

Agenda Item Details

Meeting	May 20, 2025 - Bryan City Council Second Regular Meeting
Category	4. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.
Subject	A. Rezoning request case no. RZ23-23, public hearing, presentation, and consideration of the first and only reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of Innovation Corridor – Retail Services District (IC-RS) and Innovation Corridor – High-Density Residential District (IC-HDR) to Planned Development – Housing District (PD-H), on 162.32 acres of land out of the John Williams League, Abstract No. 237, located 550 feet to 4,200 feet north of the intersection of West State Highway 21 and John Sharp Parkway (State Highway 47), in Bryan, Brazos County, Texas.
Type	Action
Preferred Date	May 20, 2025
Absolute Date	May 20, 2025
Fiscal Impact	No
Budgeted	No
Goals	Quality of Life Economic Development

Summary:

The applicant, Luke Marvel, on behalf of property owners Mary Luza Trust and Luza Family Trust, is requesting to change the zoning classification on 162.32 acres in order to construct a new variable-density residential development consisting of two planning areas.

On June 6, 2024, the Planning and Zoning Commission unanimously recommended approval of a previous iteration of this request to change the zoning on the subject property from a combination of Innovation Corridor – Retail Services District (IC-RS) and Innovation Corridor – High-Density Residential District (IC-HDR) to Planned Development – Housing District (PD-H). Due to ongoing contract negotiations between the applicant and property owner, City Council review was postponed from July 2024 to January 14, 2025.

During its January 14, 2025 meeting, the City Council voted to postpone a final decision regarding that prior request, suggesting the applicants propose more specific development regulations for this property. On January 16, 2025, planning staff met with the applicant and the applicant's agent to discuss possible modifications to lot size and subdivision design standards.

During the Planning and Zoning Commission's review of the revised request during their regular February 6, 2025 meeting, the Commission voted to recommend approval of the revised rezoning request by a vote of six (6) in favor to two (2) in opposition.

During the March 18, 2025, City Council second regular meeting, the applicant requested to postpone consideration of the request. The City Council unanimously approved a motion to postpone the final decision regarding rezoning request case no. RZ23-23 until the first City Council meeting after 90 days (i.e., July 8, 2025). On April 10, 2025, planning staff received a written request from the applicant asking to schedule consideration of case no. RZ23-23 to the May 20, 2025, second regular City Council meeting. In compliance with the City Council's bylaws, the City Council voted to reconsider the motion to postpone at their April 22, 2025, special meeting, allowing for final consideration to occur during the May 20, 2025, second regular meeting.

Below is a list of changes made to the proposed development regulations since the Planning and Zoning Commission's original review in June 2024. These revisions are highlighted in the attached draft ordinance:

- All common areas shall be maintained by the homeowner's association (HOA), this includes, but is not limited to, uniform fencing and landscaping.
- Detached dwellings and townhouses have a minimum masonry material requirement of 75% on all facades visible from a right-of-way.
- Up to 5% of detached residential lots shall be a minimum of 65 feet wide.
- Detached dwellings shall have at least one two-car garage.
- Benches shall be provided along the trail system, which will require site plan approval by the Site Development Review Committee before any final plat can be approved.
- At least one canopy tree per lot located between the front property line and the front façade of all dwellings.

The existing zoning of the subject property is a combination of Innovation Corridor – High-Density District (IC-HDR) and Innovation Corridor – Retail Services District (IC-RS). The Innovation Corridor zoning and overlay districts were adopted by the City Council in October 2022.

Planning Area 1, consisting of approximately 80 acres and directly adjacent to the remaining IC-RS District acreage, is proposed to be developed with higher density residential structures, such as apartment buildings, condominiums, and townhouses. Planning Area 1 will serve as a transition from the more intense retail and commercial uses adjacent to West State Highway 21 and Planning Area 2.

Planning Area 2, which consists of approximately 82 acres and is located between 1,600 and 3,500 feet from West State Highway 21, is proposed to primarily consist of detached dwelling units and townhouses.

All adjacent properties located to the north, east, and west are located outside of Bryan city limits. The subject property was annexed into the City of Bryan on May 14, 2019 (Ordinance No. 2349), and was the northern-most limit of annexation. Property located to the south is approximately 71 acres of land that is part of the overall subject tract. This remaining 71 acres is proposed to remain zoned as Innovation Corridor – Retail Services District (IC-RS).

Staff Analysis and Recommendation:

During its regular meeting on February 6, 2025, one (1) Brazos County resident spoke in opposition to the request citing concerns the development would lower their own property values. The Planning and Zoning Commission concurred with staff and **recommends approval** of this rezoning request. The Commission adopted the written staff report and analysis as the report, findings, and evaluation of the Commission. **The motion passed by a vote of six (6) in favor and two (2) in opposition. The Commission's positive recommendation in this case was made subject to the following modification, which is reflected in the proposed development regulations attached to this Council Action Form:**

1. **Townhouse buildings and detached dwellings shall have a minimum of seventy-five percent (75%) masonry materials on all exteriors visible from a public right-of-way (exclusive of doors, windows and similar openings).**

Options:

1. approve the requested zoning change as recommended by P&Z and staff;
2. approve the requested zoning change with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda; or
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, tributary map and aerial photographs;
2. draft ordinance with exhibits;
3. excerpt from March 18, 2025 City Council second regular meeting minutes;
4. excerpt from February 6, 2025 Planning and Zoning Commission meeting minutes;
5. excerpt from January 14, 2025 City Council second regular meeting minutes;
6. excerpt from June 6, 2024 Planning and Zoning Commission meeting minutes; and
7. staff report to the Planning and Zoning Commission.

CAF ATTACHMENTS RZ23-23, Luza Tract PD-H (3).pdf (1,822 KB)