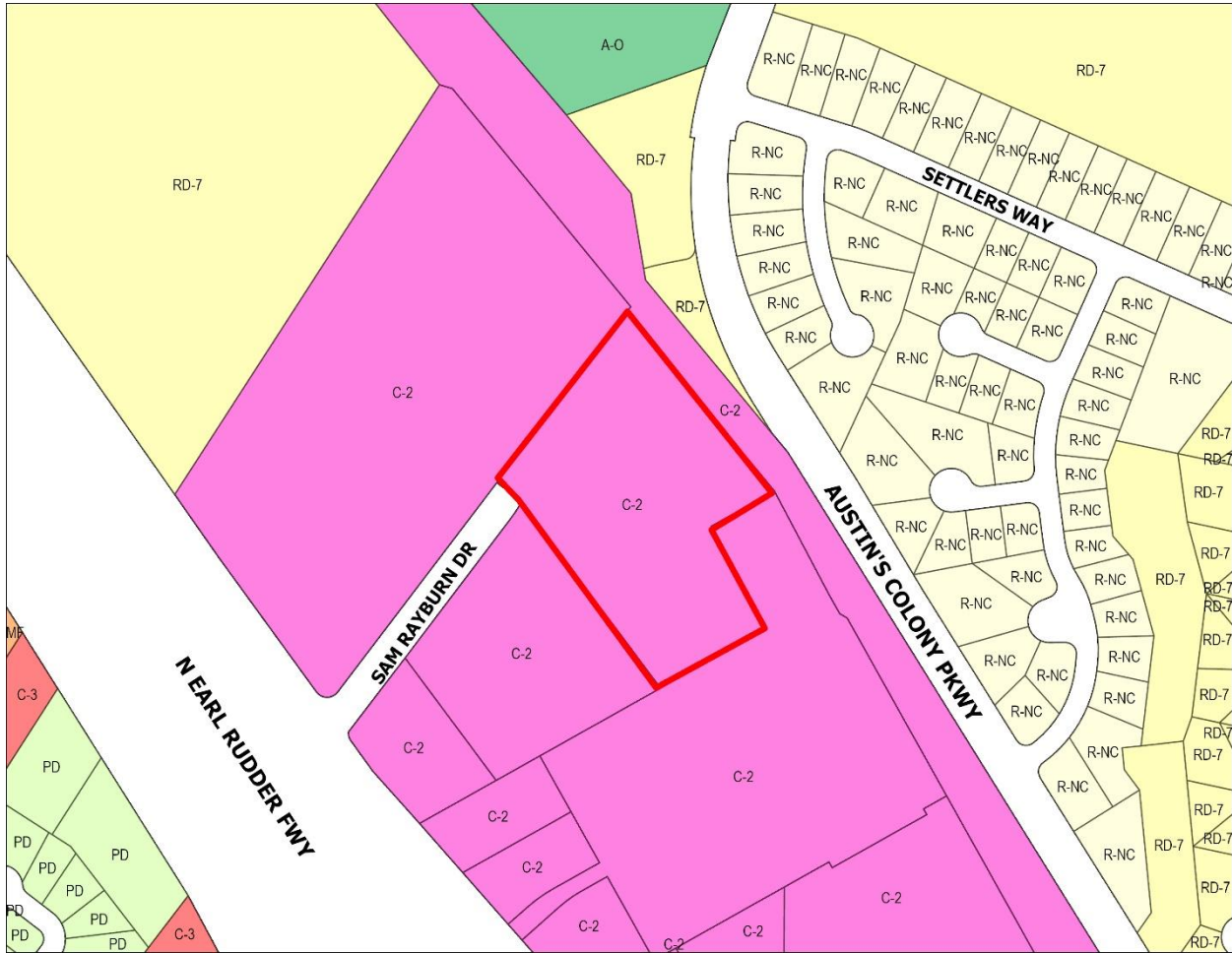
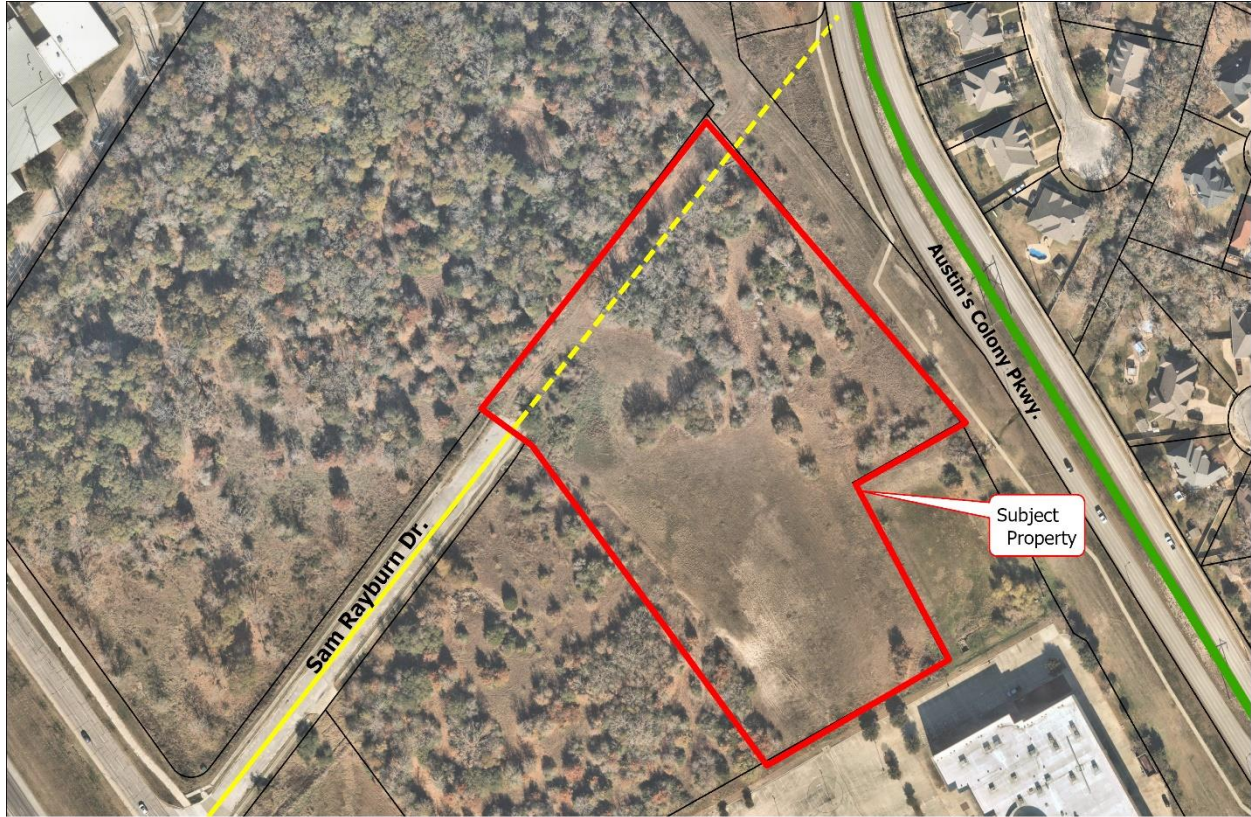


LOCATION MAP AND AERIAL PHOTOGRAPH (2023):





FUTURE LAND USE PLAN (FLUP)

This is a product of the City of Bryan Geographic Information System. This geospatial data product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning purposes. It does not represent an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor and represents only the approximate relative location of property boundaries. This product may not reflect some data otherwise available. This product is not a substitute for obtaining a survey or other professional advice about a specific property, specific questions, or situation.

COB THOROUGHFARE PLAN

CLASSIFICATION

- MINOR ARTERIAL
- MAJOR COLLECTOR
- MAJOR COLLECTOR-PROPOSED

— FREEWAY



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 RETAIL DISTRICT (C-2) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 6.413 ACRES OF LAND OUT OF THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, GENERALLY LOCATED BETWEEN THE N. 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; 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 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 N. 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, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on July 18, 2024 (case no. RZ24-14).

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 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 N. 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, said 6.413 acres being more particularly described by metes-and-bounds on attached Exhibit “A”, and subject to development requirements described and/or depicted on attached Exhibits “B” and “C”, which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end, the provisions of this ordinance are declared to be severable.

4.

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

5.

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

6.

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

PASSED, ADOPTED AND APPROVED the 13th day of August 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:

Melissa Brunner, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

EXHIBIT "A":

**FIELD NOTES DESCRIPTION OF A 6.413 ACRE TRACT JOHN AUSTIN LEAGUE SURVEY,
ABSTRACT 2, BRYAN, BRAZOS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF 6.413 ACRES IN THE JOHN AUSTIN LEAGUE SURVEY, ABSTRACT 2, IN BRAZOS COUNTY, TEXAS, BEING ALL OF A CALLED 6.358 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CARRABBA INTERESTS RECORDED IN VOLUME 11085, PAGE 15 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 6.413 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 5/8 inch iron rod with yellow plastic cap stamped 'KERR 4502' found for an eastern corner of said Carrabba tract, being the north corner of Lot 1R of the Premiere Subdivision, filed in Volume 9720, Page 13 (OPRBCT), same being the north corner of a called 1.00 acre private drainage easement;

THENCE, with the common line of said Carrabba tract and said Lot 1R with the 1.00-acre private drainage easement for the following two (2) courses and distances:

- 1) S 60° 53' 08" W, a distance of 164.33 feet to a 5/8 inch iron rod with busted yellow cap found for an interior corner in said Carrabba tract, being the west corner of said 1.00 acre private drainage easement;
- 2) S 27° 45' 58" E, a distance of 264.91 feet to a 5/8-inch iron rod with yellow plastic cap stamped 'KERR 4502' found for an eastern corner of said Carrabba tract, being an interior corner of said Lot 1R, same also being the south corner of said 1.00-acre private drainage easement, from which City of Bryan Monument 'GPS – 32' bears S 47° 23' 20" E, a distance of 2,393.81 feet;

THENCE, continuing with the common line of said Carrabba tract and said Lot 1R, S 60° 52' 29" W, a distance of 274.77 feet to a 5/8-inch iron rod found in the northwest line of said Lot 1R, being the south corner of said Carrabba tract, same also being the east corner of Lot 2 of The Colony North Subdivision, filed in Volume 15262, Page 21 (OPRBCT);

THENCE, with the common line of said Carrabba tract and said Lot 2, N 36° 35' 46" W, a distance of 534.88 feet to a 5/8-inch iron rod found for an angle point in the southwest line of said Carrabba tract, being the north corner of said Lot 2, same also being the east corner of Sam Rayburn Drive (called 70' wide right-of-way, 10405/73 OPRBCT);

THENCE, with the southwest line of said Carrabba tract, same being the northeast line of said Sam Rayburn Drive, N 52° 38' 19" W, a distance of 66.98 feet to a 1/2-inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set in the southeast line of a called 15.747 acre tract described in a deed to SF Business Investments, LLC., in Volume 8685, Page 277 (OPRBCT), being the west corner of said Carrabba tract, same being the north corner of said Sam Rayburn Drive;

THENCE, with the common line of said Carrabba tract and said SF tract, N 37° 21' 41" E, a distance of 485.18 feet to a 1/2 inch iron rod found in the southeast line of said SF tract, same being the north corner of said Carrabba tract;

THENCE, with the northeast line of said Carrabba tract, S 39° 39' 19" E, a distance of 529.43 feet to the **POINT OF BEGINNING** and containing 6.413 acres of land, more or less.

EXHIBIT “B”
Development Requirements for
Planned Development – Housing District (PD-H)

SECTION 1: GENERAL PURPOSE AND DESCRIPTION

The development requirements for the Planned Development – Housing District (PD-H) hereinafter called “the district” or “this district”, are intended to guide land use and physical development of the subject property. This development plan is enacted as a means to provide the City and the Developer with an alternate to the standards set forth by the City for their mutual benefit.

This district is intended to be developed as a multi-family apartment complex.

SECTION 2: DEFINITIONS

1. Words, terms and phrases in this Development Plan shall have the meanings ascribed to them in Bryan Code of Ordinances, with the following additions:
 - b. *Service Areas* shall mean the area or location on the site dedicated to loading, deliveries, solid waste containers, mechanical or electrical equipment.
 - c. *Building Height* shall mean the height of the structure measured from the lowest adjacent grade to the highest point on the roof structure.
2. In this specific context, the term “permitted” shall mean land uses permitted by right within the planning area specified.
3. Words, terms, and phrases that are not expressly defined in these development requirements and/or in the Bryan Code of Ordinances have their ordinary dictionary meanings, based on the latest edition of Merriam-Webster’s Unabridged Dictionary. When not inconsistent within the context, words used in the present tense include the future; words used in the singular number include the plural, and words used in the plural number include the singular.

SECTION 3: LAND USES

Permitted land uses in the district shall be limited to the following:

1. Multi-family dwelling (apartment building), greater than three dwelling units per structure;
2. Accessory structures;
3. Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the residents of the multi-family development;
4. Essential municipal uses;
5. Home occupations; and
6. Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 4: PHYSICAL DEVELOPMENT

Unless stated otherwise here, the physical development in the district shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties in the Multiple-Family Residential District (MF). The following additional requirements, exceptions, or additions shall apply.

1. Building setbacks:

a. The following items shall be allowed within the building setbacks:

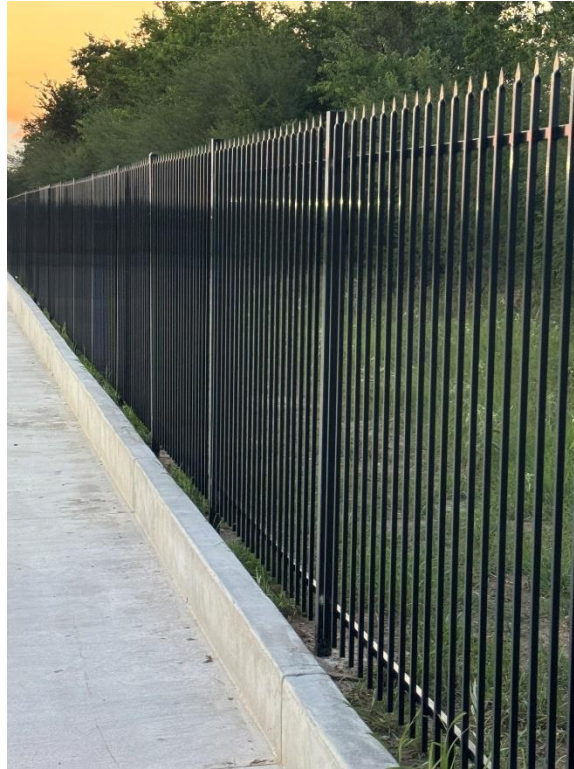
- i. Monument signage;
- ii. Driveways, access gates, access equipment, and fencing;
- iii. Landscaping and landscape adjacent lighting;
- iv. Permanent automatic irrigation system;
- v. HVAC and meters/metering equipment (to be screened per requirement 8.a);
- vi. Below grade utilities required for the development;
- vii. Dumpsters (only on side setbacks, not front setback along Sam Rayburn Drive);
- viii. Amenity areas and associated structures such as multi-use courts, pools, dog parks, playgrounds, and gazebos.

2. Lighting:

- a. Any new development in this PD-H District shall have exterior lighting that faces away from, and not toward, adjacent properties. Any outdoor lighting located within two-hundred feet of an adjacent residential property shall have a backlight shield installed.
- b. Outdoor lighting levels. Outdoor lighting shall not exceed the following levels:
 - i. 0.50 footcandle at the property line if the subject property abuts a residential district or a lot containing a residential use; or
 - ii. 1.00 footcandle at the property line if the subject property abuts a nonresidential district or lot containing a nonresidential use or at the right-of-way line.
- c. Heights of outdoor lighting. Outdoor lighting shall not exceed the following heights:
 - i. Light fixtures in parking lots shall not exceed a maximum height of 24 feet.
 - ii. Pedestrian walkway fixtures shall not exceed a maximum height of 12 feet.

3. Fencing:

- a. Fencing shall be allowed within the Building Setback Area subject to the approval of any easement encroachments by the controlling entities.
- b. Fencing shall consist of black wrought iron material similar to the one shown in the picture blow and be at least six (6) feet in height.



4. The use of modular concrete, natural stone or other masonry retaining walls are permitted. Railroad ties and landscape timber are not permitted construction materials for retaining walls.

5. Building Design:

- a. Buildings intended for multi-family residential occupancy shall not exceed three (3) stories in height. All buildings shall be designed to incorporate some architectural features, including but not limited to:
 - i. Canopies, awnings, porticos with colonnade or arcades.
 - ii. Outdoor patios and/or courtyards (landscaped and furnished) integrated into a site's layout that creates a sense of place for informal and experiential gathering.
 - iii. Decorative and repetitive ornamentation (non-signage) integrated into the building façade.
- b. Building height shall be per Section 4, line item 7 and Exhibit A. No additional height or height related setback requirements shall apply.

- c. The minimum dwelling size for an apartment unit shall be 500 square feet.
- d. Non-residential structures shall not exceed one (1) story in height. This includes amenity centers, covered garages, and other accessory buildings.
- e. All buildings shall have similar architectural styles, materials, colors, and detailing.
 - i. Brick, Stone, or Manufactured Stone
 - ii. Split-Face CMU, Stucco, Cementitious Fiber Board, Treated Engineered Wood
 - iii. Metal, Natural Wood, Tile, Glass, EIFS
- f. A minimum of 60% of the building facades that face a public street shall have masonry siding. All other building facades shall have a minimum of 40% masonry siding, as shown in the elevation renderings below.



1 BUILDING TYPE 2 TYP, ELEVATION
SCALE: 1/8" = 1'-0"



2 BUILDING TYPE 2 TYP, ELEVATION SIDE
SCALE: 1/8" = 1'-0"

MATERIAL LEGEND

	STONE: OKLAHOMA CHOPPED SIZE 4"-6"-8". TONE DARK. COLOR BROWN.
	BRICK: GRAYSON SIZE - KING. TONE - BLEND. COLOR - BROWN.
	SIDING BOARD AND BATTEN 12" COLOR: RUSHING RIVER SW7746
	SIDING BOARD AND BATTEN 12" COLOR: ROSEMARY SW6187
	SIDING BOARD AND BATTEN 12" COLOR: ROYCROFT BOTTLE GREEN SW2847
	SIDING LAP 6" COLOR: RUSHING RIVER SW7746
	SIDING LAP 6" COLOR: ROSEMARY SW6187
	STUCCO COLOR: RUSHING RIVER SW7746
	SHINGLE - ARCHITECTURAL STYLE COLOR CHARCOAL
	METAL ROOF, RAILING, WINDOW & DOOR TRIM, DOWNSPOUT & GUTTERS. COLOR: NIGHT WATCH SW9680. OR MATCH MY OWNER.
	COMPOSITE BRACKETS AND SHUTTERS. COLOR HICKORY WOOD TEXTURE.
	HEAVY TIMBER BEAMS TREATED AND STAINED DARK HICKORY
	PRE-CAST WINDOW HEADER AND LEDGE. COLOR LIGHT GRAY
	TRIM: WHITE SNOW SW9541

INVESTWELL ARCHITECTS LLC
DESIGNS FOR LIFE
24285 KATY FREEMAN, SUITE 400
KATY, TX 77454
346-387-7177

SAM RAYBURN
APARTMENTS
BRYAN, TX

PROPERTY OWNER:
CREI PARTNERS, LLC.

NO.	Revision Date	REVISIONS
1	00/00/00	

DATE	5-22-2024
ISSUE	CONCEPT
PROJECT NUMBER	240502
DRAWN BY	MF

TYP.
ELEVATION

SHEET NUMBER

A1.04

Copyright © 2021 INVESTWELL ARCHITECTS, LLC drawings and specifications are instruments of service and shall remain the property of the Architect. They are not to be used on other projects or extensions to this project except by agreement in writing and with appropriate compensation to the Architect.

6. Landscape Standards:

- a. Landscaping shall be required to screen any mechanical equipment or service areas from the public right-of-way, except in cases where the screening would render the equipment inoperable. Screening of service areas shall be no less than the height of the facilities or equipment to be screened from the public right-of-way at mature height. Masonry screening walls compatible with building architecture may be used to screen service areas in lieu of landscaping. Single wythe brick walls and chain link fencing are not permitted as screening materials.

7. Utilities

- a. The extension of public utilities from the closest available public line to and through the subject property shall be at the expense of the developer.

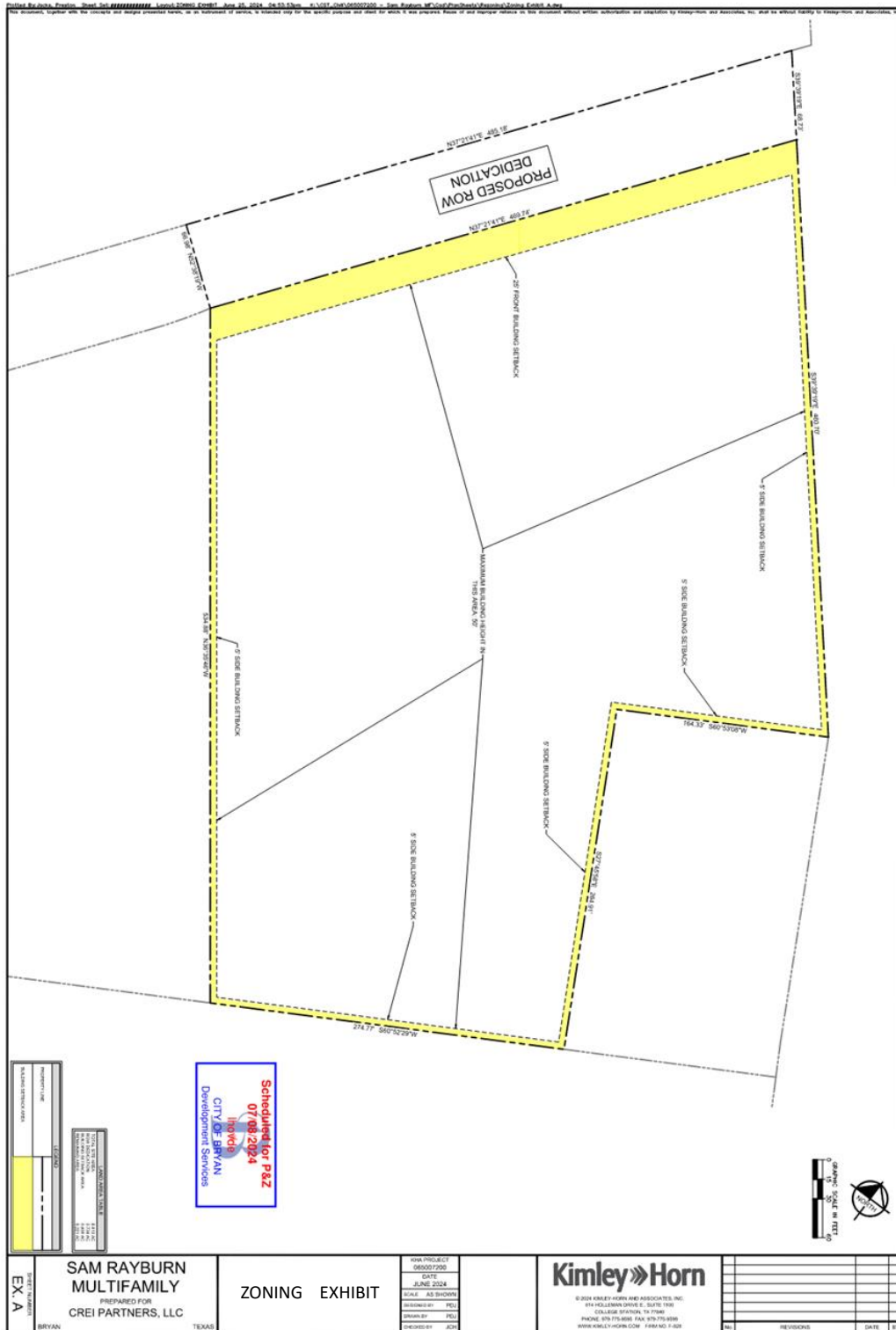
8. Transportation

- a. The extension of Sam Rayburn Drive to Austin's Colony Parkway must be completed and accepted by the City of Bryan prior the issuance of any Certificate of Occupancy and/or the recording of a final plat.
- b. The cross section of the extension of Sam Rayburn Drive must match the existing street cross section.
- c. Any public and/or private access networks or driveways shall, at a minimum, meet standards as set forth in the Bryan/College Station Unified Design Guidelines Manual and adopted City of Bryan Thoroughfare Plan.

SECTION 5: SUBDIVISION OF LAND



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

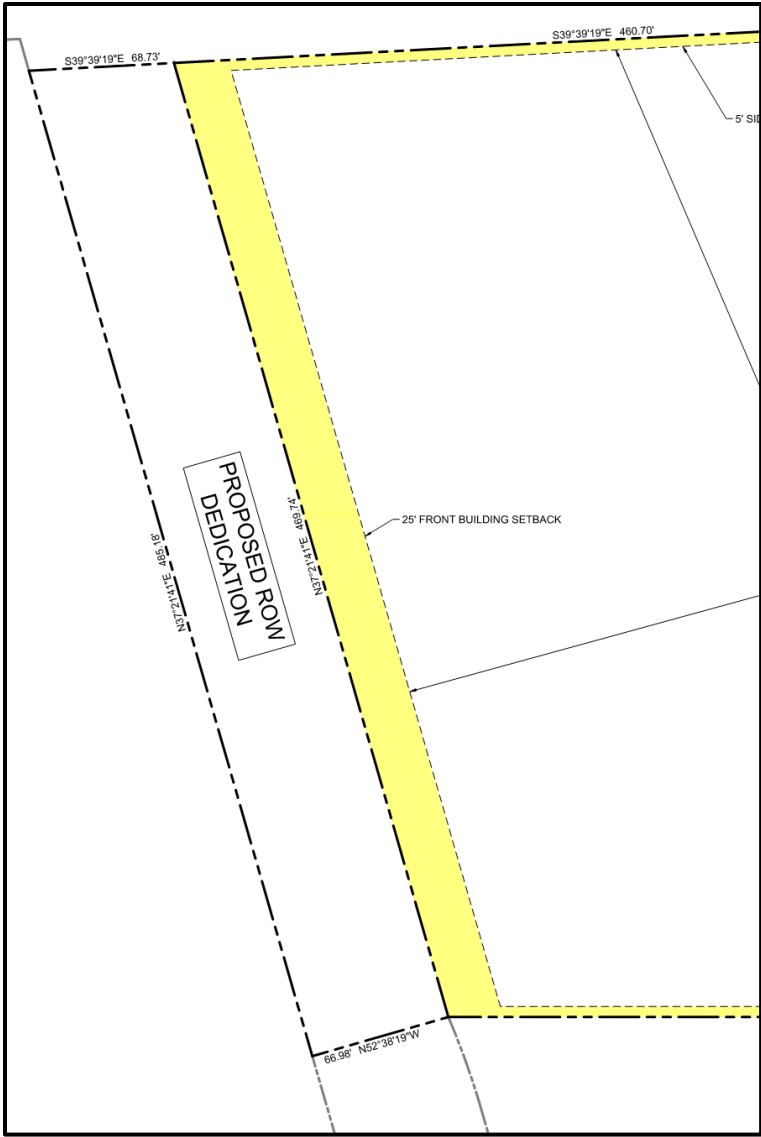
EXHIBIT "C"
Development Plan for
Planned Development – Housing District (PD-H)



EX A <small>DATE PLOTTED: 07/25/2024 PLOTTED BY: JAH</small>	SAM RAYBURN MULTIFAMILY PREPARED FOR CREI PARTNERS, LLC <small>TXAS</small>	ZONING EXHIBIT	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>NOVA PROJECT</td><td> </td></tr> <tr><td>DATE</td><td> </td></tr> <tr><td>DATE</td><td> </td></tr> <tr><td>SCALE</td><td>AS SHOWN</td></tr> <tr><td>DRAWN BY</td><td>PDJ</td></tr> <tr><td>CHECKED BY</td><td>PDJ</td></tr> <tr><td>DATE</td><td> </td></tr> </table>	NOVA PROJECT		DATE		DATE		SCALE	AS SHOWN	DRAWN BY	PDJ	CHECKED BY	PDJ	DATE		KimleyHorn <small>© 2024 KIMLEY-HORN AND ASSOCIATES, INC. 414 HOLLEMAN DRIVE E. SUITE 1300 COLLIER SPRINGS, TX 75826 PHONE: 937.776.6500 FAX: 937.776.6599 WWW.KIMLEY-HORN.COM FIRM NO. 1-000</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DATE												
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LAND AREA TABLE	
TOTAL SITE AREA:	6.413 AC
ROW DEDICATION:	0.734 AC
BUILDING SETBACK AREA:	0.458 AC
REMAINING AREA:	5.221 AC

LEGEND	
PROPERTY LINE	
BUILDING SETBACK AREA	



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF JULY 18, 2024:**

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

Commissioner McBroom Balke stepped down from the dais at 7:18 pm.

B. Rezoning RZ24-14: CREI Colony Land Acquisition, LP

A request to change the zoning classification from Retail District (C-2) to Planned Development - Housing District (PD-H) on 6.41 acres of land out of the John Austin League, Abstract No. 2, generally located between the N. 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. (R. Ochoa)

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

The public hearing was opened.

Wayne Courreges, property owner and applicant, gave a presentation regarding the proposed Planned Development – Housing District (PD-H). Mr. Courreges discussed the struggles existing retail businesses in the area currently have attracting consumers, and believes there is opportunity for future successful retail developments by providing affordable housing for young professionals in the community. Mr. Courreges discussed the following:

- All building facades that face the street would be 60% masonry; and
- There will be 150 total units consisting of one (1) to two (2) bedrooms.

Commissioner Gonzalez asked the applicant about the specific percentages of masonry. Mr. Courreges stated that in addition to the 60% masonry building facades that face the street, interior building facades not visible from the public right-of-way would be at least 40% masonry. He discussed the potential monthly rent estimates and the impact that raising or lowering the masonry requirements would have on the monthly rent costs.

Commissioner Gonzalez asked what the rent estimates would be. Mr. Courreges stated that the estimated rent for a one-bedroom unit would be \$1,200 to \$1,300, and the estimated rent for a two-bedroom unit would be \$1,600 to \$1,800. Increasing the minimum percentage of masonry required beyond the proposed 60% would increase the rental rate.

Commissioner Gonzalez remarked that the conversation regarding the needed transitional housing for young professionals is frequent among the Commission, and that there is a shortage of this type of development in Bryan.

Commissioner Gonzalez asked the applicant if he would be comfortable with the Commission conditioning their recommendation on the requirement that the structures look like the renderings presented during the hearing. Mr. Courreges stated that the presented renderings are what he intends to construct.

Commissioner Bush asked for clarification on the parking ratio provided by the development. Mr. Courreges stated the parking analysis aligns with the City's requirement which calls for one (1)

parking spot for every one (1) bedroom. He also discussed the detention pond being strategically located underground to maximize the developable area of the property.

Commissioner Valerius asked what brought the applicant to Bryan and questioned the fencing that would be provided around the property. Mr. Courreges proposed a black iron fence to be placed adjacent to Austin's Colony Parkway.

Commissioner Gonzalez questioned whether the applicant was comfortable with meeting the parking requirement or if overflow parking would be required. Mr. Courreges stated there is no designated overflow parking. He also stated the proposed leasing office would provide extra parking spaces for visitors after business hours.

Commissioner Gonzalez stated that if there was a lack of parking, it would be most harmful to the development itself and additional parking could always be added in the future. Mr. Courreges discussed his other apartment developments which have lower parking ratios and the lack of problems experienced at those locations. Mr. Courreges also discussed his efforts in maximizing parking and future plans to enforce parking regulations.

Commissioner Gonzalez asked if the parking lot would be gated. Mr. Courreges stated that the proposed development would be gated with one primary access point and a secondary ingress/egress access point for emergency vehicles only.

Commissioner Watson stated that he was aware that the subject tract had an active application for TDHCA tax credit housing and asked the applicant to clarify that it was not related to the subject development. Mr. Courreges stated that there was no connection between his development and the tax credit housing application.

Commissioner Watson asked if this was strictly a market-rent project and questioned if there were any subsidies. Mr. Courreges stated that if a Housing and Urban Development (HUD) Loan was requested, there could be an affordability requirement, which would provide interest rate incentives if 10% of the proposed units were to be more affordable to serve professionals like teachers and public safety officers. He restated that it would not be a tax-credit project.

Commissioner Gonzalez asked that if the HUD Loan was requested, would 15 units have a lower rent than the others. Mr. Courreges stated that affordability can have negative connotations, but that the loan would allow for a 40-year amortization period with a lower interest rate if 10% of the units were held to a more affordable rent based on the median income of the area. He stated that the median income of the area is approximately \$57,000.

Mr. Mike Logan, the owner of adjacent property on Sam Rayburn Drive, discussed his appreciation for the proposed development and believes it is the best use for the area.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ24-14 to the Bryan City Council, subject to the following conditions:

- **The renderings and elevations provided by the applicant shall be part of the ordinance establishing the PD District.**
- **Exterior boundary fencing shall be of black wrought iron design at least six (6) feet in height.**

- **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.**

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission.

Commissioner Bush seconded the motion.

Commissioner Gonzalez stated that the proposed development was a beautiful project, and while the Commission does want to foster retail development in the area, the subject property does not have frontage on the highway making it more appropriate for residential development.

Commissioner Bush stated the development was a great transition between the residential Austin's Colony Area to the adjacent commercial area, and stated that it will be beneficial to both the neighborhood and nearby middle school while also encouraging additional retail development.

Commissioner Rodriguez agreed with Commissioners Gonzalez and Bush, and stated that the development would create a good mix of uses in the area.

Commissioner Clark asked Deputy City Attorney Koury if the Commission was allowed to ask about tax incentives and financing when the request before them is just in regards to zoning. Mr. Koury stated that while the question is not off-topic, it is also not under the Commission's purview.

Commissioner Watson stated that not all multifamily developments are the same, and that the proposed development is a good example of an appropriate use in an appropriate location with mitigating factors. He stated that the extension of Sam Rayburn Drive providing an appropriate circulation pattern for the area.

Commissioners Gonzalez, Bush, Rodriguez and Watson remarked that they were impressed with the applicant's presentation.

The motion passed unanimously.

Chairperson McBroom Balke was re-seated at the dais at 7:51 pm.

July 18, 2024



Rezoning case no. RZ24-14: CREI Colony Land Acquisition, LP

CASE DESCRIPTION: a request to change the zoning classification from Retail District (C-2) to Planned Development – Housing District (PD-H)

LOCATION: 6.41 acres of land out of the John Austin League, Abstract No. 2, generally located between the N. Earl Rudder Freeway East Frontage Road and Austin’s Colony Parkway east of the eastern terminus of Sam Rayburn Drive.

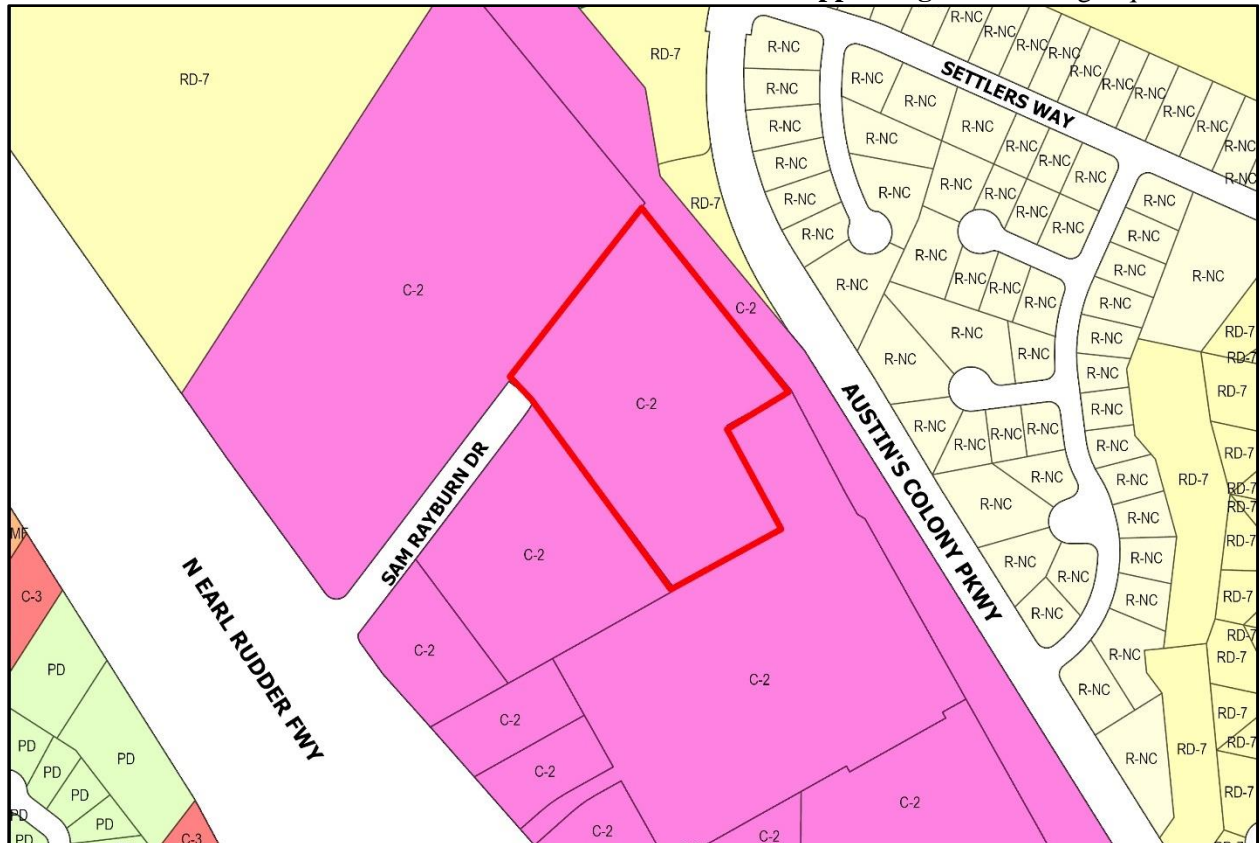
EXISTING LAND USE: vacant acreage

PROPERTY OWNER: CREI Colony Land Acquisition, LP

AGENT: Kimley-Horn

STAFF CONTACT: Rene Ochoa, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



AERIAL VIEW AND THOROUGHFARE PLAN (2023)



FUTURE LAND USE PLAN (FLUP)

This is a product of the City of Bryan Geographic Information System. This geospatial data product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning purposes. It does not represent an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor and represents only the approximate relative location of property boundaries. This product may not reflect some data otherwise available. This product is not a substitute for obtaining a survey or other professional advice about a specific property, specific question, or situation.

COB
THOROUGHFARE
PLAN
CLASSIFICATION
FREEWAY

MINOR ARTERIAL
MAJOR COLLECTOR
MAJOR COLLECTOR-
PROPOSED

0 45 90 180 270 360 Feet



BACKGROUND:

The agent, Preston Jacks of Kimley-Horn, on behalf of the property owner, 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 6.413 acres of land east of the eastern terminus of Sam Rayburn Drive between Austin's Colony Parkway and N. Earl Rudder Freeway, south of Austin's Colony Subdivision, being Lot 1, Block 1 of the John Austin Subdivision in Bryan, Brazos County, Texas.

Properties immediately adjacent to the subject property are zoned Retail District (C-2) and are occupied primarily by retail uses and 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 is Phase 7 of Austin's Colony Subdivision, the majority of which is zoned Residential – Neighborhood Conservation District (R-NC).

The request to amend the zoning on the subject property was submitted by the applicant specifically to develop a multi-family residential housing community. Currently multi-family residential developments are permitted in the C-2 zoning district with an approved Conditional Use Permit. However, after meeting with staff, the applicant opted to apply for a Planned Development in order to work more closely with the City in developing a quality housing development that the community may support.

A Planned Development (PD) District zoning classification provides the city with a way to ensure development with high-quality, innovative, and aesthetically pleasing designs and standards including, but not limited to, landscaping, tree preservation, building materials, building height, and signage. PD District zoning also typically allows for greater flexibility in development standards, typically not allowed in standard zoning districts such as those found in standard multifamily zoning. These can include increase non-development buffers, additional landscaping, aesthetic building design, etc.

Following the approval of the Planned Development District, the applicant would still be required to submit a site plan to be reviewed by the City's Site Development Review Committee to ensure that the standards outlined within the approved Planned Development ordinance are followed.

As part of the project, the developer would be responsible for on-site improvements, with possible participation from the City for any upsized infrastructure needed, as determined by the City Engineer. The City's engineering department reviewed the case as part of the Site Development Review Process and determined that a traffic impact analysis was not needed as part of the development based on the trip generation letter provided by the applicant's engineering consultant. As part of the infrastructure improvements needed for this project, the property owner would be required to extend Sam Rayburn Drive, currently a dead-end major collector roadway, through the property to Austin's Colony Parkway, as indicated by the City's adopted thoroughfare plan. This new roadway would connect the N. Earl Rudder Freeway frontage road with Austin's Colony Parkway, providing increased circulation to the site and to the general area as a whole. The location of this proposed right-of-way extension is shown below in the applicant's zoning exhibit.

EXCERPT FROM THE REZONING APPLICATION:

Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- For Planned Development zoning, include a PDF copy of the development site plan

Please list the reasons for this rezoning request:

In order to develop this property as multi-family apartments, the tract must be rezoned.

List the changed or changing conditions in the area or City which make this zone change necessary:

There is an ever-increasing demand for attainable multi-family apartments in the City,
and with little land zoned to allow for such uses, properties must be rezoned in order to
accomplish that goal.

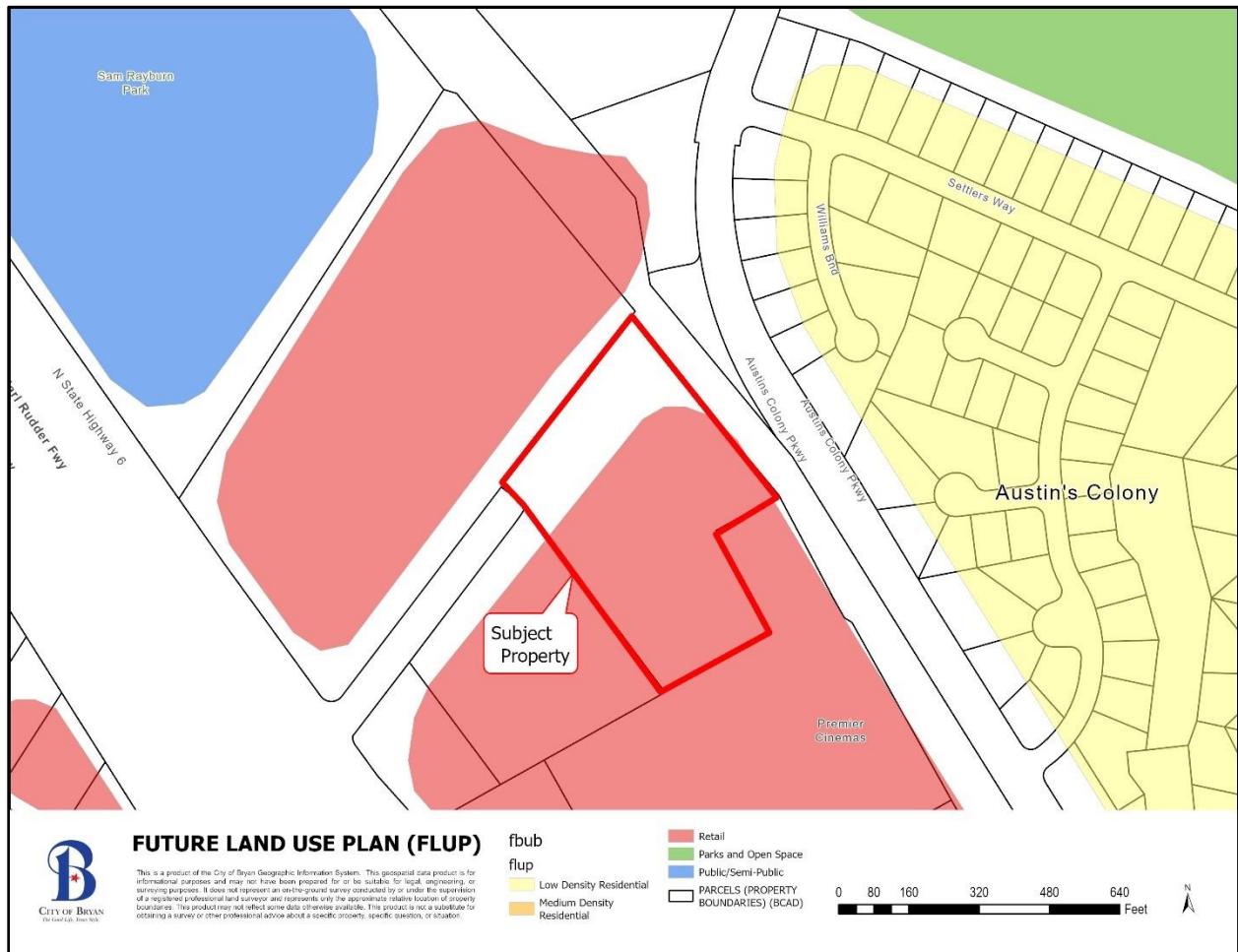
Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

The Future Land Use Map shows this tract to be retail. All of the retail in the area is
drawn to the anchors of Kroger and Target, with HEB coming to pull even more future
retail to its site. This site will not sustain retail development with those nearby anchors.

A multi-family land use will also help transition from the surrounding Austin's Colony
single-family neighborhood into the adjacent retail tracts.

List any other reasons to support this zone change:

EXCERPT FROM THE FUTURE LAND USE PLAN MAP:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan's Comprehensive Plan, Blueprint 2040, adopted October 25, 2016, serves as the framework for the establishment of zoning and other regulatory tools. The 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 (as shown above) identifies the subject property as being mainly located in an area of the City reserved for retail uses, with some land adjacent to the subject property, being reserved for low density residential and public/semi-public 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:

Chapter 5: Land Use

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:

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

High density residential is reflective of multifamily apartments. Depending on location, densities in high density residential may vary significantly. Garden style apartments have densities between 12 and 20 dwelling units per acre. Newer construction, particularly if a mixed-use configuration, has densities ranging from 20 to 30 dwelling units per acre. Higher densities would be more appropriate in Downtown Bryan and in mixed-use areas. High density residential can serve as a transitional use between low density neighborhoods and much higher intensities, such as commercial and industrial activity. The following are policies to guide high density residential areas:

- They are appropriate along major collector or arterial roadways.
- They serve as a buffer between commercial or retail uses and low-density residential areas.
- Maximum acreage per individual development should be 30 acres or less.

ANALYSIS:

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

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

Staff finds that the proposed Planned Development – Housing District (PD-H) will be appropriate for the immediate area and the City as a whole. In the vicinity of the subject property, there have been a number of recent retail developments. The proposed development will serve as an appropriate transition between the low-density pattern of development to the east within Austin’s Colony Subdivision, while also supporting the retail pattern of development along N. Earl Rudder Freeway.

Staff believes that the proposed PD-H District is appropriate and compatible with the existing and anticipated land uses in the surrounding area. In addition to fostering an orderly pattern of development, staff believes that the PD-H District is consistent with the land use recommendations of the comprehensive plan, BluePrint 2040. The subject high-density residential development is appropriate along major collector or arterial roadways, and would serve as a buffer between commercial/retail development and low-density residential areas.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

Staff contends that 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.

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 contends that if the requested change in zoning classification were approved, it would not make similarly zoned properties in the city unavailable for development. Residential zoning districts, including Multiple-family Districts (MF), are specific and limited in regards to the uses that are permitted by right, rezoning requests for these districts usually only occur in response to a specific development plan. At present, there are relatively few vacant tracts zoned for multifamily residential development in Bryan.

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 believes that this request for PD-H District zoning, if approved, is unique as it is specifically centered on addressing the compatible development in relation to both the retail and low-density pattern of development observed in the vicinity. Staff contends that, in the general vicinity of the subject property, high density residential developments are occurring at an average pace. Elsewhere in the city, high-density residential developments are also occurring at a similar pace.

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

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

Staff is unable to determine potential adverse effects on the health, safety, or morals of the general public that could result if the request is approved. Additional factors of typical concern, including fencing/screening, lighting, building design, and parking have all been addressed as part of the planned development standards under Section 4: Physical Development.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

Staff believes that the proposed PD-H District is generally compatible with the existing and anticipated uses surrounding this property and is in accordance with the land use recommendations of the Comprehensive Plan. While a small portion of land adjacent to N. Earl Rudder Freeway is recommended to be appropriate for retail land uses, this development would both support existing and future retail development and serve as a buffer to the low-

density residential development located east of Austin's Colony Parkway. Staff notes that adjacent properties zoned C-2 District will still have adequate development area.

Staff believes that the proposed rezoning request will have no adverse impacts on nearby properties or the City as a whole.

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-H District.

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

Staff contends that future development regulated by the proposed standards of this PD-H District will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the general vicinity. While new development at this location will increase the flow of traffic, it is important to note that the subject property is located along a major collector roadway, Sam Rayburn Drive, between a freeway (N. Earl Rudder Freeway) and a minor arterial roadway, Austin's Colony Parkway, all of which are capable of accommodating increased traffic volumes.

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. Allowable signage in residential districts is purposefully restricted so no impact is expected from development. The applicant's proposed development standards regarding signage for the proposed planned development do not deviate from typical standards outlined in current development regulations.

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, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

Staff is unable to discern any additional detrimental impacts not already identified in this staff report.

RECOMMENDATION:

Staff recommends **approving the requested PD-H District zoning**, as requested.