

## Agenda Item Details

Meeting	Sep 10, 2024 - Bryan City Council Second Regular Meeting
Category	7. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	B. Rezoning request case no. RZ24-14, presentation, and consideration of the first and only reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Retail District (C-2) to Planned Development – Housing District (PD-H), on 6.413 acres of land out of the John Austin League, Abstract No. 2, generally located between the North Earl Rudder Freeway East Frontage Road and Austin's Colony Parkway east of the eastern terminus of Sam Rayburn Drive in Bryan, Brazos County, Texas
Type	Action
Preferred Date	Sep 10, 2024
Absolute Date	Sep 10, 2024
Fiscal Impact	No
Budgeted	No
Goals	<a href="#">Economic Development</a> <a href="#">Quality of Life</a>

### Summary:

Preston Jacks of Kimley-Horn, on behalf of the property owners, CREI Colony Land Acquisition, LP, is requesting to change the zoning classification from Retail District (C-2) to Planned Development – Housing District (PD-H) on these 6.413 acres of land. The request is being made to provide development opportunities for a multi-family apartment development. The applicants' proposal includes standards to guide multiple-family residential development and includes regulations for building standards, landscaping requirements, and building height maximums.

Properties immediately adjacent to the subject property are zoned Retail District (C-2) and are occupied by retail uses or are vacant acreage. Established retail uses include a movie theater, several restaurants, a food super market grocery store, a church, and several other miscellaneous retail and personal service establishments. West of the subject property, across Austin's Colony Parkway, lies the Austin's Colony Subdivision.

### Analysis and Recommendation:

Prior to the Planning Commission's meeting on July 18, 2024, staff received written comments in opposition on behalf of one (1) adjacent property owner. During the meeting, only the property owner, Wayne Courreges, came forward to address the Commission.

Following the public hearing, the Commission **unanimously voted to recommend approving** the request. Commissioners adopted the written staff report and analysis as the report, findings, and evaluation of the Commission.

The Commission's positive recommendation in this case was made subject to the following modifications to the proposal:

1. The renderings and elevations provided by the applicant shall be part of the ordinance establishing the PD District.
2. Exterior boundary fencing shall be of black wrought iron design at least six (6) feet in height.
3. A minimum of 60% of building facades facing a public street shall have masonry siding. All other building facades shall have a minimum of 40% masonry siding.

The Planning and Zoning Commission finds that:

- While BluePrint 2040 suggests the subject property is within an area suitable for retail uses, the Commission identifies high density residential development also are suggested to be located on major collector or arterial street and medium and high density residential should be used as a transition to adjacent low density residential areas.
- The proposed PD-H District zoning will not affect the existing or proposed plans for providing utilities to the area. The transportation network in the vicinity of the subject property is capable of accommodating an outflow of additional residences.
- The development proposes to connect to the existing transportation network by connecting Sam Rayburn Drive with Austin's Colony Parkway, a right-of-way extension that has been outlined in the City's Thoroughfare Plan.
- This PD District provides for factors of typical concern, including fencing/screening, lighting, building design, and parking. Such factors have all been addressed as part of the planned development standards under Section 4: Physical Development.

The applicant and property owner expressed no opposition to the modifications to the proposal recommended by the Planning and Zoning Commission. The applicants have submitted requested sample building elevations showing typical building facades and masonry siding. The draft ordinance attached to this Council Action Form conforms to the recommendations of the Planning and Zoning Commission.

An additional three (3) written comments were submitted to staff following the Commission's meeting on July 18. The comments generally perceive negative impacts from the proposal on property values, privacy, prefer retail development, and anticipate traffic congestion from the planned Sam Rayburn Drive extension.

During the City Council's public hearing regarding this item on August 13, 2024, seven (7) citizens spoke on the agenda item. Four (4) residents voiced opposition, while three (3) residents maintained a neutral stance on the subject of the rezoning. Following the public hearing, the City Council moved to postpone a vote on this item until its second regular meeting in September 2024.

Staff received one (1) written comment in support and appreciation for the proposed development after the August 13 City Council meeting.

**Options:**

1. approve the requested zoning change as recommended by the Planning and Zoning Commission;
2. approve the requested zoning change with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda;
3. deny the requested zoning change; or
4. deny the requested zoning change with prejudice, as provided for in Zoning Ordinance Section 130-42(i)(2): "If a request has been denied with prejudice, the same or similar request may not be resubmitted to the city for six months from the original date of denial."

**Attachments:**

1. location map and aerial photographs;
2. draft ordinance with exhibits;
3. excerpt from July 18, 2024, Planning and Zoning Commission regular meeting minutes;
4. staff report to the Planning and Zoning Commission;
5. written comments received concerning rezoning requests on this subject property since application was received and a map showcasing the source locations of comments received (separate PDF); and
6. applicants' presentation to the Planning and Zoning Commission (separate PDF).

[CAF ATTACHMENTS 1-4 RZ24-14 Sam Rayburn Dr. - PD-H.docx \(6,286 KB\)](#)

[Attachment 5 \(9.10.2024\).pdf \(16,641 KB\)](#)

[Attachment 6 - Applicant's Presentation.pdf \(8,392 KB\)](#)