ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	December 2, 2014	**DATE SUBMITTED:**	November 20, 2014
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Randy Haynes

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☐ PUBLIC HEARING	☒ 1ST READING	☐ PUBLIC SAFETY
☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ SERVICE
☒ REGULAR	☐ STATUTORY		☒ ECONOMIC DEVELOP.
☐ WORKSHOP	☒ REGULAR		☐ INFRASTRUCTURE
			☒ QUALITY OF LIFE

AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of Agricultural – Open District (A-O), Planned Development Mixed – Use District (PD-M), and Retail District (C-2) to Planned Development Mixed – Use District (PD-M) on 36.092 acres of land out of the John H. Jones Survey, A-26, adjoining the southwest side of S. Traditions Drive, generally located southwest of its intersection with Club Drive in Bryan, Brazos County, Texas (RZ14-20).

SUMMARY STATEMENT: In 2001, the Bryan City Council approved rezoning case no. RZ01-05 which established the 790-acre planned development zoning district referred to as The Traditions at University Ranch. In 2006, with the advent of the Texas A&M Health Science Center project, additional land was purchased by the City of Bryan southwest of the original Traditions development site. Some of the additional property remained zoned Agricultural-Open District (A-O) and part of the added tract was zoned Retail District (C-2).

As expected at the outset, the lengthy timeline of the overall project along with normally changing market conditions have resulted in the need to adjust the zoning on the subject property to suit pending development demands.

This request for Planned Development – Mixed Use (PD-M) zoning proposes to divide these 36+ acres into six individual use zones. The proposed use zones are arranged on the tract based primarily with respect to the natural features of the land, the need for future transportation connectivity, and the need for an enhanced diversity of allowed land uses than has previously been planned within The Traditions project.

STAFF ANALYSIS AND RECOMMENDATION: During its meeting on November 20, 2014, the Planning and Zoning Commission concurred with staff and unanimously recommended approving this rezoning request.

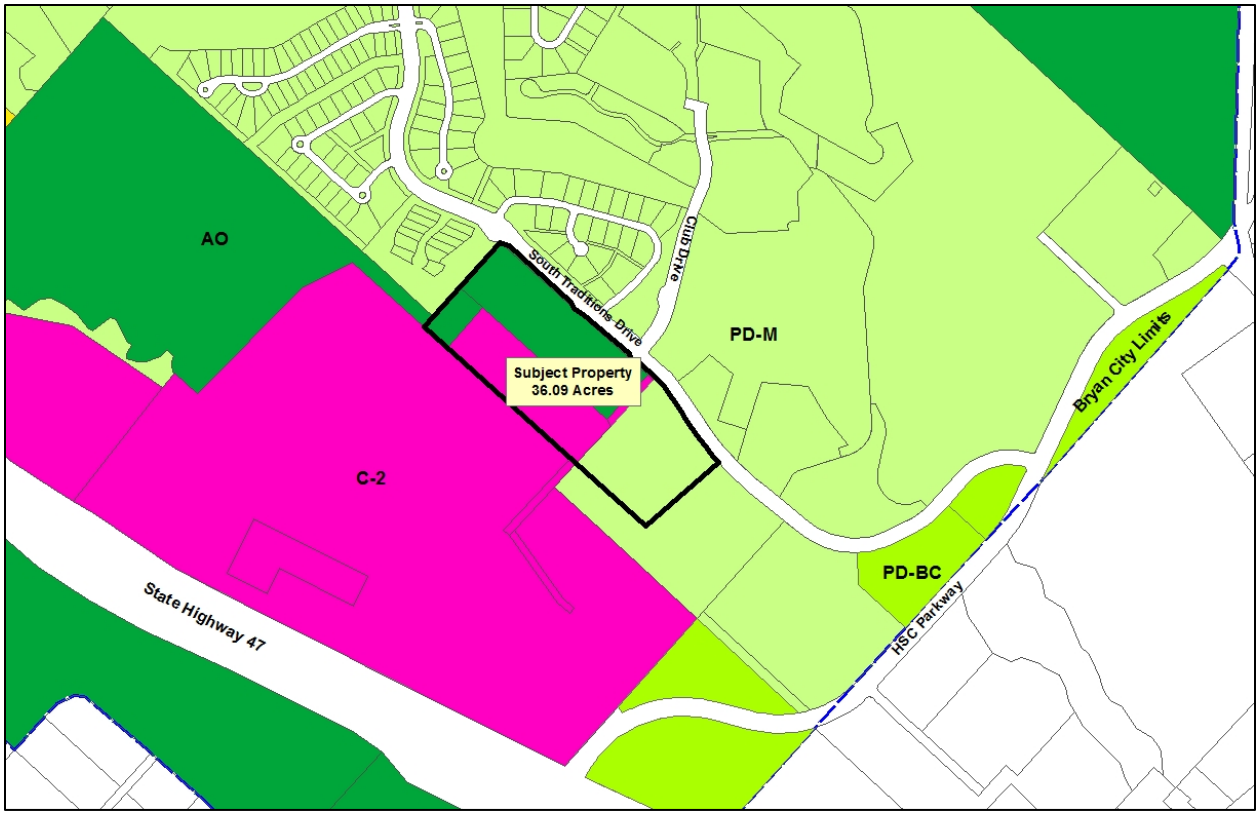
- A change of the zoning designation to PD-M is appropriate for the subject tract and consistent with land use recommendations of Bryan's Comprehensive Plan.
- Introducing the limited mix of residential and commercial uses on the subject property will be appropriate in the immediate area and will serve as an appropriate transition between the existing generally residential environment and the Health Science Center campus.
- The current mixture of zoning classifications and development standards of the subject property will not allow development to the best and highest use.

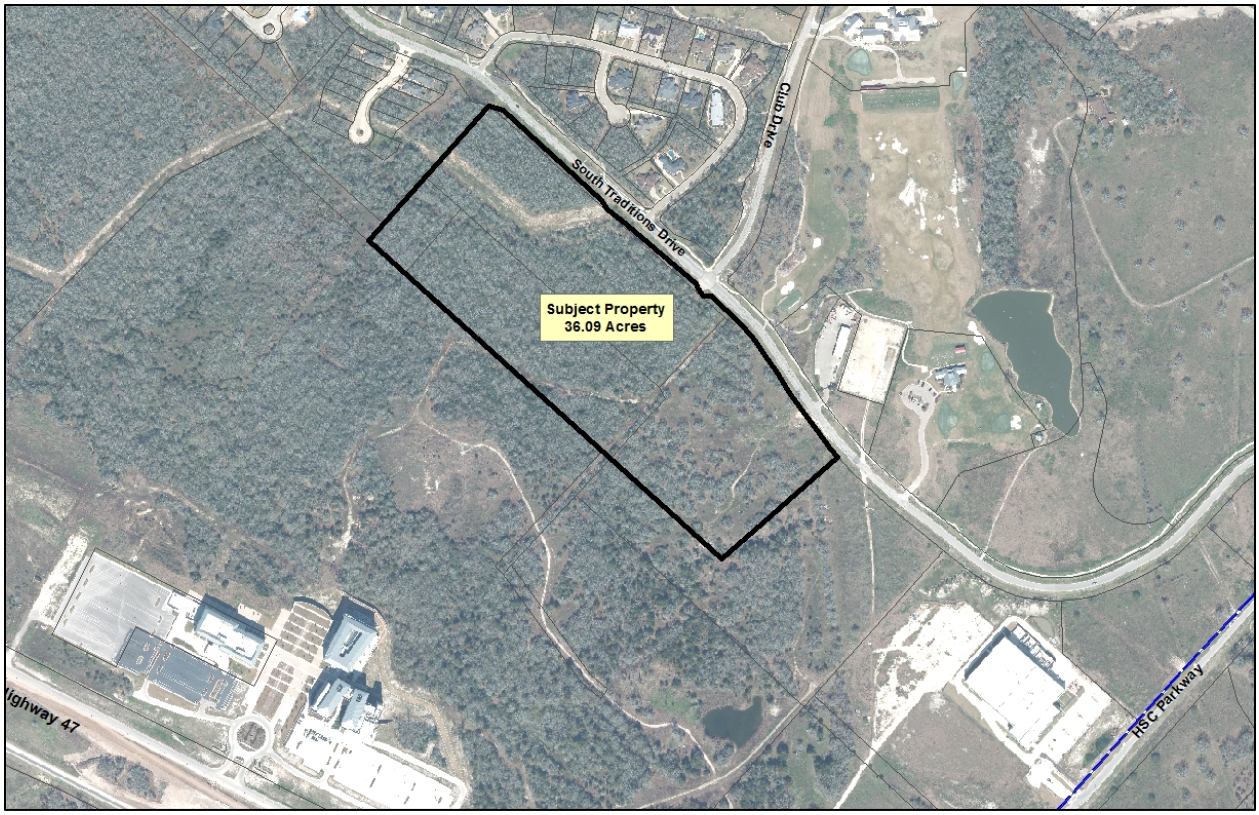
OPTIONS (In Suggested Order of Staff Preference):

1. approve the requested zone change;
2. deny the requested zone change.

ATTACHMENTS: 1. location map/aerial photograph; 2. draft ordinance; 3. excerpt from draft P&Z meeting minutes of November 20, 2014; and 4. staff report to the Planning & Zoning Commission.
FUNDING SOURCE: **N/A**
APPROVALS: Kevin Russell, 11-13-14; Joey Dunn, 11-13-14; Hugh R. Walker, 11/14/2014
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11/14/2014
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 11-24-2014

Revised 04/2013


AO
C-2
PD-M
PD-BC
Subject Property
36.09 Acres
South Traditions Drive
Club Drive
State Highway 47
HSC Parkway
Bryan City Limits


Subject Property
36.09 Acres
South Traditions Drive
Club Drive
Highway 47
HSC Parkway

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 AGRICULTURAL – OPEN DISTRICT (A-O), PLANNED DEVELOPMENT MIXED – USE DISTRICT (PD-M), AND RETAIL DISTRICT (C-2) TO PLANNED DEVELOPMENT MIXED – USE DISTRICT (PD-M) ON 36.092 ACRES OF LAND OUT OF THE JOHN H. JONES SURVEY, A-26, ADJOINING THE SOUTHWEST SIDE OF S. TRADITIONS DRIVE, GENERALLY LOCATED SOUTHWEST OF ITS INTERSECTION WITH CLUB DRIVE IN BRYAN, BRAZOS COUNTY, TEXAS.; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE 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, changing the zoning classification from a combination of Agricultural – Open District (A-O), Planned Development Mixed – Use District (PD-M), and Retail District (C-2) to Planned Development Mixed – Use District (PD-M) on 36.092 acres of land out of the John H. Jones Survey, A-26, adjoining the southwest side of S. Traditions Drive, generally located southwest of its intersection with Club Drive in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a regular meeting on November 20, 2014;

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 a combination of Agricultural – Open District (A-O), Planned Development Mixed – Use District (PD-M), and Retail District (C-2) to Planned Development Mixed – Use District (PD-M) on 36.092 acres of land out of the John H. Jones Survey, A-26, adjoining the southwest side of S. Traditions Drive, generally located southwest of its intersection with Club Drive in Bryan, Brazos County, Texas, said 36.092 acres of land being described more particularly by metes-and-bounds on attached Exhibit “A”, and subject to development requirements specified in attached Exhibit “B” 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 2nd day of December, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 3rd day of December, 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
OF A
36.092 ACRE TRACT
JOHN H. JONES SURVEY, A-26
BRYAN, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE JOHN H. JONES SURVEY, A-26, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 12.487 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRYAN COMMERCE AND DEVELOPMENT, INC. RECORDED IN VOLUME 7874, PAGE 166 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, ALL OF A CALLED 21.401 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRYAN COMMERCE AND DEVELOPMENT, INC. RECORDED IN VOLUME 9462, PAGE 14 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, THE REMAINDER OF A CALLED 25.01 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRYAN COMMERCE AND DEVELOPMENT, INC. RECORDED IN VOLUME 3989, PAGE 201 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND THE REMAINDER OF A CALLED 12.500 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRYAN COMMERCE AND DEVELOPMENT, INC. RECORDED IN VOLUME 7874, PAGE 163 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF SOUTH TRADITIONS DRIVE (R.O.W. VARIES - 4787/167) MARKING THE EAST CORNER OF COMMON AREA NO. 1, THE TRADITIONS SUBDIVISION, PHASE 10 ACCORDING TO THE PLAT RECORDED IN VOLUME 6838, PAGE 81 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE COMMON LINE OF SOUTH TRADITIONS DRIVE AND SAID REMAINDER OF 25.01 ACRE TRACT FOR THE FOLLOWING CALLS:

S 59° 04' 09" E FOR A DISTANCE OF 103.28 FEET (DEED CALL: S 59° 06' 35" E - 103.46 FEET, 4787/167) TO A 1/2 INCH IRON ROD FOUND;

S 47° 57' 51" E FOR A DISTANCE OF 645.97 FEET (DEED CALL AND MEASURED, 4787/167) TO A 1/2 INCH IRON ROD SET;

S 42° 04' 55" E FOR A DISTANCE OF 117.08 FEET (DEED CALL AND MEASURED, 4787/167) TO A 1/2 INCH IRON ROD SET;

S 57° 57' 21" E FOR A DISTANCE OF 69.15 FEET (DEED CALL AND MEASURED, 4787/167) TO A 1/2 INCH IRON ROD SET;

S 47° 57' 51" E FOR A DISTANCE OF 198.86 FEET (DEED CALL AND MEASURED, 4787/167) TO A 1/2 INCH IRON ROD SET;

S 01° 37' 12" E FOR A DISTANCE OF 27.64 FEET (DEED CALL AND MEASURED, 4787/167) TO A 5/8 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF SAID 12.487 ACRE TRACT;

THENCE: S 47° 57' 54" E ALONG THE NORTHEAST LINE OF SAID 12.487 ACRE TRACT FOR A DISTANCE OF 80.14 FEET (DEED CALL: S 47° 57' 51" E - 80.01 FEET, 4787/167) TO A 1/2 INCH IRON ROD FOUND;

THENCE: CONTINUING ALONG THE COMMON LINE OF SOUTH TRADITIONS DRIVE AND SAID REMAINDER OF 25.01 ACRE TRACT FOR THE FOLLOWING CALLS:

N 86° 32' 01" E FOR A DISTANCE OF 27.81 FEET (DEED CALL: N 86° 32' 04" E - 28.04 FEET, 4787/167) TO A 1/2 INCH IRON ROD SET;

S 47° 59' 17" E, AT 140.15 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF SAID REMAINDER OF 25.01 ACRE TRACT AND SAID 21.401 ACRE TRACT, CONTINUE ON ALONG THE COMMON LINE OF SOUTH TRADITIONS DRIVE AND SAID 21.401 ACRE TRACT FOR A TOTAL DISTANCE OF 168.06 FEET (DEED CALL: S 47° 57' 51" E - 167.99 FEET, 4787/167) TO A 1/2 INCH IRON ROD

FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 455.00 FEET;

THENCE: CONTINUING ALONG THE COMMON LINE OF SOUTH TRADITIONS DRIVE AND SAID REMAINDER OF 21.401 ACRE TRACT FOR THE FOLLOWING CALLS:

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 31' 10" FOR AN ARC DISTANCE OF 115.30 FEET (CHORD BEARS: S 40° 47' 10" E - 114.99 FEET) (DEED CALL CHORD: S 40° 42' 34" E - 114.92 FEET, 4787/167) TO A 1/2 INCH IRON ROD FOUND MARKING THE END POINT OF SAID CURVE;

S 33° 26' 50" E FOR A DISTANCE OF 269.76 FEET (DEED CALL: S 33° 27' 40" E - 269.92 FEET, 4787/167) TO A 1/2 INCH IRON ROD FOUND MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 2045.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08° 23' 48" FOR AN ARC DISTANCE OF 299.69 FEET (CHORD BEARS: S 37° 37' 43" E - 299.43 FEET) (DEED CALL CHORD: S 37° 39' 34" E - 299.42 FEET, 9462/14) TO A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID 21.401 ACRE TRACT AND A NORTHEAST CORNER OF THE REMAINDER OF A CALLED 198.0559 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM RECORDED IN VOLUME 7988, PAGE 209 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE END POINT OF SAID CURVE;

THENCE: S 48° 08' 49" W ALONG THE COMMON LINE OF SAID 21.401 ACRE TRACT AND SAID REMAINDER OF 198.0559 ACRE TRACT FOR A DISTANCE OF 659.11 FEET (DEED CALL: S 48° 08' 32" W - 659.40 FEET, 9462/14) TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 21.401 ACRE TRACT;

THENCE: N 47° 56' 05" W ALONG THE SOUTHWEST LINE OF SAID 21.401 ACRE TRACT, AT 1804.87 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 21.401 ACRE TRACT AND THE SOUTH CORNER OF SAID REMAINDER OF 12.500 ACRE TRACT, CONTINUE ON ALONG THE SOUTHWEST LINE OF SAID REMAINDER OF 12.500 ACRE TRACT FOR A TOTAL DISTANCE OF 2004.92 FEET TO A 1/2 INCH IRON ROD SET MARKING THE WEST CORNER OF SAID REMAINDER OF 12.500 ACRE TRACT AND THE SOUTHEAST CORNER OF THE REMAINDER OF A CALLED 151.398 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRYAN COMMERCE AND DEVELOPMENT, INC. RECORDED IN VOLUME 7874, PAGE 169 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE ORIGINAL WEST CORNER OF SAID 12.500 ACRE TRACT BEARS: S 41° 10' 12" W FOR A DISTANCE OF 49.24 FEET;

THENCE: N 41° 10' 12" E ALONG THE COMMON LINE OF SAID REMAINDER OF 12.500 ACRE TRACT AND SAID REMAINDER OF 151.398 ACRE TRACT FOR A DISTANCE OF 100.35 FEET (DEED CALL BEARING: N 41° 09' 49" E, 7874/163) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID COMMON AREA NO. 1;

THENCE: N 41° 07' 07" E ALONG THE SOUTHEAST LINE OF SAID COMMON AREA NO. 1 FOR A DISTANCE OF 669.99 FEET (PLAT CALL: N 41° 08' 40" E - 670.07 FEET, 6838/81) TO THE **POINT OF BEGINNING** CONTAINING 36.092 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND FEBRUARY, 2014. SEE PLAT PREPARED FEBRUARY, 2014 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

EXHIBIT "B":

PD-M DEVELOPMENT PLAN

Development Plan for Planned Development – Mixed Use District (hereinafter referred to as "PD-M District", "the District" or "this District") allowing certain residential, multiple-family office and retail uses on 36.092 acres of land within the John H. Jones Survey, A-26

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-M 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 permitted uses, to strengthen the area economy and to promote the general welfare of the community.

The arrangement of permitted land uses within this District is divided into six defined tracts of land within the 36.092-acre property. The tracts are graphically depicted in Figure 1 below.

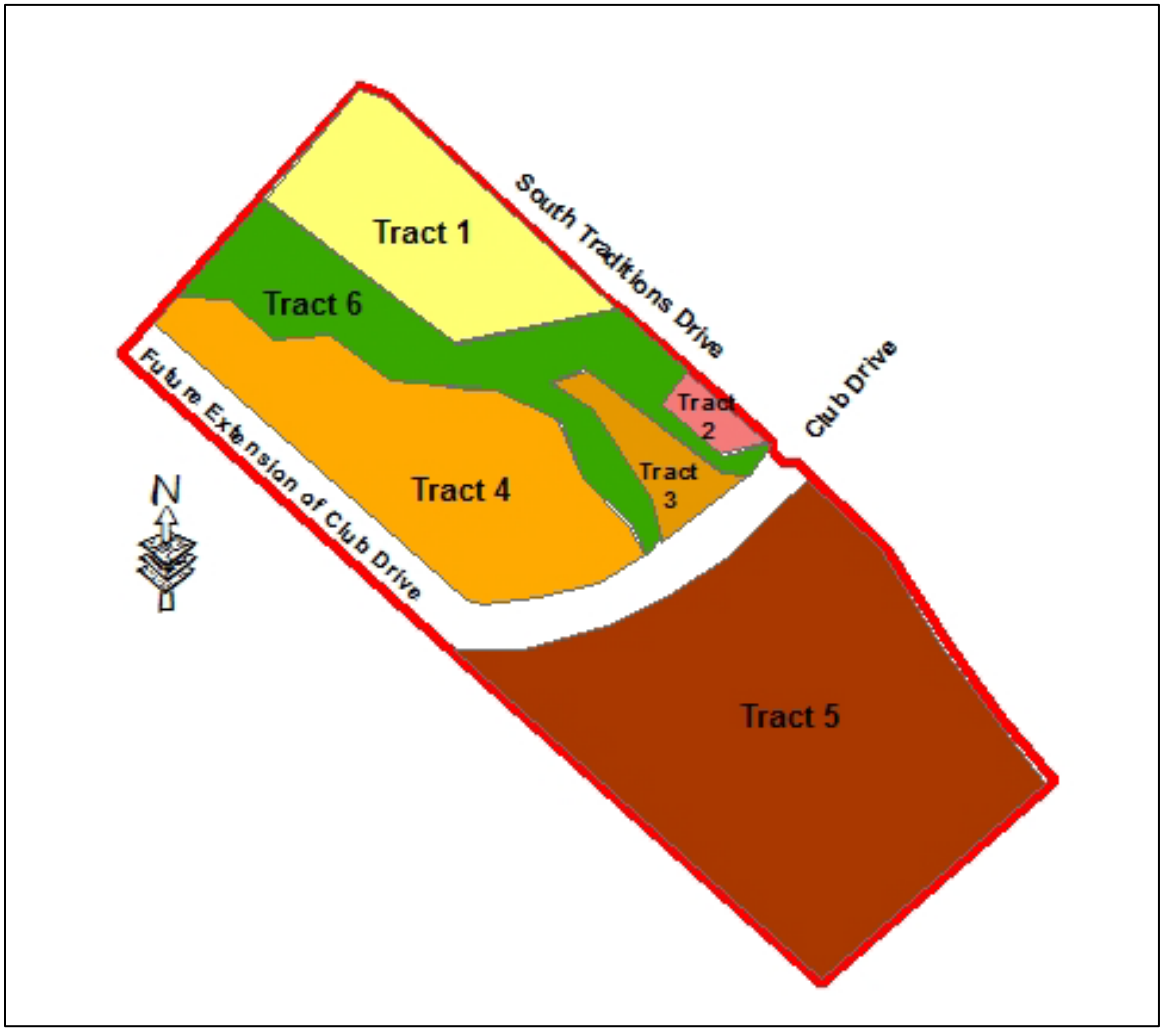


Figure 1

A. Definitions

Accessory structures:

1. In Tract 1 of this development plan, an accessory structure or use is a subordinate or incidental structure, attached to or detached from the main structure without separate kitchen facilities, not used for commercial purposes and not rented. Accessory uses permitted in Tract 1 include:

   a. Storage or work sheds and gazebos;

   b. Detached garages;

   c. One antenna (amateur radio, CB radio, or TV reception) and/or one satellite dish located in the rear yard only or on the roof (only one satellite dish per residential lot) including any tower or other supporting structure;

   d. Private open space or other recreational amenities operated by a homeowners association.

2. In Tracts 2 through 5, an accessory structure is a subordinate structure, the use of which is incidental and is permitted when used only in conjunction with the main structure.

Accessory dwelling units:

1. Accessory dwelling units may be allowed with Conditional Use Permit approval from the Planning and Zoning Commission as an incidental residential use of a structure on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, or servants employed on the premises, and meet the following standards:

   a. Accessory dwelling units must be designed and constructed so that they are in keeping with the general architecture and building material of the main structure.

   b. Manufactured homes are not permitted as accessory dwellings.

   c. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from that upon which the main dwelling is constructed.

   d. The accessory dwelling unit may be constructed only with the issuance of a building permit.

   e. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented or leased and may not be issued utility meters separate from the main structure.

   f. The square footage of the accessory dwelling unit cannot exceed 1,000 square feet, nor be less than 400 square feet.

   g. A minimum of one additional parking space shall be provided for each accessory dwelling unit located on the premises.

Live / Work Unit

1. In this specific context, the term "live/work unit" is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

    a. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations.

    b. In addition to the permitted uses above, the chair of the City's Site Development Review Committee (SDRC) may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law.

    c. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.

    d. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space.

    e. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to residential use.

    f. The residential component as designated on the floor plan approved through the conditional use permit shall remain residential and cannot be converted to commercial use.

    g. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure.

    h. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.

    i. Signage intended to promote on-site commercial uses shall be restricted to a one square foot sign permanently affixed to door or wall of the business component.

    j. All advertising for on-site commercial uses shall clearly state "by appointment only" if the live/work address is used.

    k. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space.

    l. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments.

m. The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors, or delivery services to visit the premises per day.

B. Physical Development

1. Physical development in Tract 1 of this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 7000 (RD-7), subject to any modifications specified herein.

2. Physical development in Tracts 2 through 4 of this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Office District (C-1) subject to any modifications specified herein.

3. Physical development in Tract 5 of this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Multiple-Family Residential District (MF), subject to any modifications specified herein. Notwithstanding anything to the contrary in the Bryan Code of Ordinances, the following standards shall be applicable to the physical development within Tract 5 of this District:

   a. The maximum residential density within this District shall be 50 dwelling units per acre.

   b. Maximum building height within Tract 5 of this District shall be 120 feet measured from grade level outside any standard building setback or buffer area. No additional building setback from property lines shall be required for buildings of more than 35 feet in height.

   c. Minimum parking required for permitted uses within this District that specifically provide residential or personal care living units for older adults shall be 0.75 parking spaces per dwelling unit.

   d. A maximum of six monument signs shall be allowed within Tract 5 of this District.

   e. With the exception of monument signage permitted within subsection “d”; subsequently permitted signage shall have a maximum height of 6 ft. and a maximum overall area of 50 square feet. Such signage shall be located a minimum distance of 25 feet from any property line.

   f. All illuminated signage within Tract 5 shall be provided with direct or halo-style lighting only. Internally illuminated signs are prohibited.

   g. Any required 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).

   h. 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 in Chapter 62 of the Bryan Code of Ordinances) for an area equal to 20% of the total developed area of such lot.

   i. Except for landscaping in parking areas required in Chapter 62 of the Code of Ordinances, all other landscape plantings in parking areas shall count toward the 20% required for the lot in which such plantings are located.

j. All trees within safety end treatments shall be canopy trees.

k. All landscaping installed in compliance with the requirements of this District shall be irrigated by an automated irrigation system.

l. All trees installed in compliance with the requirements of this District shall be container grown, at least 8 feet high, and a minimum of 3 inches caliper measured 1 foot above the ground.

4. *Streetscape standards*. To provide an attractive streetscape along public rights of way in the District and a unifying design element of the development, a 30 foot landscaped area shall exist along the Club Drive right-of-way line and a 40 foot landscaped area shall exist along the South Traditions Drive right-of-way line. No off-street parking, maneuvering, or loading areas may encroach into this landscaped area. No signage or above ground stormwater detention areas may be placed within the landscaped area. In-ground stormwater control devices such as rain gardens or bioswales shall be permitted within the landscaped area.

C. Land Use

In this District the term permitted shall mean all uses permitted by right within the zoning classification specified as well as other uses defined and described in the Zoning Ordinance of the City of Bryan as being permitted with approval of a Conditional Use Permit Said uses permitted with approval of a Conditional Use Permit shall be subject to development review procedures of the City of Bryan Zoning Ordinance described for Conditional Use Permits.

1. <u>Tract 1 – Single Family Detached Residential</u>

   Within the 4.49 acres of this District labeled "Tract 1" on the attached development plan, the following uses shall be permitted by right:

   - Accessory structures;
   - Detached dwelling units with no more than two un-related persons;
   - Essential municipal uses;
   - Home occupations;

   Conditional uses:
   - Accessory dwelling unit;

2. <u>Tract 2 – Low Intensity Office/Retail</u>

   Within the 0.44 acres of this District labeled "Tract 2" on the attached development plan, the following uses shall be permitted:

   - Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
   - Accessory structure;
   - Banks, savings and loans or credit union offices;
   - Dance studio;
   - Essential municipal uses;
   - Fitness center;
   - Funeral home/mortuary;

- General office use (professional, administrative);
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Photography studio;
- Retail services (including incidental uses);
- Restaurant;
- 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;
- Theater--Indoor.
- Veterinary services (no outdoor pens or runs).

Conditional uses.

- Night club or tavern(<= 5,000 square feet);

3. Tract 3 - Low Intensity Office/Retail

Within the 1.5 acres of this District labeled "Tract 3" on the attached development plan, the following uses shall be permitted:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Accessory structure;
- Banks, savings and loans or credit union offices;
- Dance studio;
- Essential municipal uses;
- Fitness center;
- Funeral home/mortuary;
- General office use (professional, administrative);
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Photography studio;
- Retail services (including incidental uses);
- Restaurant;
- 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;
- Theater--Indoor.
- Veterinary services (no outdoor pens or runs).

Conditional uses.

- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Live/work unit
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure. Maximum density shall be 50 dwelling units per acre;
- Night club or tavern(<= 5,000 square feet);
- Townhouses.

4. Tract 4 - Low Intensity Office/Retail

Within the 6.63 acres of this District labeled "Tract 4" on the attached development plan, the following uses shall be permitted:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Accessory structure;
- Banks, savings and loans or credit union offices;
- Dance studio;
- Essential municipal uses;
- Fitness center;
- Funeral home/mortuary;
- General office use (professional, administrative);
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Photography studio;
- Retail services (including incidental uses);
- Restaurant;
- 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;
- Theater--Indoor.
- Veterinary services (no outdoor pens or runs).

Conditional uses.

- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Live/work unit
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure. Maximum density shall be 50 dwelling units per acre;
- Night club or tavern(<= 5,000 square feet);
- Townhouses.

5. Tract 5 - High Density Residential – Senior Care

Within the 14.49 acres of this District labeled "Tract 5" on the attached development plan, the following uses shall be permitted:

- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of a multifamily apartment complex;
- Multiple-family dwellings
- Nursing home (retirement home);
- Townhouses.

6. Tract 6 – Conservation Area

Within this PD-M District the land labeled Tract 6 as depicted on the development plan will remain largely in its natural state to provide wildlife habitat, open space and to preserve the ecosystem of the Turkey Creek Tributary and the surrounding riparian area. The following range of land uses shall be permitted by right in Tract 6 of the subject property:

- Private or public parks, walking paths, multi-modal trails;
- Outdoor educational facilities < 1000 square feet.

EXCERPT FROM PLANNING AND ZONING COMMISSION DRAFT REGULAR MEETING MINUTES OF NOVEMBER 20, 2014:

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 RZ14-20: Bryan Commerce and Development
A request to change the zoning classification from a combination of Agricultural – Open District (A-O), Planned Development Mixed – Use District (PD-M), and Retail District (C-2) to Planned Development Mixed – Use District (PD-M) on 36.092 acres of land out of the John H. Jones Survey, A-26, adjoining the southwest side of S. Traditions Drive, generally located southwest of its intersection with of Club Drive in Bryan, Brazos County, Texas. (R. Haynes)

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

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approve RZ14-20 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gonzalez seconded the motion.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

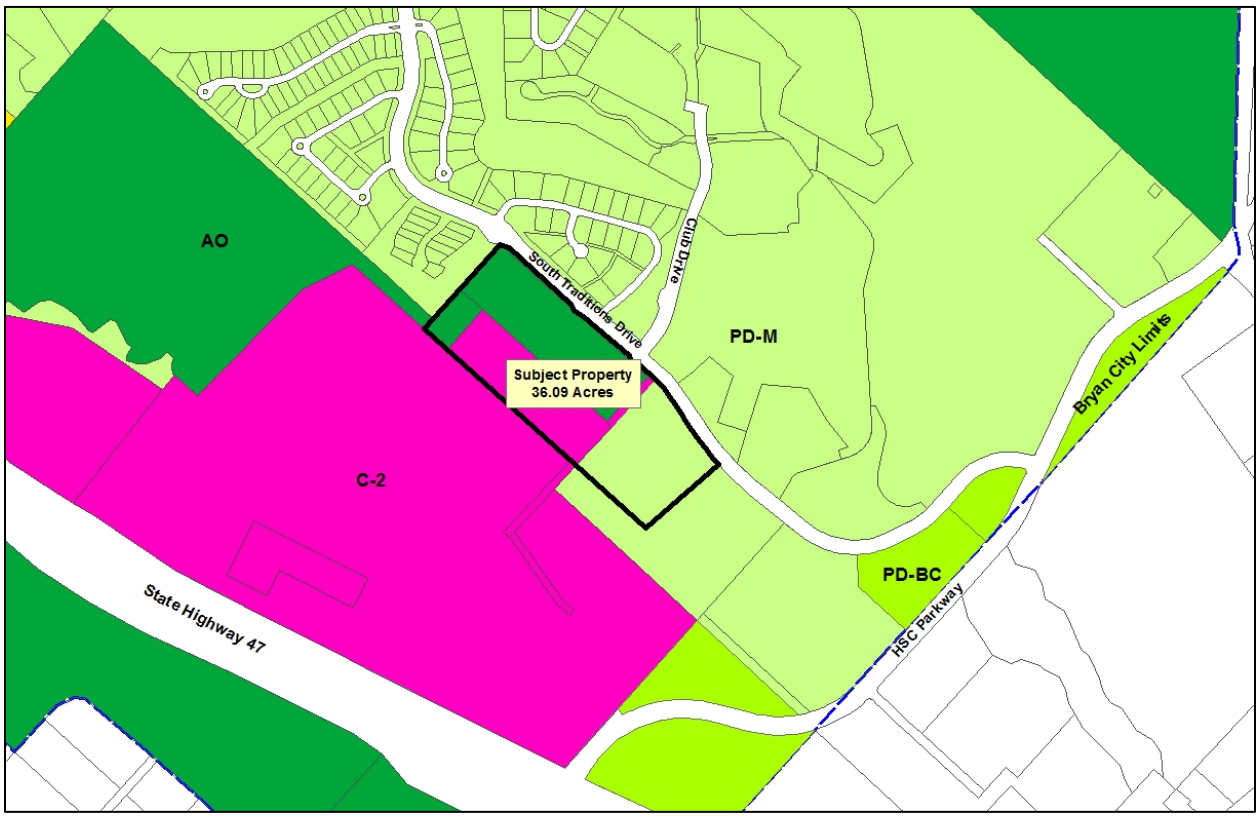
November 20, 2014

CITY OF BRYAN

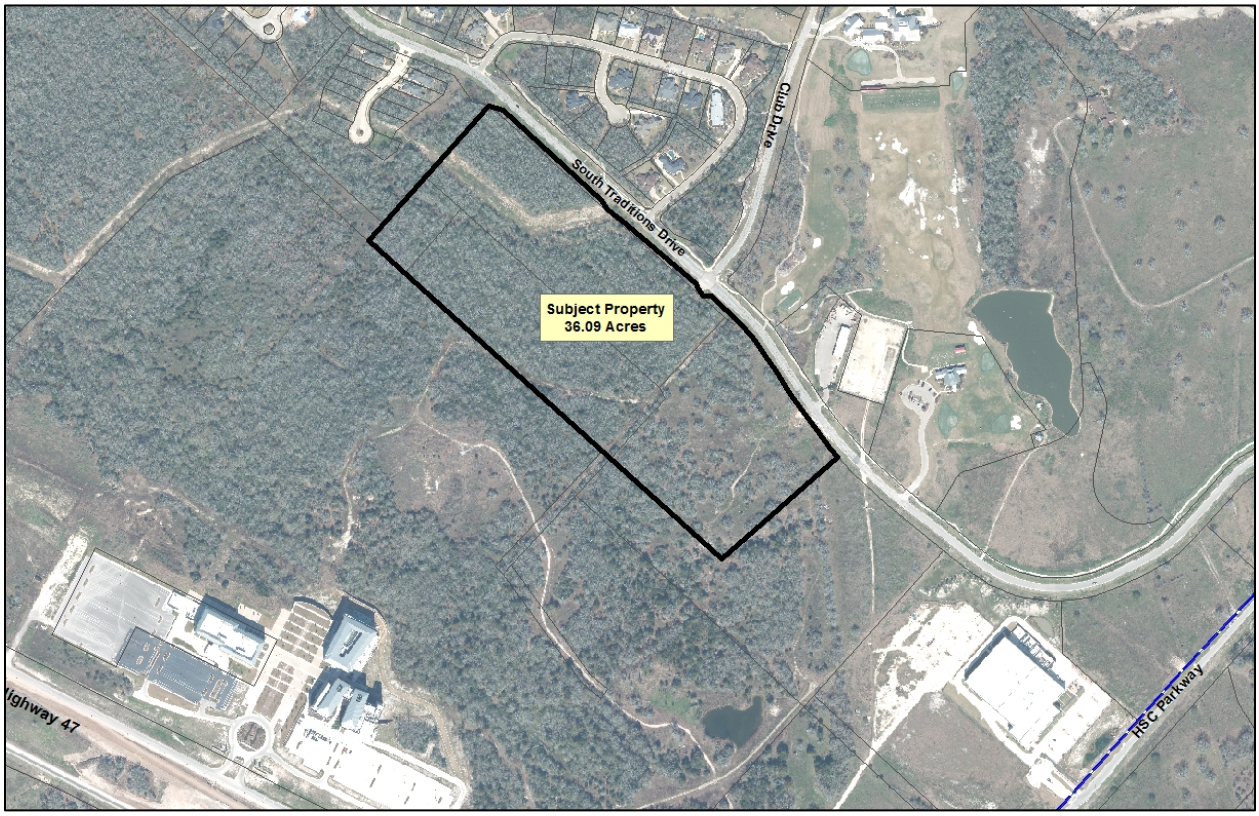
Rezoning case no. RZ 14-20: Bryan Commerce & Development

CASE DESCRIPTION:	a request to change the zoning classification from a combination of Agricultural-Open District (A-O), Planned Development Mixed–Use District (PD-M) and Retail District (C-2) to Planned Development Mixed – Use District (PD-M)
LOCATION:	southwest of the intersection of Club Drive and South Traditions Drive
LEGAL DESCRIPTION:	36.092 acres of land out of the John H. Jones Survey, A-26
EXISTING LAND USE:	vacant land
APPLICANT(S):	Bryan Commerce & Development
STAFF CONTACT:	Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed rezoning.



AERIAL PHOTOGRAPH (2013):



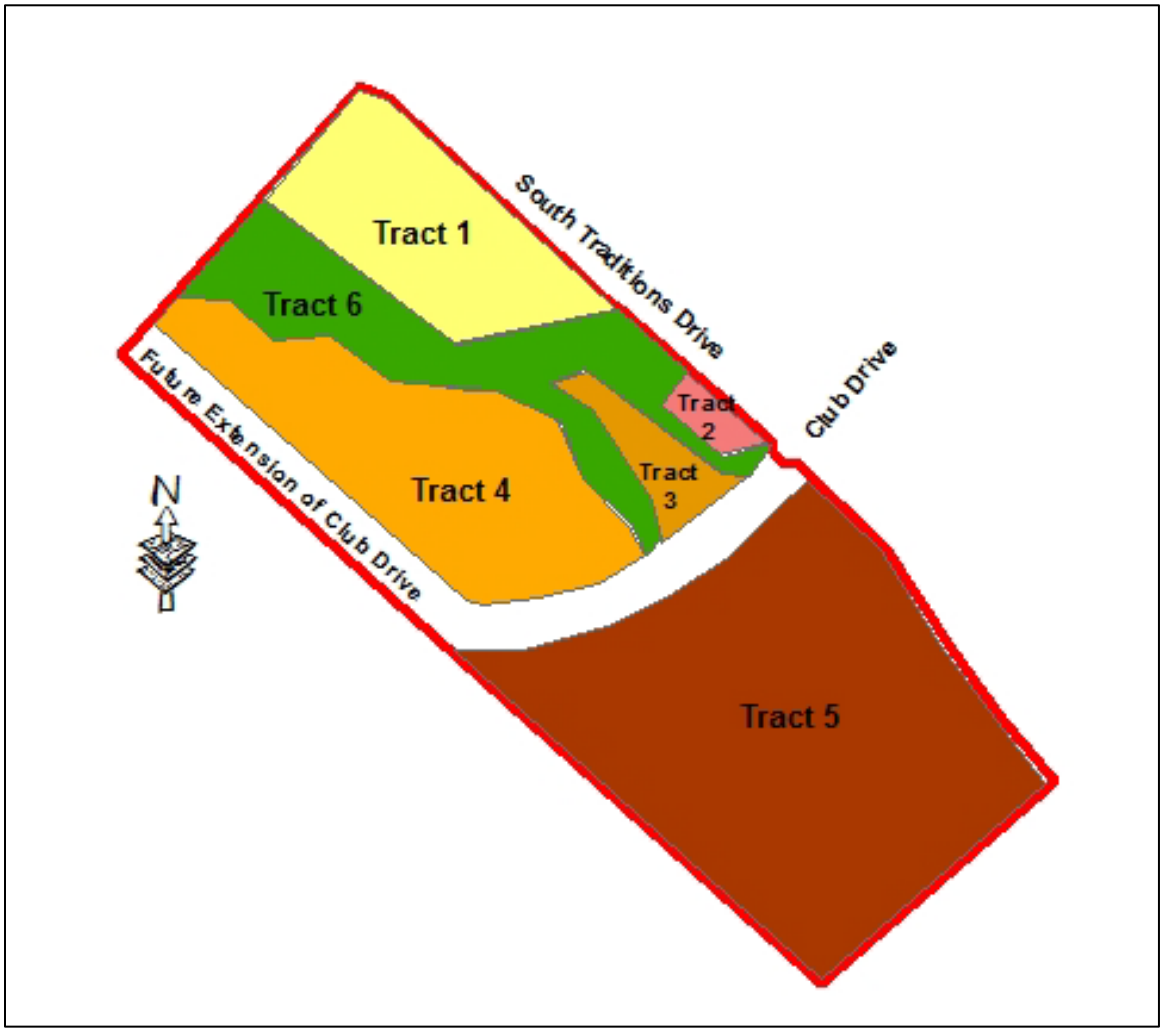
BACKGROUND:

In 2001, the Bryan City Council approved rezoning case no. RZ01-05 which established the 790-acre planned development zoning district referred to as The Traditions at University Ranch. In 2006, with the advent of the Texas A&M Health Science Center project, additional land was purchased by the City of Bryan southwest of the original Traditions development site. Some of the additional property remained zoned Agricultural-Open District (A-O) and part of the added tract was zoned Retail District (C-2).

As expected at the outset, the lengthy timeline of the overall project along with normally changing market conditions have resulted in the need to adjust the zoning on the subject property to suit pending development demands. This request for Planned Development – Mixed Use (PD-M) zoning proposes to divide these 36+ acres into six individual use zones. The proposed use zones are arranged on the tract based primarily with respect to the natural features of the land, the need for future transportation connectivity, and the need for an enhanced diversity of allowed land uses than has previously been planned within The Traditions project. The six use zones will include:

Tract 1; approximately 4.5 acres	Single family detached residential land uses permitted
Tract 2; approximately 0.5 acres	Limited office and retail type land uses permitted.
Tract 3; approximately 1.3 acres	Limited office and retail type land uses permitted; potential for medium density attached residential uses upon prior approval of conditional use permit.

Tract 4; approximately 6.5 acres	Limited office and retail type land uses permitted; potential for medium density attached residential uses upon prior approval of conditional use permit.
Tract 5; approximately 14.3 acres	Medium to high density multiple family residential uses permitted along with long term nursing care in potentially medium-rise structures (maximum 120 feet).
Tract 6; approximately 5 acres	Conservation area to remain largely in the natural state to preserve open area, wildlife habitat and the surrounding riparian area of the adjacent Turkey Creek tributary.



The allowed land uses in Tract 1 of the proposed development plan permit single family detached dwellings, but removed are the potential to locate schools or places of worship within that 4.5-acre area.

Another feature of the development plan with regard to Tracts 2 through 4 is the fact that the allowed uses are significantly reduced in comparison to standard retail zoning, while at the same time the construction standards for those tracts are higher than standard retail zoning.

A further highlight of the plan is the inclusion of the potential for live/work units in multi-family areas within Tracts 3 and 4. Separate Planning and Zoning Commission approval of a conditional use permit will be required to allow multi-family development within those areas.

Within Tract 5, there are proposed several notable modifications from the requirements of standard zoning districts. These are:

- the increase in allowed density from 25 dwellings per acre in multi-family situations to a maximum of 50 dwellings per acre;

- off-street parking requirements for senior living facilities is proposed to be required at a ratio of 0.75 spaces per dwelling unit rather than 1 space per bedroom;

- the maximum allowed building height at the minimum building setback is proposed to be increased from a maximum of 35 feet to 120 feet with no additional setback requirement for building heights over 35 feet

Staff has reviewed the proposed development plan and finds that it follows reasonable land use planning principles.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. Of interest to the Comprehensive Plan Advisory Committee was the concept of Mixed-Use Development. Many comments were made in regard to the growing acceptance of mixed-use development. Because of the growing cost of transportation and land and the general aging of the population, it was proposed that residential and scalable commercial uses, built within the same development or in close proximity, would serve a growing segment of the population.

In addition, policies concerning conservation of natural and floodplain impacted areas were adopted as part of the 2007 Comprehensive Plan. With respect to natural areas and flood zones, the two policy statements that relate to the proposed development plan state:

- Potential negative impacts on historic areas or environmentally sensitive areas, including wildlife habitat areas and topographically constrained areas within the floodplain should be avoided or adequately mitigated;
- Floodplain areas should be preserved but may be incorporated into parklands where appropriate and / or reclaimed for development in accordance with the City of Bryan's drainage regulations;

Finally, the Comprehensive Plan states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns.

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 property lies between the residential portion of The Traditions development to the northwest, the Traditions Country Club and casitas to the north, the future Atlas Town Center to the east and the Texas A&M Health Science Center to the south. Staff contends that introducing the limited mix of residential and commercial uses on the subject property will be appropriate in the immediate area and will serve as an appropriate transition between the existing generally residential environment and the Health Science Center campus.

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.

   Since its inception, The Traditions Subdivision has been planned as a community which will grow substantially to encompass over 1,000 acres of developed area. To that end, public infrastructure capacity to support that level of development has been provided and extended as development has occurred.

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.

   The closest vacant land available for similar development is located generally northeast from the subject property in another area of The Traditions project. Staff believes that if this zoning proposal for mixed use development were approved for the subject property, such an approval would not make land classified for similar development in the vicinity and elsewhere in the City unavailable for 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 residential developments are developing at a moderate pace in this vicinity and elsewhere in the City.

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.

   Staff believes that if the requested zoning proposal for were approved for this property, there would 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 identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.

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

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

   Staff believes that the proposed mixed use development proposed with this PD-M District will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole and may spur additional development interest in this vicinity.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

   Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-M 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 the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The proposed extension of Club Drive and adjacent pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation within the proposed subdivision.

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

   Staff contends that the proposed development will not adversely affect adjacent properties by inappropriate lighting, or types of signs. Allowable signage in residential districts is purposefully restricted so no impact is expected from development of Tract 1 along South Traditions Drive. Tracts 2, 3 and 4 will not lie adjacent existing or future residential areas and signage within Tract 5 of the development plan is proposed to be limited in placement and size. In Tract 6, which is proposed to be a conservation area, signage will not be permitted.

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

   Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

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

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

RECOMMENDATION:

Based on all these considerations, staff recommends approving the requested zone change to Planned Development – Mixed Use District (PD-M) on these 36+ acres. The proposed PD-M zoning on this property appears to be consistent with the land use recommendations of the Bryan Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing The Traditions residential subdivision, the Bio-Corridor Planned Development District and the adjacent Texas A&M Health Science Center

PROPOSED PD-M DEVELOPMENT PLAN

Development Plan for Planned Development – Mixed Use District (hereinafter referred to as "PD-M District", "the District" or "this District") allowing certain residential, multiple-family office and retail uses on 36.092 acres of land within the John H. Jones Survey, A-26

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-M 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 permitted uses, to strengthen the area economy and to promote the general welfare of the community.

The arrangement of permitted land uses within this District is divided into six defined tracts of land within the 36.092-acre property. The tracts are graphically depicted in Figure 1 below.

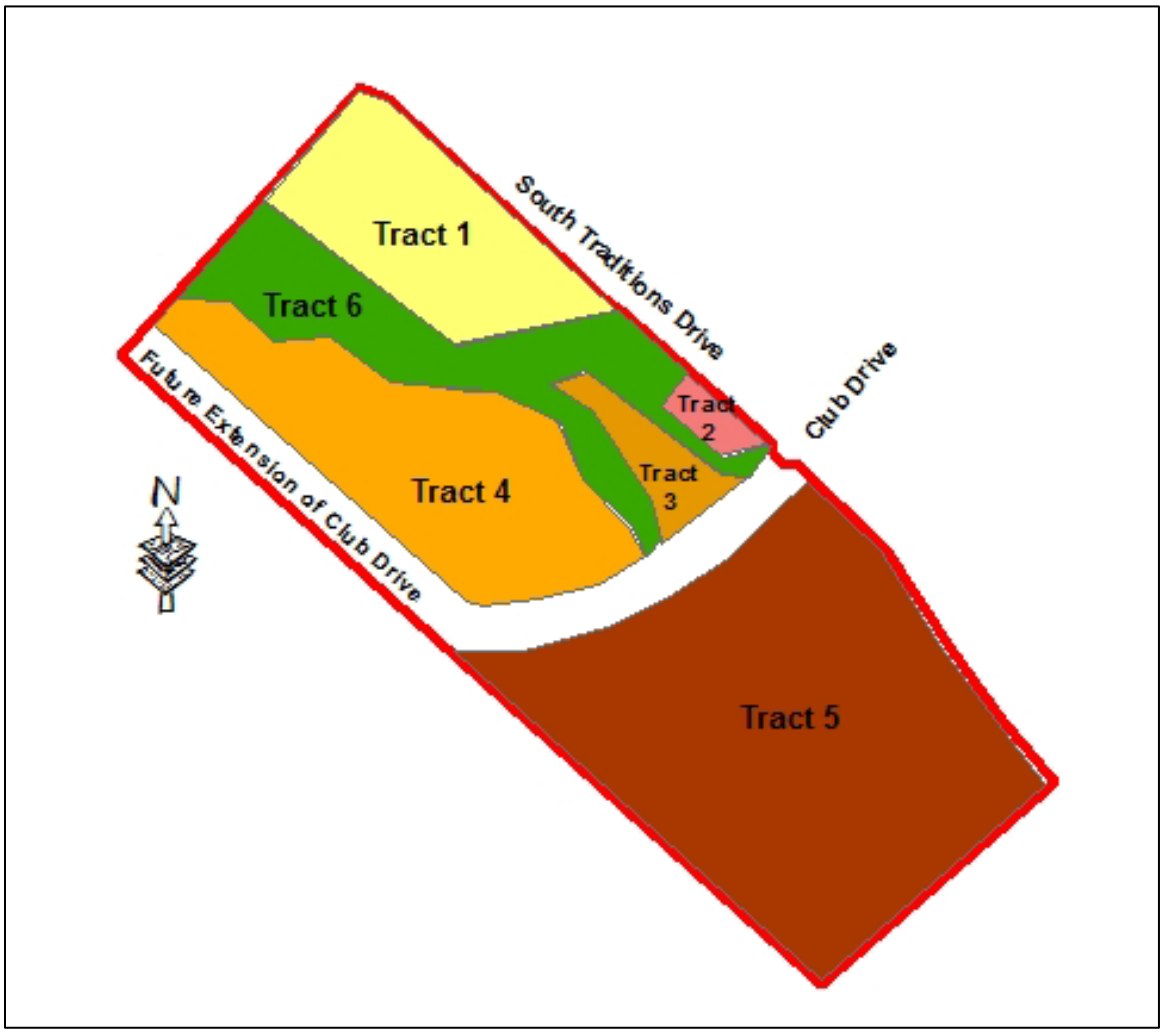


Figure 1

C. Definitions

Accessory structures:

1. In Tract 1 of this development plan, an accessory structure or use is a subordinate or incidental structure, attached to or detached from the main structure without separate kitchen facilities, not used for commercial purposes and not rented. Accessory uses permitted in Tract 1 include:

   a. Storage or work sheds and gazebos;

   b. Detached garages;

   c. One antenna (amateur radio, CB radio, or TV reception) and/or one satellite dish located in the rear yard only or on the roof (only one satellite dish per residential lot) including any tower or other supporting structure;

   d. Private open space or other recreational amenities operated by a homeowners association.

2. In Tracts 2 through 5, an accessory structure is a subordinate structure, the use of which is incidental and is permitted when used only in conjunction with the main structure.

Accessory dwelling units:

1. Accessory dwelling units may be allowed with Conditional Use Permit approval from the Planning and Zoning Commission as an incidental residential use of a structure on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, or servants employed on the premises, and meet the following standards:

   a. Accessory dwelling units must be designed and constructed so that they are in keeping with the general architecture and building material of the main structure.

   b. Manufactured homes are not permitted as accessory dwellings.

   c. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from that upon which the main dwelling is constructed.

   d. The accessory dwelling unit may be constructed only with the issuance of a building permit.

   e. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented or leased and may not be issued utility meters separate from the main structure.

   f. The square footage of the accessory dwelling unit cannot exceed 1,000 square feet, nor be less than 400 square feet.

   g. A minimum of one additional parking space shall be provided for each accessory dwelling unit located on the premises.

Live / Work Unit

1. In this specific context, the term "live/work unit" is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

    a. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations.

    b. In addition to the permitted uses above, the chair of the City's Site Development Review Committee (SDRC) may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law.

    c. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.

    d. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space.

    e. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to residential use.

    f. The residential component as designated on the floor plan approved through the conditional use permit shall remain residential and cannot be converted to commercial use.

    g. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure.

    h. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.

    i. Signage intended to promote on-site commercial uses shall be restricted to a one square foot sign permanently affixed to door or wall of the business component.

    j. All advertising for on-site commercial uses shall clearly state "by appointment only" if the live/work address is used.

    k. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space.

    l. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments.

m. The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors, or delivery services to visit the premises per day.

D. Physical Development

1. Physical development in Tract 1 of this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 7000 (RD-7), subject to any modifications specified herein.

2. Physical development in Tracts 2 through 4 of this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Office District (C-1) subject to any modifications specified herein.

3. Physical development in Tract 5 of this District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Multiple-Family Residential District (MF), subject to any modifications specified herein. Notwithstanding anything to the contrary in the Bryan Code of Ordinances, the following standards shall be applicable to the physical development within Tract 5 of this District:

   a. The maximum residential density within this District shall be 50 dwelling units per acre.

   b. Maximum building height within Tract 5 of this District shall be 120 feet measured from grade level outside any standard building setback or buffer area. No additional building setback from property lines shall be required for buildings of more than 35 feet in height.

   c. Minimum parking required for permitted uses within this District that specifically provide residential or personal care living units for older adults shall be 0.75 parking spaces per dwelling unit.

   d. A maximum of six monument signs shall be allowed within Tract 5 of this District.

   e. With the exception of monument signage permitted within subsection “d”; subsequently permitted signage shall have a maximum height of 6 ft. and a maximum overall area of 50 square feet. Such signage shall be located a minimum distance of 25 feet from any property line.

   f. All illuminated signage within Tract 5 shall be provided with direct or halo-style lighting only. Internally illuminated signs are prohibited.

   g. Any required 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).

   h. 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 in Chapter 62 of the Bryan Code of Ordinances) for an area equal to 20% of the total developed area of such lot.

   i. Except for landscaping in parking areas required in Chapter 62 of the Code of Ordinances, all other landscape plantings in parking areas shall count toward the 20% required for the lot in which such plantings are located.

j. All trees within safety end treatments shall be canopy trees.

k. All landscaping installed in compliance with the requirements of this District shall be irrigated by an automated irrigation system.

l. All trees installed in compliance with the requirements of this District shall be container grown, at least 8 feet high, and a minimum of 3 inches caliper measured 1 foot above the ground.

4. *Streetscape standards.* To provide an attractive streetscape along public rights of way in the District and a unifying design element of the development, a 30 foot landscaped area shall exist along the Club Drive right-of-way line and a 40 foot landscaped area shall exist along the South Traditions Drive right-of-way line. No off-street parking, maneuvering, or loading areas may encroach into this landscaped area. No signage or above ground stormwater detention areas may be placed within the landscaped area. In-ground stormwater control devices such as rain gardens or bioswales shall be permitted within the landscaped area.

C. Land Use

In this District the term permitted shall mean all uses permitted by right within the zoning classification specified as well as other uses defined and described in the Zoning Ordinance of the City of Bryan as being permitted with approval of a Conditional Use Permit Said uses permitted with approval of a Conditional Use Permit shall be subject to development review procedures of the City of Bryan Zoning Ordinance described for Conditional Use Permits.

1. <u>Tract 1 – Single Family Detached Residential</u>

   Within the 4.49 acres of this District labeled "Tract 1" on the attached development plan, the following uses shall be permitted by right:

   - Accessory structures;
   - Detached dwelling units with no more than two un-related persons;
   - Essential municipal uses;
   - Home occupations;

   Conditional uses:
   - Accessory dwelling unit;

2. <u>Tract 2 – Low Intensity Office/Retail</u>

   Within the 0.44 acres of this District labeled "Tract 2" on the attached development plan, the following uses shall be permitted:

   - Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
   - Accessory structure;
   - Banks, savings and loans or credit union offices;
   - Dance studio;

- Essential municipal uses;
- Fitness center;
- Funeral home/mortuary;
- General office use (professional, administrative);
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Photography studio;
- Retail services (including incidental uses);
- Restaurant;
- 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;
- Theater--Indoor.
- Veterinary services (no outdoor pens or runs).

Conditional uses.

- Night club or tavern(<= 5,000 square feet);

3. Tract 3 - Low Intensity Office/Retail

Within the 1.5 acres of this District labeled "Tract 3" on the attached development plan, the following uses shall be permitted:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Accessory structure;
- Banks, savings and loans or credit union offices;
- Dance studio;
- Essential municipal uses;
- Fitness center;
- Funeral home/mortuary;
- General office use (professional, administrative);
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Photography studio;
- Retail services (including incidental uses);
- Restaurant;
- 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;
- Theater--Indoor.
- Veterinary services (no outdoor pens or runs).

Conditional uses.

- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Live/work unit
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure. Maximum density shall be 50 dwelling units per acre;
- Night club or tavern(<= 5,000 square feet);
- Townhouses.

4. Tract 4 - Low Intensity Office/Retail

Within the 6.63 acres of this District labeled "Tract 4" on the attached development plan, the following uses shall be permitted:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Accessory structure;
- Banks, savings and loans or credit union offices;
- Dance studio;
- Essential municipal uses;
- Fitness center;
- Funeral home/mortuary;
- General office use (professional, administrative);
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Photography studio;
- Retail services (including incidental uses);
- Restaurant;
- 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;
- Theater--Indoor.
- Veterinary services (no outdoor pens or runs).

Conditional uses.

- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Live/work unit
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure. Maximum density shall be 50 dwelling units per acre;
- Night club or tavern(<= 5,000 square feet);
- Townhouses.

5. Tract 5 - High Density Residential – Senior Care

Within the 14.49 acres of this District labeled "Tract 5" on the attached development plan, the following uses shall be permitted:

- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of a multifamily apartment complex;
- Multiple-family dwellings
- Nursing home (retirement home);
- Townhouses.

6. Tract 6 – Conservation Area

Within this PD-M District the land labeled Tract 6 as depicted on the development plan will remain largely in its natural state to provide wildlife habitat, open space and to preserve the ecosystem of the Turkey Creek Tributary and the surrounding riparian area. The following range of land uses shall be permitted by right in Tract 6 of the subject property:

- Private or public parks, walking paths, multi-modal trails;
- Outdoor educational facilities < 1000 square feet.