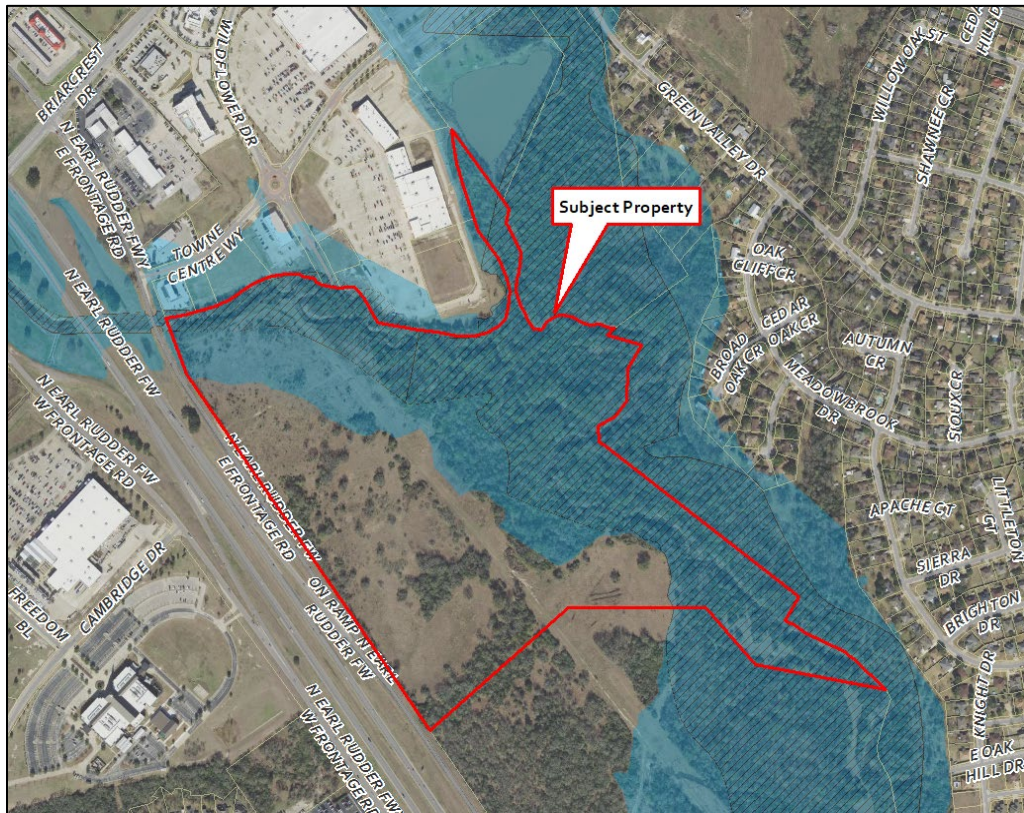
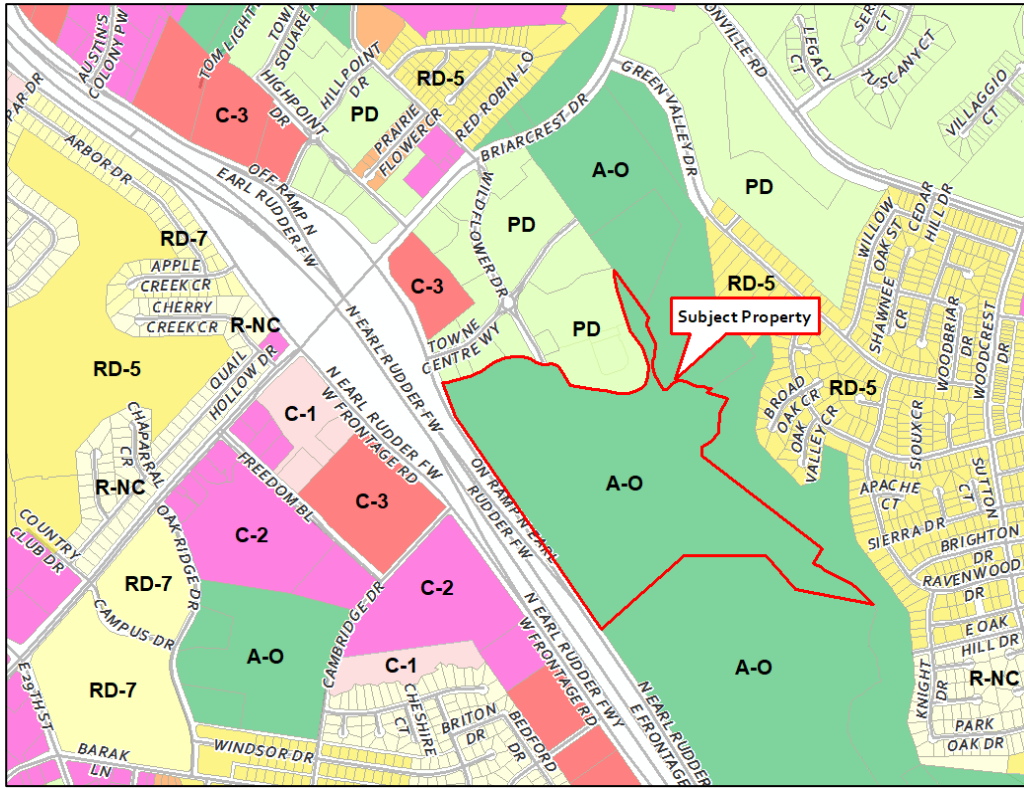


LOCATION MAP AND AERIAL PHOTOGRAPH, 2022:



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 AGRICULTURAL – OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 93.95 ACRES OF LAND OUT OF THE RICHARD CARTER SURVEY, ABSTRACT NO. 8, ADJOINING THE EAST SIDE OF THE N. EARL RUDDER FREEWAY EAST FRONTAGE ROAD BETWEEN UNIVERSITY DRIVE E. AND TOWNE CENTRE WAY, IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY 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 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 N. Earl Rudder Freeway East Frontage Road between University Drive E. and Towne Centre Way, in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on December 7, 2023 (case no. RZ22-06).

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 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 N. Earl Rudder Freeway East Frontage Road between University Drive E. and Towne Centre Way, in Bryan, Brazos County, Texas, said 93.95 acres being depicted on attached Exhibit “A”, further described on attached Exhibit “A-1”, and subject to development requirements specified on attached Exhibit “B”, “C” and “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.

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 9th day of January 2024, 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":

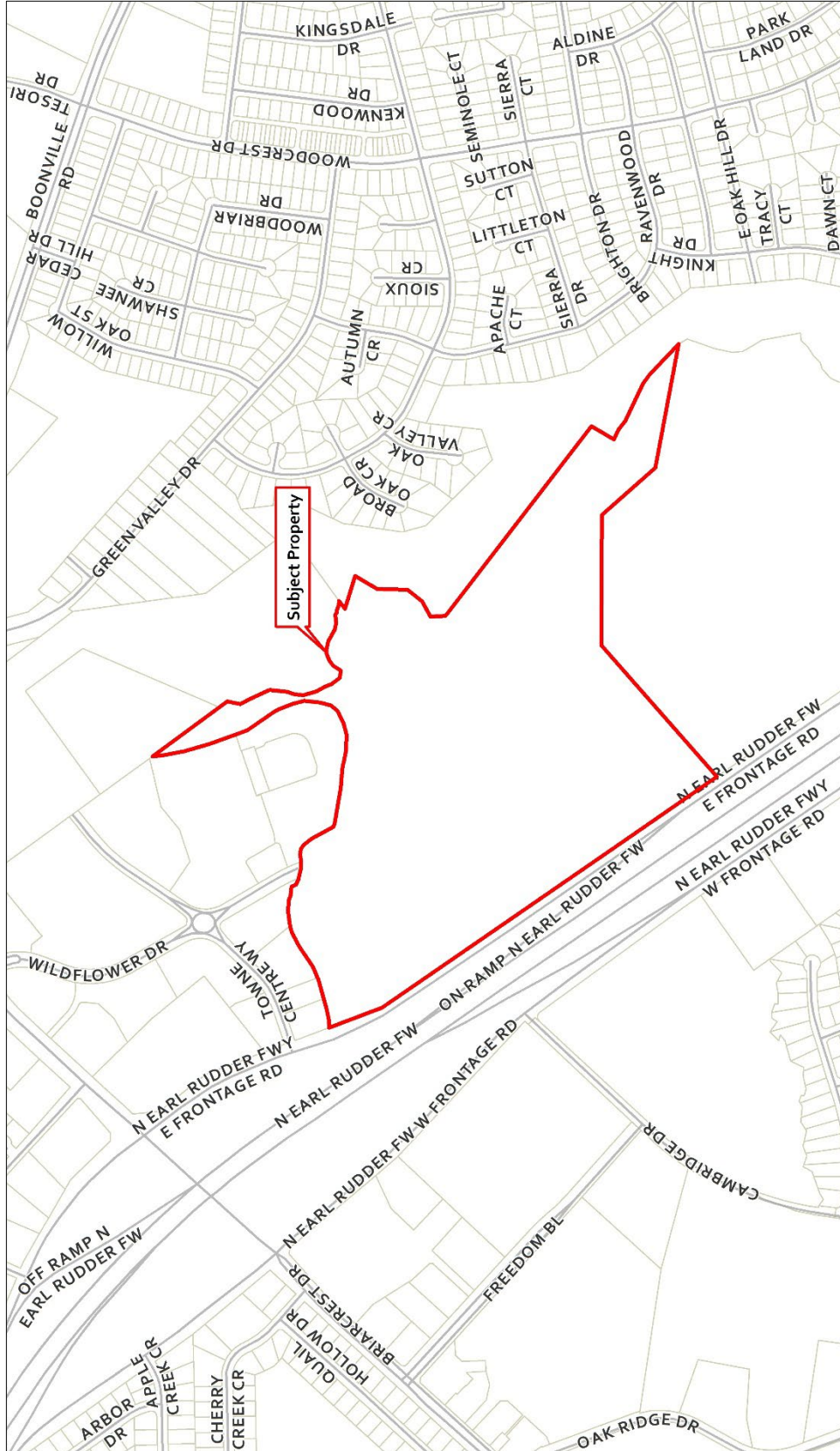


EXHIBIT "A-1":

**METES AND BOUNDS DESCRIPTION
93.95 ACRES**

All that certain tract or parcel containing 93.95 acres of land in the Richard Carter Survey, A-8, Brazos County, Texas, being a portion of a tract which was called 186.90 acres and conveyed from BCS Centerpoint, LLC to Burton Creek Ventures, LLC, by an instrument of record in Volume 12358, Page 55, of the Brazos County Official Public Record (BCOPR), a 1/2 was conveyed from Burton Creek Ventures, LLC to Rudder Frontage, LLC, by an instrument of record in Volume 12462, Page 198, BCOPR, said 93.95 acres being more particularly described by metes and bounds as follows, basing bearings on the Texas Coordinate System of 1983, Central Zone, to wit:

BEGINNING at a point in a creek for northwest corner, being the northwest corner of said 186.90 acre tract and southwest corner of Bryan Towne Center Subdivision, a subdivision of record in Volume 8366, Page 58, BCOPR, lying in the east right of way (R-O-W) line of State Highway 6 (SH 6), from which a 5/8" iron rod found for reference bears: N20°40'18"W, 50.00 feet;

THENCE departing SH 6, along the common line of said 186.90 acre tract and said Bryan Towne Center Subdivision the following thirty-eight (38) calls:

- 1) N86°54'45"E, 42.67 feet to an angle point from which a 5/8" iron rod found for reference bears: due north, 45.00 feet
- 2) N77°33'00"E, 57.61 feet to a 5/8" iron rod found for angle point;
- 3) N74°17'06"E, 172.97 feet to a 5/8" iron rod found for angle point;
- 4) N66°28'17"E, 76.30 feet to a 5/8" iron rod found for angle point;
- 5) N56°11'32"E, 139.34 feet to a 5/8" iron rod found for angle point;
- 6) N62°54'21"E, 86.07 feet to a 5/8" iron rod found for angle point;
- 7) N74°20'26"E, 38.33 feet to a 5/8" iron rod found for angle point;
- 8) N81°06'50"E, 73.09 feet to a 5/8" iron rod found for angle point;
- 9) S88°41'42"E, 64.80 feet to a 5/8" iron rod found for angle point;
- 10) S67°57'57"E, 32.37 feet to a point for corner from which a 5/8" iron rod found for reference bears: due north, 30.00 feet;
- 11) S83°44'18"E, 50.33 feet to a point for corner from which a 5/8" iron rod found for reference bears: due north, 46.00 feet;
- 12) S24°29'41"E, 26.02 feet to a point for corner from which a 5/8" iron rod found for reference bears: due north, 58.00 feet;

- 13) S63°33'31"E, 32.34 feet to a 5/8" iron rod found for angle point;
- 14) S77°58'46"E, at 8.13 feet pass a 5/8" iron rod found for southeast corner of Lot 3, Block 4 and south R-O-W line of Wildflower Drive and continuing for a distance in all of 58.06 feet to a 5/8" iron rod set;
- 15) S87°14'15"E, 42.71 feet to a 5/8" iron rod found for angle point;
- 16) N82°20'25"E, 38.63 feet to a 5/8" iron rod found for angle point;
- 17) S82°34'32"E, 30.31 feet to a 5/8" iron rod found for angle point;
- 18) S58°10'02"E, 25.90 feet to a 5/8" iron rod found for angle point;
- 19) S38°15'26"E, 60.03 feet to a 5/8" iron rod found for angle point;
- 20) S28°44'42"E, 135.71 feet to a 5/8" iron rod found for angle point;
- 21) S67°36'57"E, 15.18 feet to a 5/8" iron rod found for angle point;
- 22) S80°17'21"E, 208.28 feet to a 5/8" iron rod found for angle point;
- 23) S85°29'18"E, 101.96 feet to a 5/8" iron rod found for angle point;
- 24) S79°22'25"E, 107.97 feet to a 5/8" iron rod found for angle point;
- 25) S89°02'39"E, 86.33 feet to a 5/8" iron rod found for angle point;
- 26) N76°11'47"E, 63.66 feet to a 5/8" iron rod found for angle point;
- 27) N63°18'08"E, 76.52 feet to a 5/8" iron rod found for angle point;
- 28) N38°51'31"E, 45.02 feet to a 5/8" iron rod found for angle point;
- 29) N15°56'16"E, 63.78 feet to a 5/8" iron rod found for angle point;
- 30) N06°12'53"E, 88.61 feet to a 5/8" iron rod found for angle point;
- 31) N14°36'13"W, 64.07 feet to a 5/8" iron rod found for angle point;
- 32) N21°57'08"W, 83.32 feet to a 5/8" iron rod found for angle point;
- 33) N28°44'40"W, 34.81 feet to a 5/8" iron rod found for angle point;
- 34) N36°05'14"W, 177.08 feet to a 5/8" iron rod found for angle point;
- 35) N19°01'29"W, 222.22 feet to a 5/8" iron rod found for angle point;
- 36) N16°35'33"W, 147.44 feet to a 5/8" iron rod found for angle point;

37) N10°36'47"W, 126.80 feet to a 5/8" iron rod found for angle point;

38) N04°46'36"W, 52.61 feet to a 5/8" iron rod found for most northerly corner, being the most northerly corner of said 186.90 acre tract and a southern northeast corner of said Bryan Towne Center Subdivision, lying in the west line of a tract which was called 50 acres and conveyed from Bert Wheeler Beverage Stores, Inc. to Brazos County, Texas, by an instrument of record in Volume 324, Page 684, from which a 1/2" iron rod found bears: N36°15'09"W, 1327.34 feet, also being an agreed boundary line by agreement in Volume 7991, Page 210;

THENCE S36°15'09"E, along the common line of said 186.90 acre tract, said 50 acre tract and said agreement, at 460.33 feet pass a 5/8" iron rod set for reference, and continuing along said common line for a distance in all of 520.33 feet to a point for corner, in Carter's Creek;

THENCE generally along Carter's Creek the following twenty-four (24) calls:

- 1) S12°23'29"W, 72.45 feet to a point for corner;
- 2) S27°45'38"E, 57.85 feet to a point for corner;
- 3) S25°18'03"E, 114.45 feet to a point for corner;
- 4) S08°02'13"E, 14.10 feet to a point for corner;
- 5) S06°06'50"W, 94.59 feet to a point for corner;
- 6) S16°48'49"W, 48.04 feet to a point for corner;
- 7) S05°09'45"W, 45.16 feet to a point for corner;
- 8) S16°54'25"E, 75.90 feet to a point for corner;
- 9) S29°04'12"E, 49.54 feet to a point for corner;
- 10) S22°46'42"E, 41.91 feet to a point for corner;
- 11) S36°55'25"E, 57.00 feet to a point for corner;
- 12) S83°14'53"E, 40.84 feet to a point for corner;
- 13) N32°39'30"E, 49.78 feet to a point for corner;
- 14) N53°51'23"E, 34.15 feet to a point for corner;
- 15) N67°58'51"E, 43.41 feet to a point for corner;
- 16) N87°25'50"E, 20.71 feet to a point for corner;
- 17) S77°38'00"E, 47.85 feet to a point for corner;
- 18) S61°27'54"E, 75.74 feet to a point for corner;

- 19) S78°03'54"E, 33.83 feet to a point for corner;
- 20) N85°04'40"E, 47.69 feet to a point for corner;
- 21) S55°40'27"E, 12.48 feet to a point for corner;
- 22) S84°31'29"E, 14.89 feet to a point for corner;
- 23) S68°25'25"E, 28.54 feet to a point for corner;
- 24) S86°19'03"E, 25.19 feet to a point for corner, being the southwest corner of said 50 acre tract and northwest corner of a tract which was called 38+ acres and conveyed from Bert Wheelers, Inc. to Regency Parkway, Inc., by an instrument of record in Volume 1219, Page 292, BCOPR;

THENCE S52°09'09"W, 55.00 feet along the common line of said 186.90 acre tract and said 38+ acre tract to a point for interior corner;

THENCE S72°56'56"E, 190.38 feet continuing along said common line to a 35" pecan tree found for angle point;

THENCE S30°17'36"W, 142.82 feet continuing along said common line to a point for corner;

THENCE S01°42'04"W, 166.51 feet continuing along said common line to a point for corner;

THENCE S37°52'42"W, 103.10 feet continuing along said common line to a 28" pecan tree found for angle point;

THENCE S61°11'13"W, 97.66 feet continuing along said common line to a 4" wood fence post found for angle point;

THENCE S02°34'36"E, 83.20 feet continuing along said common line to a 5" cedar fence post found for angle point;

THENCE S52°26'42"E, 1,328.61 feet continuing along said common line to a 10" wood post found for angle point

THENCE S30°44'14"W, 144.17 feet continuing along said common line to a 15" elm found for angle point;

THENCE S63°04'11"E, 64.57 feet continuing along said common line to a point for corner;

THENCE S51°47'26"E, 55.19 feet continuing along said common line to a point for corner;

THENCE S64°18'57"E, 231.91 feet continuing along said common line to a broken fence post found for angle point;

THENCE S54°40'04"E, 60.19 feet continuing along said common line to a point for corner;

THENCE S46°19'18"E, 234.11 feet continuing along said common line to a point for southeast corner, from which a dead 20" tree stump found for angle point of said 186.90 acre tract bears: S31°19'48"E, 54.81 feet;

THENCE N79°21'33"W, crossing said 186.90 acre tract, at 100.00 feet pass a 5/8" iron rod set for reference, and continuing across said 186.90 acre tract for a distance in all of 696.97 feet to a 5/8" iron rod set for angle point;

THENCE N41°28'56"W, 397.50 feet continuing across said 186.90 acre tract to a 5/8" iron rod set for angle point;

THENCE N89°48'36"W, 722.08 feet continuing across said 186.90 acre tract to a 5/8" iron rod set for angle point;

THENCE S48°33'14"W, 970.59 feet continuing across said 186.90 acre tract to a 5/8" iron rod set for southwest corner, lying in the common line of said 186.90 acre tract and east R-O-W line of SH 6, from which a 5/8" iron rod found bears: N26°57'08"W, 0.53 feet;

THENCE N34°36'33"W, 2,258.88 feet along the common line of said 186.90 acre tract and east R-O-W line of SH 6 to a 5/8" iron rod found for angle point;

THENCE N20°40'18"W, 313.58 feet to the PLACE OF BEGINNING, containing 93.95 acres of land, more or less. A certified plat has been prepared under the same job number as a part of this professional service.


Troy Maxwell
Professional Land Surveyor
Texas Registration No. 5585



Compiled By:
Johnson & Pace Incorporated
1201 NW Loop 281 • Suite 100
Longview, Texas 75604

Engineering • Architecture • Surveying
Job No. 2926-004
Date: August 27, 2020

EXHIBIT “B”:

Development Requirements for Planned Development – Mixed Use District (PD-M)

GENERAL PURPOSE AND DESCRIPTION:

The purpose of the Planned Development – Mixed Use District (PD-M), hereinafter referred to as “PD-M,” “the District,” or “this District,” is to comply with the City of Bryan Code of Ordinances while establishing alternate development standards set forth in this PD-M for the mutual benefit of both the property owner and the City of Bryan.

1. Coordinating public and private investments for the greatest effect including the public investments already underway in the area;
2. Providing greater connectivity within the district and to adjoining destinations and appropriate transitions to adjoining neighborhoods;
3. Promoting a sense of place by bringing buildings closer to the street where they can interact with pedestrians and be more visible to potential customers;
4. Providing greater market flexibility by allowing a range of retail, services, residential and other mixed uses within the same district; and
5. Ensuring the quality of development through the establishment of urban design standards and providing for a streamlined development review and approval process to facilitate economic development.

The boundaries of this PD-M are reflected on Exhibit B, *District Boundaries*, and area boundaries are shown on Exhibit C, *Regulating Plan*. This PD-M is divided into two component districts, described below, and several tracts, delineated on the Regulating Plan.

- Highway Retail (HR) Sub-District: includes the area with direct frontage along North Earl Rudder Freeway. This sub-district shall contain retail uses with a focus on design standards to create a more attractive major corridor through Bryan. The design standards will emphasize aesthetic treatments along North Earl Rudder Freeway.
- General Mixed-Use (MU) Sub-District: shall be the area that focuses on transforming internal streets into walkable streets with buildings that line these internal streets and associated parking either provided on-street or around the primary buildings. Development would generally support a walkable mixed-use context along key blocks with a wide mix of uses including retail, restaurant, entertainment, office, hospitality and multifamily uses.

The applicant shall submit detailed Site Plans as required in this PD, in subsequent applications as parcels are developed.

For the purpose of establishing development standards for this PD-M, this district shall comply with the standards for Retail District (C-2) zoning of the City of Bryan Code of Ordinances, except as set forth within this PD-M.

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 indicates a different meaning. Words and terms not expressly defined in this chapter or Chapter 62 have 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; terms used in the singular number include the plural; and phrases used in the plural number include the singular.

Carnival - a temporary assembly of people that attend a traveling amusement show, having games, rides, etc. The majority of the event requires interaction by the public.

Hotel (select-service or full-service only) - an establishment categorized as one which offers customary food and beverage facilities and room service or one which offers a breakfast buffet or full-service breakfast menu.

Micro-brewery, micro-distillery or winery (with restaurant or retail sales) - establishments that are engaged in the production of beer, spirits, or wine that sell a significant portion those products on site in a restaurant or retail setting.

Multifamily – Multifamily (residential) development shall mean a structure or grouping of structures containing 20 or more attached dwelling units intended for human habitation, not including hotels, motels and similar lodging uses. Although multifamily developments are for residential use, due to the higher intensity of the sites, multifamily developments shall follow all requirements applicable to nonresidential developments and shall be submitted for a full review by the site development review committee. Multifamily development shall not include duplex, triplex, or fourplex (quadplex) structures.

Offices of All Other Miscellaneous Health Practitioners - establishments of independent health practitioners (except physicians; dentists; chiropractors; optometrists; mental health specialists; physical, occupational, and speech therapists; audiologists; and podiatrists).

Place of worship auxiliary use - establishments primarily engaged in operating religious organizations, such as churches, religious temples, and monasteries, and/or establishments primarily engaged in administering an organized religion or promoting religious activities.

Pocket Park - a small, accessible space, mostly at grade, which fits into the urban fabric and provides greenery, seating, and other pedestrian friendly elements for use by residents or tenants and guests. A pocket park is privately owned. A pocket park is a spatial amenity for development which contains residential uses to ensure adequate and sufficient open space is provided for residents.

Recording studio - an establishment engaged in production of sound recordings.

Standalone emergency care or urgent care center - an urgent care center is a walk-in clinic focused on the delivery of medical care for minor illnesses and injuries in a stand-alone medical facility outside of a traditional hospital-based or freestanding emergency department (ED). Other names for similar types of facilities include but are not limited to after-hours walk-in clinics, minute clinics, quick care clinics, minor emergency centers, and minor care clinics.

Specialty Hospital - establishments known and licensed as specialty hospitals primarily engaged in providing diagnostic and medical treatment to inpatients with a specific type of disease or medical condition (except psychiatric or substance abuse).

Useable Open Space - an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches and includes, but is not limited to, pocket parks, undeveloped open areas used for passive or active

recreations, water features, lakes, ponds, trails, areas containing landscape buffers and screening, landscape islands, playgrounds, plazas and undeveloped floodplain.

SECTION 2. LAND USES

Chart Legend: "P" Permitted Use, "C" Conditional Use, Blank "Not Allowed"		
USE	Sub-Districts	
	HR	MU
PUBLIC AND CIVIC USES		
College, university or private school	P	P
Day care center (Class B & C only)	C	P
Trade and commercial schools	C	P
Essential Municipal Use	P	P
Museum, library or fine art center, art gallery	P	P
Nonprofit organization or institutional	P	C
Stand-alone Urgent care or emergency care centers	P	P
Medical Facilities or Clinics	P	P
Hospital	P	P
Offices of All Other Miscellaneous Health Practitioners	P	P
Stealth telecommunications tower	See Chapters 62 and 130, same as Retail District (C-2)	See Chapters 62 and 130, same as Multiple-Family Residential District (MF)
Telecommunications antenna (on structure)	See Chapters 62 & 130, Bryan Code of Ordinances	
RETAIL USES		
Amusement, indoor	P	P
Bar, tavern, cocktail lounge; club, private or teen	P	P
Fitness Center	P	P
Micro-brewery, micro-distillery or winery (with restaurant or retail sales)	P	P
Park or playground (public or private)		P
Retail sales and services	P	P
Restaurant, café, cafeteria (without drive thru)	P	P
Restaurant (with drive thru)	P	C

Chart Legend: "P" Permitted Use, "C" Conditional Use, Blank "Not Allowed"		
USE	Sub-Districts	
	HR	MU
Shooting or weapons firing range (indoor only)	C	C
Hotel (select-service or full-service only)	P	P
Bank, financial institution (without drive thru)	P	P
Bank, financial institution (with drive thru)	P	C
Offices, professional and administrative	P	P
Animal hospital (no outdoor runs; overnight boarding limited to pet treatment)	P	C
Book, stationery stores or newsstand	P	P
Dance studio	P	P
Dog training school	P	C
Kiosk	C	C
Liquor or package store	P	P
Pet day care (no overnight lodging)	P	P
Pharmacy/drugstore (with drive thru)	P	C
Pharmacy/drugstore (without drive thru)	P	P
Recording studio	P	P
New auto accessory and parts sales store (without outdoor Display or storage)	P	C
Automobile Sales (including service and parts)	P	C
Convenience store with motor fuel sales (w/o truck stops)	P	C
Electric Vehicle (EV) charging stations	P	P
Parking lots or garages		C
RESIDENTIAL USES		
Assisted Living (min. 30 beds)		P
Multifamily dwelling		P
Accessory structures	P	P
Sidewalk and outdoor display	P	P
Limited outdoor storage	See Sections 130-3; 130-34(m) (refer to C-2 District)	
Common open space, recreational building, community center and other similar multifamily amenities	See Sections 130-3; 130-34(m) Requires SDRC site plan	P

These uses shall not be allowed:

1. Pawnshop
2. Tattoo/piercing studio

3. Adult entertainment
4. Duplex
5. Triplex
6. Fourplex (quadplex)

SECTION 3. DEVELOPMENT STANDARDS

This PD-M provides for two different sub-districts designed to provide an orderly land use transition.

A. Lot Area, Height, and Setback Requirements

Standard	HR	MU
Building Setbacks (measured from the property line) (minimum)		
North Earl Rudder Freeway Frontage Road	75 feet	N/A
Primary street (Type 'A' street or Type 'A' easement)	5 feet	5 feet 15 feet maximum
All other streets	10 feet	10 feet
Side or rear	5 feet	5 feet
Parking setbacks (from Type 'A' street or Type 'A' easement)	N/A	Behind the primary building or 5 feet (whichever is greater)
Parking setbacks (secondary street)	50 feet along North Earl Rudder Freeway.	Behind the front façade of the building along the street or 10 feet min.; whichever is greater.
Parking frontage (max. along Type 'A' Street or Type 'A' Easement)	30%	20%
Minimum lot size	30,000 square feet	30,000 square feet
Minimum lot width	175 feet	120 feet
Minimum lot depth	200 feet	250 feet
Maximum building height	2 stories and not to exceed 35 feet	4 stories and not to exceed 60 feet
Minimum percent of usable open space (may be designated public or private)	15% of the overall sub-district	15% of the overall sub-district
Maximum lot coverage	75%	75%

B. Site Design Standards (driveways and cross access)

1. One (1) primary access point on the North Earl Rudder Freeway frontage road, as shown on the Concept Area Plan, shall include a minimum 12-foot median to accommodate landscaping. All driveways and access points on the North Earl Rudder Freeway frontage road shall be based upon the TxDOT's access management standards and discretion of the TxDOT access management board.
2. Cross-access easements:

- a. Cross-access easements shall be a minimum of 24 feet wide and shall be provided to adjoining lots within this PD-M regardless of the development status of the adjoining lots. All drive aisles and sidewalks shall be designed, and easements conveyed, to connect to existing or future drive aisles, sidewalks, trails, or parks on adjacent parcels.
- b. Location of the cross-access easements shall be established during the site plan.

C. Commercial Building Design Standards

1. Façade Composition: Building facades that face a public street or private street with a public access easement shall comply with the minimum requirements illustrated in the diagram below.

Figure 1: Façade Composition

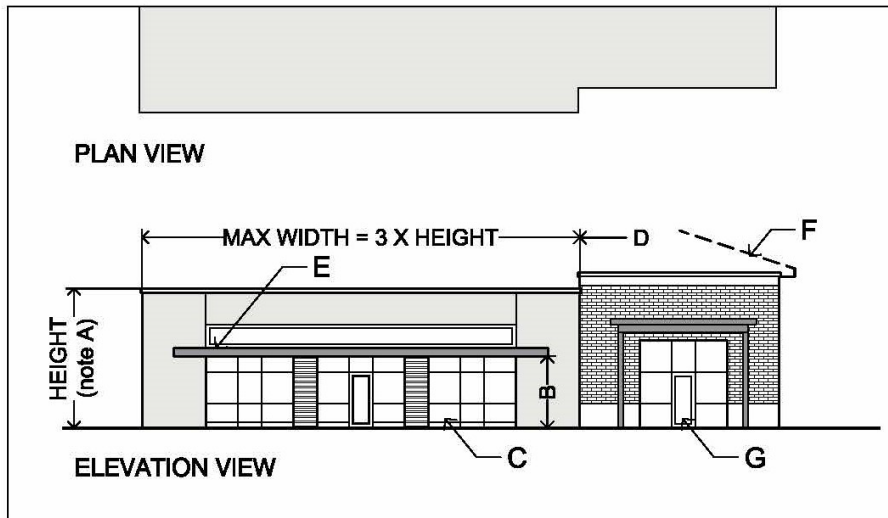


DIAGRAM ANNOTATIONS:

- A. Façade height shall be minimum of 15 feet for parapet wall, or 12 feet for a sloped roof eave.
- B. Storefront glazing to be minimum 9 feet high and shall extend within 0-16 inches of the sidewalk grade.
- C. Minimum glazing as a percentage of the total wall area shall be 25%
- D. Walls that exceed a height to width ratio of 1:3 shall incorporate a change in the façade massing and articulation which shall include the following: a change in the horizontal plane with a minimum one-foot recess or projection from the adjacent wall, a change in the wall height of two feet, a change in exterior wall material, a change in the storefront opening proportions, and change in the shading device configuration (type, height, extension, color).
- E. A shading device shall be incorporated along a minimum of 50% of the façade length.
- F. Optional sloped roof
- G. Doors to be commercial grade with minimum 40% glazing.

2. Building Orientation and Entrances:

- a. Buildings with frontage along Type 'A' streets shall be oriented to have their longer sides along Type 'A' streets.
- b. Buildings shall have at least one entrance along the Type 'A' street.
- c. Building entrances shall have a pedestrian connection from the entry to the public sidewalk on a Type 'A' street.

- d. Secondary entrances from a rear parking lot may also be provided.
 - e. The maximum length of any multifamily building shall not exceed two hundred (200) linear feet. Such limitation shall apply to any cluster of attached buildings unless there is a break in the deflection angle of at least twenty (20) degrees and under no circumstances shall a cluster of buildings exceed two hundred (250) feet on length.
 - f. Multifamily buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface.
Multifamily buildings shall have no more than sixty (60) continuous feet without a horizontal and vertical break of at least three (3) feet.
3. Building components:
- a. Glazing:
 - 1) Commercial buildings shall incorporate commercial grade storefront window systems. Glass shall be clear or lightly tinted. Reflective (mirror) glass is not permitted.
 - 2) Minimum glazing as a percentage of the total facade area shall be 25%.
 - b. Roofs: roofs shall be low slope membrane roofs behind a parapet wall, and/or sloped hip or gable roofs having a minimum slope of 4:12 and a maximum slope of 8:12.
 - c. Roof Top Mechanical Equipment: exterior building walls shall be tall enough to shield all rooftop mechanical equipment from the view from any adjoining public street. Other screening devices such as louvered panels and any treatments that are compatible with the building's architecture may be considered on a case-by-case basis with approval by the Planning Administrator or his or her designee.
 - d. Awnings and Shading Devices: awnings, projecting roofs, and porches shall be permitted as shown in Figure 2: Shading Devices. No fabric awnings shall be allowed in this PD-M District.

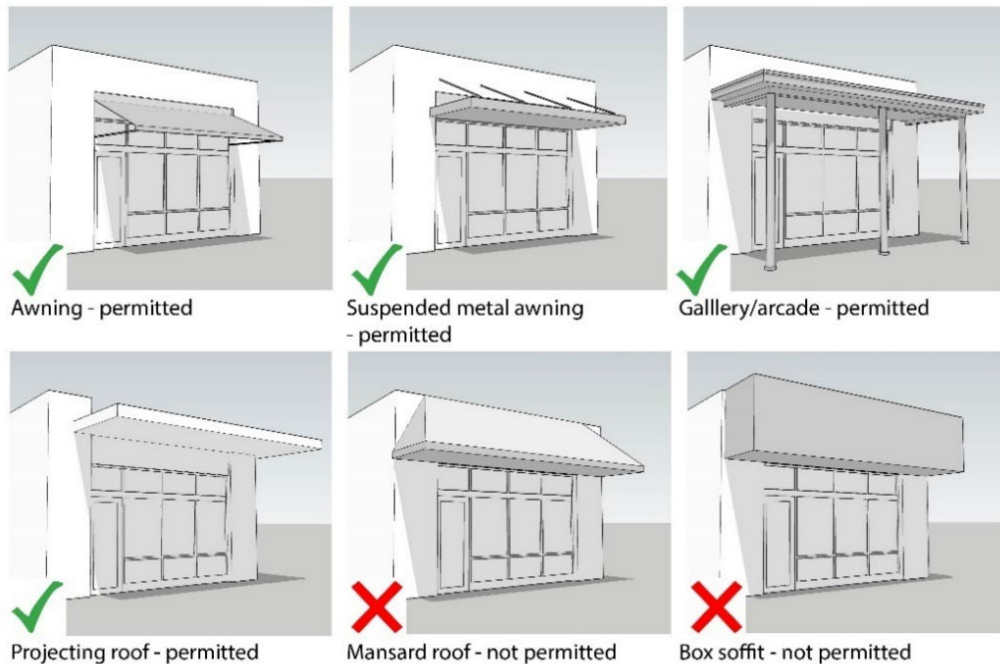


Figure 2: Shading Devices

D. Multifamily Standards

- 1. All non-commercial shall adhere to the following design considerations:
 - a. Connectivity shall be maintained between the commercial land uses and residential uses in a way to create a horizontal mixed-use setting.

- b. Where mall and multifamily adjoin at a traffic arterial, consider vertical mixed use.
 - c. Derive architectural styles and motifs that seek to create greater visual continuity within the diverse commercial/residential architectural mosaic of this district.
 - d. Preservation of any natural waterways in a natural condition.
 - e. Contribute to a coherent and continuous streetscape for Highway 6 frontage with internal street networks.
 - f. Signage shall be consistent and compatible with the sign program of the commercial development.
- E. Landscaping and Buffer Requirements: Standards in Chapter 62, Land and Site Development, Article VII, Landscaping of the Bryan Code of Ordinances shall apply to this PD-M District with the following modifications:
1. North Earl Rudder Freeway Buffer Zone: Development shall occur outside of this prescribed area and be limited to landscaping, utilities, stormwater detention facilities, and pedestrian walkways. The buffer zone is measured from the property line adjoining the North Earl Rudder Freeway frontage road.
 2. Parking lot landscaping requirements: The following is intended to build upon on the requirements set forth in Section Chapter 62, Land and Site Development, Article VII, Landscaping of the Bryan Code of Ordinances.
 - a. Provide planter end islands as required per Chapter 62, with the following modifications:
 - 1) 100% of required planters to have shade trees of a moderate to rapid growth rate.
 - 2) In no case shall there be more than 10 parking spaces in a row without a planter and tree; disperse trees throughout parking lots to achieve maximum shade coverage.
 3. Parking lots that face a Type 'A' street as designated on the Carter's Creek Town Center Concept Plan, and along the North Earl Rudder Freeway frontage road, shall be screened by dense shrubbery or hedges having year-round foliage. Shrubs are to be planted in a landscape strip of at least six feet in width arranged in an alternating/staggered pattern formed by two rows, two feet apart on center, each of which is made up of shrubs three feet on center. At the time a request for a certificate of occupancy is made, shrubs and hedges shall be at least three feet in height. Front Yard Ground mounted equipment screening: all ground-mounted mechanical equipment shall be screened within a wall matching the building in material and color, or if located in a rear or side yard, away from view from the public right-of-way, landscaping may be utilized.
 4. Individual window air conditioning units are prohibited on multi-family. Central air conditioning units, heat pumps, and similar mechanical equipment, when located outside, shall be landscaped and screened from view.
 5. Whenever multifamily is located adjacent to an existing or zoned residential district of lower density development, without any division such as a dedicated public street, park or permanent open space, all principal buildings or structures shall be set back a minimum of forty (40) feet from the adjoining property line. In addition, a buffer strip at least twenty (20) feet in width shall be provided between the two districts. This buffer strip shall contain appropriate landscape improvement, fencing, berms or trees to adequately buffer adjoining uses. The twenty (20) foot buffer strip can be in part or whole within the forty (40) building setback.
- F. Usable open space standards: a minimum of 15% of the land area in each sub-district shall be designated as usable open space which shall meet the following criteria:

1. Improvements: usable open space shall consist of landscaped open space areas that are intended for passive or active enjoyment and may include seating, fountains, gardens, pergolas, playground, small park, open space amenities, and café dining. Up to 75% of the required area may be paved with concrete or unit pavers (asphalt not permitted). Paved areas shall be provided with shade trees not less than one per 500 square feet of paved area.
 2. Location: usable open space shall be located along a public street or public easement, adjacent to a building entrance, along a public trail, or in an area accessible and useable located in floodplain and/or maintained detention areas.
- G. Sign regulations: standards in Chapter 98, Sign Regulations, of the City of Bryan Code of Ordinances shall apply to this PD-M District, with the following modifications:
1. A maximum of one monument sign shall be permitted per lot.
 2. This District shall be granted one multi-tenant pylon sign for the purpose of identifying the development “primary development signage” and allowing space for tenants up to a maximum of 50 feet in height with a minimum distance from the right-of-way of 30 feet.
 3. This District shall be allowed up to two secondary multi-tenant signs along the North Earl Rudder Freeway frontage road for the purpose of identifying the development and tenant(s). Secondary Signage based upon the following restrictions:
 - a. The tenant serving the secondary sign shall be greater than 20,000 square feet and have Road A frontage of at least 325 feet.
 - b. Secondary Signage shall be at least 325 feet from Primary Development Signage or other Secondary Signage.
 - c. Secondary Signage shall have a maximum sign face of up to 210 square feet for a single-user sign or 300 square feet for a multitenant center sign. A maximum size of 20 square feet for each tenant is allowed for tenant signs on a multitenant center sign, with up to a maximum of six tenant signs. This size of the tenant sign is separate from the calculation of the size of the Primary Development Signage. Secondary Development Signage is limited to a maximum of 25 feet in height with a minimum distance from Earl Rudder Service Road of 100’.
 - d. The minimum distance between signs allowed under this section shall be no less than 325 feet.
 4. Each tenant shall be allowed to have a façade signage on the buildings per City of Bryan signage standards, or as set forth below.
 5. Projecting signs: building occupants that are classified as retail uses for entertainment or eating, may utilize a projecting sign as all or part of the area allowance for wall signs. Projecting signs are to be double sided and may incorporate LED neon type lighting. Examples of projecting signs are shown in Figure 3.



Figure 3. Examples of projecting signs

6. Blade signs and canopy signs: In addition to the signs permitted in Chapter 98, each tenant space shall be permitted to have one blade sign OR canopy sign located within 10 feet of the occupant entry door. The area of the blade or canopy sign shall not count against the area of other permitted signs.
 - a. Blade signs: Shall be mounted to the building wall and project at a 90 degree angle. Signs shall not exceed 8 square feet and have a head clearance of 8 feet from the sidewalk elevation. See example in Figure 4.
 - b. Canopy sign: Shall be mounted to the underside of a fixed canopy or awning structure. Signs shall not exceed 8 square feet and have a head clearance of 8 feet from the sidewalk elevation. See example in Figure 4.



Figure 4. Left, example blade sign; right, example canopy sign

H. Street Design and Trail Standards:

1. Trails and Open Space: The following additional standards shall apply:
 - a. This District shall integrate an off-street trail system providing pedestrian and bicycle connectivity within the two sub-districts. The trail system shall include a meandering path for pedestrians and bicycles with a minimum width of 10 feet. The trail system shall integrate with the required sidewalks and private access networks to create a continuous path throughout the District

- b. Trails above shall be of concrete construction of sufficient thickness to ensure long-term durability and have a minimum width of 10 feet with 3 foot fall away zones on both sides. Trail segments shall be installed concurrently with development of the adjacent street and to recording of the final plat.
- c. A Property Owner's Association (POA) shall be established with direct responsibility to, and controlled by, either by developer or the property owners involved to provide for operation, repair and maintenance of all common area/open space and storm water detention areas in this PD-M District.
- d. A small pocket park shall be located on the final site plan to serve as an integral continuation of the trail system connection.
- e. The pocket park may also function as drainage/detention pond so long as such open space serves as an amenity during non-peak rain events.

2. Transportation

- a. Streets – Any public and/or private access networks or driveways shall meet the minimum standards as set forth in the Bryan/College Station Unified Design Guidelines Manual and adopted City of Bryan Thoroughfare Plan. In addition, cross-sections that encourage urban pedestrian-oriented development shall be provided, including sidewalks, landscaping, and pedestrian-oriented amenities.
- b. 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 that the development may create over that may have been expected as the result of any prior use permitted by right within this District, including the extension of Wildflower Drive.

I. Landscaping: standards in the City of Bryan Code of Ordinances regarding landscaping standards shall apply to this PD-M, with the following modifications:

- 1. Tracts 1 & 2 – Street trees shall be planted along all streets within these Tracts to the following standards:
 - a. Trees shall be spaced at a maximum of 50 feet apart on center between the sidewalk and back of curb (or edge of pavement) along the North Earl Rudder Freeway frontage road in accordance with a Master Landscaping Plan, which shall be completed and approved by the Planning Administrator or his or her designee.
 - b. Trees shall be spaced at a maximum of 40 feet apart on center between the sidewalk and back of curb (or edge of pavement) along internal streets.
 - c. The spacing of trees may be modified to accommodate the tree species spread.
 - d. Screening of parking lots shall be required when within 50-feet of a public right-of-way.
- 2. Trails and open space shall be credited against minimum landscaping requirements.
- 3. All common area sidewalks and trees, shall be maintained by the POA, or property owner.

J. Lighting and Amenities: If the developer incorporates at least two pedestrian amenities such as outdoor dining areas, covered gathering spaces, outdoor seating areas, or other similar features, then the developer shall be granted a reduction of 15% of the landscape area for the integration of such pedestrian amenities for each site development project.

K. Signage and Branding

1. A Master Signage Plan will be created for the development, prior to issuance of any site plan approvals. The Master Signage Plan will include all signage for the entire project using a cohesive palate. Tract 3 may have separate monument signage on its lot.
2. A hardscape and landscaping plan will be created for the development. The site development plans will include all landscape and hardscape for the entire project using a cohesive palate.

- L. Phasing: The Multifamily development shall be limited to a maximum of 500 units. Developer shall be allowed to develop a maximum of 250 units for the first phase. Following the first phase, the developer shall build 20,000 square feet of non-residential prior to constructing any additional multifamily. After meeting the minimum non-residential, Developer shall construct an additional 80 square feet of non-residential for every unit constructed thereafter plus all the infrastructure to service the Highway Retail District within 48 months of the Certificate of Occupancy of the first phase of multifamily.

SECTION 4. SUBDIVISION OF LAND

The subdivision of land in this PD-M District shall be allowed by Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the exceptions or additions to ordinary standards found in this document.

EXHIBIT "C": SUB-DISTRICT BOUNDARIES

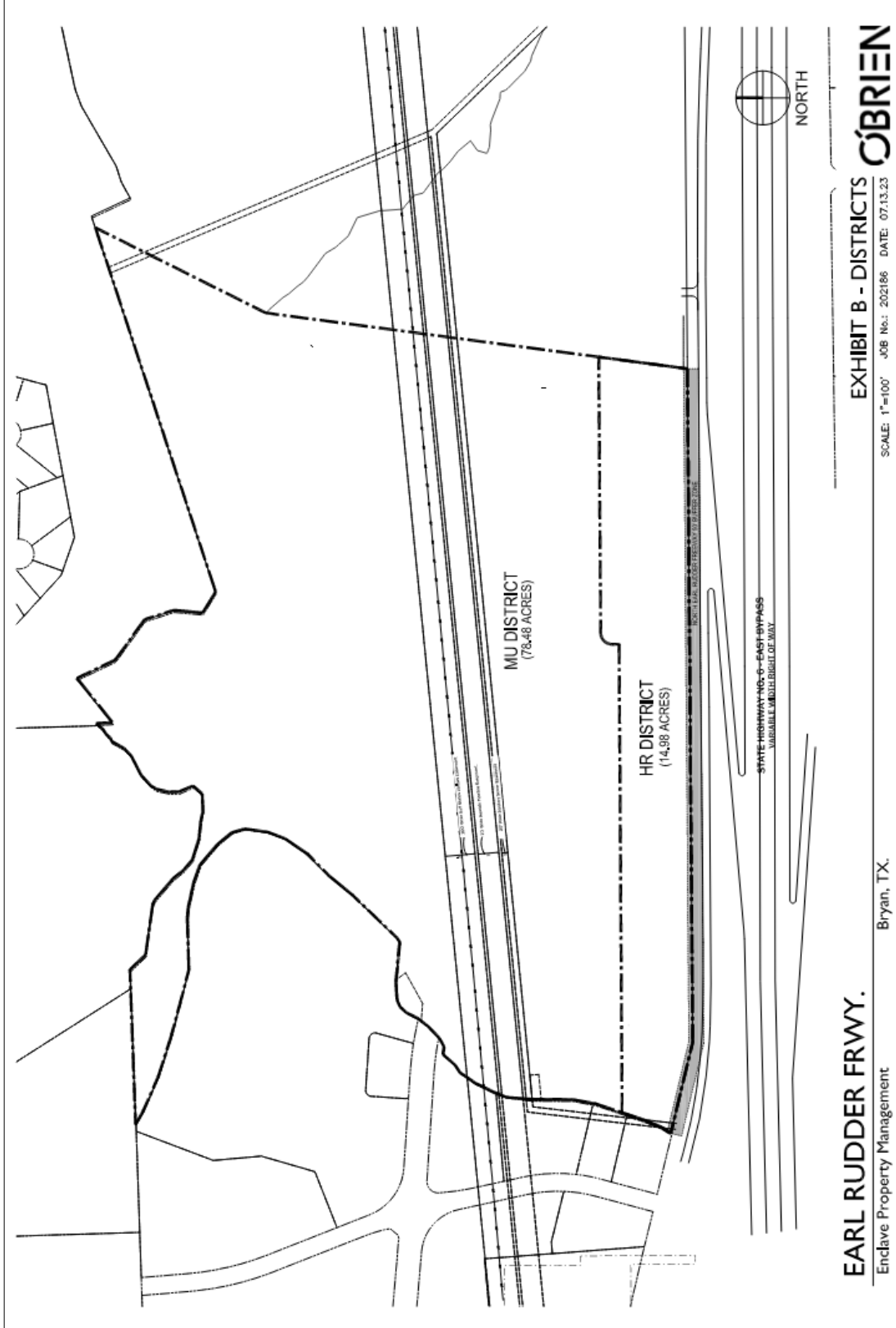
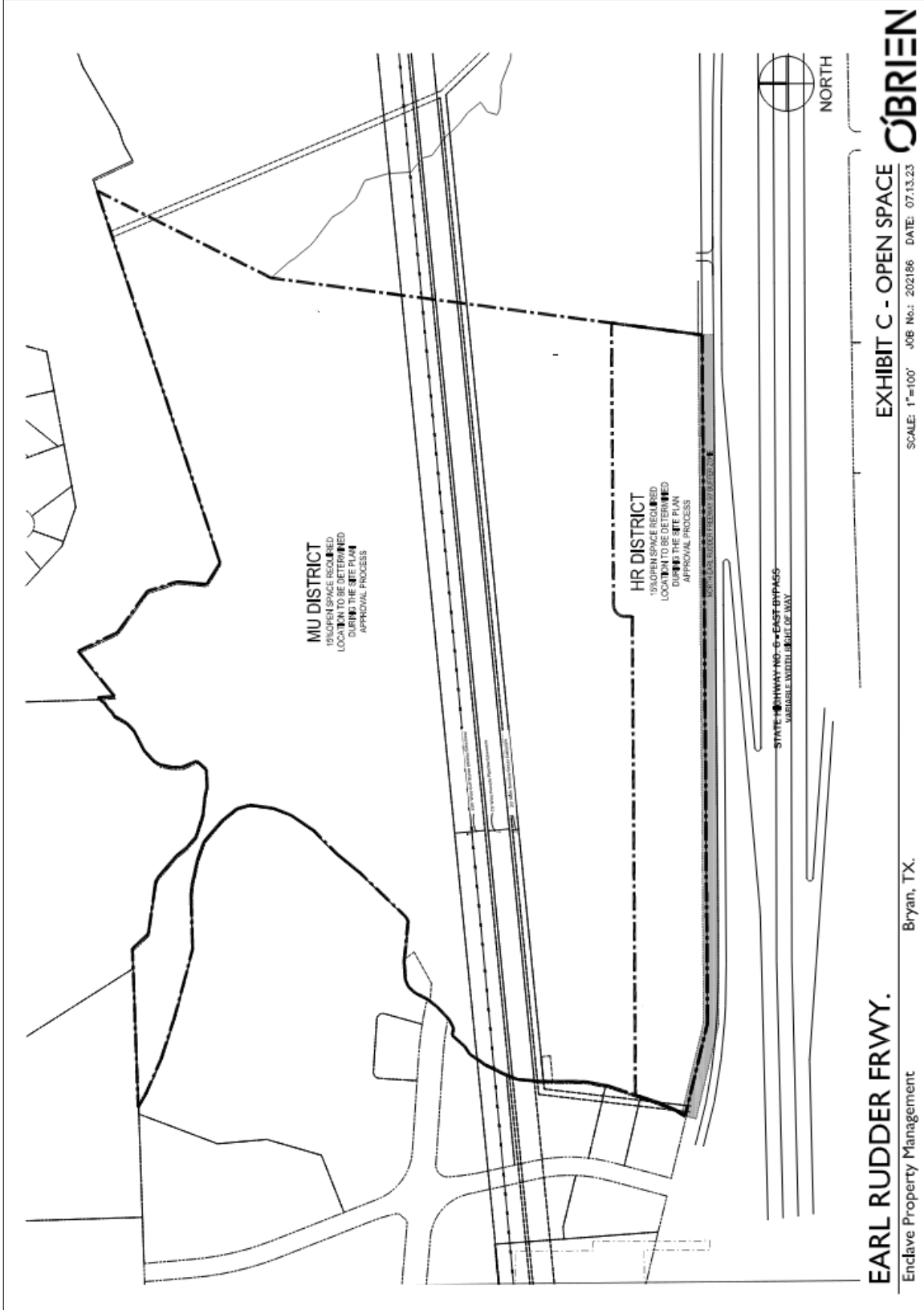


EXHIBIT "D": OPEN SPACE



EARL RUDDER FRWY.
Endlave Property Management
Bryan, TX.

EXHIBIT C - OPEN SPACE
SCALE: 1"=100' JOB No.: 202186 DATE: 07.13.23

O'BRIEN

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF DECEMBER 7, 2023:**

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

a. Rezoning RZ22-06: Burton Creek Ventures, LLC

A request to change the zoning classification from Agricultural – Open District (A-0) 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 N. Earl Rudder Freeway East Frontage Road between University Drive E. and Towne Centre Way, in Bryan, Brazos County, Texas. (A. Kay)

Ms. Kay presented the staff report (on file in the Development Services Department). Staff recommends approval of this request.

In response to Commissioners' questions, Ms. Kay explained discussions have not taken place with the applicant regarding any disturbance which may occur in the floodway/floodplain and that the drainage review would be conducted later on within the development process. Revisions to existing drainage outflow cannot negatively affect neighboring properties.

Mr. Atilla Tuna, 4950 Terminal St., Bellaire, TX, applicant, stated his excitement for this project to move forward which includes both retail and multiple-family portions. Mr. Tuna explained the project's design has been carefully reviewed and believes the proposed land uses are well-fitted for the area.

Commissioner Watson moved to recommend approval of Rezoning RZ22-06 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 McBroom Balke seconded the motion.

Commissioners discussed how the property has been underutilized, that the proposed land uses are well designed, and the development plan appears to be well written. Commissioners also stated their excitement for the retail development and thanked staff and the applicant for their work and dedication in a well-produced proposal.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

December 7, 2023



Rezoning case no. RZ22-06: Burton Creek Ventures, LLC

CASE DESCRIPTION: a request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development – Mixed Use District (PD-M)

LOCATION: 93.95 acres of land out of the Richard Carter Survey, Abstract No. 8, adjoining the east side of the N. Earl Rudder Freeway East Frontage Road between University Drive E. and Towne Centre Way

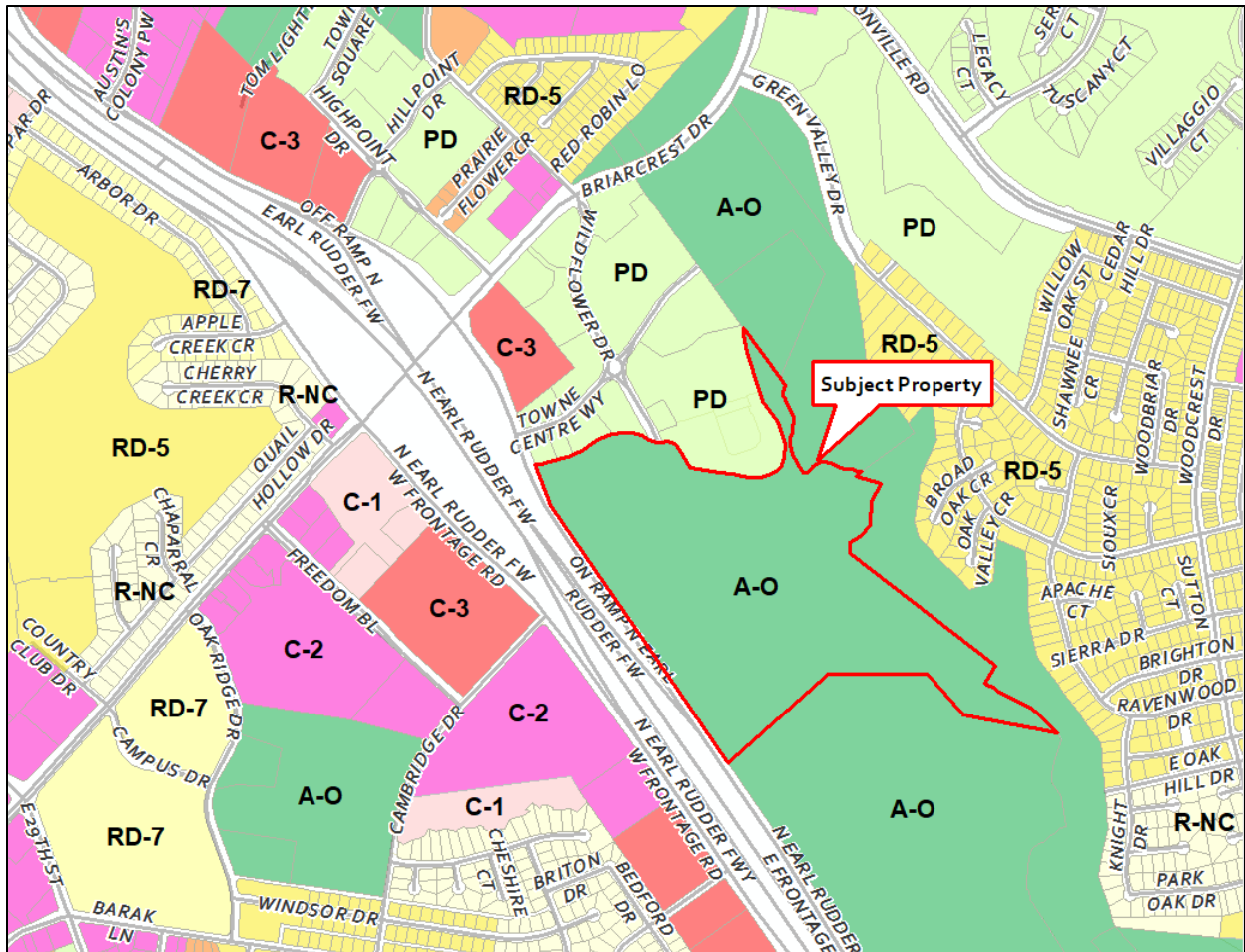
EXISTING LAND USE: vacant acreage

PROPERTY OWNER: Burton Creek Ventures, LLC

APPLICANT(S): Jason Claunch

STAFF CONTACT: Allison Kay, AICP, Planning Administrator

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



AERIAL PHOTOGRAPH (2021):



BACKGROUND:

The subject property is 93.95 acres in size and adjoins the east side of the N. Earl Rudder Freeway East Frontage Road between University Drive E. and Towne Centre Way. Properties to the north are zoned Planned Development (PD) and are part of the Bryan Towne Centre Development, while 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. The property is 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, while the MU District is proposed to be located to the east of the Highway Retail District and will consist of development generally supporting a walkable mixed-use environment along key blocks with a wide mix of uses including retail, restaurant, entertainment, office, hospitality, and multifamily uses.

The proposed PD-M 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 which are 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, there is a list of land uses which are strictly prohibited to be included in this District.

HIGHLIGHTS OF PROPOSED PD-M DISTRICT:

In order to develop the subject property as planned, the property owner proposes the following development standards:

1. Land Use:

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

2. Development Standards:

- a. Both the HR and the MU Districts are planned to have different lot area, height, and setback requirements.
 - 1) To provide more separation from the N. 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, while the MU District requires parking to be provided behind the primary building or at least 5 feet, whichever is greater.
 - 2) 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, while MU District height restrictions are established at four stories, not to exceed 60 feet.
- b. Access to the N. Earl Rudder Freeway Frontage Road will be limited to one primary access point, which will have a 12-foot median to accommodate landscaping. Any additional access points to the N. 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.
- c. 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.
- d. Landscaping and buffer requirements in this District are intended to build upon those provided in the Bryan Code of Ordinances, Chapter 62 – Land and Site Development. A buffer area is proposed to be provided between the N. 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 which would contain a canopy shade tree to provide maximum shade coverage throughout the development.
- e. 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.

- f. 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.
- g. 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.
- h. 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 that the development may create over that may have been expected as the result of any prior use permitted by right within this District, including the extension of Wildflower Drive.

PROPOSED DEVELOPMENT PLAN:

GENERAL PURPOSE AND DESCRIPTION:

The purpose of the Planned Development – Mixed Use District (PD-M), hereinafter referred to as “PD-M,” “the District,” or “this District,” is to comply with the City of Bryan Code of Ordinances while establishing alternate development standards set forth in this PD-M for the mutual benefit of both the property owner and the City of Bryan.

1. Coordinating public and private investments for the greatest effect including the public investments already underway in the area;
2. Providing greater connectivity within the district and to adjoining destinations and appropriate transitions to adjoining neighborhoods;
3. Promoting a sense of place by bringing buildings closer to the street where they can interact with pedestrians and be more visible to potential customers;
4. Providing greater market flexibility by allowing a range of retail, services, residential and other mixed uses within the same district; and
5. Ensuring the quality of development through the establishment of urban design standards and providing for a streamlined development review and approval process to facilitate economic development.

The boundaries of this PD-M are reflected on Exhibit B, *District Boundaries*, and area boundaries are shown on Exhibit C, *Regulating Plan*. This PD-M is divided into two component districts, described below, and several tracts, delineated on the Regulating Plan.

- **Highway Retail (HR) Sub-District:** includes the area with direct frontage along North Earl Rudder Freeway. This sub-district shall contain retail uses with a focus on design standards to create a more attractive major corridor through Bryan. The design standards will emphasize aesthetic treatments along North Earl Rudder Freeway.
- **General Mixed-Use (MU) Sub-District:** shall be the area that focuses on transforming internal streets into walkable streets with buildings that line these internal streets and associated parking either provided on-street or around the primary buildings. Development would generally support a walkable mixed-use context along key blocks with a wide mix of uses including retail, restaurant, entertainment, office, hospitality and multifamily uses.

The applicant shall submit detailed Site Plans as required in this PD, in subsequent applications as parcels are developed.

For the purpose of establishing development standards for this PD-M, this district shall comply with the standards for Retail District (C-2) zoning of the City of Bryan Code of Ordinances, except as set forth within this PD-M.

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 indicates a different meaning. Words and terms not expressly defined in this chapter or Chapter 62 have 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; terms used in the singular number include the plural; and phrases used in the plural number include the singular.

Carnival - a temporary assembly of people that attend a traveling amusement show, having games, rides, etc. The majority of the event requires interaction by the public.

Hotel (select-service or full-service only) - an establishment categorized as one which offers customary food and beverage facilities and room service or one which offers a breakfast buffet or full-service breakfast menu.

Micro-brewery, micro-distillery or winery (with restaurant or retail sales) - establishments that are engaged in the production of beer, spirits, or wine that sell a significant portion those products on site in a restaurant or retail setting.

Multifamily – Multifamily (residential) development shall mean a structure or grouping of structures containing 20 or more attached dwelling units intended for human habitation, not including hotels, motels and similar lodging uses. Although multifamily developments are for residential use, due to the higher intensity of the sites, multifamily developments shall follow all requirements applicable to nonresidential developments and shall be submitted for a full review by the site development review committee. Multifamily development shall not include duplex, triplex, or fourplex (quadplex) structures.

Offices of All Other Miscellaneous Health Practitioners - establishments of independent health practitioners (except physicians; dentists; chiropractors; optometrists; mental health specialists; physical, occupational, and speech therapists; audiologists; and podiatrists).

Place of worship auxiliary use - establishments primarily engaged in operating religious organizations, such as churches, religious temples, and monasteries, and/or establishments primarily engaged in administering an organized religion or promoting religious activities.

Pocket Park - a small, accessible space, mostly at grade, which fits into the urban fabric and provides greenery, seating, and other pedestrian friendly elements for use by residents or tenants and guests. A pocket park is privately owned. A pocket park is a spatial amenity for development which contains residential uses to ensure adequate and sufficient open space is provided for residents.

Recording studio - an establishment engaged in production of sound recordings.

Standalone emergency care or urgent care center - an urgent care center is a walk-in clinic focused on the delivery of medical care for minor illnesses and injuries in a stand-alone medical facility outside of a traditional hospital-based or freestanding emergency department (ED). Other names for similar types of facilities include but are not limited to after-hours walk-in clinics, minute clinics, quick care clinics, minor emergency centers, and minor care clinics.

Specialty Hospital - establishments known and licensed as specialty hospitals primarily engaged in providing diagnostic and medical treatment to inpatients with a specific type of disease or medical condition (except psychiatric or substance abuse).

Useable Open Space - an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches and includes, but is not limited to, pocket parks, undeveloped open areas used for passive or active recreations, water features, lakes, ponds, trails, areas containing landscape buffers and screening, landscape islands, playgrounds, plazas and undeveloped floodplain.

SECTION 2. LAND USES

Chart Legend: "P" Permitted Use, "C" Conditional Use, Blank "Not Allowed"		
USE	Sub-Districts	
	HR	MU
PUBLIC AND CIVIC USES		
College, university or private school	P	P
Day care center (Class B & C only)	C	P
Trade and commercial schools	C	P
Essential Municipal Use	P	P
Museum, library or fine art center, art gallery	P	P
Nonprofit organization or institutional	P	C
Stand-alone Urgent care or emergency care centers	P	P
Medical Facilities or Clinics	P	P
Hospital	P	P
Offices of All Other Miscellaneous Health Practitioners	P	P
Stealth telecommunications tower	See Chapters 62 and 130, same as Retail District (C-2)	See Chapters 62 and 130, same as Multiple -Family Residential District (MF)
Telecommunications antenna (on structure)	See Chapters 62 & 130, Bryan Code of Ordinances	
RETAIL USES		
Amusement, indoor	P	P
Bar, tavern, cocktail lounge; club, private or teen	P	P
Fitness Center	P	P
Micro-brewery, micro-distillery or winery (with restaurant or retail sales)	P	P
Park or playground (public or private)		P
Retail sales and services	P	P
Restaurant, café, cafeteria (without drive thru)	P	P
Restaurant (with drive thru)	P	C
Shooting or weapons firing range (indoor only)	C	C
Hotel (select-service or full-service only)	P	P
Bank, financial institution (without drive thru)	P	P

Chart Legend: "P" Permitted Use, "C" Conditional Use, Blank "Not Allowed"		
USE	Sub-Districts	
	HR	MU
Bank, financial institution (with drive thru)	P	C
Offices, professional and administrative	P	P
Animal hospital (no outdoor runs; overnight boarding limited to pet treatment)	P	C
Book, stationery stores or newsstand	P	P
Dance studio	P	P
Dog training school	P	C
Kiosk	C	C
Liquor or package store	P	P
Pet day care (no overnight lodging)	P	P
Pharmacy/drugstore (with drive thru)	P	C
Pharmacy/drugstore (without drive thru)	P	P
Recording studio	P	P
New auto accessory and parts sales store (without outdoor Display or storage)	P	C
Automobile Sales (including service and parts)	P	C
Convenience store with motor fuel sales (w/o truck stops)	P	C
Electric Vehicle (EV) charging stations	P	P
Parking lots or garages		C
RESIDENTIAL USES		
Assisted Living (min. 30 beds)		P
Multifamily dwelling		P
Accessory structures	P	P
Sidewalk and outdoor display	P	P
Limited outdoor storage	See Sections 130-3; 130-34(m) (refer to C-2 District)	
Common open space, recreational building, community center and other similar multifamily amenities	See Sections 130-3; 130-34(m) Requires SDRC site plan	P

These uses shall not be allowed:

7. Pawnshop
8. Tattoo/piercing studio
9. Adult entertainment
10. Duplex
11. Triplex
12. Fourplex (quadplex)

SECTION 3. DEVELOPMENT STANDARDS

This PD-M provides for two different sub-districts designed to provide an orderly land use transition.

B. Lot Area, Height, and Setback Requirements

Standard	HR	MU
Building Setbacks (measured from the property line) (minimum)		
North Earl Rudder Freeway Frontage Road	75 feet	N/A
Primary street (Type 'A' street or Type 'A' easement)	5 feet	5 feet 15 feet maximum
All other streets	10 feet	10 feet
Side or rear	5 feet	5 feet
Parking setbacks (from Type 'A' street or Type 'A' easement)	N/A	Behind the primary building or 5 feet (whichever is greater)
Parking setbacks (secondary street)	50 feet along North Earl Rudder Freeway.	Behind the front façade of the building along the street or 10 feet min.; whichever is greater.
Parking frontage (max. along Type 'A' Street or Type 'A' Easement)	30%	20%
Minimum lot size	30,000 square feet	30,000 square feet
Minimum lot width	175 feet	120 feet
Minimum lot depth	200 feet	250 feet
Maximum building height	2 stories and not to exceed 35 feet	4 stories and not to exceed 60 feet
Minimum percent of usable open space (may be designated public or private)	15% of the overall sub-district	15% of the overall sub-district
Maximum lot coverage	75%	75%

M. Site Design Standards (driveways and cross access)

1. One (1) primary access point on the North Earl Rudder Freeway frontage road, as shown on the Concept Area Plan, shall include a minimum 12-foot median to accommodate landscaping. All driveways and access points on the North Earl Rudder Freeway frontage road shall be based upon the TxDOT's access management standards and discretion of the TxDOT access management board.
2. Cross-access easements:
 - c. Cross-access easements shall be a minimum of 24 feet wide and shall be provided to adjoining lots within this PD-M regardless of the development status of the adjoining lots. All drive aisles and sidewalks shall be designed, and easements conveyed, to connect to existing or future drive aisles, sidewalks, trails, or parks on adjacent parcels.
 - d. Location of the cross-access easements shall be established during the site plan.

N. Commercial Building Design Standards

1. Façade Composition: Building facades that face a public street or private street with a public access easement shall comply with the minimum requirements illustrated in the diagram below.

Figure 1: Façade Composition

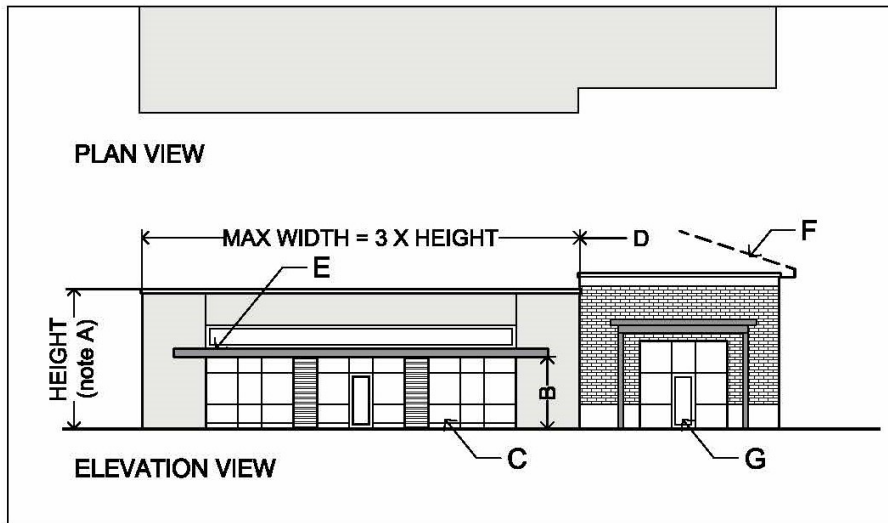


DIAGRAM ANNOTATIONS:

- H. Façade height shall be minimum of 15 feet for parapet wall, or 12 feet for a sloped roof eave.
- I. Storefront glazing to be minimum 9 feet high and shall extend within 0-16 inches of the sidewalk grade.
- J. Minimum glazing as a percentage of the total wall area shall be 25%
- K. Walls that exceed a height to width ratio of 1:3 shall incorporate a change in the façade massing and articulation which shall include the following: a change in the horizontal plane with a minimum one-foot recess or projection from the adjacent wall, a change in the wall height of two feet, a change in exterior wall material, a change in the storefront opening proportions, and change in the shading device configuration (type, height, extension, color).
- L. A shading device shall be incorporated along a minimum of 50% of the façade length.
- M. Optional sloped roof
- N. Doors to be commercial grade with minimum 40% glazing.

2. Building Orientation and Entrances:

- g. Buildings with frontage along Type 'A' streets shall be oriented to have their longer sides along Type 'A' streets.
- h. Buildings shall have at least one entrance along the Type 'A' street.
- i. Building entrances shall have a pedestrian connection from the entry to the public sidewalk on a Type 'A' street.
- j. Secondary entrances from a rear parking lot may also be provided.
- k. The maximum length of any multifamily building shall not exceed two hundred (200) linear feet. Such limitation shall apply to any cluster of attached buildings unless there is a break in the deflection angle of at least twenty (20) degrees and under no circumstances shall a cluster of buildings exceed two hundred (250) feet on length.

1. Multifamily buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface.
Multifamily buildings shall have no more than sixty (60) continuous feet without a horizontal and vertical break of at least three (3) feet.

3. Building components:

- e. Glazing:
 - 1) Commercial buildings shall incorporate commercial grade storefront window systems. Glass shall be clear or lightly tinted. Reflective (mirror) glass is not permitted.
 - 2) Minimum glazing as a percentage of the total facade area shall be 25%.
- f. Roofs: roofs shall be low slope membrane roofs behind a parapet wall, and/or sloped hip or gable roofs having a minimum slope of 4:12 and a maximum slope of 8:12.
- g. Roof Top Mechanical Equipment: exterior building walls shall be tall enough to shield all rooftop mechanical equipment from the view from any adjoining public street. Other screening devices such as louvered panels and any treatments that are compatible with the building's architecture may be considered on a case-by-case basis with approval by the Planning Administrator or his or her designee.
- h. Awnings and Shading Devices: awnings, projecting roofs, and porches shall be permitted as shown in Figure 2: Shading Devices. No fabric awnings shall be allowed in this PD-M District.

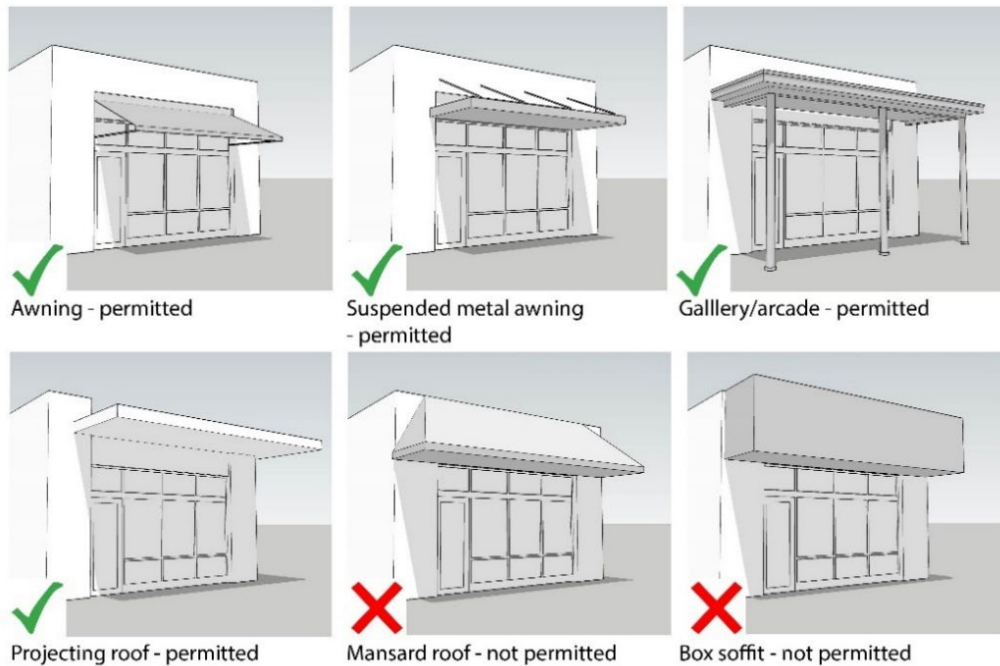


Figure 2: Shading Devices

O. Multifamily Standards

1. All non-commercial shall adhere to the following design considerations:
 - g. Connectivity shall be maintained between the commercial land uses and residential uses in a way to create a horizontal mixed-use setting.
 - h. Where mall and multifamily adjoin at a traffic arterial, consider vertical mixed use.
 - i. Derive architectural styles and motifs that seek to create greater visual continuity within the diverse commercial/residential architectural mosaic of this district.
 - j. Preservation of any natural waterways in a natural condition.

- k. Contribute to a coherent and continuous streetscape for Highway 6 frontage with internal street networks.
 - l. Signage shall be consistent and compatible with the sign program of the commercial development.
- P. Landscaping and Buffer Requirements: Standards in Chapter 62, Land and Site Development, Article VII, Landscaping of the Bryan Code of Ordinances shall apply to this PD-M District with the following modifications:
1. North Earl Rudder Freeway Buffer Zone: Development shall occur outside of this prescribed area and be limited to landscaping, utilities, stormwater detention facilities, and pedestrian walkways. The buffer zone is measured from the property line adjoining the North Earl Rudder Freeway frontage road.
 2. Parking lot landscaping requirements: The following is intended to build upon on the requirements set forth in Section Chapter 62, Land and Site Development, Article VII, Landscaping of the Bryan Code of Ordinances.
 - b. Provide planter end islands as required per Chapter 62, with the following modifications:
 - 3) 100% of required planters to have shade trees of a moderate to rapid growth rate.
 - 4) In no case shall there be more than 10 parking spaces in a row without a planter and tree; disperse trees throughout parking lots to achieve maximum shade coverage.
 3. Parking lots that face a Type 'A' street as designated on the Carter's Creek Town Center Concept Plan, and along the North Earl Rudder Freeway frontage road, shall be screened by dense shrubbery or hedges having year-round foliage. Shrubs are to be planted in a landscape strip of at least six feet in width arranged in an alternating/staggered pattern formed by two rows, two feet apart on center, each of which is made up of shrubs three feet on center. At the time a request for a certificate of occupancy is made, shrubs and hedges shall be at least three feet in height. Front Yard Ground mounted equipment screening: all ground-mounted mechanical equipment shall be screened within a wall matching the building in material and color, or if located in a rear or side yard, away from view from the public right-of-way, landscaping may be utilized.
 4. Individual window air conditioning units are prohibited on multi-family. Central air conditioning units, heat pumps, and similar mechanical equipment, when located outside, shall be landscaped and screened from view.
 5. Whenever multifamily is located adjacent to an existing or zoned residential district of lower density development, without any division such as a dedicated public street, park or permanent open space, all principal buildings or structures shall be set back a minimum of forty (40) feet from the adjoining property line. In addition, a buffer strip at least twenty (20) feet in width shall be provided between the two districts. This buffer strip shall contain appropriate landscape improvement, fencing, berms or trees to adequately buffer adjoining uses. The twenty (20) foot buffer strip can be in part or whole within the forty (40) building setback.
- Q. Usable open space standards: a minimum of 15% of the land area in each sub-district shall be designated as usable open space which shall meet the following criteria:
1. Improvements: usable open space shall consist of landscaped open space areas that are intended for passive or active enjoyment and may include seating, fountains, gardens, pergolas, playground, small park, open space amenities, and café dining. Up to 75% of the required area may be paved

with concrete or unit pavers (asphalt not permitted). Paved areas shall be provided with shade trees not less than one per 500 square feet of paved area.

2. Location: usable open space shall be located along a public street or public easement, adjacent to a building entrance, along a public trail, or in an area accessible and useable located in floodplain and/or maintained detention areas.
- R. Sign regulations: standards in Chapter 98, Sign Regulations, of the City of Bryan Code of Ordinances shall apply to this PD-M District, with the following modifications:
1. A maximum of one monument sign shall be permitted per lot.
 2. This District shall be granted one multi-tenant pylon sign for the purpose of identifying the development “primary development signage” and allowing space for tenants up to a maximum of 50 feet in height with a minimum distance from the right-of-way of 30 feet.
 3. This District shall be allowed up to two secondary multi-tenant signs along the North Earl Rudder Freeway frontage road for the purpose of identifying the development and tenant(s). Secondary Signage based upon the following restrictions:
 - e. The tenant serving the secondary sign shall be greater than 20,000 square feet and have Road A frontage of at least 325 feet.
 - f. Secondary Signage shall be at least 325 feet from Primary Development Signage or other Secondary Signage.
 - g. Secondary Signage shall have a maximum sign face of up to 210 square feet for a single-user sign or 300 square feet for a multitenant center sign. A maximum size of 20 square feet for each tenant is allowed for tenant signs on a multitenant center sign, with up to a maximum of six tenant signs. This size of the tenant sign is separate from the calculation of the size of the Primary Development Signage. Secondary Development Signage is limited to a maximum of 25 feet in height with a minimum distance from Earl Rudder Service Road of 100’.
 - h. The minimum distance between signs allowed under this section shall be no less than 325 feet.
 4. Each tenant shall be allowed to have a façade signage on the buildings per City of Bryan signage standards, or as set forth below.
 5. Projecting signs: building occupants that are classified as retail uses for entertainment or eating, may utilize a projecting sign as all or part of the area allowance for wall signs. Projecting signs are to be double sided and may incorporate LED neon type lighting. Examples of projecting signs are shown in Figure 3.



Figure 3. Examples of projecting signs

6. Blade signs and canopy signs: In addition to the signs permitted in Chapter 98, each tenant space shall be permitted to have one blade sign OR canopy sign located within 10 feet of the occupant entry door. The area of the blade or canopy sign shall not count against the area of other permitted signs.
 - c. Blade signs: Shall be mounted to the building wall and project at a 90 degree angle. Signs shall not exceed 8 square feet and have a head clearance of 8 feet from the sidewalk elevation. See example in Figure 4.
 - d. Canopy sign: Shall be mounted to the underside of a fixed canopy or awning structure. Signs shall not exceed 8 square feet and have a head clearance of 8 feet from the sidewalk elevation. See example in Figure 4.



Figure 4. Left, example blade sign; right, example canopy sign

S. Street Design and Trail Standards:

1. Trails and Open Space: The following additional standards shall apply:
 - f. This District shall integrate an off-street trail system providing pedestrian and bicycle connectivity within the two sub-districts. The trail system shall include a meandering path for pedestrians and bicycles with a minimum width of 10 feet. The trail system shall integrate with the required sidewalks and private access networks to create a continuous path throughout the District

- g. Trails above shall be of concrete construction of sufficient thickness to ensure long-term durability and have a minimum width of 10 feet with 3 foot fall away zones on both sides. Trail segments shall be installed concurrently with development of the adjacent street and to recording of the final plat.
- h. A Property Owner's Association (POA) shall be established with direct responsibility to, and controlled by, either by developer or the property owners involved to provide for operation, repair and maintenance of all common area/open space and storm water detention areas in this PD-M District.
- i. A small pocket park shall be located on the final site plan to serve as an integral continuation of the trail system connection.
- j. The pocket park may also function as drainage/detention pond so long as such open space serves as an amenity during non-peak rain events.

2. Transportation

- c. Streets – Any public and/or private access networks or driveways shall meet the minimum standards as set forth in the Bryan/College Station Unified Design Guidelines Manual and adopted City of Bryan Thoroughfare Plan. In addition, cross-sections that encourage urban pedestrian-oriented development shall be provided, including sidewalks, landscaping, and pedestrian-oriented amenities.
- d. 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 that the development may create over that may have been expected as the result of any prior use permitted by right within this District, including the extension of Wildflower Drive.

T. Landscaping: standards in the City of Bryan Code of Ordinances regarding landscaping standards shall apply to this PD-M, with the following modifications:

- 1. Tracts 1 & 2 – Street trees shall be planted along all streets within these Tracts to the following standards:
 - e. Trees shall be spaced at a maximum of 50 feet apart on center between the sidewalk and back of curb (or edge of pavement) along the North Earl Rudder Freeway frontage road in accordance with a Master Landscaping Plan, which shall be completed and approved by the Planning Administrator or his or her designee.
 - f. Trees shall be spaced at a maximum of 40 feet apart on center between the sidewalk and back of curb (or edge of pavement) along internal streets.
 - g. The spacing of trees may be modified to accommodate the tree species spread.
 - h. Screening of parking lots shall be required when within 50-feet of a public right-of-way.
- 4. Trails and open space shall be credited against minimum landscaping requirements.
- 5. All common area sidewalks and trees, shall be maintained by the POA, or property owner.

U. Lighting and Amenities: If the developer incorporates at least two pedestrian amenities such as outdoor dining areas, covered gathering spaces, outdoor seating areas, or other similar features, then the developer shall be granted a reduction of 15% of the landscape area for the integration of such pedestrian amenities for each site development project.

V. Signage and Branding

1. A Master Signage Plan will be created for the development, prior to issuance of any site plan approvals. The Master Signage Plan will include all signage for the entire project using a cohesive palate. Tract 3 may have separate monument signage on its lot.
2. A hardscape and landscaping plan will be created for the development. The site development plans will include all landscape and hardscape for the entire project using a cohesive palate.

W. Phasing: The Multifamily development shall be limited to a maximum of 500 units. Developer shall be allowed to develop a maximum of 250 units for the first phase. Following the first phase, the developer shall build 20,000 square feet of non-residential prior to constructing any additional multifamily. After meeting the minimum non-residential, Developer shall construct an additional 80 square feet of non-residential for every unit constructed thereafter plus all the infrastructure to service the Highway Retail District within 48 months of the Certificate of Occupancy of the first phase of multifamily.

SECTION 4. SUBDIVISION OF LAND

The subdivision of land in this PD-M District shall be allowed by Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the exceptions or additions to ordinary standards found in this document.

EXHIBIT "B": DISTRICT BOUNDARIES

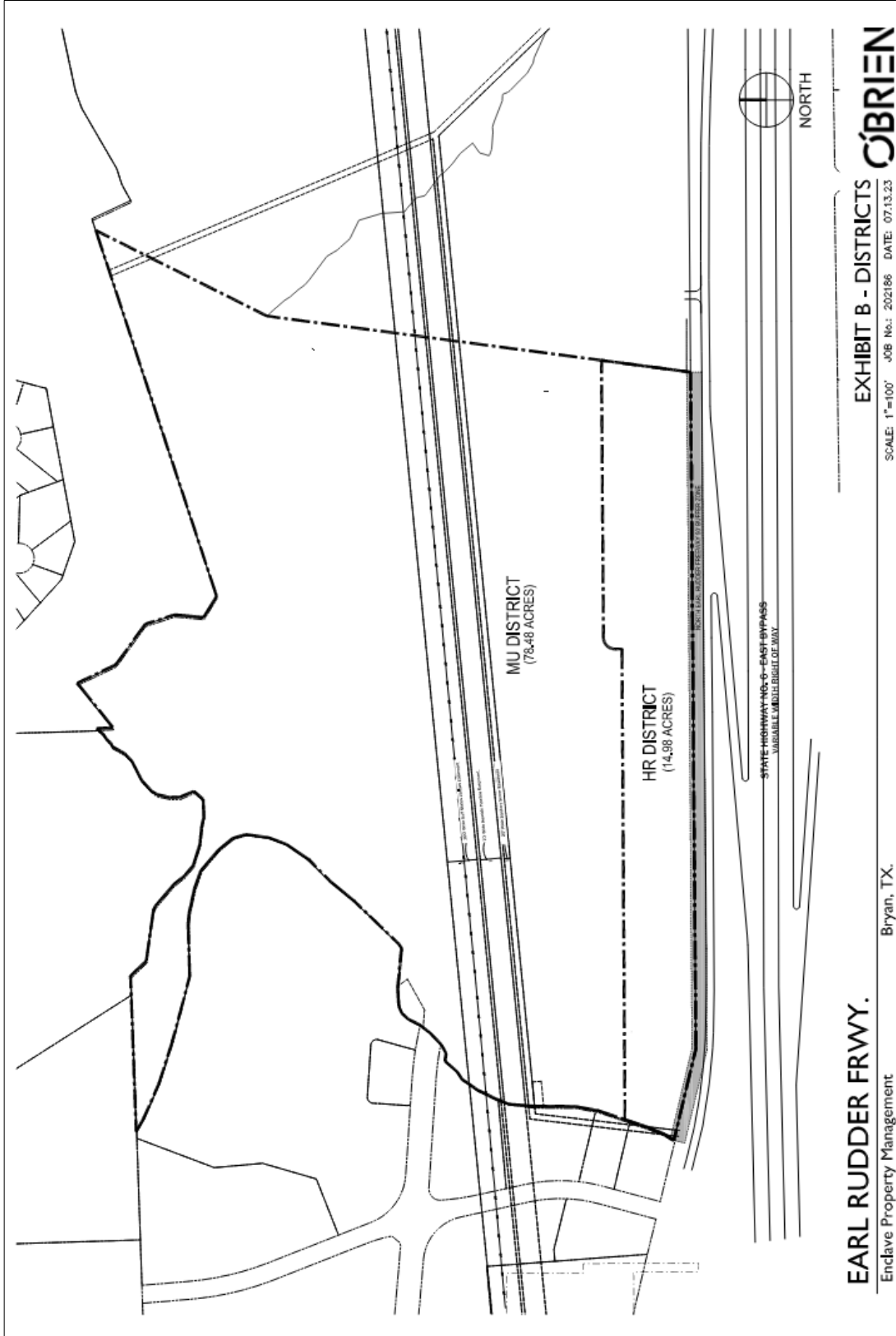
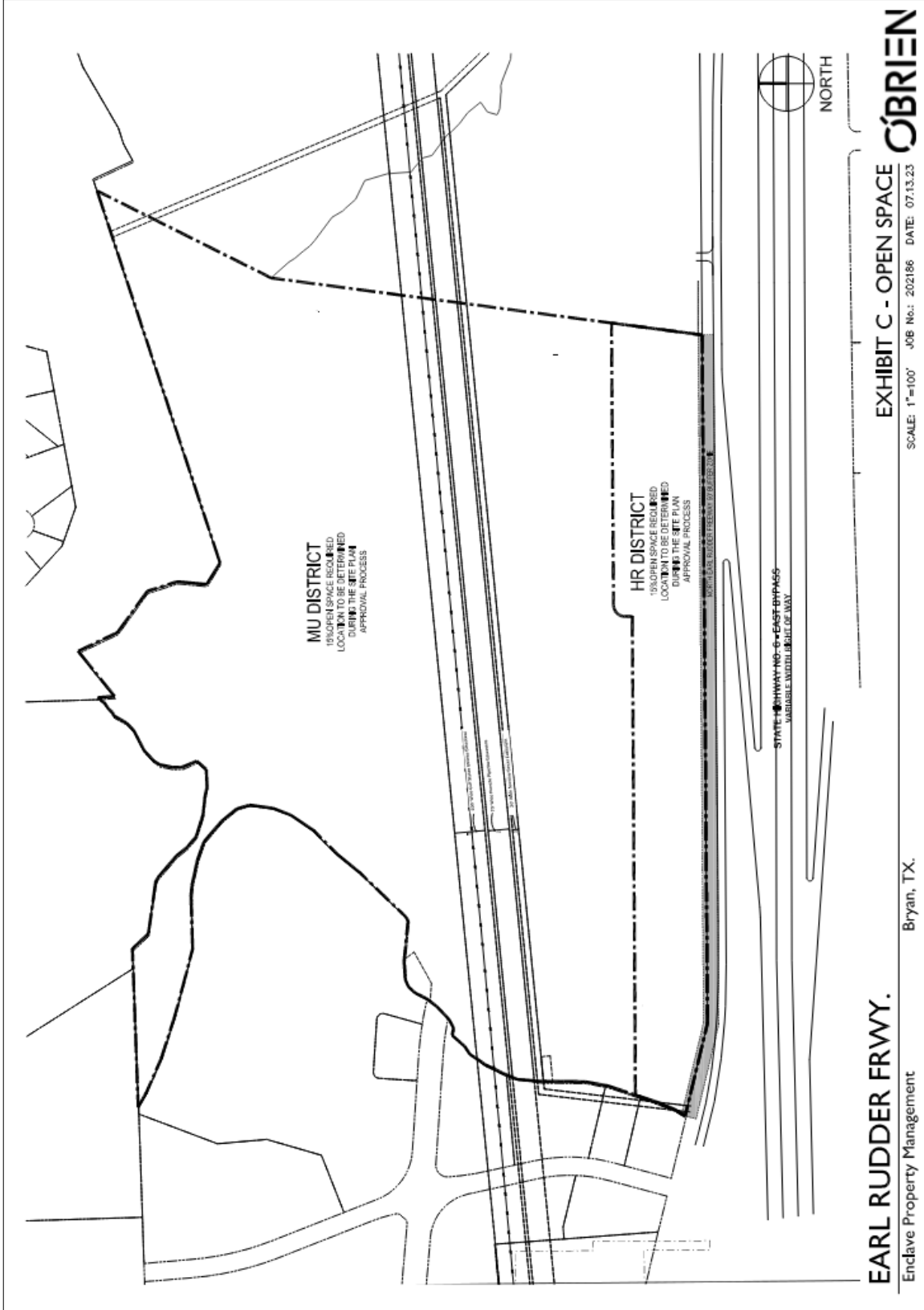


EXHIBIT "C": OPEN SPACE



EARL RUDDER FRWY.
Endlave Property Management

Bryan, TX.

EXHIBIT C - OPEN SPACE
SCALE: 1"=100' JOB No.: 202186 DATE: 07.13.23

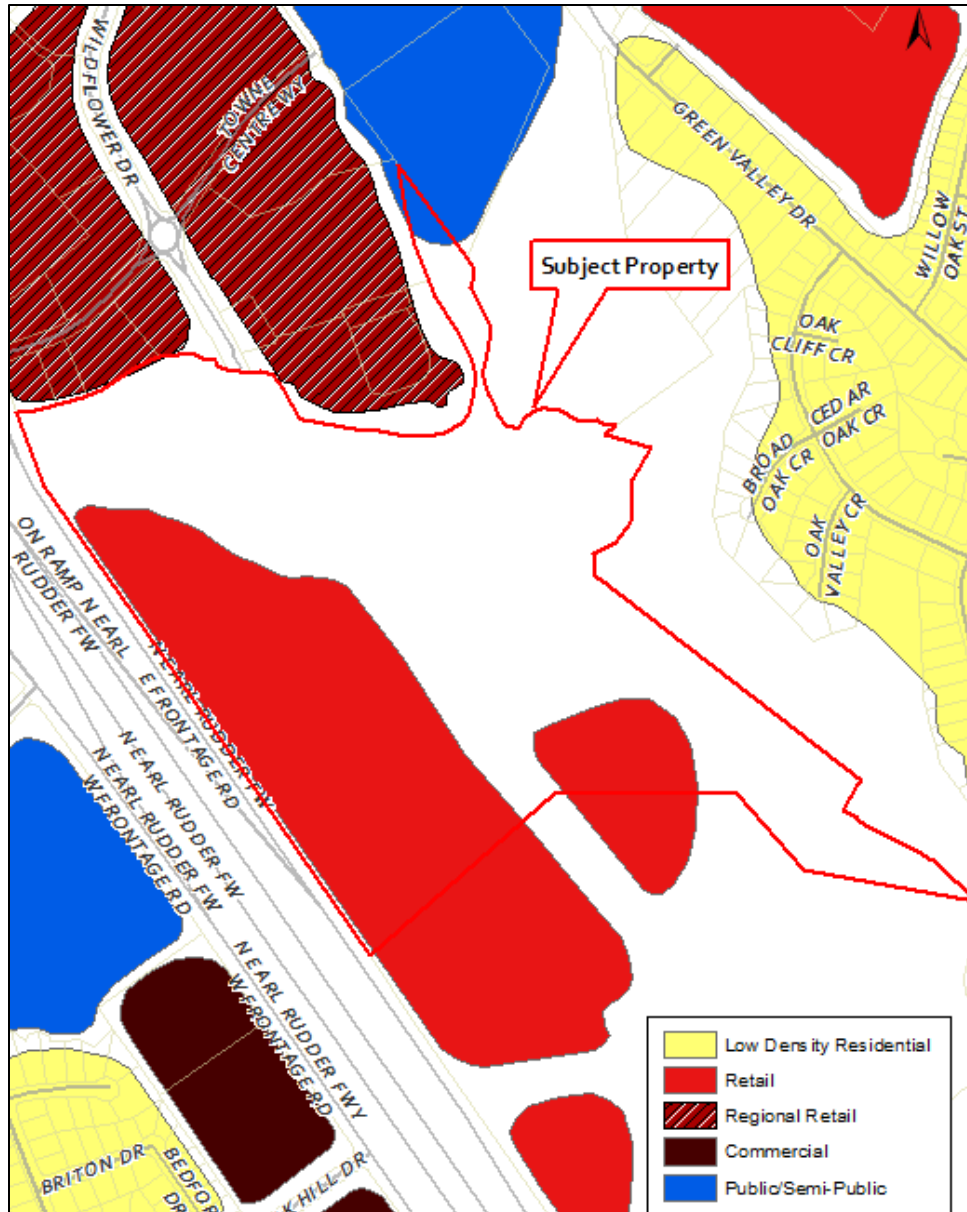
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EXISTING CONDITIONS:





EXCERPT FROM BRYAN'S FUTURE LAND USE PLAN:



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 property as being located in an area of the City reserved for retail uses. 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:

Retail establishments have goods for purchase by the general public and have the benefit of directly contributing to the support of the community as a whole by generating sales tax revenue. Retail uses require high visibility locations such as along arterial roadways. Examples of retail uses include clothing

stores, dry cleaners, restaurants, and branch banks. Low intensity office uses are also permitted or encouraged in retail areas. The following are policies to guide retail areas:

Chapter 5: Land Use

- Retail should be located at high points of visibility.
- Retail should serve as a buffer and transition between higher and lower intensity uses.

Mixed Use Development

Areas with this land use designation are intended for an appropriately planned mixture of non-residential and residential uses. They are referred to as mixed-use because it is envisioned that these areas would be integrated developments of retail, public, office and entertainment, with a residential component appropriately blended into larger scale buildings that would otherwise be used to support those uses independently. Mixed-use areas are intended to provide flexibility for the City and the development community in order to encourage innovative, unique, and sustainable developments.

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 believes that the proposed combination of multifamily and non-residential land uses on these 93+ acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The land use polices of the Comprehensive Plan suggests retail developments are appropriate at high points of visibility and should serve as a transition between higher and lower intensity uses, and mixed-use developments are appropriate along arterial roadways and at high points of visibility. The subject property is at a high point of visibility as it is adjacent to a heavily traveled freeway, N. Earl Rudder Freeway, and near a heavily traveled intersection of Briarcrest Drive (FM 1179) and N. Earl Rudder Freeway.

To provide for a mix of complimentary uses, the property is divided into two districts, Highway Retail (HR) and General Mixed – Use (MU). The HR District is proposed to be located adjacent to the N. Earl Rudder Freeway Frontage Road and consists of generally retail, office, and public and civic uses, while the MU District is proposed to be located to the east of the Highway Retail District, and will generally consist of development supporting a walkable mixed-use environment along key blocks with a wide mix of uses including retail, restaurant, entertainment, office, hospitality, and multifamily uses.

Staff believes that 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. Properties to the north are zoned Planned Development (PD) and are part of the Bryan Towne Centre Development, while properties to the south are currently zoned Agricultural – Open District (A-O) and partly consist of undeveloped floodplain and floodway.

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

City of Bryan utilities will be available for this development for point-of-use extension based on applicable utility extension polices and/or ordinances. Staff has not received any feedback from

franchised utility companies that any utility services would not be available in this proposed subdivision. The developer has been made aware of the existing utility capacities and the requirement to extend public infrastructure to and through this property in accordance with existing standards. Staff is not aware of any circumstances that would prevent this property from having access to required utilities.

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 that the development may create over that may have been expected as the result of any prior use permitted by right within this District, including the extension of Wildflower Drive.

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 retail projects are developing and redeveloping at a moderate pace elsewhere in the City. Staff contends that if this rezoning were approved, it could lead to an increased retail development interest in this area of the City.

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 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 the 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 130-31 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 mixed-use development will be compatible with existing uses adjacent to this property and in accordance with the land use recommendations of the Comprehensive Plan. Staff contends that the proposed uses and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole and may spur additional development interest in this vicinity.

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. The vacant land nearest to an existing established residential neighborhood, Wheeler Ridge, is located completely within the FEMA established floodway and floodplain and serves as a natural buffer and also aids in the transition of uses from residential to multifamily/mixed use to retail closest to N. Earl Rudder Freeway.

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. Based on the determination of the TIA, a potential expansion of Wildflower Drive could be created to further facilitate internal street access. One main access road into this development is identified in the development plan, with any additional access points onto the N. Earl Rudder Freeway Frontage Road being determined by standards from TxDOT and City of Bryan driveway separation standards.

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 are intended to contribute to future place-making efforts and work in a cohesive pattern to complement each other.

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. Each development within the two established districts will be required to provide the appropriate drainage and detention facilities for any proposed development.

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-M 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-M District may spur new development or redevelopment in the general vicinity.

RECOMMENDATION:

Staff contends that the proposed PD-M District plan is unique and supportable based on its merits and sound planning principles. Staff recommends **approving** the proposed zoning of these 93.95 acres to Planned Development – Mixed Use District (PD-M), as requested.