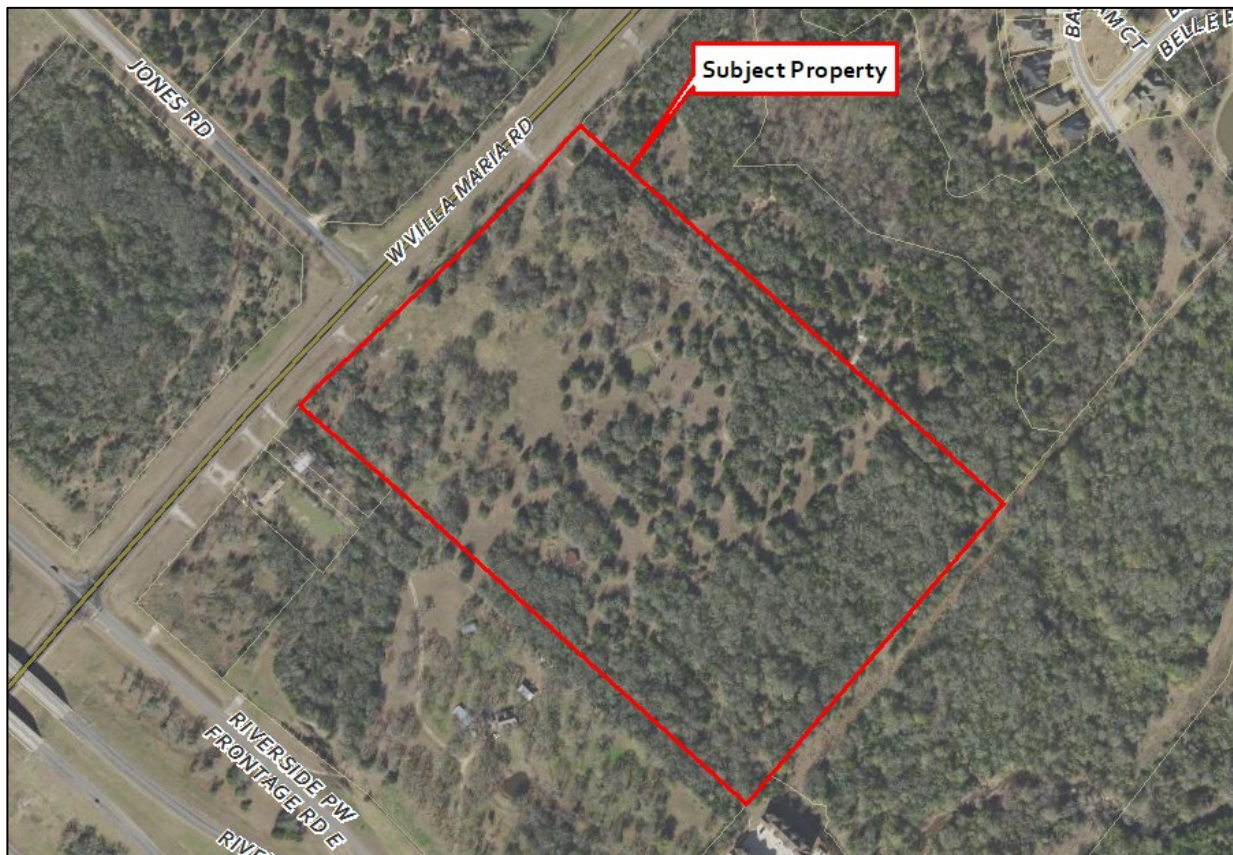
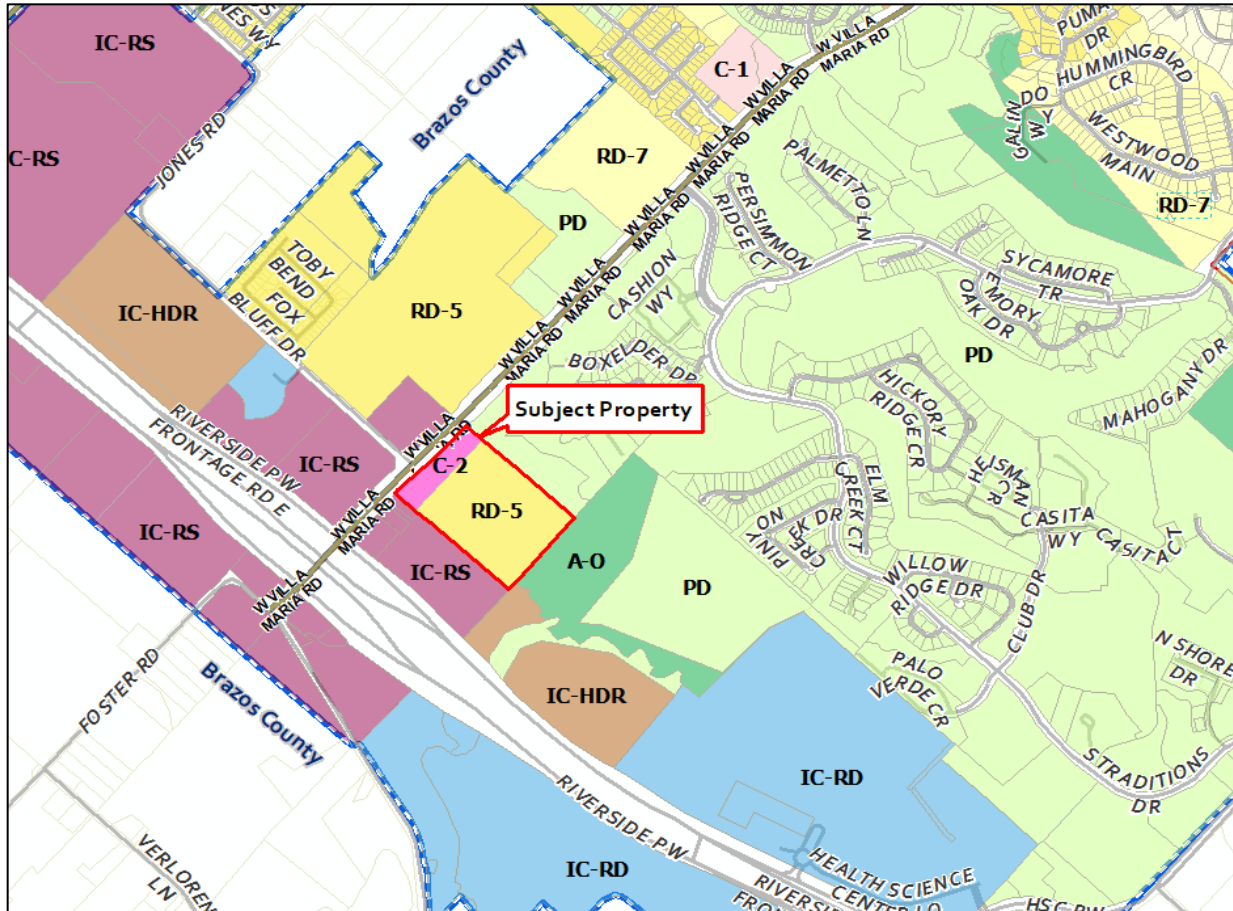


LOCATION MAP AND AERIAL PHOTOGRAPH:



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 A COMBINATION OF RETAIL DISTRICT (C-2) AND RESIDENTIAL DISTRICT – 5000 (RD-5) TO PLANNED DEVELOPMENT – MIXED-USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 33.77 ACRES OF VACANT LAND OUT OF THE T.J. WOOTEN LEAGUE, LOCATED SOUTHEAST OF THE INTERSECTION OF JONES AND WEST VILLA MARIA ROADS 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 a combination of Retail District (C-2) and Residential District – 5000 (RD-5) to Planned Development – Mixed-Use District (PD-M), on 33.77 acres of vacant land out of the T.J. Wooten League, located southeast of the intersection of Jones and West Villa Maria Roads in Bryan, Brazos County, Texas, was recommended to be approved by the Planning and Zoning Commission during its regular meeting on January 5, 2023 (case no. RZ22-19).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of Retail District (C-2) and Residential District – 5000 (RD-5) to Planned Development – Mixed-Use District (PD-M), on 33.77 acres of vacant land out of the T.J. Wooten League, located southeast of the intersection of Jones and West Villa Maria Roads in Bryan, Brazos County, Texas, said property being depicted on attached Exhibit “A” and described more particularly by metes-and-bounds on attached Exhibit “B”, and subject to development requirements specified in attached Exhibit “C” and depicted on attached Exhibit “D” 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 7th day of February, 2023 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 "B":

A FIELD NOTES DESCRIPTION OF 33.77 ACRES IN THE THOMAS J. WOOTON LEAGUE SURVEY, ABSTRACT 59, IN BRYAN, BRAZOS COUNTY, TEXAS, BEING ALL OF A CALLED 33.86 ACRE TRACT OF LAND CONVEYED TO LUMINOUS CAPITAL LLC IN VOLUME 15667, PAGE 33 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 33.77 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the northwest line of the remainder of a called 151.398 acre tract of land conveyed to Bryan Commerce and Development Incorporated in Volume 7874, Page 169 (OPRBCT), at the east corner of said 33.86 acre tract and the south corner of the remainder of a called 34.21 acre tract of land conveyed to Lard Family Land Company in Volume 10004, Page 213 (OPRBCT);

THENCE, with the northwest line of said remainder of 151.398 acre tract, along the southeast line of the Thomas J. Wooton League Survey, **S 40° 46' 54" W**, for a distance of **834.43 feet** to a 1/2 inch iron pipe found at the west corner of said remainder of 151.398 acre tract and the north corner of Lot 1, Block 1 of The Ranch at Turkey Creek as shown on the plat recorded in Volume 14317, Page 85 (OPRBCT);

THENCE, with the northwest line of said Lot 1, continuing along the southeast line of the Thomas J. Wooton League Survey, **S 40° 37' 29" W**, for a distance of **157.86 feet** to a 6 inch treated fence corner post found at the east corner of a called 16.008 acre tract of land conveyed to Theodore Henry Friend in Volume 1567, Page 63 of the Official Records of Brazos County, Texas (ORBCT) and the south corner hereof;

THENCE, with the northeast line of said 16.008 acre tract, **N 47° 57' 30" W**, for a distance of **1,208.35 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set at the north corner of said 16.008 acre tract and the east corner of a called 0.6653 acre tract of land conveyed to Kamran Abdul Jabbar in Volume 17180, Page 90 (OPRBCT), from which a 1/2 inch iron rod found at the south corner of said 0.6653 acre tract bears **S 41° 14' 01" W**, a distance of 100.33 feet;

THENCE, with the northwest line of said 0.6653 acre tract, **N 48° 23' 39" W**, at a distance of 290.46 feet passing a 4 foot long 5/8 inch iron rod found bent, and continuing for a total distance of **295.31 feet** to a point on the southeast right-of-way line of W. Villa Maria Road (a variable width right-of-way, 1119/865 ORBCT) at the north corner of said 0.6653 acre tract and the west corner hereof, from which a 6 inch cedar fence corner post found with a 1/2 inch iron rod with yellow plastic cap stamped 'RPLS 5743' found at its base bears **N 78° 10' 29" E**, a distance of 0.6 feet;

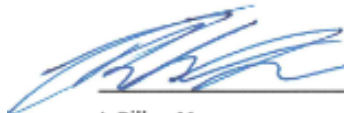
THENCE, with the southeast right-of-way line of W. Villa Maria Road, the following five (5) courses and distances:

- 1) N 41° 22' 26" E, a distance of 138.90 feet to a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found;
- 2) N 47° 13' 38" E, a distance of 511.23 feet to a point, from which a concrete right-of-way marker found bears N 73° 13' 46" W, a distance of 0.91 feet;
- 3) N 46° 03' 57" E, a distance of 86.33 feet to a concrete right-of-way marker found;
- 4) N 43° 27' 05" E, a distance of 86.82 feet to a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found;
- 5) N 42° 16' 27" E, a distance of 199.68 feet to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set at the west corner of the remainder of a called 25.60 acre tract of land conveyed in said deed, 10004/213 (DPRBCT) and the north corner hereof, from which a 6 inch cedar fence corner post found with a 1/2 inch iron rod with yellow plastic cap stamped 'RPLS 5743' found at it's base bears S 04° 51' 05" W, a distance of 1.4 feet;

THENCE, with the southwest line of said Lard remainder of 25.60 acre tract and said Lard remainder of 34.21 acre tract, S 46° 54' 04" E, at a distance of 219.89 feet passing a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found, and continuing for a total distance of 1,428.04 feet to the POINT OF BEGINNING hereof and containing 33.77 acres, more or less.

Surveyed on the ground June 2021 under my supervision. See plat prepared June 2021 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00010374112633 (calculated using GEOID12B). Reference drawing: 21-579.



 11/10/21

J. Dillon Means
Registered Professional Land Surveyor No. 6770

KERR
SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500

Exhibit “C”:
Development Standards for the subject Planned Development – Mixed Use District (PD-M)

±33.77 Acres

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 Planned Development – Mixed-Use District is for multi-family development with neighborhood commercial uses that support the development and surrounding neighborhoods.

The proposed residential area, Planning Area A, is configured as a condominium regime, and is not intended to be subdivided into individual lots. This multi-family development will consist of duplexes, short-term rental residential units and detached dwelling units. The proposed development shall be uniquely designed so that units will have the appearance of detached dwelling units. Natural areas are preserved, and large open green areas are provided to serve as an amenity to the development, provide recreational opportunities, and to preserve existing vegetation.

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.

Casita shall mean a free standing, detached dwelling unit, between 375 square feet and 1,000 square feet that is intended to be utilized for short-term rental. Casitas shall not be intended for the long term, in excess of 90 calendar days, dwelling of more than four unrelated occupants. Casitas shall either be built to the version adopted by the City at the time of construction (subject to City of Bryan amendments) of the International Residential Code (IRC) or to the Texas Industrialized Building Code for modular homes. Modular buildings shall be placed on an engineered foundation.

Stable – Commercial shall mean a stable used for the rental of stall space or for the sale or rental of horses or mules. In the context of this District, commercial stables shall consist of at least five acres of land and shall contain areas for grazing and socialization.

Service Areas shall mean the area or location on the site dedicated to loading, deliveries, solid waste containers, mechanical or electrical equipment

Section 3: Land Uses

Residential uses are located in Planning Area A. Allowable uses will be limited to the following:

- Accessory structures including private stables not for remuneration, hire or sale;
- Casita;
- Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily development;
- Detached dwelling units;
- Duplex;

- Essential municipal uses;
- Home occupations;
- Multifamily dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Personal Care Homes;
- Place of worship;
- Real estate sales offices during the development of residential subdivisions, but not to exceed three years;
- 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;

Retail uses are located in Planning Area B. Allowable uses will be limited to the following:

- Bed and breakfast;
- Charitable uses
- Child care—Class B and C;
- Commercial amusement (indoor);
- Dance studio;
- Essential municipal uses;
- Fitness center;
- Fraternal/service organization;
- Gaming establishments;
- General office use (professional, administrative);
- Kiosk;
- Medical facilities or clinics;
- Motel or hotel;
- Museum/art gallery;
- Night club or tavern (< 5,000 square feet).
- Package liquor store;
- Personal service shop or custom personal services;
- Photography studio;
- Place of worship;
- Reception hall;
- Recreational/community center;
- Restaurant;
- Retail services (including incidental uses);
- Studio;
- 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; and
- Veterinary services (no outdoor pens or runs).

Conditional uses will be limited to the following:

- Stable – Commercial

Section 4: Physical Development of Planning Area A

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 natural areas and promote placemaking through the use of design and construction methods.

The development shall generally be in accordance with the Exhibit "A", Zoning Exhibit, including the location, orientation, and size of various land uses and open spaces.

1. Physical development 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 Multiple-Family Residential District (MF), subject to any modifications specified herein.
2. All areas may be developed in phases and receive site plan approval separately.
3. Planning Area A shall be configured in a condominium regime, subject to the regulations found within Texas Property Code Chapter 82, Uniform Condominium Act, of Title 7, Condominiums.
4. Minimum parking requirements are as follows:
 - a) One bedroom: One space required
 - b) two or three bedrooms: Two spaces required
 - c) Four or five bedrooms: Three spaces required
 - d) more than five bedrooms: Four spaces required.
5. Paved walkways may include materials such as concrete, asphalt, decomposed granite or other gravel surface. Where gravel surfaces are used, a containment edge of steel, plastic, or concrete shall be provided.
6. Allow the use of gravel for parking. Gravel used for parking will require a geogrid such as Gravelpave2, Hexpave or other equivalent underlayment structure. Where gravel surfaces are used, a containment edge of steel, plastic, or concrete shall be provided. Striping shall not be required in gravel parking areas.
7. Internal drives shall be provided and constructed to meet International Fire Code requirements and be sufficient to accommodate sanitation services.
 - a) All drives shall be owned and maintained by the owner of the development.
 - b) Internal drives shall be considered fire lanes and shall be a minimum of 25 feet wide, measured from back of curb to back of curb and maintain an overhead clearance of no less than 14 feet. All curve or turn radii must be sufficient to accommodate the turning profile of the City's largest emergency apparatus.
 - c) Structures shall be no further than 40 feet from any internal drive/fire lane.
 - d) Concrete or Asphalt concrete (with concrete curb and gutter or flush ribbon curb) shall be used for construction of all internal drives. Concrete pavers may be permitted as an alternate paving material with prior approval of the Fire Marshal.
8. Roll off containers shall be permitted with prior approval of the Solid Waste Supervisor. When roll off containers are not permitted, dumpsters with concrete pads and enclosures in conformance with Bryan Code of Ordinances Chapter 102, Solid Waste, shall be utilized. Locations shall be approved by City of Bryan Solid Waste Supervisor (via site plan review) prior to construction.
9. Innovation Corridor Overlay District requirements shall not apply to Planning Area A.
10. Planning Area A, platted as a single condominium lot, shall maintain at least 50 feet of frontage on a public right-of-way.

11. Building Design

- a) Buildings shall incorporate some combination of the following façade variation elements:
 - i. expression of building structural elements (i.e. columns, water table, etc);
 - ii. variation in wall planes (including porches both recessed or protruding, windows, louvered recessed vents, corbels, cedar brackets, etc); and
 - iii. changes in material, material pattern and color.
- b) Cementitious fiberboard (CFB) siding, also known as composite lap siding, shall be a permitted masonry material for the planned development, with some units having a maximum of 90 percent coverage of CFB on certain sides; coverage may have a minimum of 80 percent coverage of CFB on certain sides.

Section 5: Physical Development of Planning Area B

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

The development shall generally be in accordance with the Exhibit “A”, Zoning Exhibit, including the location, orientation, and size of various land uses and open spaces.

1. Physical development 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 Retail District (C-2), subject to any modifications specified herein.
2. Dumpsters with concrete pads and enclosures in conformance with Bryan Code of Ordinances Chapter 102, Solid Waste, shall be utilized. Locations shall be approved by City of Bryan Solid Waste Supervisor (via site plan review) prior to construction.
3. All areas may be developed in phases and receive site plan approval separately.
4. Alcoholic beverage sales shall not observe any distance requirements from churches, schools or daycares.
5. A 20-foot curb radii at intersections shall be permitted in order to create a more pedestrian friendly environment.
6. Placement of Service Areas
 - a) Service areas shall be positioned in a location that restricts views from the public ROW and adjacent buildings. These spaces shall be oriented to an interior, side, or rear location on the property.
 - b) Outdoor storage areas are not permitted.
 - c) Internal drives are not to be used for loading, deliveries, etc. Designated areas shall be provided that allow maneuvering space for trucks onsite.
 - d) Roll off containers shall be permitted with prior approval of the Solid Waste Supervisor. When roll off containers are not permitted, dumpsters with concrete pads and enclosures in conformance with Bryan Code of Ordinances Chapter 102, Solid Waste, shall be utilized. Locations shall be approved by City of Bryan Solid Waste Supervisor (via site plan review) prior to construction.
7. Landscape Standards

- a. A minimum of 10% net site area shall require landscaping. The net site area is defined as total site area, minus the area of building pad.
 - b. Trees shall be a minimum of 3 inches in caliper at planting.
 - c. One (1) 3-inch caliper tree is required for every 500 square feet of required landscape area.
 - d. One (1) 5-gallon shrub is required for every 50 square feet of required landscape area.
 - e. Preservation of existing trees greater than 4.5-inch caliper and protected during construction will receive 800 points toward the landscape area.
 - f. Landscaping shall be required to screen any loading docks, mechanical equipment, or service areas from the public right-of-way. Masonry screening walls compatible with building architecture may be used to screen service areas in lieu of landscaping
 - g. Screening of service areas shall be no less than the height of the facilities or equipment to be screened from the public right-of-way.
 - h. The use of natural stone or other masonry retaining walls are permitted. Modular concrete, railroad ties and landscape timber are not permitted construction materials for retaining walls.
 - i. Single wythe brick walls, wooden fencing and chain link fencing are not permitted as screening materials.
 - j. The use of native or well-adapted plant material is required. Trees recommended for use in the Brazos Valley are identified on the City of Bryan trees species list and may be used to meet these requirements.
 - k. All landscape areas (except undisturbed or natural areas) must be irrigated with an automatic, underground irrigation system having rain and freeze sensors.
 - l. Where parking areas are located within 30 feet of a street right-of-way and existing trees and vegetation have been preserved and protected (as depicted on the site plan), no additional landscaping shall be required.
 - m. Where existing trees are preserved within 20-feet of the end of proposed parking, additional end island trees shall not be required.
8. No non-development buffer area requirements shall apply to any land in this Planning Area, notwithstanding any future changes to zoning classifications on abutting properties.

Section 6: Subdivision of Land

The subdivision of land in this PD-M District shall be in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF JANUARY 5, 2023:**

**3. 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 RZ22-19: Luminous Capital, LLC

A request to change the zoning classification from Retail District (C-2) and Residential District – 5000 (RD-5) to Planned Development – Mixed-Use District (PD-M) on 33.77 acres of vacant land out of the T.J. Wooten League, located southeast of the intersection of Jones and West Villa Maria Roads in Bryan, Brazos County, Texas. (K. Williams)

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

Commissioners asked for clarification of the setback and stated their approval of its size.

In response to Commissioners questions, staff stated that this property would not have negative effects on the commercial value of surrounding lots.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bush moved to recommend approval of Rezoning RZ22-19 to the Bryan City Council, as requested, and to adopt the written staff report and analysis, as the report, findings, and evaluation of this Commission. Commissioner Rodriguez seconded the motion.

Commissioners stated that the intended use for this property seems to fit the mold of successful properties in surrounding areas.

Commissioner Watson spoke in opposition to the depth of the proposed development, stating his belief that the shortness of depth would not accommodate the use of surrounding land.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

January 5, 2023



Rezoning case no. RZ22-19: Luminous Capital, LLC

CASE DESCRIPTION: A request to change the zoning classification from Retail District (C-2) and Residential District – 5000 (RD-5) to Planned Development – Mixed-Use District (PD-M)

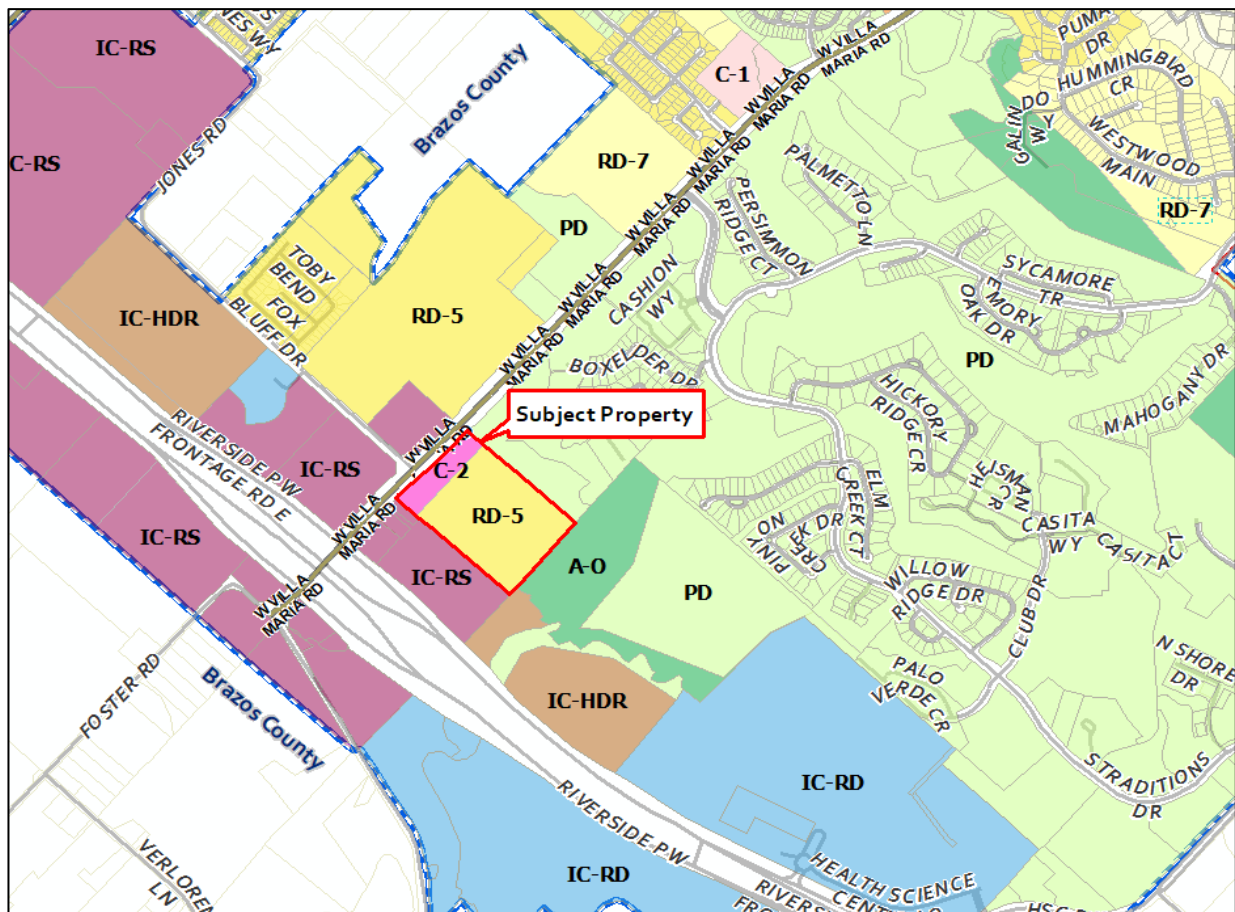
LOCATION: 33.77 acres of vacant land out of the T.J. Wooten League, located southeast of the intersection of Jones and West Villa Maria Roads

EXISTING LAND USE: Vacant Acreage

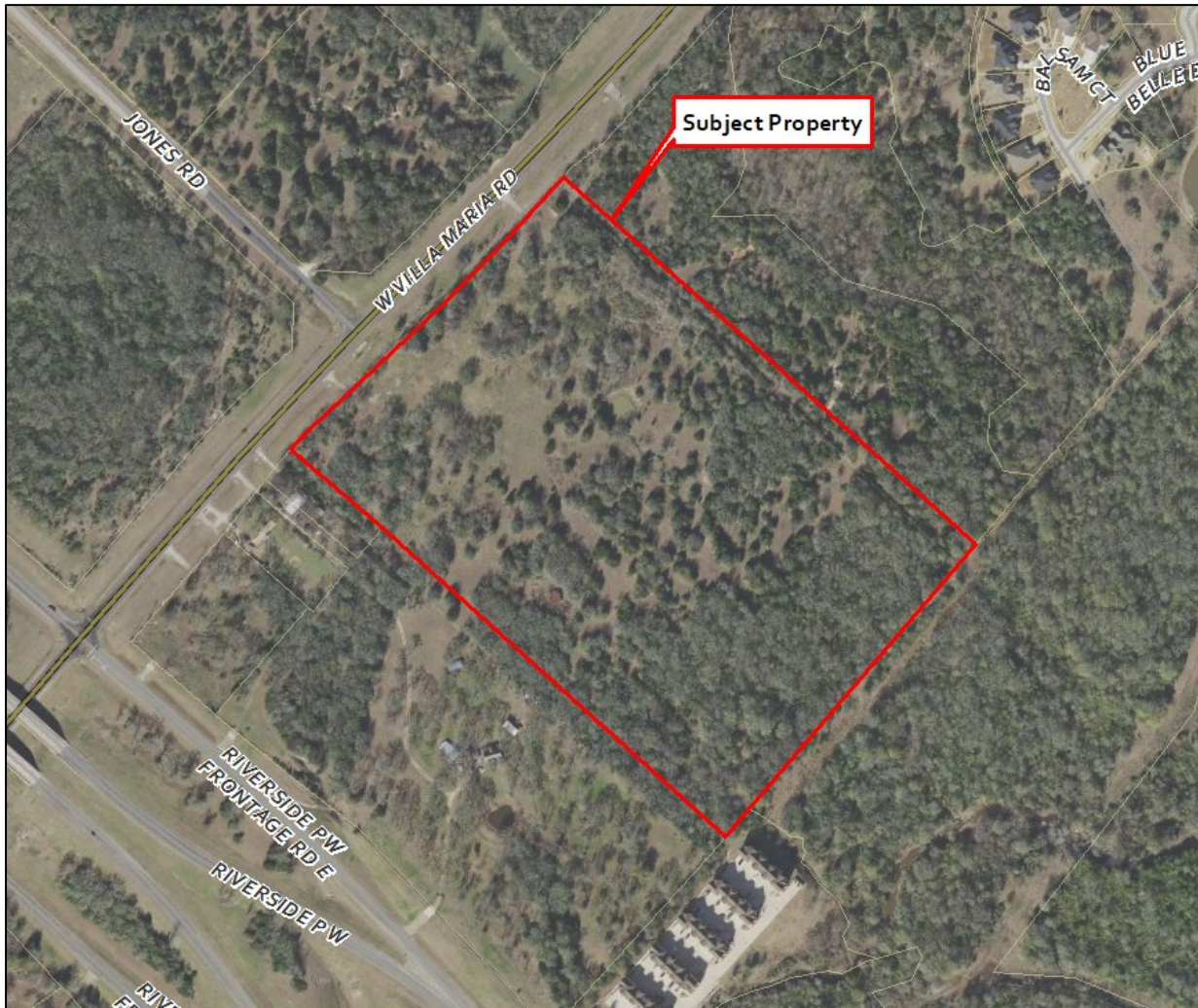
APPLICANT(S): Luminous Capital, LLC

STAFF CONTACT: Katie Williams, AICP, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed rezoning, as requested.



AERIAL IMAGERY, 2021:



BACKGROUND:

The owner and applicant, Luminous Capital, LLC, proposes to amend the zoning classification from Retail District (C-2) and Residential District – 5000 (RD-5) to Planned Development – Mixed-Use District (PD-M) on this 33.77-acre subject tract in order to develop a new resort-style residential community.

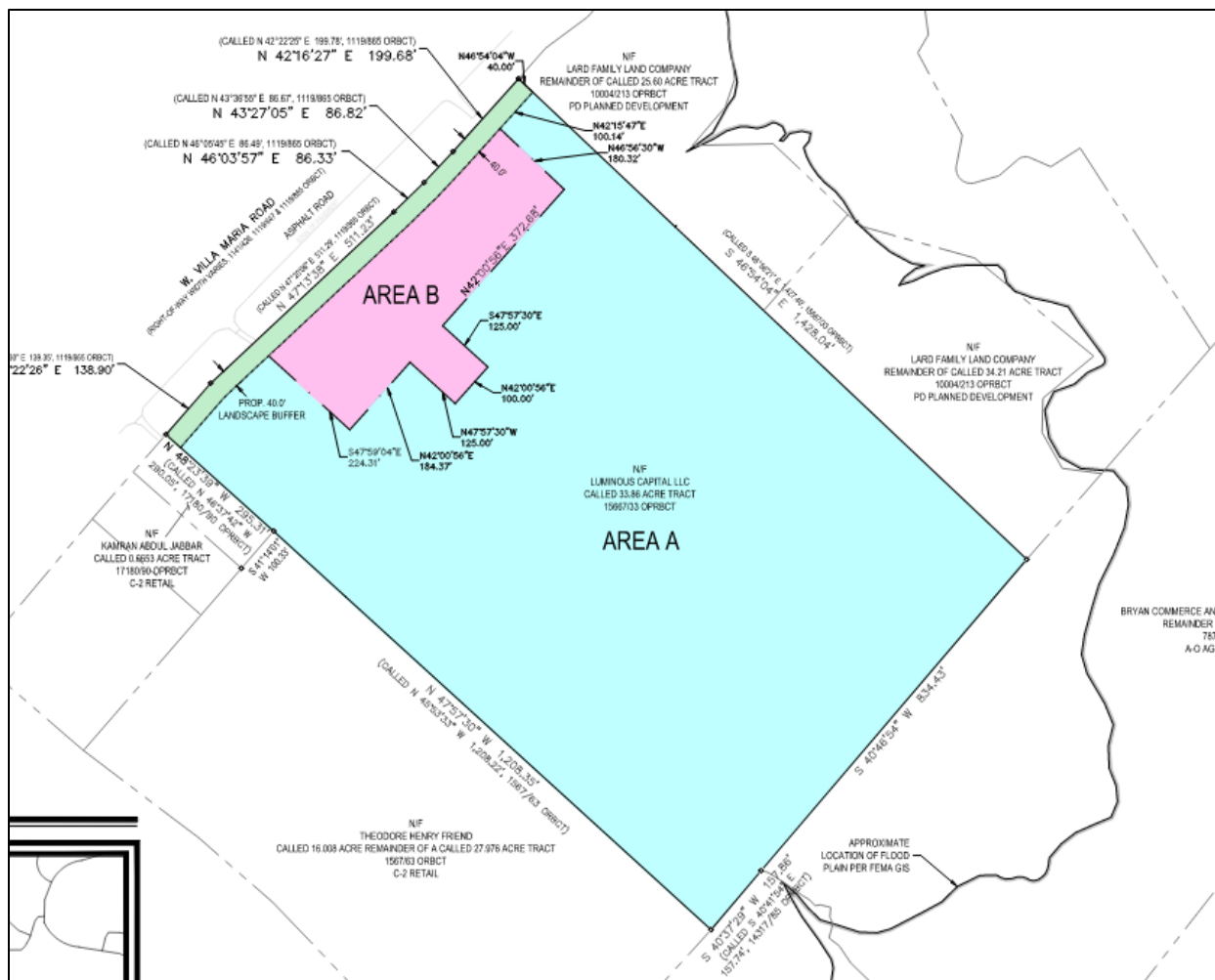
Property to the west and north, across West Villa Maria Road, was recently rezoned to Innovation Corridor – Retail Services District (IC-RS) and contains undeveloped acreage. Property to the south is zoned Multiple – Family District (MF) and Agricultural – Open District (A-O) and is the location of The Ranch at Riverside Parkway apartments, constructed in 2016. Property to the east is zoned Planned Development – Mixed-Use District and is part of The Traditions subdivision.

The proposed development regulations are separated into two planning areas and a 40-foot deep landscape buffer (see attached zoning exhibit). Planning Area A consists of 30 acres of the subject property, and is the location for residential uses. These residential structures, as described within the attached development

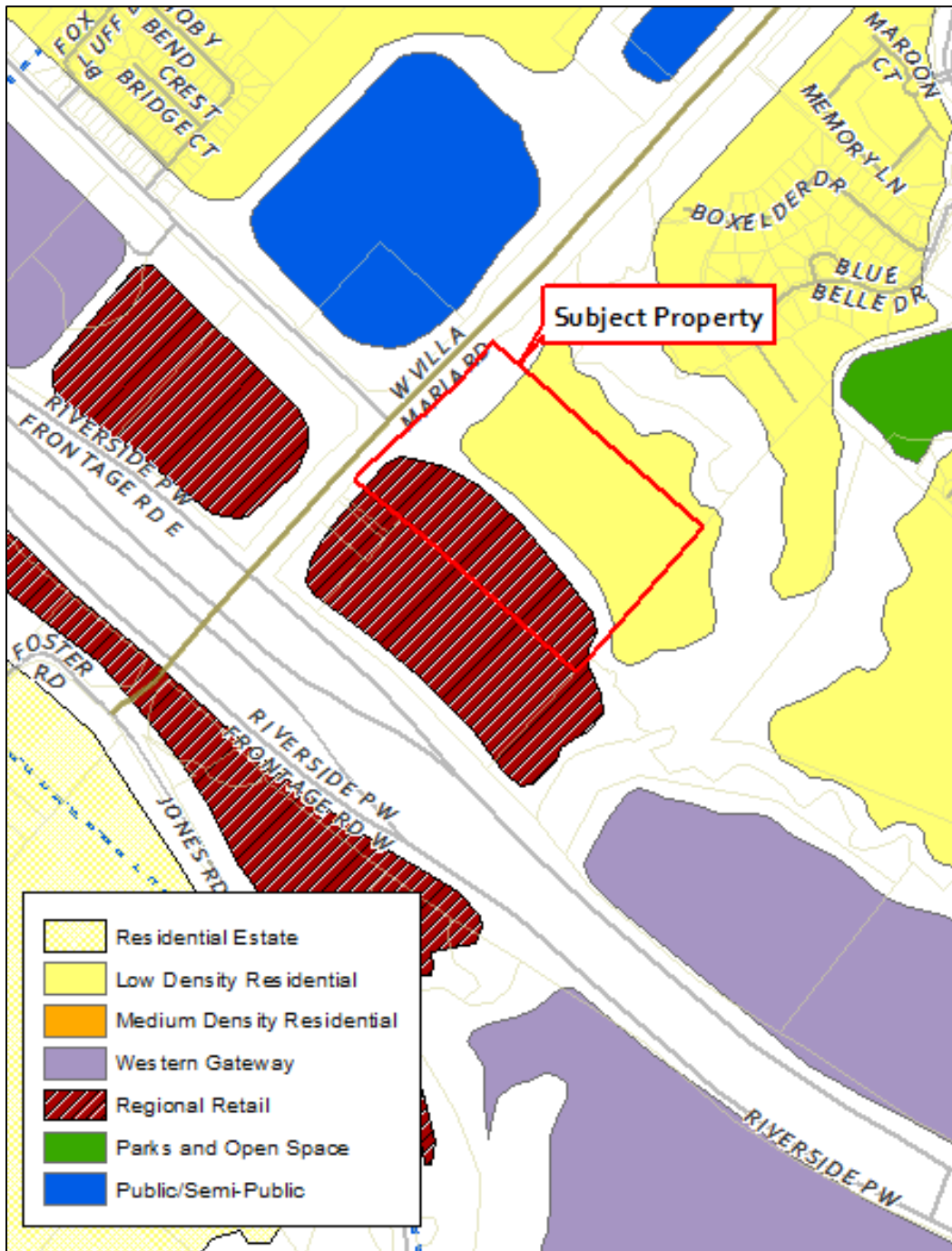
regulations, will range in size from 375 square feet (casitas) to 2,500 square feet (detached dwellings) and will be intended for both short-term rentals and permanent residency. This planning area is proposed to be platted as a 'condo regime', which will contain one lot with multiple detached structures. These structures will be owned individually, with all exterior improvements and land being owned in common.

Planning Area B is located on the portion of the subject property adjacent to West Villa Maria Road and contains retail uses that will be available to the public, but are primarily intended to serve residents and visitors of Planning Area A. In addition, approximately 0.9 acres of landscape buffer area will be maintained adjacent to West Villa Maria Road. While driveway aprons will be permitted within the landscape buffer, the intent is to preserve the existing rural character of the subject property and maintain existing landscaping for screening of any parking associated with Planning Area B.

PROPOSED DEVELOPMENT PLAN:



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 a combination of regional retail and low density residential development. Staff submits that given the present circumstances and existing pattern of development, the Planning and Zoning Commission should consider the following when making a decision regarding this particular request:

Regional retail contains large shopping centers that draw customers from surrounding communities. These centers include two or more large anchor tenants with discount stores, supermarkets, drug, large-specialty discount (toys, books, electronics, home improvement/furnishings or sporting goods, etc.). The typical market area is a radius of five to fifteen miles. The following are policies to guide development of commercial areas:

Chapter 5: Land Use

- At points of highest visibility and access; and
- In close proximity to major intersection (freeway/expressway and freeways, freeways and major arterials)

Low density residential is the predominant land use within Bryan. It represents a traditional single family detached neighborhood and includes housing and living units for people with a range of incomes and needs. Low density residential areas generally range between three and five dwelling units per acre. The following are policies to guide low density areas:

Chapter 5: Land Use

- Low density residential should be protected from, but accessible to, the major roadway network, commercial establishment, and industrial areas.
- Subdivisions should be accessible to collector and arterial streets, but directly access only local streets.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

While the proposed regulations for Planning Area A are consistent with the goals of low density residential development, the development also introduces a series of retail uses that are less intense than what is suggested by regional retail policies. Despite this, staff is comfortable with the proposed range of permitted land uses and development standards at this location.

Staff further contends that the proposed development creates a more orderly pattern of development than what is suggested by the Future Land Use Plan. The retail portion of the development being adjacent to West Villa Maria Road, as opposed to the entire western half of the property as depicted above, is more appropriate for the subject property and the area as a whole. This will also allow for a more concise separation of retail and residential uses, which is the goal of both the development regulations for the planned development and the policies established by the Future Land Use Plan.

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 believes that the proposed permitted land uses, in conjunction with the mitigating landscape buffer, are appropriate uses within the immediate area concerned.

While not in exact conformance with the land use recommendations of BluePrint 2040, staff is

comfortable with the proposed range of permitted land uses and development standards at this location. Per BluePrint 2040, low-density residential development should be protected from, but accessible to, the major roadway network. The proposed layout for development ensures appropriate buffer of low-density residential from West Villa Maria Road, a major collector roadway, but adequate access is still provided.

The proposed retail component of the development is also in conformance with recommendations for retail development as suggested by the Future Land Use Plan. Planning Area B is located at a point of high visibility on a major collector roadway, and serves to transition to the low density residential development in Planning Area A.

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 all required public utilities are present and have adequate capacity to serve any proposed development potentially allowed by the standards of the development plan.

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.

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.

Due to the specific and limited nature of this development, there are very few, if any, properties in the vicinity or the City that are being developed similarly to the subject property.

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

If the proposed PD-M District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments.

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

Staff is unable to discern other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed development plan will allow for a useful and orderly urban development of this property.

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.

Given the primarily low-density characteristics of development on surrounding sites, staff finds that the use and development of this site as proposed is compatible with existing land uses on abutting properties. The incorporation of retail uses adjacent to West Villa Maria Road will also support the goals of the adjacent Innovation Corridor, approved by City Council in October 2022, by providing high-quality urban amenities to the public.

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 provisions of the proposed PD-M District.

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

Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. While new development at this location will increase the flow of traffic, it is important to note that the subject property is located along a road designed to accommodate significant amounts of traffic.

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

No signage variances are being requested as part of this Planned Development. The residential lot will be permitted one subdivision sign at the entrance, and any businesses will conform to the basic sign regulations permitted within properties zoned Retail District (C-2).

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

Based on the required compliance with the proposed development regulations, including the landscape buffer, staff contends that future development on the subject tract will reasonably protect persons and property from erosion, flood or water damage, fire, 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 believes that the proposed master-planned development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** this request to change the zoning classification from Retail District (C-2) and Residential District – 5000 (RD-5) to Planned Development – Mixed-Use District (PD-M).

ATTACHMENTS:

1. Planned Development – Mixed-Use District (PD-M) development regulations; and
2. PD-M zoning exhibit.