

## Agenda Item Details

Meeting	Jan 09, 2024 - Bryan City Council Second Regular Meeting
Category	4. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.
Subject	B. Rezoning Request Case No. RZ22-06 - Public hearing, presentation and consideration of the first and only reading of 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 Agricultural – Open District (A-O) to Planned Development – Mixed Use District (PD-M), on 93.95 acres of land out of the Richard Carter Survey, Abstract No. 8, adjoining the east side of the North Earl Rudder Freeway East Frontage Road between University Drive East and Towne Centre Way, in Bryan, Brazos County, Texas
Type	Action
Preferred Date	Jan 09, 2024
Absolute Date	Jan 09, 2024
Fiscal Impact	No
Budgeted	No
Goals	Economic Development Quality of Life

### Summary:

The subject property is 93.95 acres in size and adjoins the east side of the North Earl Rudder Freeway East Frontage Road between University Drive East and Towne Centre Way. Properties to the north are zoned Planned Development (PD) and are part of the Bryan Towne Centre Development. Properties to the south are currently zoned Agricultural – Open District (A-O) and partly consist of undeveloped floodplain and floodway.

The property owner, Atilla Tuna with Burton Creek Ventures, LLC, is requesting to rezone the subject property from A-O District to Planned Development – Mixed Use District (PD-M) to provide for a mix of open space, multifamily, office, and retail uses in a new development referred to as Carter’s Creek Town Center. With this PD-M District, the property is proposed to be divided into two districts, Highway Retail (HR) and General Mixed – Use (MU). The HR District is proposed to be located adjacent to the North Earl Rudder Freeway Frontage Road and consist of retail, office, and public and civic uses. The MU District is proposed to be located to the east of the HR District and will provide development opportunities for a walkable mixed-use environment including retail, restaurant, entertainment, office, hospitality, and multifamily residential uses.

The proposed PD-M District provides flexibility to adjust to changing market trends and development demands over time, as well as the ability to implement a cohesive system of signage, land use, public open space, and other amenities all designed within the overall community character. With this flexibility, a land use table is included to list uses allowed by right or which may be required with prior approval of a conditional use permit from the Planning and Zoning Commission. In addition to the listed land uses, included is a list of land uses strictly prohibited in this District.

### HIGHLIGHTS OF PROPOSED PD-M DISTRICT:

To develop the subject property as planned, the property owner proposes the following development standards:

#### Land Use:

1. The PD-M District includes new definitions for land uses not currently defined in the Bryan Code of Ordinances. Examples include, but are not limited to, carnival, micro-brewery/micro-distillery, or winery (with restaurant or retail sales), pocket park, and recording studio.

2. A land use table is provided to clearly indicate uses permitted by right, with prior approval of a conditional use permit, or not allowed.
3. Separate from the land use table are six (6) land uses that will expressly not be allowed in this PD-M District: pawnshop, tattoo/piercing studio, adult entertainment, duplex, triplex, and fourplex (quadplex).

**Development Standards:**

1. Both the HR and the MU Districts are planned to have different lot area, height, and building setback requirements.
  - i. To provide more separation from the North Earl Rudder Freeway Frontage Road, the HR District provides for a larger front building setback and parking setback to allow a high visibility opportunity for retail establishments. The MU District encourages parking to be provided behind the primary building and the buildings to be built closer to the street.
  - ii. Height restrictions for buildings within the HR District are similar to those found in the standard Retail District (C-2) zoning districts and are two stories not to exceed 35 feet. MU District height restrictions are established at four stories, not to exceed 60 feet.
2. Access to the North Earl Rudder Freeway Frontage Road will be limited to one (1) primary access point, which will have a 12-foot wide median to accommodate landscaping. Any additional access points to the North Earl Rudder Freeway Frontage Road will be required to meet spacing requirements and standards of the Texas Department of Transportation (TxDOT) and the City of Bryan. Cross-access easements will be provided throughout the development to allow for vehicular circulation between lots.
3. Building design guidelines are provided for all commercial and multifamily buildings including, but not limited to, detail requirements for shading devices, window glazing, entrances, and façade articulations.
4. Landscaping and buffer requirements in this District are intended to build upon those provided in the Bryan Code of Ordinances. A buffer area is proposed to be provided between the North Earl Rudder Freeway Frontage Road and development on the subject property with only landscaping, utilities, stormwater detention facilities, and pedestrian walkways permitted. Continuous parking rows are limited to ten parking spaces separated by a landscaped end island with a canopy shade tree to provide maximum shade coverage throughout the development.
5. Each district will be required to have at least 15% of the land area designated as usable open space with areas intended for passive or active entertainment and will be located along a public street or easement, adjacent to a building entrance, along a trail, or in an area accessible and usable located in floodplain and/or maintained detention areas.
6. Sign standards vary within the HR District and the MU District due to the type of uses allowed in each. Provided in the PD-M development plan are visual examples of various types of signs to permitted, with guidance on multi-tenant sign allowance, secondary tenant signage location and size, and building façade signage standards for projecting, blade, and canopy signage.
7. Trail design within this District will provide for pedestrian and bicycle connectivity between the HR and MU Districts and contain a meandering 10-foot wide concrete trail with 3-foot fall away zones on each side. This trail will integrate the required sidewalks and private access networks, creating a continuous path.
8. A Traffic Impact Analysis (TIA) prepared by a qualified civil engineer licensed in the State of Texas shall be required to be submitted, reviewed and accepted by the City Engineer prior to issuance of any permits for development on this property. Subsequent to the review and acceptance by the City Engineer, the developer will incorporate in the project plan any recommended measures to mitigate against resulting impact upon the municipal or state transportation systems the development may create or may have been expected as the result of any prior use permitted by right within this District, including the extension of Wildflower Drive.

**Analysis and Recommendation:**

During its regular meeting on December 7, 2023, the Planning and Zoning Commission concurred with staff and **unanimously recommends approval** of this rezoning request. The Commission adopted the written staff report and analysis as the report, findings, and evaluation of the Commission.

- The proposed combination of uses is in accordance with land use recommendations of the Comprehensive Plan. The land use polices of the Comprehensive Plan suggests both retail and mixed-use developments are appropriate at high points of visibility along arterial roadways and they should serve as a transition between higher and lower intensity uses.

- The range of allowed or potentially allowed uses has been carefully selected to help guarantee overall compatibility with this unique and prominent property with the surrounding properties.
- The proposed rezoning of this property will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity, and could possibly lead to an increased retail development interest in this area of the City.

**Options:**

1. approve the requested zoning change as recommended by P&Z and staff;
2. approve the requested zoning change with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda;
3. deny the requested zoning change; or
4. deny the requested zoning change with prejudice, as provided for in Zoning Ordinance Section 130-40(i)(2): "If a request has been denied with prejudice, the same or similar request may not be resubmitted to the city for six months from the original date of denial."

**Attachments:**

1. location map and aerial photographs;
2. draft ordinance with exhibits;
3. excerpt from December 7, 2023 Planning and Zoning Commission meeting minutes; and
4. staff report to the Planning and Zoning Commission.

CAF ATTACHMENTS RZ22-06, Burton Creek Ventures, LLC (A-O to PD-M).pdf (2,569 KB)