

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: December 10, 2013		DATE SUBMITTED: November 8, 2013	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances changing the zoning classification from Industrial District (I) to Planned Development District – Business (PD-B) on 4.994 acres of land out of the Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchell Parkway (FM 2818) in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: On August 4, 2012, the City Council approved Ordinance No. 1963 to rezone a 51.2 acre property to Planned Development – Business (PD-B) for development of a new Wal-Mart Supercenter and regional shopping center. The property wraps around the northwest corner of North Harvey Mitchell Parkway (FM 2818) and West Villa Maria Road.			
The same developer, Crossfulton Investments, has acquired an adjacent 4.994 acre property, which is currently zoned Industrial District (I), and wishes to add the acreage to the previously approved PD-B District. The same PD-B development standards will also apply to this property.			
STAFF ANALYSIS AND RECOMMENDATION: Staff believes that incorporating the subject tract into the adjacent 52-acre PD-B zoning district as proposed is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The existing Villa Maria Wal-Mart Planned Development – Business District governing the adjacent 52-acre regional retail development allows land uses found in all three commercial type zoning districts, with the exception of 47 of the most intense commercial uses; e.g. truck and trailer rental and repair, machine shops, outdoor amusements, R.V. parks, flea markets and manufactured home sales.			
More rigid physical development criteria in the PD-B regarding building design, landscaping and signage standards are intended to produce a higher quality built environment. Requirements ensuring higher quality materials and buildings with increased façade articulation and a greater number of windows are a major component. Also, sign standards intended to consolidate tenant signage and thereby mitigate the profusion of roadside pylon signs are in place in the existing PD-B District.			
During its regular meeting on November 7, 2013, the Planning and Zoning Commission unanimously recommended approving this rezoning request.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. approve the zone change as recommended by the Planning and Zoning Commission; 2. deny the requested zone change. 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. location map; 2. draft ordinance with exhibits; 			

3. minutes from P&Z meeting on November 7, 2013; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: N/A

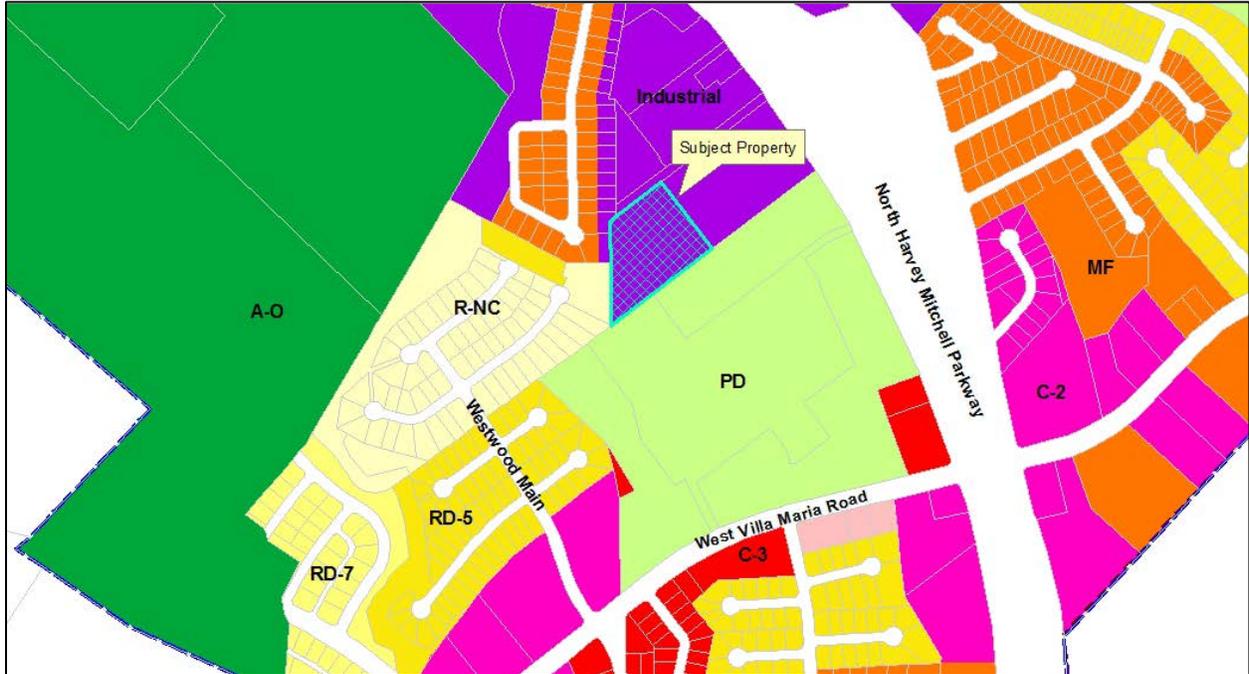
APPROVALS: Kevin Russell, 11-20-13; Joey Dunn, 11-21-13; Hugh R. Walker

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11/25/2013

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton 12/01/2013

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, TO CHANGE CHANGING THE ZONING CLASSIFICATION FROM INDUSTRIAL DISTRICT (I) TO PLANNED DEVELOPMENT DISTRICT – BUSINESS (PD-B) ON 4.994 ACRES OF LAND OUT OF THE ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45, ADJOINING THE SOUTH SIDE OF WEST BRONZE LANE, APPROXIMATELY 700 FEET TO 1,030 FEET SOUTHWEST FROM ITS INTERSECTION WITH NORTH HARVEY MITCHEL PARKWAY (FM 2818) 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 MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE 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, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 on 4.994 acres of land out of the Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchel Parkway (FM 2818) in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on November 7, 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Industrial District (I) to Planned Development District – Business (PD-B) on 4.994 acres of land out of the Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchel Parkway (FM 2818) in Bryan, Brazos County, Texas, said 4.994 acres being more particularly described by metes-and-bounds on attached Exhibit “A”, and subject to development requirements specified in attached Exhibits “B” and “B-2” and depicted on attached Exhibit “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.

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 meetings at which this ordinance was passed were 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 meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 10th day of December, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 14th day of January, 2014 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":

METES AND BOUNDS DESCRIPTION

BEING a 4.994 acre tract of land situated in the Zeno Phillips League, Abstract Number 45, Brazos County, Texas, in the City of Bryan, being the tract of land described in the deed to Southwest Premier Properties, LLC recorded in Volume 3192, Page 310, Deed Records of Brazos County, Texas, also being Lot 1, Block 1, Southwest Premier Addition an addition to the City of Bryan according to the plat recorded in Volume 7246, Page 54, Plat Records of Brazos County, Texas, said 4.994 acre tract of land being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" found in the westerly right-of-way line of F. M. 2818 (a variable width right-of-way) for the common easterly corner of said Southwest Premier Properties, LLC tract and the tract of land described as Tract A1 in the deed to Crossfulton Investments, Ltd. recorded in Volume 10907, Page 227, Deed Records of Brazos County, Texas;

THENCE with the common line of said Southwest Premier Properties, LLC tract and said Tract A1 South 53° 18' 27" West at a distance of 612.98 feet passing the common northerly corner of said Tract A1 and the tract of land described as Tract B2 in the deed to Crossfulton Investments, Ltd. recorded in Volume 10907, Page 227, Deed Records of Brazos County, Texas continuing with the common line of said Southwest Premier Properties, LLC tract and said Tract B2 at a distance of 671.18 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the POINT OF BEGINNING;

THENCE continuing with the common line of said Southwest Premier Properties, LLC tract and said Tract B2 South 53° 18' 27" West at a distance of 388.11 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" found for the common northerly corner of said Tract B2 and the tract of land described in the deed to Wal-Mart Real Estate Business Trust recorded in Volume 10907, Page 275, Deed Records of Brazos County, Texas, continuing with the common line of said Southwest Premier Properties, LLC tract and said Wal-Mart Real Estate Business Trust tract in all a total distance of 662.27 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the southwesterly corner of said Southwest Premier Properties, LLC tract;

THENCE departing the common line of said Southwest Premier Properties, LLC tract and said Wal-Mart Real Estate Business Trust tract with the westerly line of said Southwest Premier Properties, LLC tract North 00° 08' 27" East a distance of 545.34 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the northwesterly corner of said Southwest Premier Properties, LLC tract;

THENCE with the northerly line of said Southwest Premier Properties, LLC tract North 53° 17' 57" East at a distance of 31.97 feet to a 1/2 inch iron pipe found for the southwesterly corner of the tract of land described as Tract Two in the deed to Grubbs Outdoor, LC recorded in Volume 8527 Page 99, Deed Records of Brazos County, Texas, continuing with the common line of said Southwest Premier Properties, LLC tract and said Tract Two in all a total distance of 334.40 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE departing the common line of said Southwest Premier Properties, LLC tract and said Tract Two South 36° 49' 01" East a distance of 436.53 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 4.994 acres (217,518 square feet) of land.

Exhibit “B”:

Development Plan for Planned Development – Business (PD-B) zoning district (hereinafter also referred to as “the District” or “this District”) allowing certain office, retail and commercial uses on 4.994 acres of land out of the Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchel Parkway (FM 2818) in Bryan, Brazos County, Texas

GENERAL PURPOSE AND DESCRIPTION

The following development plan is intended to guide planning of land use and physical development on the subject property. This PD-B development plan is envisioned as a tool to help stabilize and improve property utilization, to facilitate appropriate use of the property, ensure protection of surrounding properties from foreseeable negative impacts resulting from currently permitted business uses, to strengthen the area economy and to promote the general welfare of the community.

SECTION 1: LAND USES

The continued use of land permitted in this District shall be limited to uses permitted in the following zoning districts of Bryan: Office District (C-1), Retail District (C-2), and Commercial District (C-3), except that the following uses shall be prohibited in this District:

- Adult entertainment;
- Bed and breakfast;
- Boardinghouse (lodging house);
- Bus terminal/station;
- Cemetery;
- Child care – Class B;
- Child care – Class C;
- Commercial amusement (outdoor);
- Duplex;
- Flea market;
- Fraternal/service organization;
- Fraternity/sorority house;
- Funeral home/mortuary;
- Gaming establishments;
- Golf course or country club;
- Heliport or helistop;
- Ice company sales-Wholesale;
- Indoor archery and shooting range;
- Machine shop;
- Manufactured home display and sales;
- Manufacturing;
- Moving company;
- Multifamily dwelling;
- Municipal services support facilities;
- Nursing home (retirement home);
- Office warehouse;

- Oil and gas well operations;
- Parking lots (nonpaid for nonresidential use);
- Patio home (zero lot line dwelling);
- Pawnshop;
- Place of worship;
- Police station;
- Private utility office (no repair or outside storage);
- Reception hall;
- Recovery facility;
- Recreational vehicle (RV) park;
- Recreational/community center;
- Refuse systems;
- Rodeo grounds;
- Single-family detached dwelling;
- Stable Commercial;
- Tattoo/piercing studio;
- Theater-Outdoor;
- Tool and machinery rental;
- Trailer rental;
- Truck rental; and
- Truck repair/truck stop.

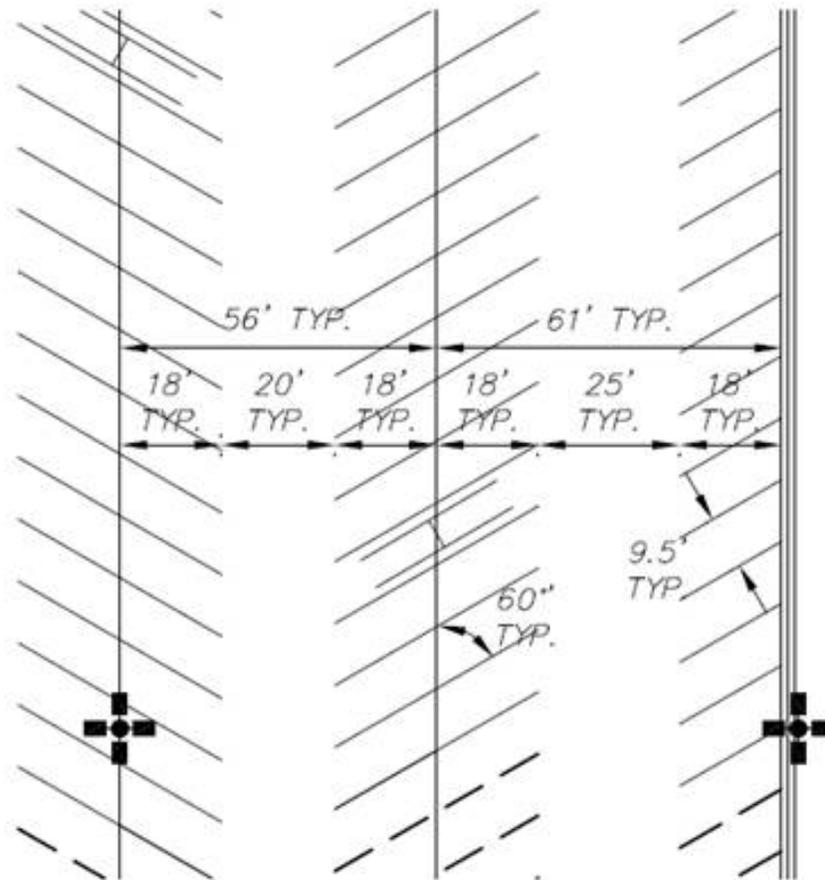
SECTION 2: PHYSICAL DEVELOPMENT

Physical development in this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Retail District (C-2), subject to any modifications specified herein. Those development standards and limitations include, but are not limited to, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting as well as project phasing or scheduling.

Notwithstanding anything to the contrary in the Code, the following standards shall be applicable to the physical development within this District:

- a. Any items or standards not otherwise specified or addressed by this section shall default to the requirements of the West Villa Maria Overlay District.
- b. Two shared off-premise signs shall be permitted for single retail occupancy of at least 150,000 square feet of gross floor area and other uses within the District. The off premise signs shall be located on land within this District. One shared off premise sign shall be located along West Villa Maria Road, and shall be no more than 35 ft. in height and 24 ft. in width. One shared off premise sign shall be located along Harvey Mitchell Parkway and shall be no more than 60 ft. in height and 30 ft. in width. No setback is required for either of these two signs. The increased sign height and width limits include an anchor retailer sign panel, along with multiple occupants' sign panels and a sign structure containing the shopping center's name. These shared signs are intended to consolidate tenant signage and thereby mitigate the profusion of roadside pylon signs. The height and size limits are intended to allow signage visibility for approaching motorists (including visibility from both directions of Villa Maria Road and the new Harvey Mitchell Parkway overpass before the Villa Maria exit), in the interest of traffic safety and mobility.

- c. One on-premise freestanding sign with a maximum height of 15 ft. shall be permitted for each occupant of any pad site or outparcel within the District who does not have signage on any shared off-premise sign. Such signage shall be located a minimum distance of 25 feet from any property line.
- d. A maximum of 9 wall signs shall be permitted for a single retail occupancy of at least 150,000 square feet of gross floor area; and the maximum combined sign area for all 9 wall signs shall be 750 square feet in the aggregate. Additionally, a maximum of 2 wall signs (for visibility to help motorists locate and reach occupants within the District) shall be permitted for each occupant of any single-occupant building located on any pad site or outparcel within the District; and the maximum combined sign area for each occupant shall not exceed 400 square feet in the aggregate. Additionally, two wall signs shall be permitted for each occupant of any multi-occupant building located on any pad site or outparcel within the District; and the maximum combined sign area for each occupant shall not exceed 400 square feet in the aggregate. Roof signs shall not be permitted within this District.
- e. Outside storage of merchandise associated with a retail garden center use shall be permitted. Such outside storage shall be fenced, walled or otherwise enclosed. Additionally, such outside storage shall not be placed within any minimum building setback areas, defined parking areas to the extent that available on-site parking is reduced below the amount required for the site by City development standards, or fire lanes. When used in defined parking areas, all such outdoor storage areas shall be separated from active drive aisles and parking areas by a barrier providing clear delineation of such storage area to shoppers and motorists.
- f. Seasonal and holiday outdoor sales of retail merchandise shall be permitted provided such outdoor sales shall not be within any minimum building setback areas, defined parking areas to the extent that available on-site parking is reduced below the amount required for the site by City development standards, or fire lanes. When used in defined parking areas, all such outdoor sales areas shall be separated from active drive aisles and parking areas by a barrier providing clear delineation of such sales area to shoppers and motorists.
- g. Exterior use of r-panel or equivalent industrial type corrugated metal siding is not allowed in this District.
- h. All striping for off-street parking spaces shall be a minimum of four inches wide utilizing appropriate safety traffic paint colors.
- i. For any retail occupancy of at least 150,000 square feet of gross floor area, any 60 degree off-street parking spaces provided shall be 9.5 feet in width and a depth of 18 feet, as shown on Plan Exhibit "#1" below. Drive aisles for such parking shall be a minimum of 20 feet in width for one-way aisles and 25 feet in width for two-way aisles.
- j. On all lots created by means of a subdivision plat in accordance with Chapter 110 of the Code, minimum side building setbacks shall not be required from property lines inside the perimeter of this District. Standard minimum building setbacks shall be required from all perimeter district property lines.
- k. In the District, not more than one lot shall be permitted where access to a public street is provided solely by an access easement.



Plan Exhibit “#1”

- l. To help facilitate pedestrian access and circulation, raised bay dividers shall be provided in off street parking areas, spaced not more than every fourth row apart. Openings of no more than 6 feet wide shall be permitted periodically throughout those divider islands to permit pedestrian crossings.
- m. Detention/water quality structures may be shared between uses within the District. Any such detention/water quality structures will be maintained by the property owner or a property owners association (and not by the City).
- n. The 25 foot parking and signage setback requirements of the West Villa Maria Corridor Overlay District shall not apply to this District.
- o. To provide an attractive streetscape along public rights of way in the District and a unifying design element of the development, a 12.5 foot landscaped area shall exist along the West Villa Maria Road and Harvey Mitchell Parkway right-of-way lines. No off-street parking, maneuvering, or loading areas may encroach into the 12.5 foot landscaped area. No signage or above ground stormwater detention areas may be placed within the 12.5 foot landscaped area, except as provided in (b) above. In-ground stormwater control devices such as rain gardens or bioswales shall be permitted within the 12.5 foot landscaped area.

- p. Landscaping plantings shall be required in connection with the development of each lot in this District equivalent to the amount required (utilizing the point system established under Chapter 62, Article VII of the Code of Ordinances) for an area equal to 17% of the total developed area of such lot.
- q. Landscaping plantings installed within the 12.5 foot landscaped area shall count toward the 17% required for the lot in which such plantings are located. Except for landscaping in parking areas required under Section 62-429(b) of the Code of Ordinances, all other landscape plantings in parking areas shall count toward the 17% required for the lot in which such plantings are located.
- r. All trees within safety end treatments shall be canopy trees.
- s. All landscaping installed in compliance with the requirements of this District shall be irrigated by an automated irrigation system.
- t. All trees installed in compliance with the requirements of this shall be container grown, at least 8 feet high, and a minimum of 2.5 inches caliper measured 1 foot above the ground.
- u. Buildings constructed within this District must comply with the Building Design Guidelines as appended in exhibit "B-2".

Exhibit "B-1":

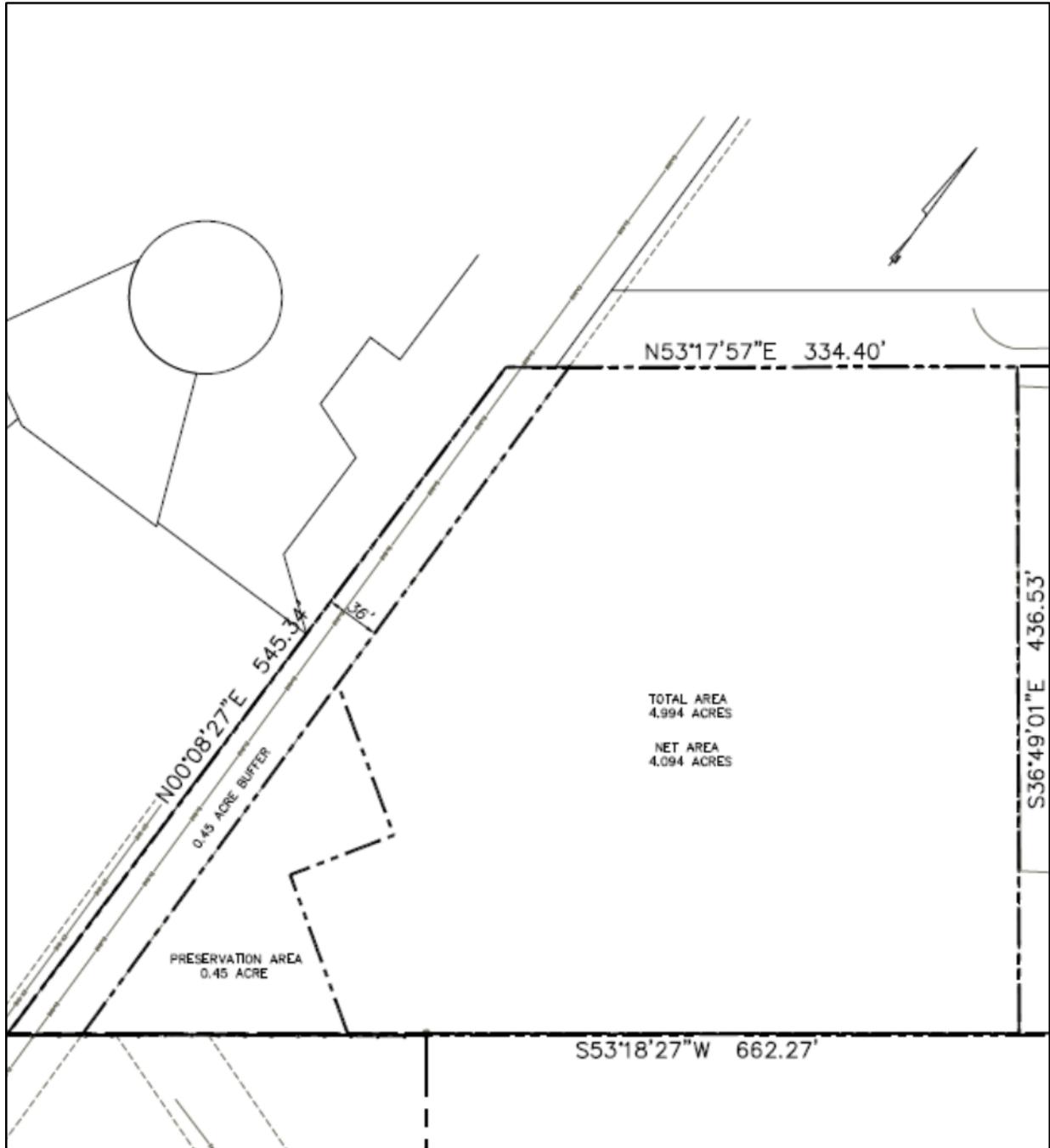


EXHIBIT “B-2”

Building Design Guidelines

1. Intent

These building design guidelines are intended to:

- 1.1 Showcase and preserve Bryan’s unique identity;
- 1.2 Help buildings function better in Bryan’s environment;
- 1.3 Create buildings with appropriate human scale;
- 1.4 Ensure that buildings contribute to the vitality of Bryan’s entrances and main corridors;
- 1.5 Increase the quality, adaptability, and sustainability of Bryan’s building stock;

2. Best Practices

- 2.1 Projects should be compatible with the scale of adjacent and nearby actual and anticipated development and should provide a sensitive transition to more restrictive zoning districts.
- 2.2 New buildings proposed in areas that have a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of nearby buildings as well as the spatial characteristics of the right-of-way. New buildings proposed in other areas should reinvigorate the area by introducing more desirable features. Features that can be used to integrate new buildings include fenestration patterns, building proportions, roof forms or building materials.
- 2.3 Building design elements, details, and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building with elements and details to achieve a good human scale.
- 2.4 Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, and lend themselves to a high quality of detailing are encouraged. Buildings should avoid large blank walls facing the street.
- 2.5 Convenient, identifiable and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered, especially along the street edge.
- 2.6 Site design should consider opportunities for enhancing personal safety and security, including providing adequate lighting and minimizing visual clutter. Buildings should avoid large blank

walls lacking design features, but should preferably allow for visual connection between activities occurring on the interior and exterior of the building.

2.7 Where possible, landscaping should reinforce the character of the development and abutting streetscape while enhancing the architecture of the building project. Possibilities include special pavements, trellises, screen walls, fountains, planters and site furniture.

3. Building Frontages

3.1 Fabric Awnings:

If used, fabric awnings must be composed of fabric that is guaranteed by the manufacturer to survive in good condition for no less than 10 years from the date of installation.

3.1 Shade and Shelter

Bryan's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity, as well as protect pedestrians from inclement weather. Projects shall meet the following shade and shelter requirements:

- A. If provided, at least one ADA ramp alongside the building must be shaded to a minimum of 2 times the width (as determined by a ramp user) of the contiguous lineal ramp section closest to the building. If a rear ADA ramp is also provided as part of the building design, it shall also meet the requirements of this section. Such shade devices shall have a maximum canopy height of 15 feet.
- B. Principal building entrances shall be located under a shade device such as a building projection or recess in building face with a minimum depth of 6 feet and maximum canopy height of 20 feet.

Figure 2 – Example of awning at building



3.3 Glazing on Building Facades:

Glazing provides interest for the passer-by, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades.

- A. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade, if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade (“zero lot line” structures).
- B. At least one-third of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.4 or higher.
- C. Walls that must be blank for security or other requirements shall be enhanced by the use of plant materials, artwork, canopies, special lighting, or a combination of façade articulation and material changes. Any such alternative plans require amendment to this PD. Plans submitted for consideration must be sealed by a registered architect or landscape architect, as appropriate, and show reasonable evidence that the requirements set forth in these standards were used as a guide. Evidence of security requirements should be submitted as listed in state or federal law.

4. Options to Improve Building Design

4.1 Building Design Options

- A. General Requirement
 - 1. Each building of 4999 square feet or less subject to this section must earn one base point from the table below, and may be required to earn additional points if certain design parameters are present.
 - 2. Each building of 5000 square feet or more subject to this section must earn four base points from the table below, and may be required to earn additional points if certain design parameters are present.
 - 3. Developments with multiple buildings are required to earn the applicable number of points for each building.
- B. Additional Requirements for Certain Types of Development

The following shall earn points as specified below, in addition to the base point required in subsection A. All points in this section shall be earned cumulatively.

1. If the building plan depicts any of the design parameters listed below, an additional point must be earned for each design feature (except as noted):
 - a. Building façade exceeds 200 feet in width without entrances at least every 50 feet.
 - b. Individual use is greater than 50,000 square feet.
 - c. Building is a pad-site building with either of the following features:
 - (i) Drive-in or drive-through;
 - (ii) Building is separated from other buildings by surface parking on at least two sides;
 - d. Concrete block (not including decorative concrete block) is used on more than 25 percent of a façade visible to the public.
 - e. Concrete block (not including decorative concrete block) is used on more than 75 percent of a façade visible to the public (must earn two additional points).
 - f. EIFS is used as a wall system (not including heavy foam moldings) on the ground floor below 10 feet.
 - g. Typical pre-engineered metal building wall panels such as "R" or "M" panels are used on more than 20 percent of a façade visible to the public (must earn two additional points).

C. Table of Design Options

<i>Option</i>	<i>Description / Comments</i>
Group A: Each option worth 1 point	
Provide for liner stores in building façade (1 point each).	A liner store is a commercial use on the ground floor of a building located not more than 30 feet from the street right-of-way with an entrance facing the street.
Provide façade articulation through one method listed below, for at least two facades of the building. May gain up to two points through these methods.	See definition D. 1. below.
Provide primary entrance design.	See definition D. 2. below.
Provide building materials from set "B" below for 60% or more of three most visible building facades, not including window or door area.	See definition D. 4. below.
Provide shelter integrated into building form alongside at least 20 percent of all building frontages adjacent to or facing the principal street or adjacent parking with maximum canopy height of 15 feet.	

Provide glazing on at least 20 percent of wall area between two and ten feet above grade on first floor, for at least two facades of the building.	
100% of glazing on ground-floor facades that face any street or parking lot have a Visible Transmittance (VT) of 0.4 or higher.	
Group B: Each option worth 3 points	
Provide building materials from set "A" below for 60% or more of three most visible building facades, not including window or door area.	See definition D. 4. below.
Provide glazing on at least 40 percent of wall area between two and ten feet above grade on first floor, for at least two facades of the building.	
Design building so that at least 75 percent of the façade facing the principal street consists of storefronts with at least two separate entrances facing the principal street.	See section 3.4, Shade and Shelter, above for entrance area requirements.
Provide shelter integrated into building form alongside at least 40 percent of all building frontages adjacent to or facing the principal street or adjacent parking with maximum canopy height of 15 feet.	
Provide a sustainable roof.	See definition D. 3. below.
Integrate onsite renewable energy into building design.	The specific features and design shall be approved by the Director. Examples may include, but are not limited to, rooftop solar panels or biomass boilers.



Figure 3 – Examples of façade

D. Definitions of Options

1. Façade Articulation

For purposes of satisfying the requirements in subsections A. and B. above, “façade articulation” shall consist of one of the following design features:

- a. Changes in plane with a depth of at least 24 inches, either horizontally or vertically, at intervals of not less than 20 feet and not more than 60 feet;
- b. Changes of texture or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 60 feet;
- c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

2. Primary Entrance Design

For purposes of satisfying the requirements in subsections A. and B. above, “primary entrance design” shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street:

- a. Architectural details such as arches, friezes, tile work, murals, or moldings.
- b. Integral planters or wing walls that incorporate landscape or seating.
- c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
- d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
- e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

Figure 5 – Example of a sustainable roof



3. Sustainable Roof

For purposes of satisfying the requirements in subsections A. and B. above, a “sustainable roof” is roofing that has one of the following:

- a. For a minimum of 75 percent of the total roof surface, a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
- b. For a minimum of 50 percent of the total roof surface, a vegetated roof;
- c. For a minimum of 50 percent of the total roof surface, rainwater collection system, connected to irrigation system or other building system through piping; or
- d. For a minimum of 75 percent of the total roof surface, a combination of a vegetated roof with rainwater collection system and SRI-compliant roof meeting the SRI standards listed in “a” above.

4. Building Materials

For purposes of satisfying the requirements in subsections A. and B. above, “building materials” are defined as:

- a. Set “A” materials: natural stone, unpainted brick, 3-step hard coat cementitious stucco, unpainted integrally colored decorative concrete block, tile, composite metal panels, or smooth zinc panels.
- b. Set “B” materials: cementitious siding, decorative exposed concrete, or wood
- c. Other high-quality, low maintenance materials, or those materials that may be introduced in the future, may be considered based on architectural creativity by the Design Review Board.

4.2 Alternatives to Section 4.1

A. Large Single-Story Buildings

Instead of complying with Section 4.1 above, a single-story commercial building that is 50,000 square feet or more in size may elect as a matter of right to comply with the following standards as a set:

1. The building façade shall consist of 60 percent masonry or stucco (not including standard cement utility blocks), excluding the window area and rear service area on sides visible to the public;
2. The building meets the “façade articulation” requirements as defined above;
3. The building has 30 percent glazing on the front façade and 20 percent glazing on each side visible to the public with a Visible Transmittance (VT) of 0.4 or higher; and
4. The building design incorporates a sustainable roof, solar power generation, or similar feature.

B. Pad-site Buildings with Drive-In and/or Drive-Through Services

Instead of complying with Section 4.1 above, a pad-site building with a drive-in and/or drive-through services, may comply with the following standards as a set:

1. The portion of the building below 12 feet consists of one of the following:
 - a. Any of the materials mentioned in Section 4.1 D.5. above; or
 - b. For a building that occupies a pad or portion of a building within a planned project or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.
2. Pad sites shall not have any parking located between the building and the principal street.

5. Glossary

Façade articulation – The use of details to divide building faces into parts and add interest

Glazing – Glass or plastic fitted into a wall or roof opening to provide light to interior spaces, predominantly windows or glass block

Liner stores – Commercial structures placed at the edge of a shopping center to enhance quality of development and of adjacent street face

On-site renewable energy – The use of energy sources that cannot be easily depleted to reduce energy reliance on fossil fuels; options include solar, wind, geothermal, low-impact hydro, biomass, and bio-gas strategies.

Pad site – A freestanding parcel at the edge of a shopping center, generally leased or sold to financial institutions, fast-food outlets, or chain restaurants; also called an outparcel.

Principal street – The roadway with the highest level of priority adjacent to the lot or site

Publicly visible façade – A building façade visible from a public right-of-way, not including alleys or other public rights-of-way used for utilitarian purposes only. Building facades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt.

Solar Reflectance Index – Measurement of a material's ability to reflect (or "reject") heat; the higher the measurement, the less heat that is absorbed by the material

Sustainable roof – A roof that utilizes vegetation, a rainwater collection system, or reduces heat transmittance in order to decrease the amount of energy needed to heat and cool its building and possibly other buildings

Visible Transmittance – Measurement of how much light comes through glazing, or how transparent the glazing is; the higher the measurement, the more light a material transmits from one side to the other

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF NOVEMBER 7TH, 2013:**

7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ13-13: Crossfulton Investments

A request to change the zoning classification from Industrial District (I) to Planned Development District – Business (PD-B) on 4.994 acres of land out of Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchel Parkway (FM 2818) in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed rezoning.

In response to a question, Mr. Haynes responded that he had received feedback in the form of questions, but not opinions.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning case no. RZ13-13 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion and the motion passed by a vote of 7-0. Commissioner Hardeman did not participate in deliberation or voting on this item due to a conflict of interest.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 7, 2013



Rezoning case no. RZ 13-13: Crossfulton Investments

- CASE DESCRIPTION:** a request to change the zoning classification from Industrial District (I) to Planned Development District – Business District (PD-B)
- LOCATION:** 4.994 acres of land adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchel Parkway (FM 2818)
- LEGAL DESCRIPTION:** 4.994 acres out of Zeno Phillips League, Abstract No. 45
- EXISTING LAND USE:** vacant land
- APPLICANT(S):** Crossfulton Investments - Frank Liu
- STAFF CONTACT:** Randy Haynes, Project Planner
- SUMMARY RECOMMENDATION:** Staff recommends approving the proposed **rezoning / development plan amendment**, as requested.

AERIAL PHOTOGRAPHS – SEPTEMBER, 2013



BACKGROUND:

On August 4, 2012, the City Council approved an amendment to the Zoning Ordinance creating a Planned Development – Business (PD-B) District (Ordinance no. 1963) on 51.2 acres of land wrapping around the northwest corner of North Harvey Mitchell Parkway (FM 2818) and West Villa Maria Road, to provide development opportunities for a regional retail center at this location. A new Wal-Mart Supercenter is currently under construction there. The same developer, Crossfulton Investments, has acquired the 4.9-acre subject property, which is currently zoned Industrial District (I), and is requesting that this acreage be added to the previously approved PD-B District.

The developer wishes to make these 4.9 acres part of the Villa Maria Wal-Mart Addition development and apply the same standards to this property. The property's current Industrial District zoning allows land uses that would not be appropriate in this specific setting and also contains development standards that do not align with the developer's business model. In addition, Industrial District zoning does not allow by right certain retail uses that the developer would like to propose at this location. The development plan described below is identical to the one for the PD-B District adopted for the adjoining 51.2 acres that was adopted in August 2012.

The subject tract lies northwest of the 51-acre Villa Maria Wal-Mart Addition, the land use and development standards on which are governed by the PD-B District Ordinance no. 1963. West and Southwest of the subject property is the 20-acre Carriage Hills Subdivision which is zoned Residential – Neighborhood Conservation District (R-NC). Most of the lots in the Carriage Hills Subdivision are developed with home sites. The 19-acre area north and east of the subject tract is zoned Industrial District. Development in that area includes a freight shipping depot, manufacturing and service businesses and a self-service storage facility. West Bronze Lane which borders the property to the northwest is not a public street.

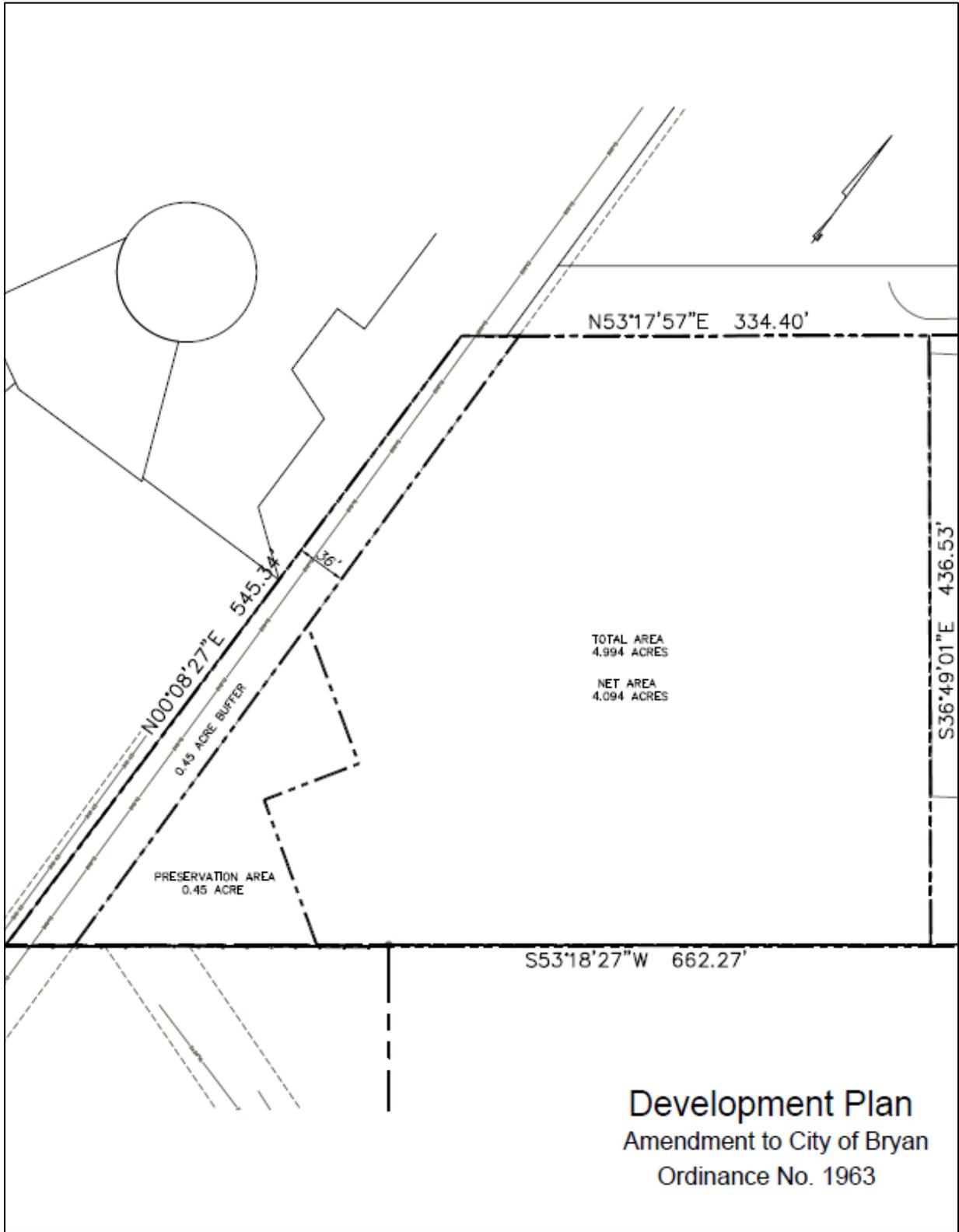
PROPOSED DEVELOPMENT PLAN:

The applicant wishes to amend the development plan described in Ordinance No. 1963 of the City of Bryan, which was approved by the City Council August 4, 2012, by adding the 4.9 acre subject tract depicted on the proposed development plan amendment that is attached to this staff report, and making this acreage subject to the same development standards therein.

The existing Villa Maria Wal-Mart Planned Development – Business District governing the adjacent 52-acre regional retail development allows land uses found in all three commercial type zoning districts, with the exception of 47 of the most intense commercial uses; e.g. truck and trailer rental and repair, machine shops, outdoor amusements, R.V. parks, flea markets and manufactured home sales.

More rigid physical development criteria in the PD-B regarding building design, landscaping and signage standards are intended to produce a higher quality built environment. Requirements ensuring higher quality materials and buildings with increased façade articulation and a greater number of windows are a major component. Also, sign standards intended to consolidate tenant signage and thereby mitigate the profusion of roadside pylon signs are in place in the existing PD-B District.

DEVELOPMENT PLAN AMENDMENT DRAWING:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission should consider the following when making its recommendation regarding this proposed zoning change:

Use-Specific Land Use Policies

Regional Retail land serves as a commercial resource for the greater metropolitan area and generates vital sales and ad valorem income. These uses should be located in areas that are:

- At points of highest visibility and access; and
- In close proximity to major intersections (freeway/expressways and freeways, freeways and major arterials, and major arterials and major arterials).

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning

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.

The subject tract, proposed to be incorporated within the previously approved development plan, is currently zoned for industrial use. Staff contends that the uses allowed in that zoning classification are not appropriate in such close proximity to the residences west of the subject tract. The development plan previously approved limits the allowed uses to those generally considered suitable near, but not directly adjacent to, residential areas. Staff contends that the buffer area as depicted on the development plan drawing will help mitigate potential negative effects on nearby residential properties.

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.

This rezoning is an extension of the PD-B District that was created in August 2012 for the adjoining 51.2-acre tract. The current construction on the adjacent 51-acre tract has triggered expansion and improvement in several areas of public infrastructure. Adequate capacity of water and sewer systems exists to support the increased load. Increased vehicular traffic expected in the area will be accommodated by planned traffic control measures and management of access onto the adjacent roadways.

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.

Other than the adjacent 50-acre tract, there is very little land in the vicinity available for regional retail-type development within a 2+ mile radius. The largest portion of the undeveloped land in the area is handicapped by either lack of access to major roadways or utilities, or due to the fact that it is publicly owned as is the case of the 1500+ acre tract located 1/3 mile south of the subject property that is owned by Texas A&M University.

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.

Development of regional retail in this area of Bryan is currently underway on the 50+ acre tract immediately south of the subject property. The most-recent project of similar scale and scope was that of the Bryan Town Center in 2006-2008 on Briarcrest Drive near State Highway 6, which is located 4.5 miles to the east.

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-B District were approved, staff believes there to be no need to modify the zoning designation for other areas. Other potential sites able to accommodate development are unlikely to be affected.

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

Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed retail development at this location will allow for a useful and orderly urban development of this property. Further, staff finds that the standards of the proposed development plan in many ways better mitigate negative impacts relative to the standards imposed on development in a standard zoning district, in this particular case.

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.

Staff believes that given the scale of the proposed retail development, negative impact to the residential areas to the west is unavoidable. However, the existing industrial zoning of the subject property allows for considerably more intense use than will be possible under the standards of the proposed development plan. Staff believes that the use and development of this property under the proposed standards will potentially produce fewer adverse impacts than the standards currently in place.

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 have not been better mitigated by the provisions of the proposed PD-B District than would be the case under currently existing development regulations.

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.

It is important to note that the subject property is located adjacent to major roadways designed to accommodate large amounts of traffic. West Villa Maria Road is classified as a super arterial street on Bryan's Thoroughfare Plan; North Harvey Mitchell Parkway is classified as a freeway. Each of these principal streets can reasonably be expected to be capable of safely absorbing traffic loads typically associated with regional retail uses. Separate from the development regulations imposed by this plan, a traffic light at the intersection of Jaguar Drive and West Villa Maria Road will be installed to improve vehicle and pedestrian safety at the main entrance to the development of which this property will become a part.

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

As stated above, existing infrastructure, standards and plans are in place to prevent the proposed development from adversely affecting traffic safety. The proposed plan also contains regulations designed to limit the number, location and size of individual freestanding signs within and along the edges of the project. Future development here will have access to the planned large multiple tenant signs located on both roadway frontages. The use of the large multiple tenant signs will reduce the proliferation of individual sign clutter.

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 given the large buffer proposed along the property's west side will significantly reduce the potential negative impact that could reasonably be expected if the property would develop under the standards applicable in the Industrial District. The proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

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

Staff believes that the proposed planned 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 proposed rezoning, as requested.