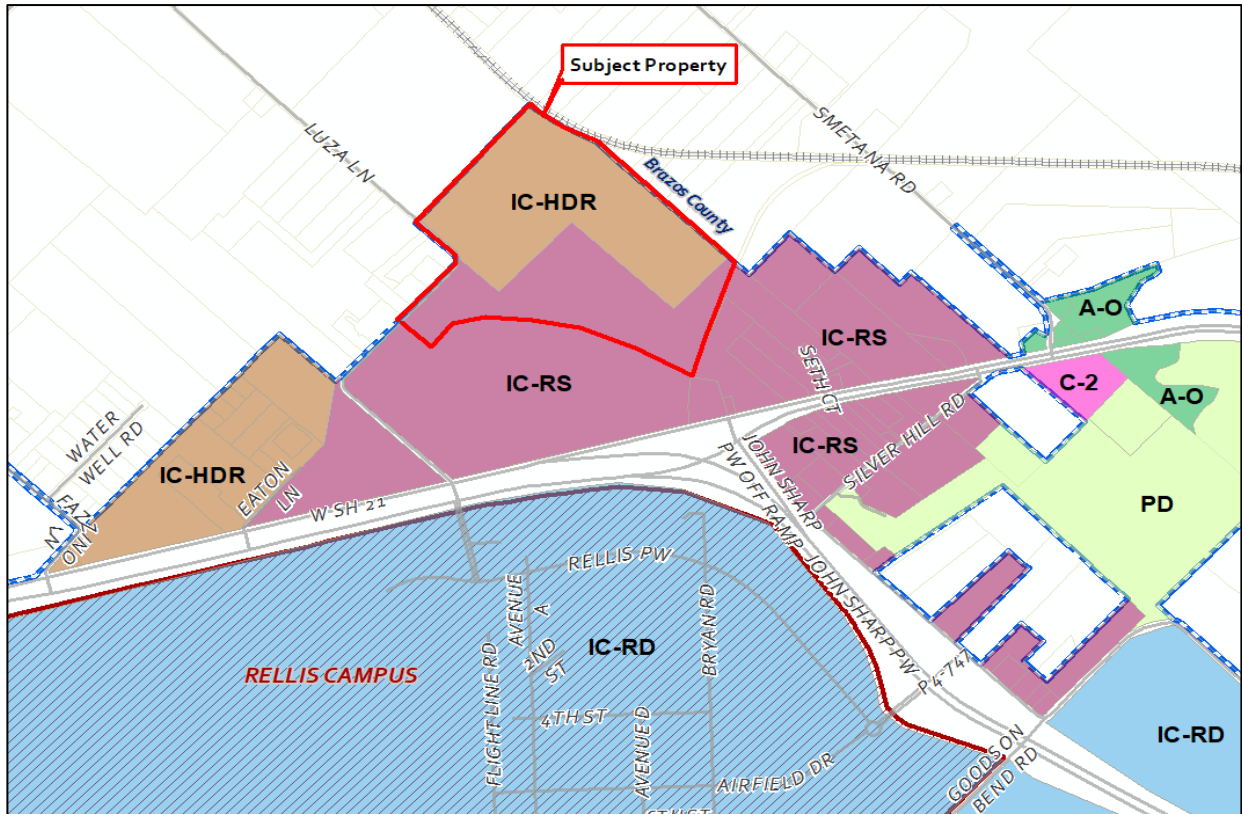
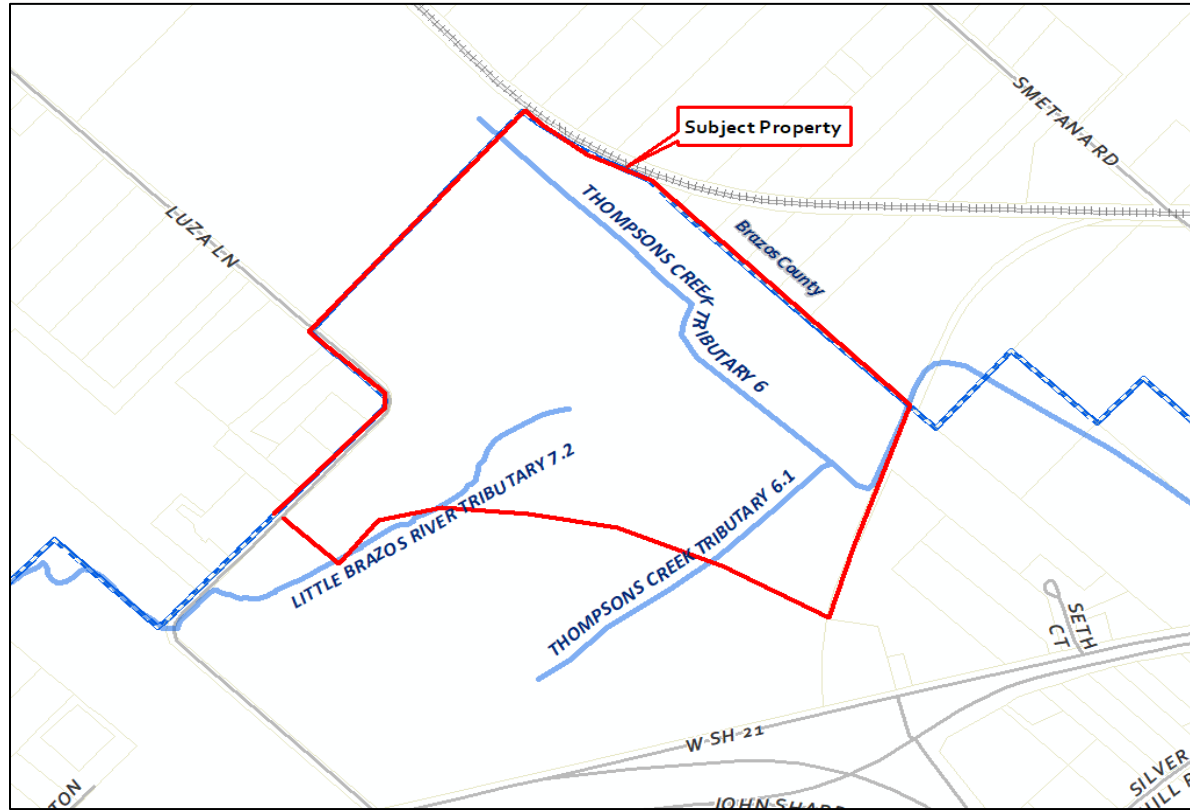


LOCATION MAP, AERIAL PHOTOGRAPH (2023), AND TRIBUTARY MAP:





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 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), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, 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 W. STATE HIGHWAY 21 AND JOHN SHARP PARKWAY (STATE HIGHWAY 47), 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, 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 W. State Highway 21 and John Sharp Parkway (State Highway 47), in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on February 6, 2025 (case no. RZ23-23).

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 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 W. State Highway 21 and John Sharp Parkway (State Highway 47), in Bryan, Brazos County, Texas, said 162.32 acres being described on attached Exhibit “A” and further depicted on attached Exhibit “A-1”, and subject to development requirements described and/or depicted on attached Exhibits “B” and “B-1”, 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 20th day of May 2025, 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":

STATE OF TEXAS

COUNTY OF BRAZOS

A **METES & BOUNDS** description of a certain 162.32 acre tract situated in the John Williams Survey, Abstract No. 237 in Brazos County, Texas, being a portion of a called 126.8 acre tract, a portion of the remainder of a called 51.77 acre tract, all of a called 30.055 acre tract, and a portion of a called 106.034 acre tract conveyed by Cash Warranty Deed to First City National Bank of Bryan, Substitute Co-Trustee of the Mary Ann Luza Marital Trust recorded in Volume 873, Page 734 of the Official Records of Brazos County (ORBC); said 162.32 acre tract being more particularly described as follows with all bearings based on the Texas Coordinate System of 1983, Central Zone (4203);

COMMENCING at a found 1/2-inch iron, marking the north corner of a called 53 acre tract conveyed by Cash Warranty Deed to First City National Bank of Bryan, Substitute Co-Trustee of the Mary Ann Luza Marital Trust recorded in Volume 873, Page 734 ORBC, the east corner of the remainder of a called 142 4/5 acre tract conveyed by Deed to Joseph Holick recorded in Volume 6, Page 519 of the Deed Records of Brazos County (DRBC), and in the fenced southwest right-of-way of the I. & G.N. Railroad (called 100-foot wide right-of-way) recorded in Volume 24, Page 270 DRBC and Volume 24, Page 274 DRBC;

THENCE South 43°48'58" East, 1938.49 feet to a point-for-corner, being in the common line of said fenced southwest right-of-way line of the I. & G.N. Railroad and aforementioned portion of a called 106.034 acre tract, marking the beginning of a non-tangent curve to the left, being the north corner and the **POINT-OF-BEGINNING** of the herein described subject tract;

THENCE along said common line of said 106.034 acre tract and said fenced southwest right-of-way of the I. & G. N. Railroad, along said non-tangent curve to the left, having a radius of 3029.04 feet, an arc length of 770.46 feet, a delta angle of 14°34'25", and a chord bearing of South 58°21'26" East, 768.39 feet to a set 5/8-inch iron rod (with cap stamped "Jones|Carter"), marking a northeast exterior corner of the herein described subject tract, being common with the northeast exterior corner of said 106.034 acre tract, and a west corner of the remainder of a called 23.8 acre tract conveyed by Distribution Deed to Christopher John Ferrell recorded in Volume 6164, Page 5 of the Official Public Records of Brazos County (OPRBC);

THENCE South 48°43'34" East, along the common line of said 106.034 acre tract and said remainder of a called 23.8 acre tract, 362.67 feet to a found (leaning) 1/2-inch iron pipe, marking the west corner of a called 12.092 acre tract conveyed by Independent Executor's Special Warranty Deed to Margaret Vitopil, Et. Al. recorded in Volume 3383, Page 113 OPRBC;

THENCE South 48°20'42" East, along the common line of said 106.034 acre tract and said 12.092 acre tract, 262.34 feet to a found 1/2-inch iron rod, marking the west corner of a called 2.217 acre tract conveyed by General Warranty Deed with Vendor's Lien to Behrad Shayesteh recorded in File No. 1376946 OPRBC;

THENCE South 46°48'09" East, along the common line of said 106.034 acre tract and said 2.217 acre tract, 258.71 feet to a found (disturbed) 1/2-inch iron rod, marking the east corner of said 106.034 acre tract, the north corner of aforementioned 30.055 acre tract, and the west corner of a called 11.9 acre tract conveyed by Gift Deed to Patricia K. Jones recorded in Volume 1474, Page 343 OPRBC;

THENCE South 47°05'27" East, along the common line of said 30.055 acre tract and said 11.9 acre tract, 262.73 feet to a found 1/2-inch iron rod (with cap stamped "Carlomagno 1562"), marking the west corner of a called 11.9 acre tract conveyed by Warranty Deed to The Most Reverend John McCarthy recorded in Volume 1033, Page 250 ORBC;

THENCE South 47°04'23" East, along the common line of said 30.055 acre tract and said 11.9 acre tract, 267.01 feet to a found (bent) 1/2-inch iron rod, marking the west corner of a called 18.4724 acre tract conveyed by Warranty Deed with Vendor's Lien to Brian Douglas Schoenemen recorded in Volume 4846, Page 212 OPRBC;

THENCE South 46°52'57" East, along the common line of said 30.055 acre tract and said 18.4724 acre tract, 840.75 feet to a found 1/2-inch iron rod, marking the east corner of the herein described subject tract, being common with the east corner of said 30.055 acre tract, the south corner of said 18.4724 acre tract, the southwest corner of a called 2.05 acre tract conveyed by Deed to the United States of America recorded in Volume 111, Page 494 DRBC, and the north corner of a called 45.738 acre tract conveyed by Special Warranty Deed to RTS Newco, LLC recorded in File No. 1165215 OPRBC;

THENCE South 22°02'29" West, along the common line of said 30.055 acre tract and said 45.738 acre tract, 909.22 feet to a found 1/2-inch iron rod (with cap stamped "Kerr 4052"), marking a southeast interior corner of the herein described subject tract, being common with the south corner of said 30.055 acre tract, the most west corner of said 45.738 acre tract, and in the northeast line of aforementioned remainder of a called 51.77 acre tract;

THENCE South 47°24'13" East, along the common line of a said remainder of a called 51.77 acre tract and said 45.738 acre tract, 26.29 feet to a set 5/8-inch iron rod (with cap stamped "Jones|Carter"), marking a southeast exterior corner of the herein described subject tract, being common with the east corner of the remainder of a called 51.77 acre tract and the north corner of a called 8.98 acre tract conveyed by General Warranty Deed to 21 West Business Park, LLC recorded in File No. 1304452 OPRBC;

THENCE along common lines of said remainder of a called 51.77 acre tract and said 8.98 acre tract, the following two (2) courses and distances:

1. South 21°54'31" West, 182.49 feet to a found 1/2-inch iron rod (with cap stamped "Kerr 4052"), marking the beginning of a non-tangent curve to the left;
2. Along said non-tangent curve to the left, having a radius of 1879.67 feet, passing at an arc length of 366.64 feet a found 60-D nail, marking the northwest corner of a called 4.431 acre tract conveyed by General Warranty Deed to Pool Company Texas Ltd. recorded in Volume 4031, Page 62 OPRBC, continuing in all a total arc length of 368.43 feet, a delta angle of 11°13'50", and a chord bearing of South 16°20'36" West, 367.84 feet to a point-for-corner, marking the south corner of the herein described subject tract;

THENCE over and across said remainder of a called 51.77 acre tract and aforementioned 126.8 acre tract, the following five (5) courses and distances:

1. North 51°16'11" West, 297.63 feet to a point-for-corner, marking the beginning of a tangent curve to the left;
2. Along said tangent curve to the left having a radius of 1210.00 feet, an arc length of 829.91 feet, a delta angle of 39°17'53", and a chord bearing of North 70°55'08" West, 813.74 feet to a point-for-corner;
3. South 89°25'56" West, 1652.54 feet to a point-for-corner;
4. South 43°00'06" West, 276.20 feet to a point-for-corner;
5. North 47°19'49" West, 574.61 feet to a point-for-corner, marking the west corner of the herein described subject tract, being in the occupied southeast right-of-way line of Luza Lane (variable width right-of-way);

THENCE North 42°53'05" East, along the common line of said 126.8 acre tract and said occupied southeast right-of-way line of Luza Lane, 1062.64 feet to a set 5/8-inch iron rod (with cap stamped "Jones|Carter"), marking a west interior corner of the herein described subject tract, being common with the northwest corner of said 126.8 acre tract and in the southwest line of aforementioned 106.034 acre tract;

THENCE North 47°06'55" West, along the southwest line of said 106.034 acre tract, 728.14 feet to a point-for-corner, marking the northwest corner of the herein described subject tract;

THENCE North 41°35'15" East, over and across said 106.034 acre tract, 1891.30 feet to the **PLACE OF BEGINNING**, CONTAINING 162.32 acres of land in Brazos County, Texas filed in the offices of Quiddity in College Station, Texas.

EXHIBIT "A-1":

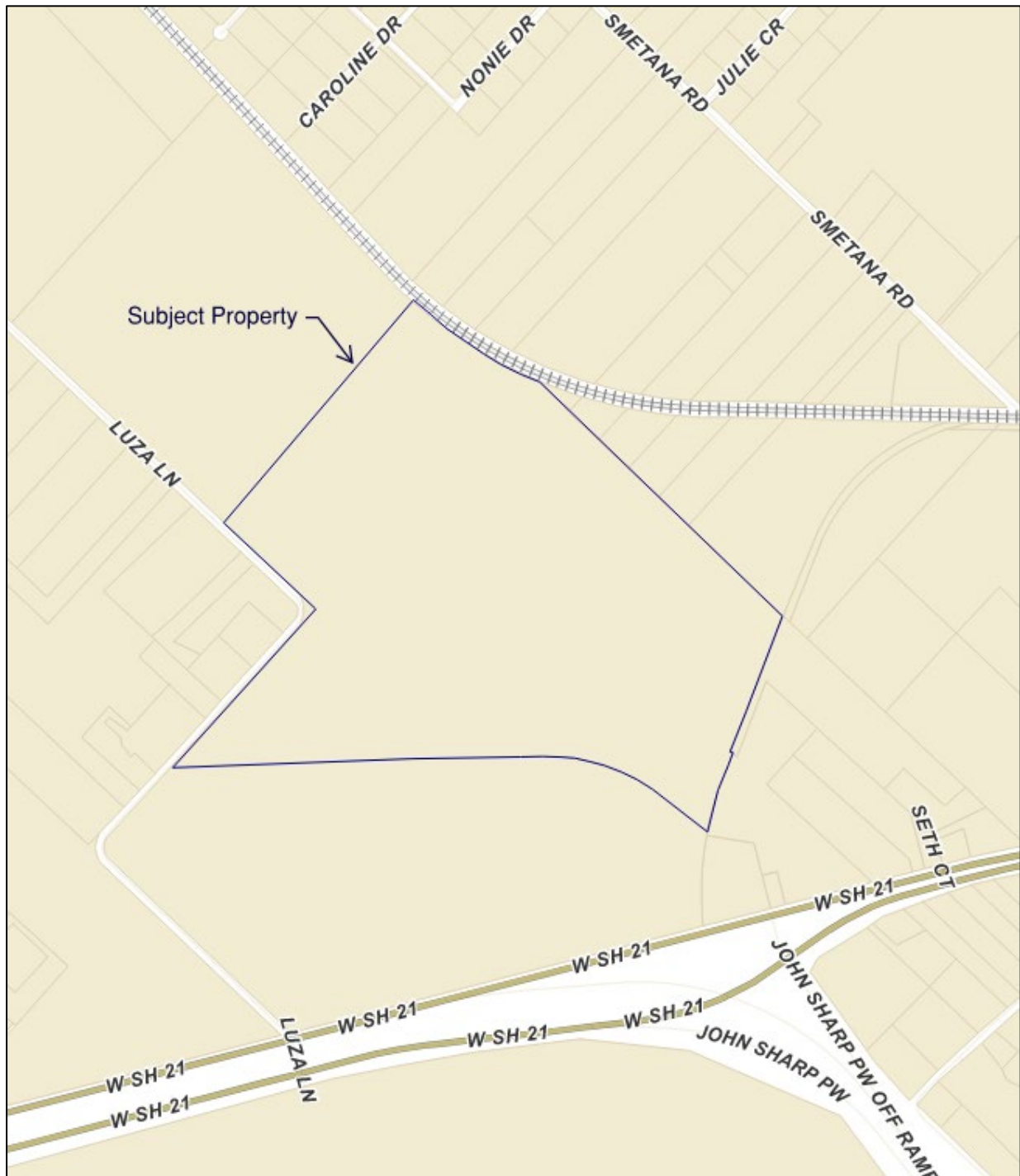


EXHIBIT “B”:

Development requirements for Planned Development – Housing District (PD-H)

The purpose of the Luza Tract Planned Development – Housing District (PD-H), hereinafter referred to as “PD-H”, “the District” or “this District,” is to comply with the City of Bryan Code of Ordinances while establishing alternate development standards set forth for the mutual benefit of both the property owner and the City of Bryan. This PD-H establishes development standards for a master-planned community on approximately 251 acres of land located near Luza Lane and W. State Highway 21. The standards established in this plan are to be used to facilitate development with a mix of housing types to accommodate market flexibility, ensure protection of surrounding properties from foreseeable negative impacts resulting from permitted uses, to strengthen the area economy and promote the general welfare of the community.

This area was recently zoned part of the Innovation Corridor (IC) zoning districts. This PD zoning district would maintain the Innovation Corridor – Retail Services (IC-RS) zoning area along West State Highway 21, but allows the property to appropriately transition to lower density detached residential units.

SECTION 2: LAND USE

This District provides for two different planning areas designed to respect and respond to existing conditions at the property boundaries.

1. Planning Area 1

The intent of Planning Area 1 is to provide for a medium-density housing district that provides necessary housing and serves as a buffer in between the detached residential planning area and the adjacent Innovation Corridor – Retail Services (IC-RS) zoning district. The following specific range of land uses shall be permitted by right in Planning Area 1:

- Attached residential dwelling unit (townhome), subject to other regulations detailed in subsection (a) below;
- Essential municipal uses;
- Government owned structures, facilities, and uses;
- Live/work units;
- Multifamily dwelling unit and/or condominiums;
- Parking, structured (accessory to primary residential use only);
- Place of worship;
- Schools, libraries, and community halls; and
- 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, subject to other regulations detailed in subsection (a) below.

a. Other regulations.

- i. Attached residential dwelling units (townhomes) shall have a minimum density of six (6) units per acre. Townhome development will be limited to 75% of the total area of Planning Area 1.
- ii. Real estate sales offices shall be permitted during the development of residential subdivisions, but shall be removed within six (6) month of the date of the last unit closed by the developer.

2. Planning Area 2

The intent of Planning Area 2 is to provide for an intentionally planned lower density detached residential home area of the community. The following specific range of land uses shall be permitted by right in Planning Area 2:

- Attached residential dwelling unit (townhome); and
- Detached dwelling unit with no more than four unrelated persons.

SECTION 3: Physical Development

1. Planning Area 1

- a. Tracts intended for townhouse developments, as identified on the preliminary plan, shall comply with development standards and limitations of the City of Bryan Code of Ordinances Sec. 62-168 – Townhouse Requirements, subject to additions, modifications or exceptions described herein, and shall allow a front parking layout.
 - i. All dwelling units shall provide a minimum of one (1) parking space per bedroom, whether in the garage or in the driveway.
- b. Tracts intended for multiple-family residential development, as identified on the preliminary plan, shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Multiple-Family District (MF), subject to additions, modifications or exceptions described herein.
- c. On all lots and HOA-maintained common areas, including, but not limited to, streetscaping and buffer area common areas, lawns, shrubs, trees, grass and plantings shall be kept cultivated, pruned, neatly trimmed, mowed and/or edged, as applicable, to complement the overall aesthetics of the development. Trees, shrubs, vines, and plants that die shall be promptly removed or replaced, if required.
- d. Townhouse buildings shall have a minimum of seventy-five percent (75%) masonry materials on all exteriors that are visible from a public right-of-way (exclusive of doors, windows and similar openings).
- e. Buffer Area Requirements - In order to help mitigate potential adjacency conflicts between residential, multiple-family, and non-residential uses in Planning Areas 1 and 2, the following standards shall apply with regard to buffering to help maintain land use compatibility. No development shall be authorized within the buffer area except for required or permitted landscaping and screening, storm water detention facilities, and pedestrian walkways.
 - i. If detached residential dwelling or townhouse development is proposed adjacent to a non-residential development, then a minimum 50-foot buffer area shall be observed by the non-residential development. The depth of the buffer area can be reduced to 30 feet by providing the equivalent area of additional landscaping within the remaining buffer area in the amount of one (1) landscaping point provided for every one (1) square foot in buffer area reduction.
 - ii. If detached residential dwelling or townhouse development is proposed adjacent to a multi-family residential development, then a minimum 25-foot buffer area shall be observed by multi-family residential development. The depth of the buffer

area can be reduced to 15 feet by providing the equivalent area of additional landscaping within the remaining buffer area in the amount of one (1) landscaping point provided for every one (1) square foot in buffer area reduction.

- iii. Buffer areas are not required adjacent to parkland or HOA Common Areas.

2. Planning Area 2

a. Detached Dwelling unit minimum lot requirements:

- i. 100% of the detached residential dwelling lots shall be a minimum of 50 feet wide.
- ii. 20% of the detached residential dwelling lots shall be a minimum of 55 feet wide.
- iii. 5% of the detached residential dwelling lots shall be a minimum of 65 feet wide.
- iv. The minimum lot depth shall be 110 feet, with the exception of lots that adjoin the bulb of a cul-de-sac, which shall have a minimum depth of 100 feet.
- v. The minimum lot size shall be 6,000 sf.
- vi. The side lot setback for detached dwelling units shall be 5 feet.
- vii. The rear lot setback for detached dwelling units shall be 10 feet.

- b. In the event these regulations are silent on any feature of development within Planning Area 2, the standards and limitations of the Residential District – 7000 (RD-7) zoning district found within the City of Bryan Code of Ordinances shall be observed.

- c. Tracts intended for townhouse developments, as identified on the preliminary plan, shall comply with development standards and limitations of the City of Bryan Code of Ordinances Sec. 62-168 – Townhouse Requirements, subject to additions, modifications or exceptions described herein, and shall allow a front parking layout.

- i. All dwelling units shall provide a minimum of one (1) parking space per bedroom, whether in the garage or in the driveway.

- d. On all lots and HOA-maintained common areas, including, but not limited to, streetscaping and buffer area common areas, lawns, shrubs, trees, grass and plantings shall be kept cultivated, pruned, neatly trimmed, mowed and/or edged, as applicable, to complement the overall aesthetics of the development. Trees, shrubs, vines, and plants that die shall be promptly removed or replaced, if required.

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

- f. Detached Dwelling units shall have at least one 2-car garage.

- g. Buffer Area Requirements - In order to help mitigate potential adjacency conflicts between residential, multiple-family, and non-residential uses in Planning Areas 1 and 2, the following standards shall apply with regard to buffering to help maintain land use compatibility. No development shall be authorized within the buffer area except for required or permitted landscaping and screening, storm water detention facilities, and pedestrian walkways.

- i. If detached residential or townhouse development is proposed adjacent to a non-residential development, then a minimum 50-foot buffer area shall be observed by

the non-residential development. The depth of the buffer area can be reduced to 30 feet by providing the equivalent area of additional landscaping within the remaining buffer area in the amount of one (1) landscaping point provided for every one (1) square foot in buffer area reduction.

- ii. If detached dwelling unit or townhouse development is proposed adjacent to a multi-family residential development, then a minimum 25-foot buffer area shall be observed by the multi-family residential development. The depth of the buffer area can be reduced to 15 feet by providing the equivalent area of additional landscaping within the remaining buffer area in the amount of one (1) landscaping point provided for every one (1) square foot in buffer area reduction.
- iii. Buffer areas are not required adjacent to parkland or HOA Common Areas.

3. Sidewalks, Trails and Open Space:

- a. Sidewalks to be required along one side of local residential streets as long as an equivalent amount of trail is constructed with the development. The total square footage of sidewalk and trail will meet or exceed the required sidewalks per the City of Bryan's requirements.
- b. Sidewalks shall meet the City of Bryan's construction requirements for sidewalks as per the Bryan/College Station Unified Design Guideline Manual, Technical Specifications, and Standard Construction Detail.
- c. Trail locations will be depicted on the master plan for initial review of connectivity, with locations being finalized on the preliminary plan.
- d. Trails shall be of concrete construction of sufficient thickness to ensure long-term durability and have a minimum width of 10 feet. Trails shall be located within a common area no less than 25 feet wide.
- e. Trail access points from the adjacent street system shall be a minimum 30 feet in width.
- f. Trail segments shall be installed concurrently with development of the subdivision phase it is located in and shall be completed prior to the recording of the final plat.
- g. Anywhere that a trail crosses a roadway that is classified on the City of Bryan Thoroughfare Plan as a minor collector or above, a traffic-calming device shall be incorporated into the design of the intersection. Options include, but are not limited to, raised pedestrian walkways or 'speed tables' or High Intensity Activated Crosswalk (HAWK) beacons. These devices shall require approval by the City Engineer prior to installation.
- h. One bench will be provided approximately every 1,000 feet along trail systems. This amenity shall be the same or similar to those adopted as part of the Midtown Design Guidelines.
- i. Prior to any subdivision plat approval by the city, a site plan showing the location and details of hike and bike trail amenities shall be submitted to the city for approval.

4. Landscaping Requirements

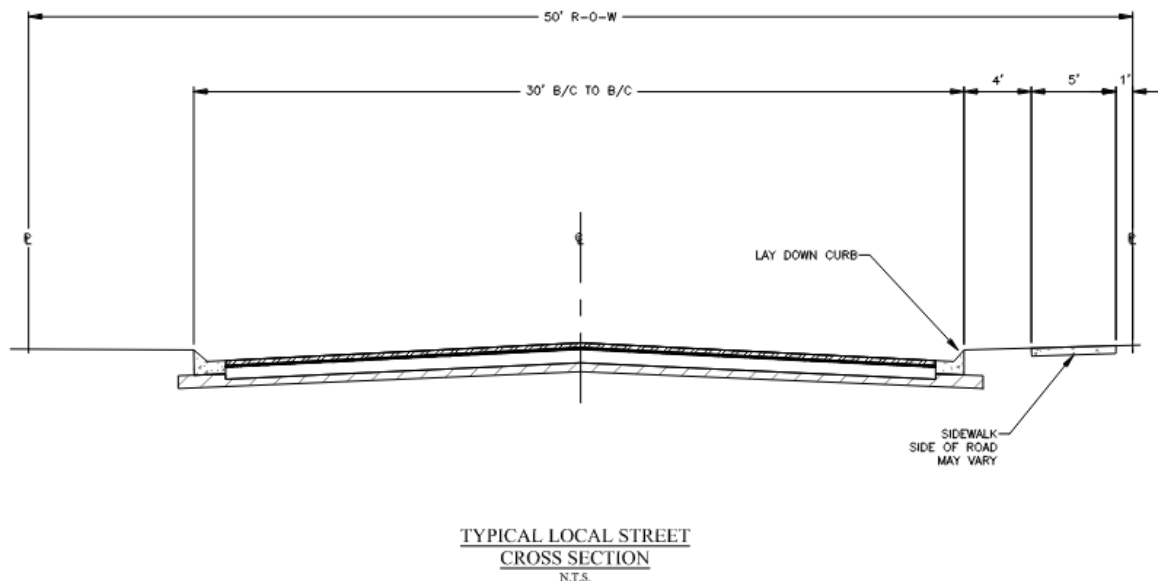
- a. At least 1 canopy tree per lot in the front yard, between the front property line and the front façade of the dwelling.
- b. At time of Certificate of Occupancy issuance for the dwelling on the same lot, the tree must be alive and measure at least two (2) inches in caliper when measured at four-and-a-half (4.5) feet above the soil.

5. Homeowner's Association

- a. A homeowner's association (HOA) shall be established with direct responsibility to, and controlled by, the property owners involved.
 - i. The HOA shall provide for operation, repair and maintenance of all open space, trails, parks and storm water detentions areas in this PD-H District.
 - ii. The HOA shall have an Architectural Review Committee that reviews and approves all plans.
 - iii. The HOA shall maintain all fences along thoroughfares for continuity of appearance.

6. Streets:

- a. Local streets shall have a minimum pavement width of 30 feet and shall generally follow the cross section below:



7. FEMA Designated Floodplains

- a. Where the upper reaches of a FEMA-designated watercourse are not adequately mapped, engineering studies will be necessary to do so.

8. Transportation

- a. 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.
- 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.
 - i. If traffic generated by the development requires improvements to off-site roadway networks, an engineer's estimate of the necessary improvements will be required.

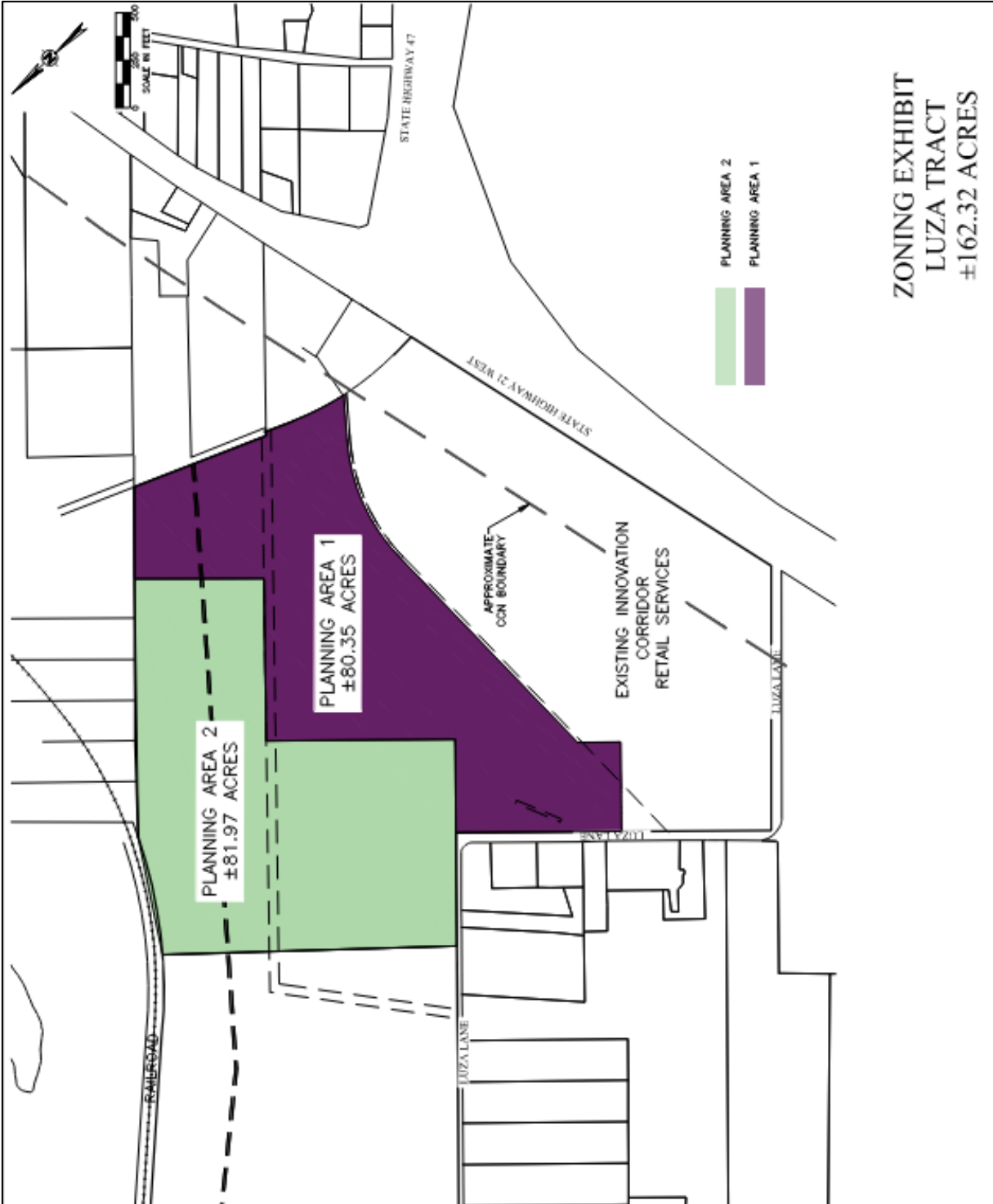
9. Utilities

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

SECTION 4: Subdivision of Land

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

EXHIBIT "B-1"



EXCERPT FROM CITY COUNCIL SECOND REGULAR MEETING MINUTES OF MARCH 18, 2025:

4. Public Hearings and First and Only Readings of Ordinances

- 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.

Patrick Giammalva spoke on this item.

Luke Marvel, the developer for this project also spoke on this item.

Councilmember Ewers-Shurtleff moved to postpone action on this item for the meeting following a 90-day postponement, the July 8, 2025 Council Meeting. The motion was seconded by Councilmember Salvato and carried with all present voting aye.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF FEBRUARY 6, 2025:**

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

A. Rezoning RZ23-23: Mary Luca Trust and Luza Family Trust

A revised request to change 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), specifically to propose additional development standards 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 W. State Highway 21 and John Sharp Parkway (State Highway 47) in Bryan, Brazos County, Texas. (K. Williams)

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

In response to Commissioners' questions regarding City Council's consideration at the January 14, 2025 meeting, Ms. Williams explained the applicant had met with staff to interpret and address the concerns brought forward by City Council. Ms. Williams stated that councilmembers had recommended that the applicant review other recently-approved planned development regulations and incorporate some of those standards.

In response to Commissioners' questions regarding lot size requirements, Ms. Williams stated the proposed request suggests the following:

- All detached residential dwellings shall be a minimum of 50 feet wide.
- 20% of the detached residential dwelling lots shall be a minimum of 55 feet wide.
- 5% of the detached residential dwelling lots shall be a minimum of 65 feet wide.
- The minimum depth on all detached residential dwelling lots shall be 110 feet.

Ms. Williams also noted that staff would ensure the development meets the proposed development standards prior to the approval of any plat.

In response to Commissioners' questions regarding masonry requirements visible from the right-of-way, Ms. Williams stated the request specifies a 50% masonry requirement for all of the front façades on both townhouse buildings and detached residential dwellings.

When questioned as to why the masonry requirements only pertained to front facades and not all facades visible from a right-of-way, Ms. Williams stated that the proposed development regulations were what the developer felt comfortable requiring of future structures. While the proposed regulations do not preclude the developer from building structures with masonry on all facades, the minimum that staff would be able to require if the planned development is approved, would be 50% masonry on the front façade.

Commissioners discussed the area of the proposed development being a gateway to the City of Bryan.

The public hearing was opened.

Luke Marvel, 2939 Boxelder Drive, Bryan, Texas, the applicant, discussed his development experience within the Bryan-College Station community over the last 10 years.

In response to Commissioners' questions regarding his experience with large developments of similar acreage to the proposed development, Mr. Marvel stated the proposed development would be the largest development he has worked on in terms of acreage. He informed Commissioners of his work on an existing development, The Barracks Townhomes located in College Station, Texas, which has more single family and townhome units than the proposed development.

A Commissioner discussed the site location and the importance of the future development being a catalyst for this area of the city. The Commissioner discussed the developer of the property needing experience in similar size projects and the need to provide more detail, similar to the request from City Council.

In response to Commissioners' questions regarding the street design layout and silo preservation, Mr. Marvel stated they have an agreement with the family to preserve the heritage of the property, which could be completed by preserving the silos or naming the development in honor of the family. He explained that they have not reached the design phase of the project in order to provide information on layout due to the purchase of the property still pending final approval of the requested zoning. He explained his involvement in previous projects which have been high-quality developments with high standards and encouraged Commissioners to consider his work over the past 10 years in the Bryan-College Station community.

A Commissioner discussed existing subdivisions which have detached residential dwellings constructed with primarily masonry materials.

In response to Commissioners' questions regarding the 50% masonry proposal as opposed to a 75% masonry requirement, Mr. Marvel explained how increasing masonry requirements would significantly increase costs and diminish the affordability of the homes. He stated most of his projects have been 75% masonry and noted how increased masonry requirements limits the variation in the structure design. Mr. Marvel discussed his willingness to extend the 50% masonry requirements along the corners to the side facades of the structure based on Commissioner's feedback.

A Commissioner discussed existing developments with masonry requirements and the importance of including those standards in the proposed development. The Commissioner discussed the increase in quality, durability, and aesthetics that are created with increased masonry requirements. The Commissioner expressed the desire to have 75% masonry requirements on the entire structure, not just on the front façade, due to the location of the property.

A Commissioner discussed existing developments that have masonry along all sides of the structure. The Commissioner stated this is the largest project that would be developed in this area, setting the example for future developments to come. The Commissioner discussed how the 75% masonry along all sides of the structure provide a nicer and more valuable home.

A Commissioner expressed their appreciation for Mr. Marvel and his experience as a developer. The Commissioner explained that the planned development under consideration would be tied to the subject property, so while Mr. Marvel may have a history of quality developments, the property could always change hands in the future, and they would not be able to guarantee that a future developer would have the same experience. The Commissioner emphasized that this possible future scenario is what made the proposed development regulations so important.

In response to Commissioners' questions as to whether the applicant would be developing all phases of the project, Mr. Marvel stated that his company would be selling the detached residential lots and townhouse buildings to homebuilders. The existing Innovation – Corridor Retail Services District (IC-RS) acreage would likely be sold to commercial developers.

In response to Commissioners' questions regarding the proposed trail system, Mr. Marvel stated the vision would be to have a centralized park and a trail system through the development. He emphasized the existing easements of the property would provide some constraints to the design. He stated the centralized park and spine of the trail system would ideally serve as a buffer between the detached single-family homes and the multi-family and townhome uses.

Mr. Marvel expressed his excitement for the proposed development and has no intention to sell the property.

In response to Commissioners' questions regarding the detached residential lots, Mr. Marvel clarified that the single-family lots would be sold to homebuilders.

A Commissioner discussed their concerns regarding a different developer building on the single-family homes and reiterated the need to include a requirement of 75% masonry to keep the product at a higher standard.

Mr. Marvel informed Commissioners that there would be a Homeowners Association (HOA) which would maintain the amenities proposed within the development regulations.

In response to Commissioners' questions regarding Mr. Marvel's vision of the design layout, Mr. Marvel stated the vision for the development would be HOA-maintained landscaped entryways. He stated the fences along the thoroughfares and trail system would be HOA maintained as well. He also stated they would include park benches and provide community amenities which increases value for both the developer and the City.

In response to Commissioners' questions regarding amenities, Mr. Marvel stated a community center has not been finalized but a park system would be included which would be privately maintained but available to the public.

A Commissioner discussed his excitement for the project and the potential for preserving the silos. The Commissioner reiterated the need for the minimum 75% masonry material requirement and the need to codify the requirements in the request due to concerns of a different developer taking over the project.

In response to Commissioners' questions regarding whether Mr. Marvel would be willing to amend his request to include a 75% masonry requirement, Mr. Marvel stated he would be comfortable with having a 75% masonry requirement on all front façades. He explained to Commissioners that increasing the masonry requirements along the entire structure would significantly raise prices and hurt the financial viability of the project and the affordability for the future residents.

A Commissioner posited whether it would possible to extend the masonry requirement to all facades facing a public right-of-way, including side faces that are visible from the right-of-way.

Mr. Marvel stated he would not be opposed to providing masonry requirements on the front façade and alongside facades up to fence lines.

Commissioners briefly discussed that the requirements and clarified that only side facades not located behind a fence would be subject to the 75% masonry material requirement.

Mr. Marvel stated he is more than willing to continue working with staff to develop this property.

Mr. Brad Shayesteh, the owner of 2492, 2707, and 2655 Smentana Road, Bryan, Texas, asked whether this request was going to be granted.

Ms. Williams discussed the purpose of the Planning and Zoning Commission (P&Z) in reviewing rezoning cases. She also clarified that P&Z would only make a recommendation to City Council and City Council would make the final decision.

Chairperson McBroom-Balke directed Mr. Shayesteh to staff to discuss case-specific questions for this request.

Mr. Leeper explained that P&Z makes a recommendation to City Council regarding rezoning requests. He also explained that the purpose of a public hearing is to listen to concerns or suggestions from the public regarding a specific case. Mr. Leeper suggested Mr. Shayesteh reach out to staff to answer any questions and to provide the Commission with any concerns regarding the request.

Mr. Shayesteh discussed the history of his properties being declared a Texas Heritage Farm and has been a part of the family since 1874. He expressed his concerns with the proposed development diminishing his property value.

The public hearing was closed.

Commissioner Watson moved to recommend approval of Rezoning Case RZ23-23 to the Bryan City Council, subject to the following conditions:

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

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

Commissioner Gonzalez seconded the motion.

Commissioners discussed their appreciation for the development's goals from Mr. Marvel. They also discussed their efforts to address City Council's feedback from the January 14, 2025 meeting to hopefully mitigate any concerns that may be brought forward by City Council.

The motion passed with six (6) in favor and two (2) in opposition. Commissioners Watson, Valerius, Cooper, McBroom-Balke, Gonzalez and Clark were in affirmation and Commissioners Beckendorf and Owens were in opposition.

EXCERPT FROM CITY COUNCIL SECOND REGULAR MEETING MINUTES OF JANUARY 14, 2025:

4. Public Hearings and First and Only Readings of Ordinances

- 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.

Patrick Giammalva spoke on this item

Councilmember Edge moved to approve on 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. The motion was seconded by Councilmember Torres.

Development Services Director Martin Zimmermann gave a presentation on this item.

Councilmember Salvato moved to amend the motion to postpone the approval of this item for up to ninety (90) days. Councilmember Boriskie seconded the motion.

Councilmember Torres moved to suspend the rules to allow the developer to speak on this item. The motion was seconded by Councilmember Ewers-Shurtleff and carried with all present voting aye.

The developer Joe Schultz spoke regarding this item and answering questions from Council.

After discussion, the motion made by Councilmember Salvato and seconded by Councilmember Boriskie carried with all present voting aye.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF JUNE 6, 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).

A. Rezoning RZ23-23: Mary Luza Trust and Luza Family Trust

A request to change 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 W. State Highway 21 and John Sharp Parkway (State Highway 47) in Bryan, Brazos County, Texas. (K. Williams)

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

In response to Commissioners' questions, Ms. Williams stated at the southeastern corner, the minimum distance is between five hundred to seven hundred feet north of the West State Highway 21 and John Sharp Parkway (State Highway 47) intersection.

The public hearing was opened.

Mr. Joe Shultz, of Shultz Engineering, stated the Certificate of Convenience and Necessity (CCN) boundary is approximately five hundred feet. Mr. Shultz also stated the curvature on the southeastern portion of planning area 1 marks the existing Texas A&M water line easement.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ23-23 to the Bryan Code of Ordinance, as requested, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission.

Commissioner Bush seconded the motion.

Commissioners discussed how this development would support the RELLIS campus and the appropriateness for this development in this area. They thanked the applicant for being creative and incorporating the existing Innovation Corridor – Retail Services (IC-RS) District Zoning.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

February 6, 2025



Rezoning case no. RZ23-23: Mary Luza Trust and Luza Family Trust

CASE DESCRIPTION: a revised request to change 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), specifically to propose additional development standards

LOCATION: 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 W. State Highway 21 and John Sharp Parkway (State Highway 47)

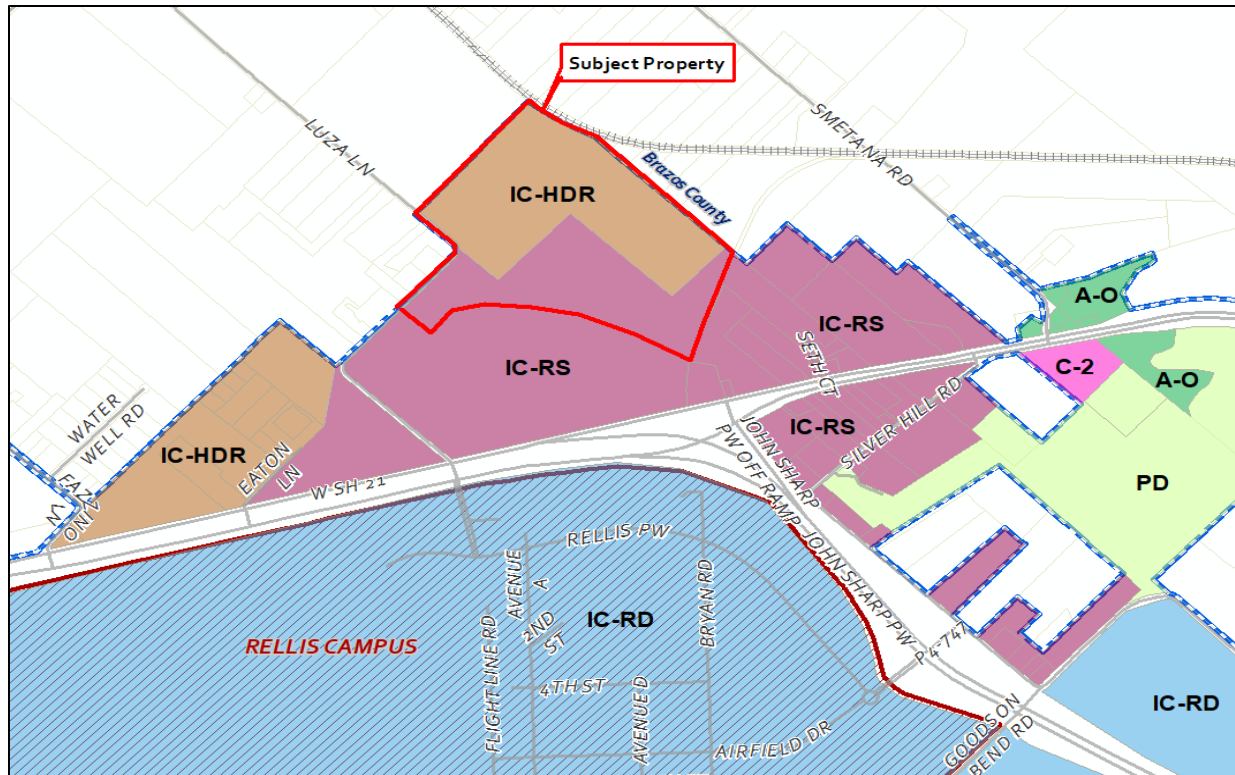
EXISTING LAND USE: agricultural

PROPERTY OWNER: Mary Luza Trust and Luza Family Trust

APPLICANT: Luke Marvel

STAFF CONTACT: Katie Williams, AICP, Senior Planner

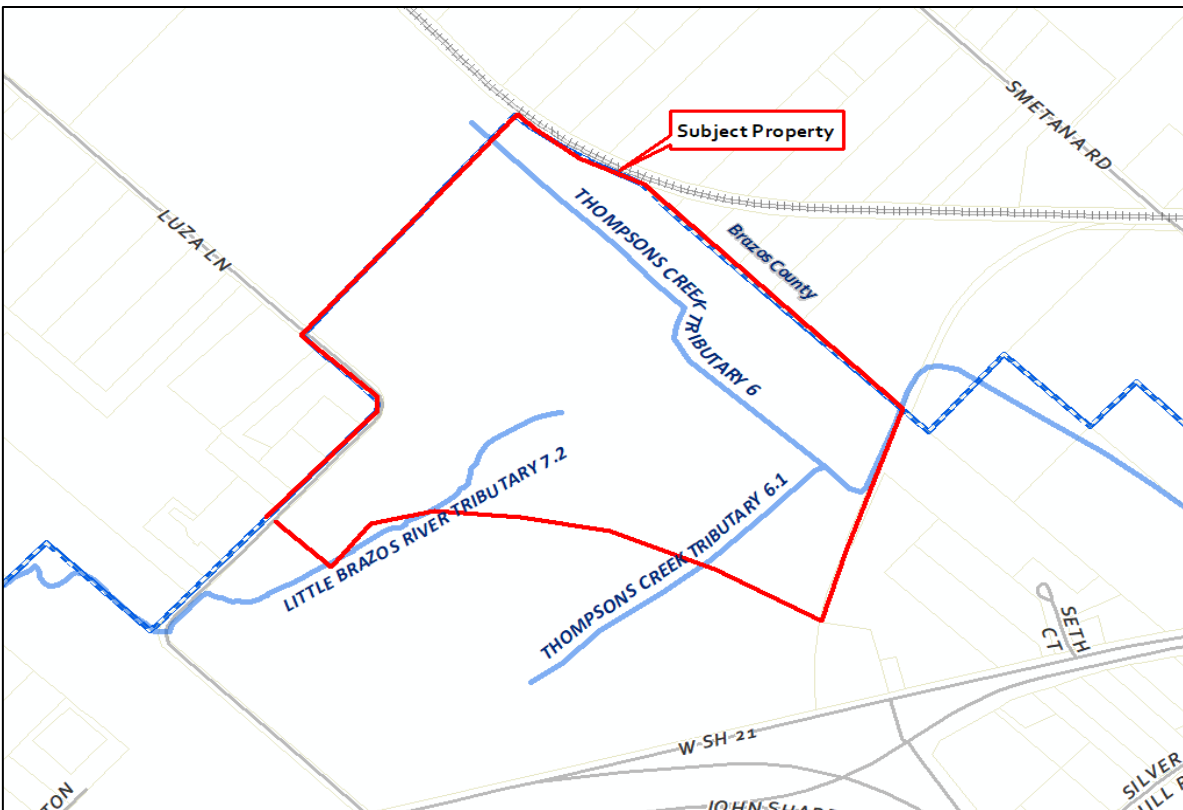
SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



AERIAL VIEW (2024):



FEMA DESIGNATED TRIBUTARIES:



BACKGROUND:

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.

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 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, planning staff met with the applicant and the applicant's agent to discuss possible modifications to lot size and subdivision design standards. As a result, the following additions to the development regulations were incorporated:

- Townhouse buildings and detached dwellings shall be a minimum of 50% masonry materials on front-facing facades.
- 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.

A redline version of the development regulations highlighting the revisions is attached to this staff report as Exhibit B.

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 Bryan City Council in October 2022 (Ordinance Nos. 2585, 2586, 2587, 2588, and 2589). This 5,500-acre City initiated rezoning was inspired by the recommendations found within the Southwest Bryan Highest and Best Use Study (2009) and the West Area Plan (2016). The IC-HDR District and IC-RS District zoning on the subject property allow the following summary of land uses by right:

- Attached residential dwelling unit (townhome);
- First-floor neighborhood services;
- Live/work units;
- Multi-family dwelling unit and/or condominiums;
- Apparel and accessory stores;
- Child care;
- College or university support and auxiliary uses;
- Eating and Drinking places;
- Food stores;
- Hotel;
- Personal service shop or custom personal services.

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).

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.

In this particular case, the applicant, Luke Marvel, proposes to develop a variable-density residential community consisting of two planning areas. 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 W. 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 W. State Highway 21, is proposed to primarily consist of detached dwelling units and townhouses.

Prior to the construction of any new development on the subject property, a master plan, preliminary plan, and final plat submittal to the City's Site Development Review Committee (SDRC) will be required. During this review process, various City departments will review the development proposal to ensure that all applicable ordinances and regulations are met.

EXCERPT FROM APPLICATION – SUPPLEMENT A:

Please list the reasons for this rezoning request:

This Rezoning request is to create a master planned community located near the Texas A&M University System Rellis campus. The development will have a mix of commercial uses as well as residential dwellings to include apartments, townhomes and single family homes.

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

The continued development of the Rellis Campus and the growth on the west side of the city will increase the demand for commercial and residential opportunities to be provided by this development.

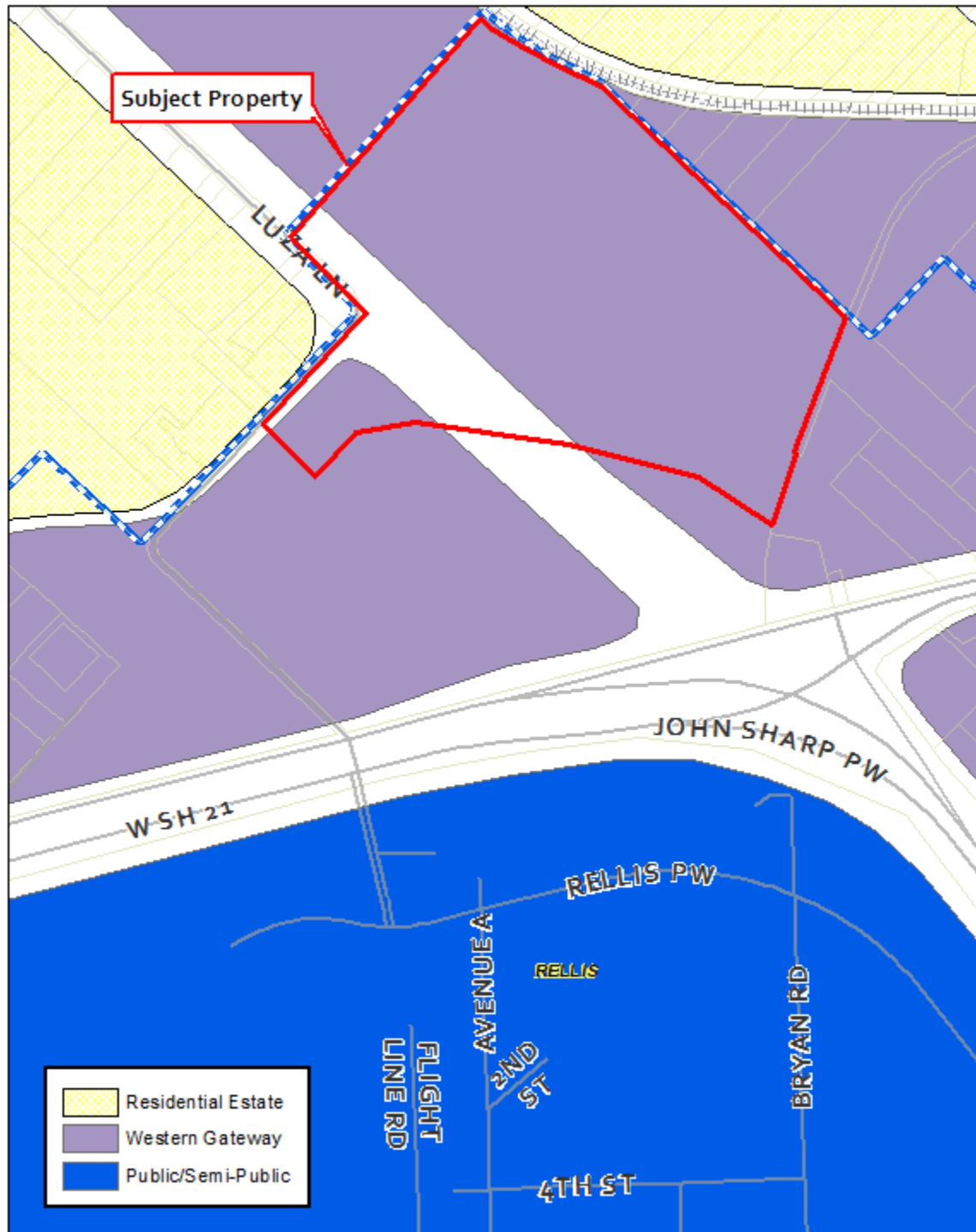
Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

The future land use for this property is Western Gateway. It is the intent of this development to achieve the highest and best use for the property and be in accordance with the plan.

List any other reasons to support this zone change:

This development could become a residential anchor that would complement and set the standard for growth in the Innovation Corridor.

EXCERPT FROM THE FUTURE LAND USE PLAN MAP:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Bryan's Comprehensive Plan, Blueprint 2040, includes policy recommendations related to various use-specific types of development. It states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City of Bryan by planning for a mix of land use types in suitable locations, densities and patterns.

The Future Land Use Plan (as shown on previous page) identifies the subject property is located in an area of the city designated as Western Gateway. 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:

Western Gateway Special District is identified as an area of the City, which has tremendous potential for growth. The following are policies to guide Western Gateway areas:

Chapter 5: Land Use

- The design and quality of development proposals should match the aspirational qualities of the design intent, consistency and quality of key developments in the area (The Traditions and Texas A&M University Health Science Center)
- Development should create maximum (highest and best use) land values so that the long-term stability and prosperity of the area can be realized.
- Developments that create local employment and jobs are of paramount importance.

Alternatively, medium density residential is reflective of townhome, duplex, and patio home development and typically has densities ranging from eight to 12 dwelling units per acre, whereas high density residential is reflective of multifamily apartments. Depending on location, densities in high density residential areas may vary significantly. For example, 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.

Both medium and/or high-density residential land uses can serve as a transitional land use between low density neighborhoods and much higher intensity uses, such as retail, commercial, and industrial activity. The following are policies to guide medium and high density residential areas:

Medium Density Residential:

- They should be protected from, but accessible to, the major roadway network, commercial establishments, and industrial areas.
- Subdivisions should be accessible to collector and arterial streets, but directly access only local streets.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

High Density Residential:

- 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 believes that a variety of residential developments on these 162+ acres with the specific development standards proposed with this PD-H District is appropriate at this location given the layout and the proposed scale of the development. The planned transition in intensity of uses, 30-foot wide local streets, and greenbelt trails provide a context-sensitive, carefully designed pattern of urban growth and development. Staff believes that the development standards found in this PD-H District will produce a high quality, innovative, aesthetically pleasing development, which will positively contribute to this important entry corridor into the city.

Staff contends that a change to the requested PD-H District is generally appropriate within the adopted goals and land use policies set out in BluePrint 2040. While BluePrint 2040 does not identify specific uses that are recommended for the Western Gateway District, it does state that uses should support the RELLIS campus. PD-H District zoning at this location, in combination with the specific proposed development regulations, will allow for a variety of residential uses which would serve the campus staff and students, and increase the population density of the Innovation Corridor, an attractive feature for potential retail development who may be looking to locate within the corridor in the future. In this specific case, staff believes that the policies outlined in the Future Land Use Plan would support multi-family and low-density residential development on the subject property.

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 W. State Highway 21, classified as a super arterial roadway on Bryan's Thoroughfare Plan, is capable of accommodating vehicular traffic loads typically associated with multi-family residential and low-density residential development. Prior to approval of a master plan, a traffic impact analysis (TIA) for this development must be accepted by the city's Engineering Department. This TIA will detail the necessary collector roadways required to support the internal traffic loads. Any on-site improvements recommended by the TIA will be constructed at the cost of the developer. In conformance with City policy, any off-site improvements to mitigate traffic-related concerns will not be the responsibility of the developer, but will instead need to be funded as part of a future Capital Improvement Plan project.

At this time, the subject property does not have access to any public sewer or water utilities. The entirety of the proposed PD-H District falls within the Wellborn Special Utility District (SUD) Certificate of Convenience and Necessity (CCN). City of Bryan's Public Works department is in the process of obtaining easements and designing water and sanitary sewer trunk lines which are estimated to complete construction in 2025. Upon completion, these trunk lines will be available for point-of-service extension to the subject property.

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 Residential Districts (MF), are specific and limited in regards to the uses that are permitted by right, and 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 and no vacant tracts zoned for low-density residential development in the vicinity. Upon rezoning the W. State Highway 21 and State Highway 47 corridors to Innovation Corridor in 2022, City Council was intentional about not permitting any new detached residential dwellings by right. The intent was for developers to identify what properties and market conditions would support residential development and request customized standards, as is being proposed with this subject PD-H District 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 both multi-family residential and low-density residential development are presently occurring at a moderate to fast pace in the City. Due to the current lack of utilities in the vicinity, development has been sparse since the annexation of the surrounding 5,500 acres. However, with water and sewer utilities planned to be extended to the area by 2025, staff anticipates significant development pressure in the Innovation Corridor in the near future.

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 discern factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that this PD-H District will allow for a useful and orderly urban growth and 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, within the standards established by this section.

Staff believes that the proposed PD-H District regulating development of the subject property will be compatible with existing and anticipated uses surrounding this property. In accordance with the recommendations of BluePrint 2040, the Southwest Bryan Highest and Best Use Study and the West Area Plan, this PD-H District will foster the commercial character of this important corridor by supporting the RELLIS campus. PD-H District zoning at this location, in combination with the specific proposed development regulations, will allow for a variety of residential uses, which would serve the campus staff and students, and increase the population density of the Innovation Corridor, an attractive feature for potential retail development who

may be looking to locate within the corridor in the future.

With regard to the on-site tributaries and related drainage designs, any new development must meet all requirements of federal, state, and local regulations. Land that is determined to be located in the floodway will be maintained as-is, and City engineers will review the required flood study and drainage plans to ensure that properties located down-stream do not experience an increase in stormwater inundation due to the proposed development.

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 are not accounted for or mitigated by the development standards found within this 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 super arterial roadway, W. State Highway 21, which is capable of accommodating increased traffic volumes.

As explained above, a traffic impact analysis (TIA) for this development must be accepted by the city's Engineering Department. This TIA will detail the necessary collector roadways required to support the internal traffic loads. Local streets will be constructed to a greater standard than what is currently required by the City's Subdivision Ordinance. These proposed 30-foot wide local street pavement sections will ensure that solid waste and fire trucks can circulate freely through the development despite on-street parking of resident vehicles.

Pedestrian circulation will be constructed along one side of all local streets, with an equivalent amount of 10-foot wide multi-use trail constructed throughout the development. Further, the proposed development regulations detail that anywhere a trail crosses a major collector or above, a traffic-calming device must be installed.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff believes that future development regulated by the standards of this proposed PD-H District will not cause adverse effects to traffic control to adjacent properties or have inappropriate lighting or signs. Subdivision signage and lighting for this PD-H District will follow those of typical residential development.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

As stated previously, it is of critical importance that development of the site take into consideration the on-site tributaries and provide stormwater handling features accordingly. The City has commissioned a flood study of Thompson's Creek Tributary 6 south of W. State

Highway 21, which is currently ongoing. Per the proposed development regulations, the tributaries encumbering the subject property shall be studied at the cost of the developer. During the platting process, City engineering staff will analyze the proposed development to ensure that any increase in impervious cover is accounted for.

Based on the required compliance with the proposed development regulations, staff contends that future development on the subject property 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.

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.

Other than the aforementioned items of concern, staff believes that the standards for a mixed-use residential development at this location will neither adversely affect health, safety, morals, or general welfare, nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** this Planned Development – Housing District (PD-H) zoning, as requested, for the following reasons:

- This PD-H District provides for a transition in intensity of land uses, which provide a context sensitive and carefully designed pattern of urban growth and development.
- This PD-H District will provide for a variety of residential uses that will serve students and faculty of RELLIS Campus and increase the population density of the corridor, an attractive feature for retailers looking to locate in the area.