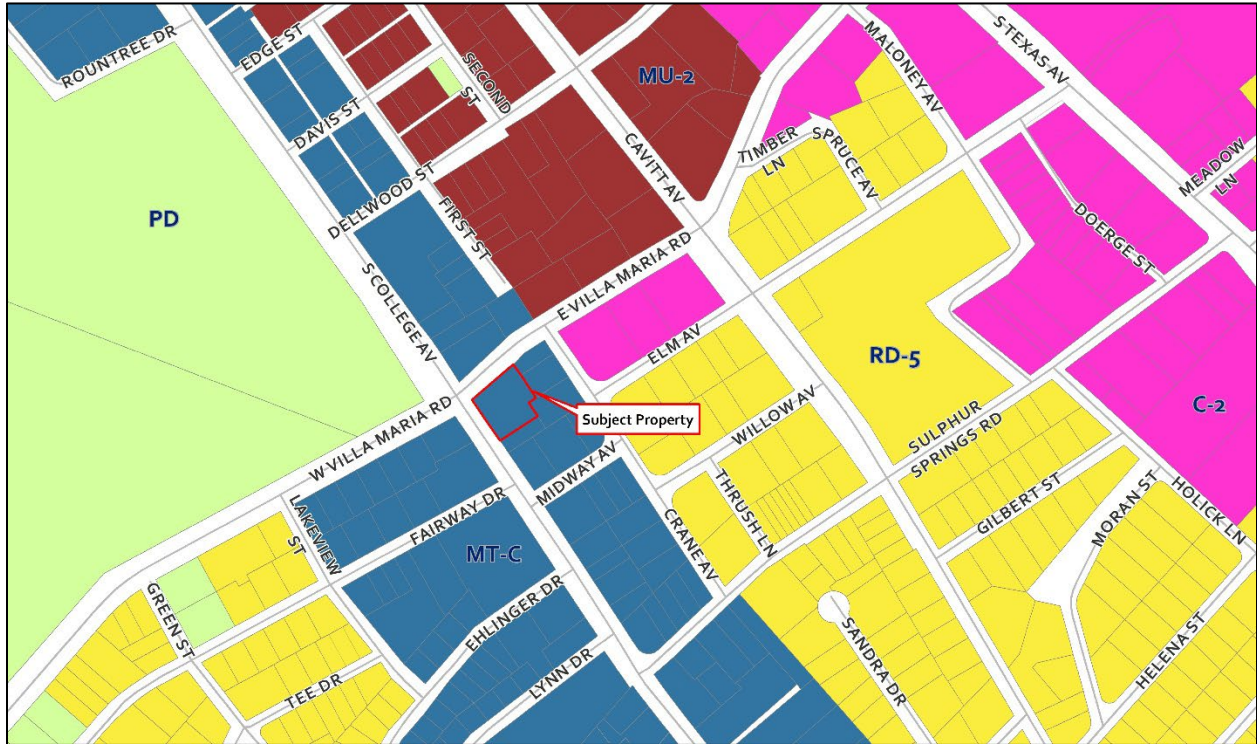


LOCATION MAP AND AERIAL PHOTOGRAPH, 2021:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM MIDTOWN - CORRIDOR DISTRICT (MT-C) TO PLANNED DEVELOPMENT – BUSINESS DISTRICT (PD-B), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 0.69 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF E. VILLA MARIA ROAD AND S. COLLEGE AVENUE, BEING LOT 1R IN BLOCK 1 OF THE MIDWAY PLACE ADDITION, AND ADDRESSED AS 3201 S. COLLEGE AVENUE 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 SAID ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Midtown - Corridor District (MT-C) to Planned Development – Business District (PD-B), on 0.69 acres of land located at the southeast corner of E. Villa Maria Road and S. College Avenue, being Lot 1R in Block 1 of the Midway Place Addition, and addressed as 3201 S. College Avenue in Bryan, Brazos County, Texas, was unanimously recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on February 2, 2023 (case no. RZ22-27).

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 Midtown - Corridor District (MT-C) to Planned Development – Business District (PD-B), on 0.69 acres of land located at the southeast corner of E. Villa Maria Road and S. College Avenue, being Lot 1R in Block 1 of the Midway Place Addition, and addressed as 3201 S. College Avenue in Bryan, Brazos County, Texas, said 0.69 acres being depicted on attached Exhibit “A”, subject to development requirements specified in attached Exhibit “B”, and depicted on attached Exhibit “C” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

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

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this

ordinance shall not be affected thereby, and to this end, the provisions of this ordinance are declared to be severable.

4.

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

5.

It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

6.

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

PASSED, ADOPTED AND APPROVED the 14th day of March 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 “A”:

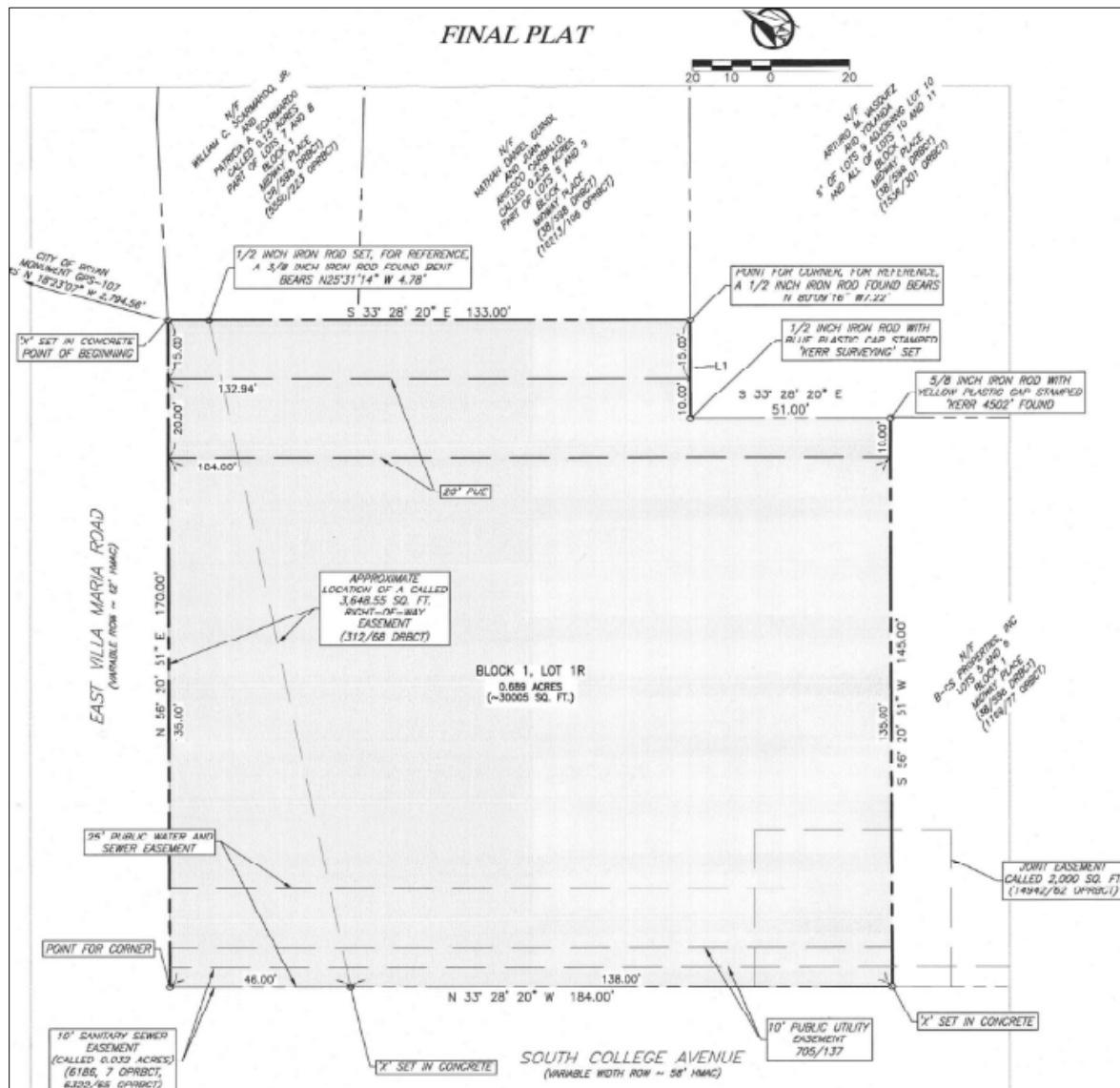


EXHIBIT “B”:

Planned Development – Business District (PD-B) Development Requirements for 0.69 acres of land being Lot 1R in Block 1 of the Midway Place Addition

GENERAL PURPOSE AND INTENT

The purpose of this Planned Development – Business District (PD-B), herein referred to as “the District” or “this District,” is to establish alternate development standards for the mutual benefit of both the property owner and the City of Bryan, and it is believed to be the best conduit to facilitate context appropriate redevelopment.

The proposed PD-B District plans to emulate the motor fuel service stations of a bygone era by incorporating distinguishing period architectural features and also provides additional standards for enhancing the interface between pedestrian and automotive oriented design by creating an urban edge with defining architectural elements commonly found in Travis Bryan Midtown Park, which will meet the intent of Bryan’s zoning regulations.

SECTION 1: DEFINITIONS

The following words, terms and phrases shall have the meanings ascribed to them in Bryan Code of Ordinances Chapter 130, Zoning, except where the context clearly indicates a different meaning Words and terms that are not expressly defined in this chapter or in Chapter 62 have their ordinary dictionary meanings, based on the latest edition of Merriam-Webster’s Unabridged Dictionary. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural; and words used in the plural number include the singular.

SECTION 2: LAND USES

With the exception of items hereafter modified, all land uses within this PD-B District shall comply with the standards in the Bryan Code of Ordinances regulating properties zoned Midtown - Corridor District (MT-C). The following additional land use shall be permitted by right in this District:

- Motor fuel sales

SECTION 3: PHYSICAL DEVELOPMENT

With the exception of items hereafter modified, all development within this PD-B District shall comply with the standards in the Bryan Code of Ordinances regulating properties zoned Midtown - Corridor District (MT-C).

1. Building Setbacks (as shown on the attached PD-B Site Plan):
 - a) Front (East Villa Maria Road) – 10-foot minimum, no maximum.
 - b) Side (South College Avenue) – 5-foot minimum, no maximum.
2. Access and Off-Street Parking:
 - a) Off-street parking will be located between the principle building and East Villa Maria Road.

3. Screening/Loading Areas:

- a) All mechanical equipment (HVAC, etc.) except vents or stacks shall be screened to the full extent possible, allowing for required airflow and access.
- b) Loading and service areas will be located in the front of the principal building.

4. Landscaping:

- a) Landscaping shall be provided as shown on the attached PD-B Site Plan. Substitution of plant species is allowed for comparable species.

SECTION 4: SIGNS

With the exception of items hereafter modified, all signs within this PD-B District shall comply with the standards in the Bryan Code of Ordinances regulating properties zoned Midtown - Corridor District (MT-C).

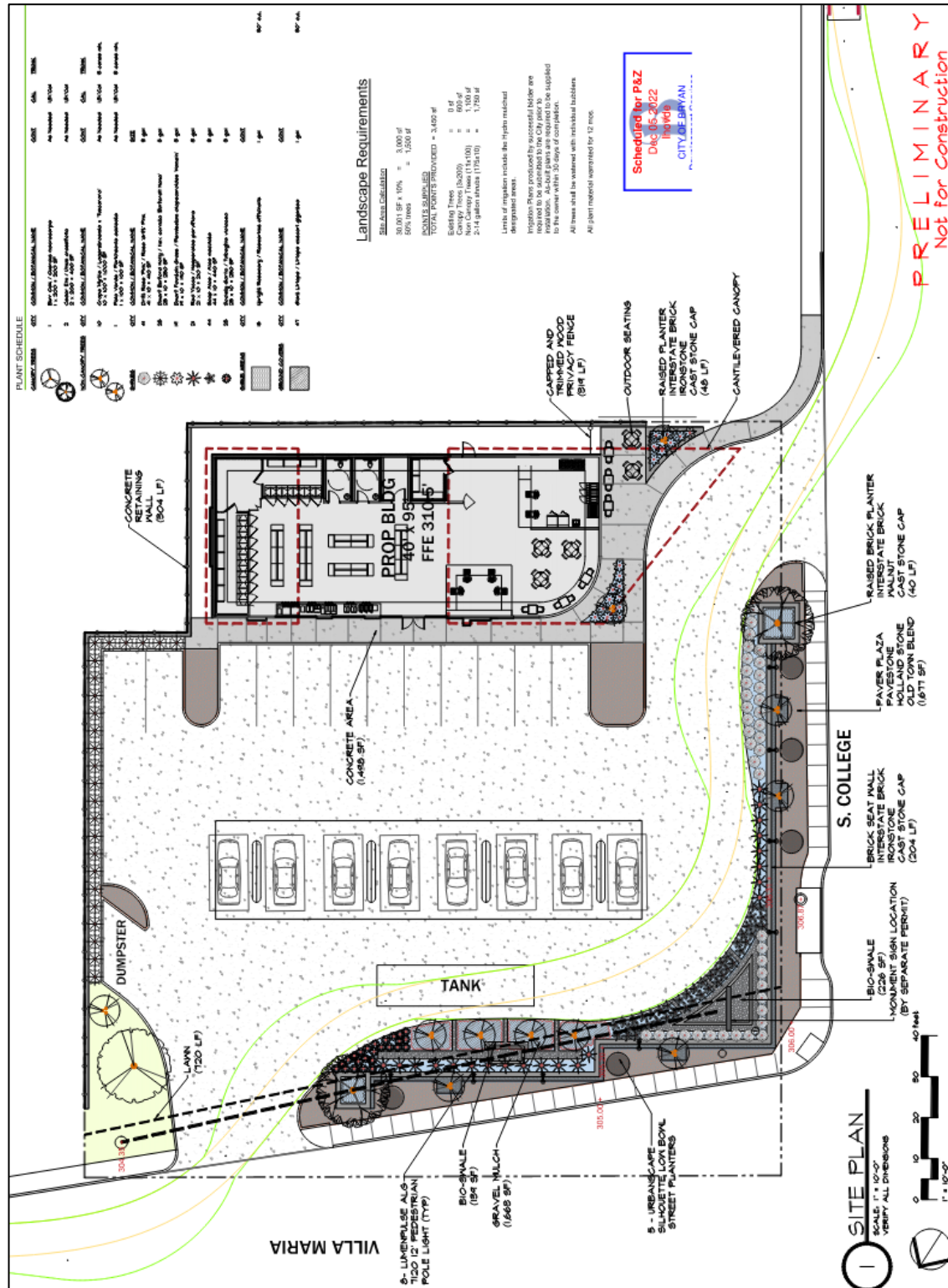
1. Wall Signs:

- a) Two wall signs per occupancy – One for front (East Villa Maria Road) and one for side (South College Avenue).

SECTION 5: SUBDIVISION OF LAND

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

SITE AND LANDSCAPE PLAN:



BUILDING ELEVATIONS:





**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF FEBRUARY 2, 2023:**

4. 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 RZ22-27: Mitchell & Morgan

A request to change the zoning classification from Midtown - Corridor District (MT-C) to Planned Development-Business District (PD-B), on 0.69 acres of land being Lot 1R in Block 1 of the Midway Place Addition, located at the southeast corner of East Villa Maria Road and South College Avenue, addressed as 3201 South College Avenue in Bryan, Brazos County, Texas. (A. Kay)

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

The public hearing was opened.

An agent on behalf of the Applicant, Mr. Alan King, 2101 Cids Lane, Bryan, TX, gave a presentation about the proposed development.

Veronica Morgan of Mitchell & Morgan, the Applicant, stated that the proposed development will increase safety and aesthetics for the corridor.

In response to Commissioners' questions, Mr. Alan King described the design and intended use of the proposed bio swale.

The public hearing was closed.

In response to Commissioners' questions, staff provided clarification on maximum square footage for signage, parking requirements, and if they could be controlled with future occupants. Staff also stated that the City has provisions in place that require landscaping to be maintained.

Commissioner Watson moved to recommend approval of Rezoning RZ22-27 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.

Commissioner Beckendorf moved to amend the motion by adding the requirement that the building and landscaping components must abide by the standards of the renderings included in the staff report. Commissioner Bush seconded. The amendment passed unanimously.

Commissioner Bush discussed the motion, as amended, stating the action taken on this unique property should not be a precedent for other cases, as this is a special case continuing a non-conforming use. He stated his approval of the design in relation to the corridor.

The motion, as amended, passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

February 2, 2023



Rezoning case no. RZ22-27: Mitchell & Morgan

CASE DESCRIPTION: a request to change the zoning classification from Midtown - Corridor District (MT-C) to Planned Development-Business District (PD-B)

LOCATION: southeast corner of East Villa Maria Road and South College Avenue, currently addressed as 3201 South College Avenue

LEGAL DESCRIPTION: 0.69 acres of land being Lot 1R in Block 1 of the Midway Place Addition

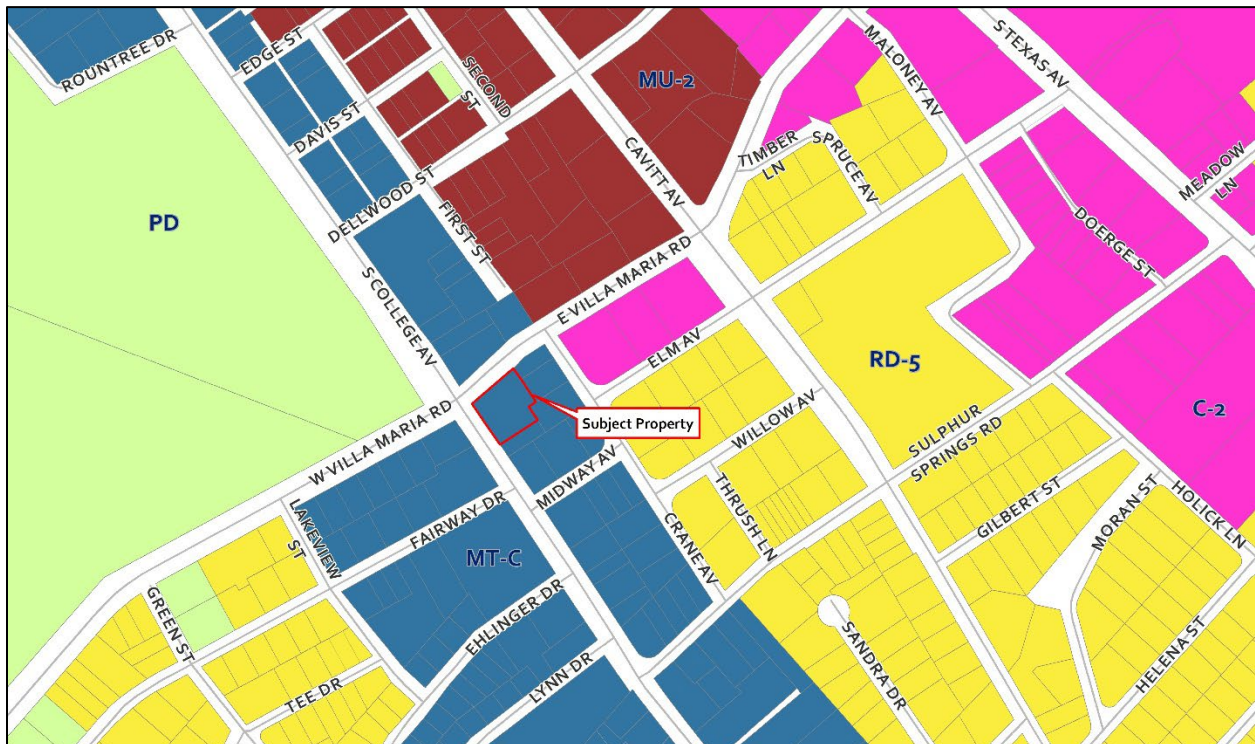
EXISTING LAND USE: convenience store

PROPERTY OWNER: El Elohim, LLC

APPLICANT(S): Mitchell & Morgan

STAFF CONTACT: Allison Kay, AICP, Senior Planner

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



AERIAL PHOTOGRAPH (2021):



OBLIQUE AERIAL – VIEW FROM TRAVIS BRYAN MIDTOWN PARK (SEPTEMBER 2022):



BACKGROUND:

On May 12, 2020, the Bryan City Council approved the Midtown Area Plan, which set goals and guidelines for various developments within the midtown area. On August 10, 2021, the Bryan City Council approved rezoning approximately 74 acres of land Midtown – High Density District (MT-HD) and 346 acres of land Midtown – Corridor District (MT-C). The intent of the MT-C District zoning is to allow new development and redevelopment to occur within certain design and development expectations established by the Midtown Area Plan.

SURROUNDING ZONING AND LAND USES:

- | | | |
|---------|-----------|--|
| • North | MT-C | Carwash (retail) |
| • East | MT-C | Detached residential dwellings (residential) |
| • South | MT-C | Vacant retail building (retail) |
| • West | MT-C & PD | Insurance business (retail), Travis Bryan Midtown Park |

To accommodate the redevelopment of the existing convenience store, the applicant, Mitchell & Morgan, on behalf of the property owner, El Elohim, LLC, is requesting to change the existing zoning classification from Midtown – Corridor District (MT-C) to Planned Development – Business District (PD-B) on the subject 0.69 acres of land being Lot 1R in Block 1 of the Midway Place Addition, adjoining the southeast corner of East Villa Maria Road and South College Avenue.

HIGHLIGHTS OF PROPOSED PD-B DISTRICT:

As part of their rezoning request, the applicant proposes the following additions and amendments to the current MT-C District zoning:

Land use:

1. Addition of motor fuel sales

Physical development:

1. Removal of setback ranges and implementing building setbacks.
 - a. Front building setback (East Villa Maria Road) – 10-foot minimum, no maximum
 - b. Side building setback (South College Avenue) – 5-foot minimum, no maximum
2. Locating off-street parking between the principle building and East Villa Maria Road.
3. Mechanical equipment will be screen to the full extent possible.
4. Loading and service areas will be located in front of the principle building.
5. Landscaping shall be provided as shown on the associated landscape plan, and substitution of plant species will be allowed for comparable species.

Signs:

1. Two wall signs allowed per occupancy; one for East Villa Maria Road and one for South College Avenue.

Note that, if approved, the proposed development plan will generally supplement, not completely replace the existing standards for use and development on the subject tract.

EXISTING CONDITIONS:



PROPOSED DEVELOPMENT PLAN:

Planned Development – Business District (PD-B) Development Requirements for 0.69 acres of land being Lot 1R in Block 1 of the Midway Place Addition

GENERAL PURPOSE AND INTENT

The purpose of this Planned Development – Business District (PD-B), herein referred to as “the District” or “this District,” is to establish alternate development standards for the mutual benefit of both the property owner and the City of Bryan, and it is believed to be the best conduit to facilitate context appropriate redevelopment.

The proposed PD-B District plans to emulate the motor fuel service stations of a bygone era by incorporating distinguishing period architectural features and also provides additional standards for enhancing the interface between pedestrian and automotive oriented design by creating an urban edge with defining architectural elements commonly found in Travis Bryan Midtown Park, which will meet the intent of Bryan’s zoning regulations.

SECTION 1: DEFINITIONS

The following words, terms and phrases shall have the meanings ascribed to them in Bryan Code of Ordinances Chapter 130, Zoning, except where the context clearly indicates a different meaning Words and terms that are not expressly defined in this chapter or in Chapter 62 have their ordinary dictionary meanings, based on the latest edition of Merriam-Webster’s Unabridged Dictionary. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural; and words used in the plural number include the singular.

SECTION 2: LAND USES

With the exception of items hereafter modified, all land uses within this PD-B District shall comply with the standards in the Bryan Code of Ordinances regulating properties zoned Midtown - Corridor District (MT-C). The following additional land use shall be permitted by right in this District:

- Motor fuel sales

SECTION 3: PHYSICAL DEVELOPMENT

With the exception of items hereafter modified, all development within this PD-B District shall comply with the standards in the Bryan Code of Ordinances regulating properties zoned Midtown - Corridor District (MT-C).

5. Building Setbacks (as shown on the attached PD-B Site Plan):

- c) Front (East Villa Maria Road) – 10-foot minimum, no maximum.
- d) Side (South College Avenue) – 5-foot minimum, no maximum.

6. Access and Off-Street Parking:

- b) Off-street parking will be located between the principle building and East Villa Maria Road.

7. Screening/Loading Areas:

- c) All mechanical equipment (HVAC, etc.) except vents or stacks shall be screened to the full extent possible, allowing for required airflow and access.
- d) Loading and service areas will be located in the front of the principal building.

8. Landscaping:

- b) Landscaping shall be provided as shown on the attached PD-B Site Plan. Substitution of plant species is allowed for comparable species.

SECTION 4: SIGNS

With the exception of items hereafter modified, all signs within this PD-B District shall comply with the standards in the Bryan Code of Ordinances regulating properties zoned Midtown - Corridor District (MT-C).

1. Wall Signs:

- a) Two wall signs per occupancy – One for front (East Villa Maria Road) and one for side (South College Avenue).

SECTION 5: SUBDIVISION OF LAND

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

[illegible]

PROPOSED BUILDING ELEVATIONS:





RELATION TO BRYAN'S COMPREHENSIVE PLAN, BLUEPRINT 2040:

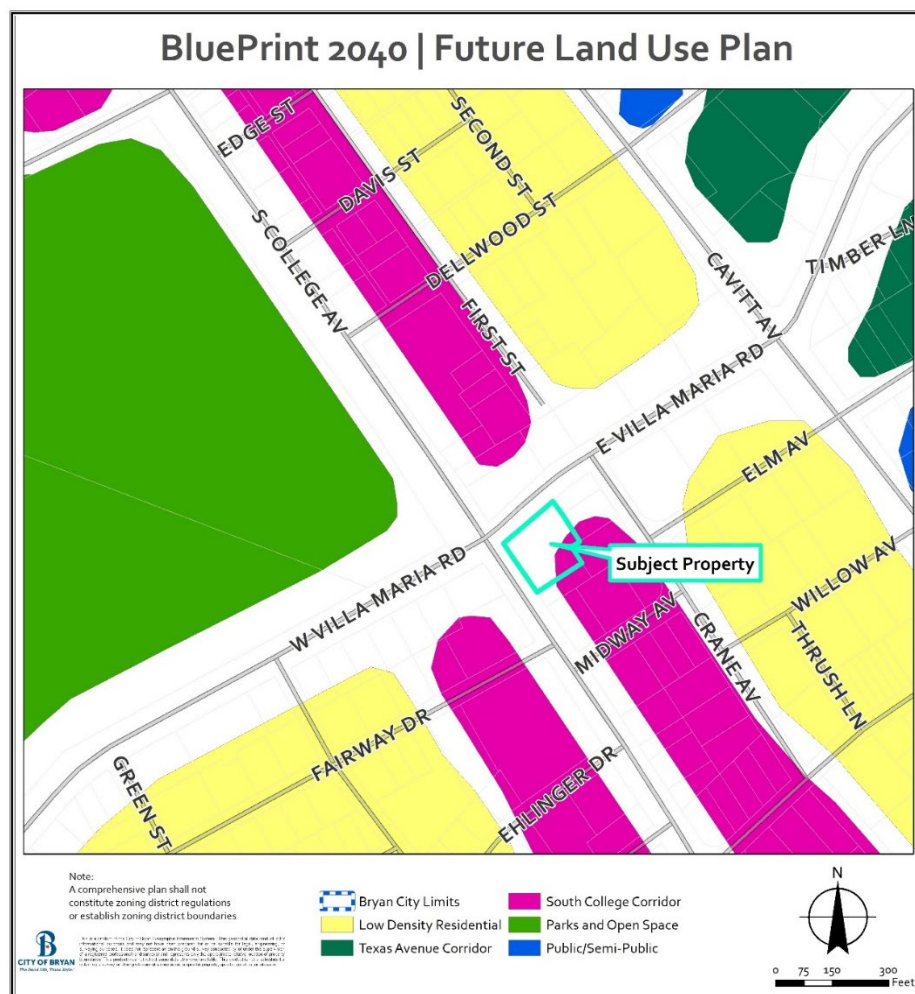
Blueprint 2040, the City of Bryan's Comprehensive Plan, is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives.

The Future Land Use Plan identifies the subject 0.69 acres of land as being located with the South College Corridor. The South College Corridor is based on the South College Avenue Corridor Redevelopment Plan,

which was produced as the result of a two-year planning effort and included extensive public engagement and identified redevelopment of the South College Corridor as having the potential to reverse the 50-year trend of blight along the corridor between Downtown Bryan and Texas A&M University. Some of the following actions from Blueprint 2040 have already been accomplished and others may be relevant for consideration of this request:

- A streetscape concept should be developed which will promote the redevelopment of the area and walkability.
- Convert utility locations from overhead to underground.
- Redevelopment of the South College Corridor will require a sensible implementation strategy.

EXCERPT FROM BRYAN'S FUTURE LAND USE PLAN:



RELATION TO BRYAN'S MIDTOWN AREA PLAN (ADOPTED MAY 2020):

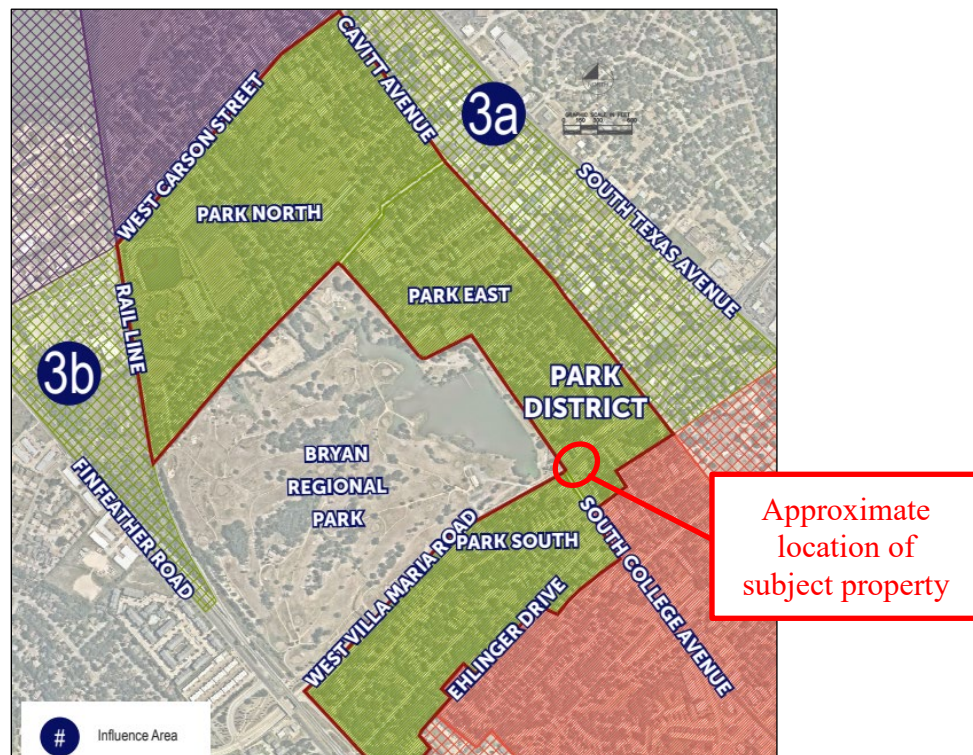
The Midtown Area Plan, adopted on May 12, 2020, serves to work in conjunction with Bryan's Comprehensive Plan by providing an additional tool to direct development with guidance of aligning principles. This plan provides two major strategies to coordinate development within the Midtown area. The first is investment in the South College Avenue corridor with coordinated public and private investment at five "catalytic" sites to build upon success of the renovations to College Main Street and South College

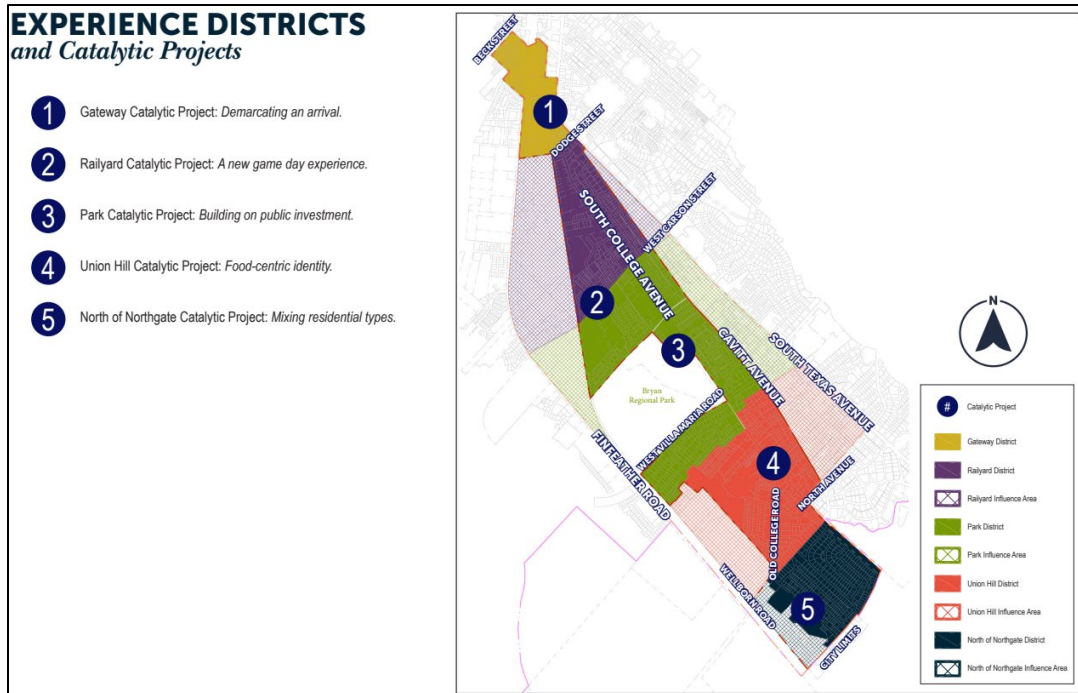
Avenue. The second of the broad strategies is an incremental approach to infill development of the adjacent streets and properties.

As shown below, this subject property is located within the Midtown Area, specifically the Park East Experience District. Experience Districts are focused planning areas which incorporate physical, cultural and social realms to align and advance a desired way of living, working and playing while clearly distinguishing the unique personality of that particular area. The Park East District Aligning Principles include:

- Foster Commercial Corridor: Provide integrated shopping, dining, office, and multi-family living options along the South College Corridor.
- Improve Streetscape: Street improvements on South College should balance pedestrian, bike, and automotive traffic to create more connectivity between park and surrounding neighborhoods.

EXCERPTS FROM THE MIDTOWN AREA PLAN:





ANALYSIS:

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

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

Staff contends that the continued use of the subject property for the retail sale of motor fuel, in combination with the proposed development standards set forth in this PD-B District zoning, will be appropriate in this specific location. As recommended in both BluePrint 2040 and the Midtown Area Plan, the specific development standards within this PD-B provide a walkable streetscape balancing pedestrian and automotive traffic creating a more safe and visually appealing connection between Travis Bryan Midtown Park and surrounding neighborhoods.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

Staff finds that all required public utilities are present and have adequate capacity to serve the proposed development.

Staff believes that the proposed development standards and addition of one land use would not produce any more adverse vehicular traffic circulation in this vicinity than currently allowed. The proposed PD-B District provides for a reduction in access points to adjacent roadways than current conditions.

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 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 standard retail projects are developing and redeveloping at a moderate pace elsewhere in the City. Staff contends that since the establishment of the Midtown Corridor standards there has been interest in the vicinity of the subject property but large-scale redevelopment has yet to begin.

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-B District were approved, staff believes there to be no need to modify the zoning designations for other areas designated for similar development, and that there would be few, if any, effects on other areas designated for similar types of development.

6. Any other factors which will substantially affect the 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 that have not been addressed by the standards of the proposed development plan. Staff contends that the proposed development plan will allow for a more useful and orderly urban development of this property than what has occurred in the past.

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 130-31 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.

Staff believes that the proposed additional land use of motor fuel sales, which has been the continued use of this subject 0.69 acre property, will be compatible with existing and anticipated uses, and should have minimal (if any) adverse impacts on nearby properties or the City as a whole.

In accordance with the recommendations of BluePrint 2040 and the Midtown Area Plan, Staff contends that this PD-B District will improve this heavily traveled retail corridor with enhanced pedestrian level streetscaping and landscaping, innovative irrigation techniques, reduced access points, and improved site circulation.

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 observes that the intent of the recently adopted MT-C standards is to spur redevelopment. Staff is unable to identify 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-B 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. The standards of this PD-B District improve the uncontrolled vehicular site circulation and access to adjacent roadways which currently occurs.

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

Staff contends that the proposed development will not adversely affect adjacent properties by inappropriate lighting, or types of signs. The sign standards proposed within this development plan and those established in the MT-C District zoning are intended to contribute to future place-making efforts while protecting the established Midway Place Addition Subdivision from the undesirable proliferation of retail signage and lighting.

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 development 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. As part of this PD-B District, a masonry screening wall is proposed near the intersection of East Villa Maria Road and South College Avenue. This screening wall serves not only as a pedestrian and irrigation feature but as a means to shield vehicles on the roads from possible vehicular glare on site.

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 this proposed PD-B District, at this location, will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity. This proposed PD-B District may spur new development or redevelopment in the general vicinity.

RECOMMENDATION:

Staff contends that the proposed PD-B District plan is unique and supportable based on its merits and sound planning principles. Staff recommends **approving** this request.

- If approved, this PD-B District would be compatible with recommendations of Bryan's Comprehensive Plan (BluePrint 2040) and the Midtown Area Plan and provide a walkable streetscape balancing pedestrian and automotive traffic creating a more safe and visually appealing connection between Travis Bryan Midtown Park and surrounding neighborhoods.
- This proposed PD-B District may spur new development or redevelopment in the general vicinity.
- The standards of this PD-B District will improve the uncontrolled vehicular site circulation and access to adjacent roadways which currently occurs.