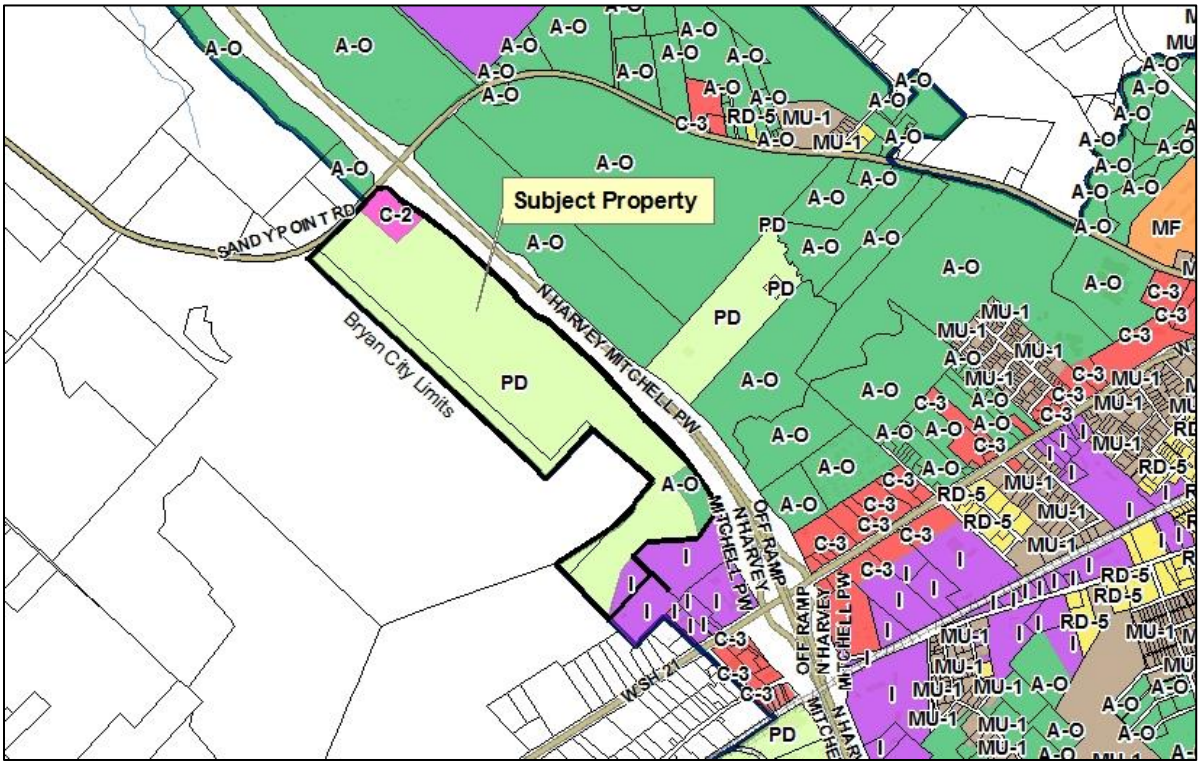
**LOCATION MAP:**



**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM A COMBINATION OF AGRICULTURAL – OPEN DISTRICT (A-O), RETAIL DISTRICT (C-2), INDUSTRIAL DISTRICT (I), AND PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), TO PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 164.28 ACRES OF LAND OUT OF STEPHEN F. AUSTIN LEAGUE NO. 9, A-62, HEZEKIAH JONES SURVEY, A-145, AND JAMES MC MILLEN SURVEY, A-176, ADJOINING THE SOUTHWEST SIDE NORTH HARVEY MITCHELL PARKWAY (FM 2818) BETWEEN WEST STATE HIGHWAY 21 AND SANDY POINT ROAD 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 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

**WHEREAS,** this requested change to Chapter 130 for 164.28 acres of land out of Stephen F. Austin League No. 9, A-62, Hezekiah Jones Survey, A-145, and James Mc Millen Survey, A-176, adjoining the southwest side North Harvey Mitchell Parkway (FM 2818) between West State Highway 21 and Sandy Point Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on October 15, 2015;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of Agricultural – Open District (A-O), Retail District (C-2), Industrial District (I), and Planned Development – Housing District (PD-H), to Planned Development – Mixed Use District (PD-M) on 164.28 acres of land out of Stephen F. Austin League No. 9, A-62, Hezekiah Jones Survey, A-145, and James Mc Millen Survey, A-176, adjoining the southwest side North Harvey Mitchell Parkway (FM 2818) between West State Highway 21 and Sandy Point Road in Bryan, Brazos County, Texas, said 164.28 acres being described more particularly described by metes-and-bounds on attached Exhibit "A", subject to development requirements specified in attached Exhibit "B" and 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.

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

3.

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

4.

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

5.

It is hereby found and determined that the 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 November, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 24th day of November, 2015 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**
**164.263 ACRE TRACT**
**STEPHEN F. AUSTIN LEAGUE NO. 9, A-62**
**HEZEKIAH JONES SURVEY, A-145**
**JAMES McMILLEN SURVEY, A-176**
**BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE STEPHEN F. AUSTIN LEAGUE NO. 9, ABSTRACT NO. 62, THE HEZEKIAH JONES SURVEY, ABSTRACT NO. 145 AND THE JAMES McMILLEN SURVEY, ABSTRACT NO. 176, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE REMAINDER OF A CALLED 177.64 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO STTC, LLC RECORDED IN VOLUME 9148, PAGE 270 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 HARVEY MITCHELL PARKWAY - FM 2818 (R.O.W. VARIES) MARKING THE NORTHEAST CORNER OF SAID 177.64 ACRE TRACT. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 26 BEARS: N 37° 22' 54" W FOR A DISTANCE OF 1967.40 FEET;

**THENCE:** ALONG THE SOUTHWEST LINE OF HARVEY MITCHELL PARKWAY FOR THE FOLLOWING CALLS:

S 48° 25' 07" E FOR A DISTANCE OF 196.81 FEET (DEED CALL: S 48° 25' 03" E - 196.70 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 56° 31' 31" E FOR A DISTANCE OF 353.75 FEET (DEED CALL: S 56° 30' 53" E - 353.87 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

S 52° 43' 23" E FOR A DISTANCE OF 400.94 FEET (DEED CALL: S 52° 42' 12" E - 400.91 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

S 48° 26' 18" E FOR A DISTANCE OF 999.49 FEET (DEED CALL: S 48° 24' 42" E - 999.30 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 26° 37' 57" E FOR A DISTANCE OF 107.62 FEET (DEED CALL: S 26° 49' 01" E - 107.79' FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 48° 17' 24" E FOR A DISTANCE OF 299.79 FEET (DEED CALL: S 48° 16' 21" E - 299.90 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 70° 08' 41" E FOR A DISTANCE OF 106.57 FEET (DEED CALL: S 70° 05' 25" E - 108.01 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 48° 24' 48" E FOR A DISTANCE OF 900.13 FEET (DEED CALL: S 48° 22' 58" E - 899.04 FEET, 9148/270) TO THE REMAINS OF A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 40° 20' 03" E FOR A DISTANCE OF 706.95 FEET (DEED CALL: S 40° 18' 56" E - 706.99 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 47° 40' 25" E FOR A DISTANCE OF 386.72 FEET (DEED CALL: S 47° 37' 26" E - 386.62 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 42° 11' 26" E FOR A DISTANCE OF 371.99 FEET (DEED CALL: S 42° 10' 18" E - 372.04 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 36° 15' 26" E FOR A DISTANCE OF 372.59 FEET (DEED CALL: S 36° 15' 41" E - 372.60 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

S 32° 08' 42" E FOR A DISTANCE OF 279.65 FEET (DEED CALL: S 32° 02' 13" E - 279.83 FEET, 9148/270) TO A 1/2 INCH IRON ROD SET;

S 19° 17' 54" E FOR A DISTANCE OF 73.92 FEET (DEED CALL BEARING: S 13° 31' 13" E, 9148/270) TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF A CALLED 13.405 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO COUFAL-PRATER REAL ESTATE, LTD RECORDED IN VOLUME 8343, PAGE 200 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: S 19° 17'54" E FOR A DISTANCE OF 206.89 FEET;

**THENCE:** ALONG THE NORTHWEST LINE OF SAID 13.405 ACRE TRACT FOR THE FOLLOWING CALLS:

S 33° 54' 43" W FOR A DISTANCE OF 441.20 FEET (DEED CALL: S 33° 55' 54" W - 441.25 FEET, 8343/200) TO A 1/2 INCH IRON ROD FOUND;

S 87° 31' 48" W FOR A DISTANCE OF 592.04 FEET (DEED CALL: S 87° 32' 54" W - 592.06 FEET, 8343/200) TO A 1/2 INCH IRON ROD FOUND;

S 43° 58' 46" W FOR A DISTANCE OF 271.02 FEET (DEED CALL: S 43° 57' 30" W - 270.71 FEET, 8343/200) TO A POINT MARKING THE WEST CORNER OF SAID 13.405 ACRE TRACT;

**THENCE:** S 47° 18' 26" E ALONG THE SOUTHWEST LINE OF SAID 13.405 ACRE TRACT, AT 5.65 FEET PASS A 1/2 INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 298.62 FEET (DEED CALL: S 47° 16' 03" E – 298.62 FEET, 8343/200) TO A POINT MARKING THE NORTH CORNER OF A CALLED 7.667 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO CITY OF BRYAN RECORDED IN VOLUME 199, PAGE 253 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A CHAIN LINK FENCE CORNER POST FOUND BEARS: S 63° 49' 37" E FOR A DISTANCE OF 0.83 FEET AND A 5/8 INCH IRON ROD FOUND MARKING A COMMON CORNER OF SAID 13.405 ACRE TRACT AND SAID 7.667 ACRE TRACT BEARS: S 47° 18' 26" E FOR A DISTANCE OF 300.00 FEET;

**THENCE:** S 42° 42' 35" W ALONG THE COMMON LINE OF SAID 7.667 ACRE TRACT AND SAID 177.64 ACRE TRACT FOR A DISTANCE OF 730.80 FEET (DEED CALL: S 42° 43' 25" W - 730.73 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF A CALLED 150.00 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO WILLARD HARVEY ZUMWALT, JR. AND WIFE, KATHERYN D. ZUMWALT RECORDED IN VOLUME 1215, PAGE 586 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 177.64 ACRE TRACT AND THE WEST CORNER OF SAID 7.667 ACRE TRACT;

**THENCE:** N 43° 44' 29" W ALONG THE NORTHEAST LINE OF SAID 150.00 ACRE TRACT FOR A DISTANCE OF 930.55 FEET (DEED CALL: N 43° 42' 37" W – 930.74 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND UNDER A TREE ROOT MARKING THE NORTH CORNER OF SAID 150.00 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 177.64 ACRE TRACT;

**THENCE:** ALONG THE SOUTHWEST LINE OF SAID 177.64 ACRE TRACT FOR THE FOLLOWING CALL:

N 58° 05' 16" E FOR A DISTANCE OF 848.04 FEET (DEED CALL: N 58° 17' 14" E - 848.27 FEET, 9148/270) TO A NAIL WITH SHINER FOUND IN A 30 INCH OAK TREE;

N 49° 32' 36" E FOR A DISTANCE OF 194.00 FEET (DEED CALL: N 48° 46' 12" E – 193.65 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 37° 18' 09" E FOR A DISTANCE OF 55.55 FEET (DEED CALL: N 37° 25' 54" E – 55.59 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 23° 12' 59" E FOR A DISTANCE OF 134.64 FEET (DEED CALL: N 23° 14' 00" E – 134.63 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 40° 15' 27" E FOR A DISTANCE OF 339.96 FEET (DEED CALL: N 40° 16' 51" E – 340.34 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 50° 44' 06" W FOR A DISTANCE OF 958.37 FEET (DEED CALL: N 50° 43' 06" W – 958.58 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

S 43° 05' 30" W FOR A DISTANCE OF 810.30 FEET (DEED CALL: S 43° 06' 41" W – 810.54 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 47° 12' 02" W FOR A DISTANCE OF 91.71 FEET (DEED CALL: N 46° 46' 34" W – 90.96 FEET, 9148/270) TO A 24 INCH POST OAK TREE FOUND IN FENCE;

N 23° 25' 28" W FOR A DISTANCE OF 38.48 FEET (DEED CALL: N 23° 49' 51" W – 38.73 FEET, 9148/270) TO AN 18 INCH POST OAK TREE FOUND IN FENCE;

N 46° 46' 58" W FOR A DISTANCE OF 1389.03 FEET (DEED CALL: N 46° 46' 33" W – 1389.50 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 48° 06' 38" W FOR A DISTANCE OF 1916.97 FEET (DEED CALL: N 48° 05' 56" W – 1916.70 FEET, 9148/270) TO A FENCE CORNER POST FOUND;

N 46° 19' 27" W FOR A DISTANCE OF 441.40 FEET (DEED CALL: N 46° 20' 42" W – 441.99 FEET, 9148/270) TO A 3/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF SANDY POINT ROAD - FM 1687 (80' R.O.W.) MARKING THE NORTHWEST CORNER OF SAID 177.64 ACRE TRACT. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 25 BEARS: N 71° 57'12" W FOR A DISTANCE OF 3238.30 FEET;

**THENCE:** ALONG THE SOUTHEAST LINE OF SANDY POINT ROAD FOR THE FOLLOWING CALLS:

N 46° 48' 55" E FOR A DISTANCE OF 361.04 FEET (DEED CALL: N 46° 50' 25" E – 361.11 FEET, 9148/270) TO A 1/2 INCH IRON ROD FOUND;

N 46° 43' 39" E FOR A DISTANCE OF 245.18 FEET (DEED CALL: N 46° 43' 38" E – 245.23 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

N 43° 29' 12" E FOR A DISTANCE OF 586.57 FEET (DEED CALL: N 43° 29' 21" E – 586.34 FEET, 9148/270) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

N 87° 06' 41" E FOR A DISTANCE OF 121.36 FEET (DEED CALL: N 87° 07' 37" E – 121.70 FEET, 9148/270) TO THE **POINT OF BEGINNING** CONTAINING 164.263 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JANUARY, 2014. SEE PLAT PREPARED FEBRUARY, 2015, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

**EXHIBIT "B":**

**DEVELOPMENT STANDARDS**

## 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.

## SECTION 1: LAND USES

A. The following range of land uses shall be permitted by right in this PD-M District:

1. Commercial Zone

   The Commercial Zone with in the District is intended predominantly for heavy retail and commercial uses of a goods and service nature which typically have operating characteristics that include manufacturing, assembling and fabrication, warehousing, wholesaling, and service operations which may depend upon frequent customer or client visits. Operating characteristics which may be typical of uses permitted in the Commercial Zone include service oriented, may sell used goods, require warehouse storage and delivery areas, and have a greater service radius than retail stores. Such uses do require accessibility to major highways, rail lines or other means of transportation requiring the distribution of goods and/or services.

   a. Within the Commercial Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

      1. Accessory structures;
      2. Automobile, Truck, & Motorcycle repair/sales/rental/service (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
      3. Boat sales/rental/service;
      4. Building materials/hardware;
      5. Farm equipment sales and service;
      6. Feed store;
      7. Heating and air conditioning sales and service;
      8. Landscape sales and service;
      9. Laundries, commercial;
      10. Lumberyard;
      11. Manufacturing (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
      12. Manufactured home display and sales (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );

13. Micro-assembly;
14. Mini-warehouse/self-storage (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
15. Moving Company;
16. Office—Showroom/warehouse;
17. Oil and gas operations and storage (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );;
18. Overnight delivery company;
19. Paper/chemical suppliers;
20. Plumbing shop/sales/service;
21. Printing company;
22. Private utility company;
23. Roofing and siding company;
24. Service Operations;
25. Soil, crushed rock, gravel sales (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );;
26. Trucking Company;
27. Tool and machinery shop/repair/sales/rental/service;
28. Veterinary Services (including large animal with outdoor pens or runs);
29. Warehousing and wholesale operations;
30. Wireless Transmission Facilities ( $\leq$ 35 feet in height) (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );.

b. Conditional uses:

1. Concrete or asphalt batching
2. Heliport or helistop;
3. Recovery or Recycling Facility;
4. Refuse systems;
5. Telecommunication Towers;
6. Wireless Transmission Facilities ( > 35 feet in height).

c. Supplemental Standards:

1. Shipping container shall be limited to no more than 6 containers per lot. Additional containers may be approved with a Conditional Use Permit. Containers shall not be stacked;
2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;

3. No more than one (1) manufactured home sales center shall be located in this district. Additional sales centers may be allowed by condition use only.

d. Prohibited Uses:

The following uses are prohibited in the commercial zone:

1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
2. Adult & sexually oriented businesses;
3. Hotel and Motels;
4. C-Store and/or public fueling centers;
5. Wrecking yards (junk yards);
6. Small/portable structures.

2. Retail Zone

The Retail Zone within this District is established to provide locations for various types of general retail trade, business and service uses, as well as general office use. The district allows shopping areas or uses which are generally compatible near or adjacent to, heavy commercial uses but no outdoor storage or display. This zone should have shared driveways and cross access to accommodate higher traffic volumes and facilitate greater access to shops and services.

a. Within the Retail Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

1. Accessory structures;
2. General Office Space;
3. Heating and air conditioning sales and service;
4. Laboratory;
5. Laundries, commercial;
6. Micro-assembly;
7. Office-Showroom/warehouse;
8. Overnight delivery company;
9. Paper/chemical suppliers;
10. Personal Service Shop;
11. Printing company;
12. Retail Sales Operations;

b. Conditional uses:

1. Restaurant;
2. Veterinary Services (no outdoor pens or runs).

c. Prohibited:

1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;
3. Adult & sexually oriented businesses;
4. Wrecking yards (junk yards);
5. Small/portable structures;
6. Night clubs
7. Shipping Container

3. Hotel Zone

The Hotel Zone within this District is established to specifically provide locations for hotel/motel and restaurant uses. These uses are generally compatible near or adjacent to, heavy commercial and retail uses. This zone should have shared driveways and cross access to accommodate higher traffic volumes and facilitate greater access.

a. Within the Hotel Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:
    1. Hotel/Motel;
    2. All uses listed in this District for Commercial Zone and ;
    3. All uses listed in this District for Retail Zone;
b. Conditional uses:
    1. All conditional uses listed in this District for Commercial Zone;
    2. All conditional uses listed in this District for Retail Zone;
c. Prohibited:
    1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
    2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;
    3. Adult & sexually oriented businesses;
    4. Wrecking yards (junk yards);
    5. Small/portable structures.
    6. Shipping Containers.

4. C-Store/Fuel Zone

The C-Store/Fuel Zone within this District is established to specifically provide locations for convenience store and vehicle fueling centers. These uses are generally compatible near or

adjacent to, heavy commercial, retail, and hotel uses. Accessory uses may include automated carwashes and multiply fuel types with separate fueling systems. This zone should have shared driveways and cross access to accommodate higher traffic volumes and facilitate greater access.

a. Within the C-Store/Fuel Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

    1. Convenience Store (C-Store) with or without public fueling station;
    2. All uses listed in this District for Retail Zone;
    3. Restaurants (No more than 50% of GSF of the proposed c-store).

b. Conditional uses:

    1. All conditional uses listed in this District for Retail Zone;

c. Prohibited:

    1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
    2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;
    3. Adult & sexually oriented businesses;
    4. Wrecking yards (junk yards);
    5. Small/portable structures.
    6. Shipping Containers.

5. <u>RV Resort Zone</u>

The RV Resort Zone within this District is established to specifically provide locations for recreational vehicle park/facilities with associated amenities that take advantage of natural green zones. These parks shall generally be for short-term, mobile vehicle living units staying less than 180 days. Amenities may include, outdoor recreational facilities, public restroom and shower facilities, indoor laundry facilities, propane fueling center, and dump station.

a. Within the RV Resort Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

    1. Recreational vehicle (RV) park/facility with associated amenities;

b. Conditional uses:

    1. None.

c. Prohibited:

    1. All other land uses.

6. <u>Common Area Zone</u>

The Common Area Zone within this District will remain in its natural state to provide wildlife habitat, open space and to preserve the ecosystem of the existing creek tributaries and the

surrounding riparian areas. These areas will also be used for storm water detention and floodplain preservation.

a. Within the Common Area Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

1. Common Open Space, Community Center, Recreational Building, and other facilities or amenities;
2. Private or public drainage & detention facilities/structures;
3. Private or public parks, walking paths, multi-modal trails;
4. Outdoor educational facilities < 1000 square feet.

b. Conditional uses:

1. None.

c. Prohibited:

1. All other land uses.

B. Definitions

1. <u>Accessory structures:</u>

a. An accessory structure or use is a subordinate or incidental structure, attached to or detached from the main structure without separate utilities and not rented. Accessory uses permitted include:

1) Dumpster Enclosure;
2) Separate Storage or Office Buildings;
3) Detached garages/shops;
4) Wash Bays & Automated Carwash Stations;
5) Elevated loading dock(s);
6) Antenna (amateur radio, CB radio, or TV reception) and/or satellite dish located in the rear yard only or on the roof (only one satellite dish or Antenna per lot) including any tower or other supporting structure, excluding WTF;
7) Fuel Canopy with Pumps;
8) Pool, playground, and any other sporting amenity;
9) Exclude wireless transfer facility.

2. <u>Accessory dwelling units:</u>

a. Accessory dwelling units are not permitted in any zone.

## SECTION 2: PHYSICAL DEVELOPMENT

Physical development in this PD-M District shall comply with the following development standards and limitations of the City of Bryan Code of Ordinances except as provided by the following meritorious modifications:

1. Commercial Zone

Physical development in Commercial Zone 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 Commercial District C3, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within the Commercial Zone:

a. Standards:

1) Architecture:

a) All elevations facing a ROW shall be constructed with no more than 30% metallic exterior wall finishing's.

b) All elevations facing a ROW shall be constructed using no less than 60% masonry on exterior walls. A combination of brick and stone may be used throughout all elevations.

c) All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.

d) A landscaped earth berm at least three feet in height, with dense shrubbery or non-canopy plantings having year-round foliage at least four feet in height, is required as a visual buffer along any common property line of different develop zone excluding common areas, inside the district only.

2) Setbacks:

a) Front – 40 feet

b) Side (all) – 25 feet

c) Rear – 15 feet

3) Building Height:

a) Maximum – 35 Feet

b) Structures over 35 feet in height are permitted with the additional setback of one foot additional setback for each two feet in height over 35 feet.

4) Minimum Lot Size – 20,000 SF

5) Signage:

a) One (1), low-profile sign, no more than six (6) feet in overall height, will be allowed per lot for this zone. The square footage for each sign shall be in accordance with City Standards but will not be required to be less than 50 SF.

b) Building signage shall be limited to 1 SF per linear foot of building width that faces a ROW.

c) One (1) attached wall sign per building façade directly facing a public ROW will be allowed.

d) Off-Premise signage will be allowed on Multi-tenant signage.

e) Electronic reader boards or electronic message centers will not be allowed in this zone.

6) Off Street Parking:

a) No parking shall be required for open storage/yard areas.

b) All other parking shall be in accordance with the City of Bryan off street parking requirements.

7) Landscape:

a) Streetscape - requirements shall be determined along all ROW frontages as follows:

1. Within fifty (50) feet of the property line along ROW, one (1) canopy tree for every forty (40) linear feet of frontage shall be installed.

a. Two (2) non-canopy trees may be substituted for each one (1) canopy tree. Substitution cannot exceed more than 50 % of the required canopy screening.

b. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree.

2. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements.

3. Canopy and non-canopy trees must be selected from the approved City plant list and may be grouped as desired.

b) Parking areas - adjacent to a right-of-way shall be screened from the right-of-way.

1. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

2. Walls and planting strips shall be located at least two (2) feet from any parking area.

3. Non-canopy trees and shrubs shall be used for plantings associated with screening of parking areas.

4. All plantings must be selected from the approved City plant list and may be grouped as desired.

c) Automotive repair business shall screen their operations with either a landscape buffer or a solid screening fence, 6 feet in height.

1. Landscaping shall be sufficient in type and density as to provide a visual block of the automotive repair operations and storage.

2. Screening fences shall be made of wood or stone only.

d) All parking end-islands shall be landscaped in accordance with City requirements.

e) Landscape points shall be determined in accordance with City requirements.

f) All landscape shall be automatic irrigated.

g) No other landscape requirements shall apply.

b. Other Regulations:

1) Landscape buffers and/or screening fences (any type) shall NOT be required, except where listed above.

2) Outdoor storage and display (all types) is allowed.

3) Pre-manufactured buildings shall have a masonry skirting on all sides at least two (2) feet above the finished floor elevation or be placed directly on a concrete foundation.

4) Lot 1, Block 4 (denoted by the asterisk on Figure 1 of this plan) as a lot fronting FM2818, shall be required to follow the same development standards as the Retail District, shown in section C-2 of this plan, except for parking. Parking requirements for this lot shall remain in accordance with this section.

5) Performance standards. The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

a) Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.

b) Vibration is discernible beyond the property line.

c) Noise above the average intensity of street traffic is discernible beyond the property line.

d) Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

2. <u>Retail, Hotel, and C-Store/Fuel</u>

Physical development in Retail, Hotel, and C-Store/Fuel Zones 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 Retail District C-2, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within these Zones:

a. Standards:

1) Architecture:

a) All elevations facing a ROW shall be constructed with non-metallic exterior wall finishing's.

b) All elevations facing a ROW shall be constructed using no less than 70% masonry on exterior walls. A combination of brick and stone may be used throughout all elevations.

c) All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.

d) For C-Store/Fuel Zone only - A landscaped earth berm at least three feet in height, with dense shrubbery or non-canopy plantings having year-round foliage at least four feet in height, is required as a visual buffer along any common property line of different land use (zoning), inside the district only

2) Setbacks:

a) Front – 30 feet (along FM2818)

b) Side (ROW Frontage) – 20 feet

c) Side (all other) – 10 feet

d) Rear (ROW Frontage) – 20 feet (Minor Collector)

e) Rear (all other) – 10 feet

3) Building Height:

a) Maximum – 35 Feet

b) For Hotel Zone Only - Structures over 35 feet in height are permitted with the additional setback of one foot additional setback for each two feet in height over 35 feet.

4) Minimum Lot Size – 20,000 SF

5) Signage:

a) Multi-tenant signs will be required in place of individual business free-standing signs for all lots fronting FM 2818. One (1) Multi-tenant sign can be place at the corner of Greens Crossing Parkway and FM2818 and one (1) Multi-tenant sign can be place at the corner of Sandy Point Road and FM2818. Each sign shall be double-sided and limited to 30 feet in overall height and a maximum of 225 SF, as measured on one side of the double-sided sign.

b) For lots fronting FM 2818 and the proposed minor collector, One (1) additional, low-profile sign, no more than six (6) feet in overall height, will be allowed per lot, to be placed on the proposed minor collector ROW frontage only.

c) For lots not fronting FM 2818, One (1), low-profile sign, no more than six (6) feet in overall height, will be allowed per lot. The square footage for each sign shall be in accordance with City Standards but will not be required to be less than 50 SF.

d) Building signage shall be limited to 1 SF per linear foot of building width that faces a ROW.

e) One (1) attached wall sign per building façade directly facing a public ROW will be allowed.

f) Off-Premise signage will be allowed on Multi-tenant signage.

g) Electronic reader boards or electronic message centers will not be allowed in this zone. LED fuel pricing signs are allowed for the c-store but the area will be inclusive of the allowed Multi-tenant signage or low-profile signage square footage, as allowed in this section.

6) Parking:

a) Retail Zone – 1 Space per 250 SF of gross building square footage

b) Hotel Zone – 1.5 Space per guestroom

c) C-Store/Fuel Zone – 1 Space per 200 SF of gross building square footage

d) Restaurants – 1.25 spaces per 100 SF of seating area.

7) Landscape:

a) Streetscape - requirements shall be determined along all ROW frontages as follows:

1. Within fifty (50) feet of the property line along ROW, one (1) canopy tree for every thirty (30) linear feet of frontage shall be installed.

a. Two (2) non-canopy trees may be substituted for each one (1) canopy tree. Substitution cannot exceed more than 50 % of the required canopy screening.

b. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree

2. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements.

3. Canopy and non-canopy trees must be selected from the approved City plant list and may be grouped as desired.

b) Parking areas - adjacent to a right-of-way shall be screened from the right-of-way.

1. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

2. Walls and planting strips shall be located at least two (2) feet from any parking area.

3. Non-canopy trees and shrubs shall be used for plantings associated with screening of parking areas. All plantings must be selected from the approved City plant list and may be grouped as desired.

4. Non-Canopy screening shall count towards any streetscape requirement that may apply.

c) All parking end-islands shall be landscaped in accordance with City requirements.

d) Landscape points shall be determined in accordance with City requirements.

e) All landscape shall be automatic irrigated.

f) No other landscape requirements shall apply.

b. Other Regulations:

1) Landscape buffers and/or screening fences (any type) shall NOT be required, except where listed above.

2) Pre-manufactured buildings shall have a masonry skirting on all sides at least two (2) feet above the finished floor elevation or be placed directly on a concrete foundation.

3) Outdoor storage and display (all types) will be by conditional use only.

3. <u>RV Resort Zone</u>

Physical development in RV Resort Zone 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 Commercial District C-3, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within the RV Resort Zone:

a. Standards:

1) Architecture:

a) All building elevations facing a ROW shall be constructed with non-metallic exterior wall finishing's.

b) All building elevations facing a ROW shall be constructed using no less than 70% masonry on exterior walls. A combination of brick and stone may be used throughout all elevations.

c) All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.

2) Setbacks:

a) Front – 25 feet

b) Side (all) – 15 feet

c) Rear – 10 feet

3) Building Height:

a) Maximum – 35 Feet

4) Minimum Lot Size – 20,000 SF

5) Signage:

a) One (1) free standing sign shall be allowed and will be limited to 25 feet in overall height and 250 SF.

b) Building signage shall be limited to 1 SF per linear foot of building width that faces a ROW.

c) One (1) attached wall sign per building façade directly facing a public ROW will be allowed.

d) Off-Premise signage will be allowed on Multi-tenant signage.

e) Electronic reader boards or electronic message centers will not be allowed in this zone.

6) Parking:

a) 1 space per RV pad site

b) All office/ amenities parking shall be in accordance with City of Bryan parking requirements.

7) Landscape:

a) Streetscape - requirements shall be determined along all ROW frontages as follows:

1. Within fifty (50) feet of the property line along ROW, one (1) canopy tree for every thirty (30) linear feet of frontage shall be installed.

a. Two (2) non-canopy trees may be substituted for each one (1) canopy tree.

b. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree

2. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements.

3. Canopy and non-canopy trees must be selected from the approved City plant list and may be grouped as desired.

b) Parking areas - adjacent to a right-of-way shall be screened from the right-of-way.

1. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

2. Walls and planting strips shall be located at least two (2) feet from any parking area.

3. Non-canopy trees and shrubs shall be used for plantings associated with screening of parking areas. All plantings must be selected from the approved City plant list and may be grouped as desired.

c) All parking end-islands shall be landscaped in accordance with City requirements.

d) Landscape points shall be determined in accordance with City requirements.

e) All landscape shall be irrigated.

f) No other landscape requirements shall apply.

b. Other Regulations:

1) Landscape buffers and/or screening fences (any type) shall NOT be required, except where listed above.

2) Outdoor storage and display (all types) is prohibited.

3) All RV pads must be paved and provide water and sewer hook-ups for each pad site.

4) A minimum of 10 feet separate between each pad it required.

5) All drive aisles shall be paved with either asphalt or concrete.

6) Pre-manufactured buildings shall have a masonry skirting on all sides at least two (2) feet above the finished floor elevation or be placed directly on a concrete foundation.

4. Common Area Zone

Physical development in Common Area Zone of this District shall generally comply with the development standards and limitations of the City of Bryan Code of Ordinances, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within the Common Area Zone:

a. Common areas shall include:

1) Green Spaces

2) Storm Water Detention Areas

b. Detention and drainage facilities:

1) Any required detention/water quality structures may be installed within a common area and should be shared between uses within the District where ever possible.

2) Any such detention/water quality structures will be maintained by the property owner's Owners Association.

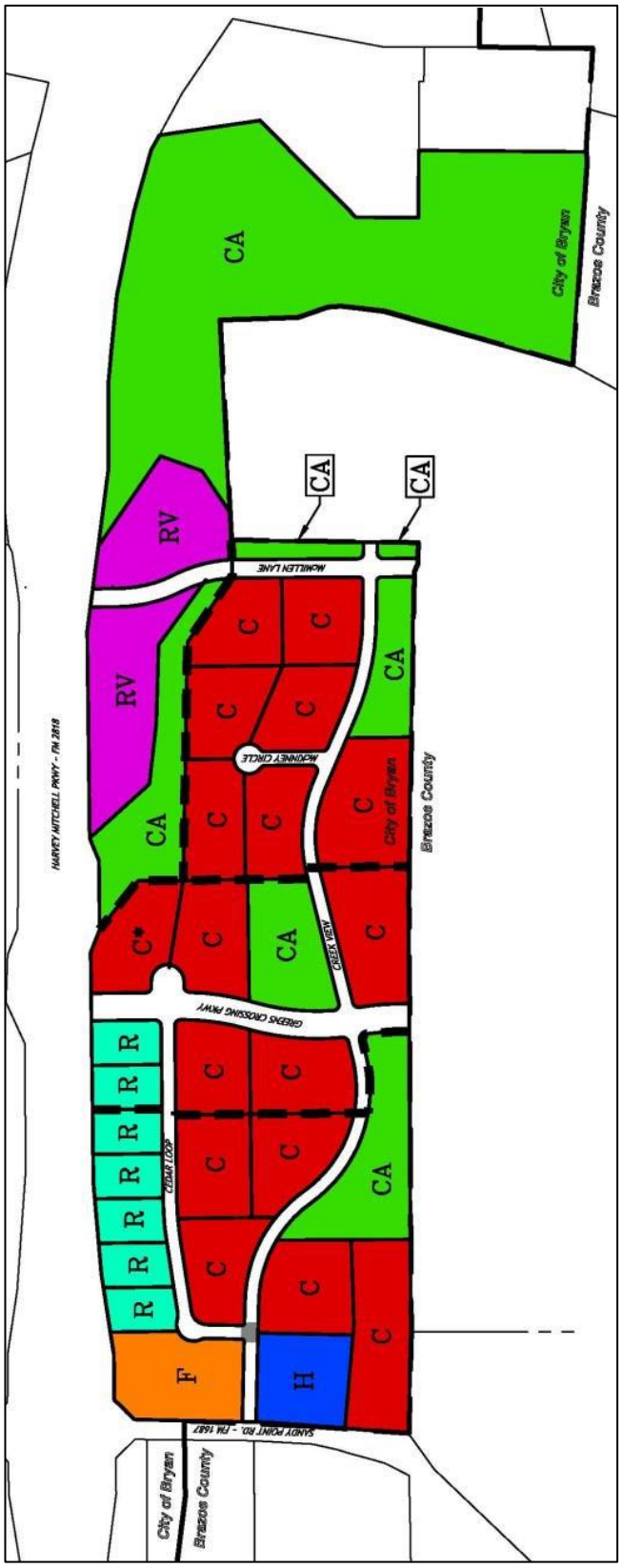
c. Clearing:

1) Clearing or removal of natural vegetation or trees shall be limited and shall be in compliance with the City of Bryan standards. Common areas should remain largely in their natural state to provide wildlife habitat, open space and to preserve the ecosystem of the existing creek tributaries and the surrounding riparian areas.

## SECTION 3: SUBDIVISION OF LAND

The subdivision of land in this PD-M District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances. Subdivision of the property into commercial lots shall be permitted as per the adopted development plan drawing.

**Exhibit "B-1": DEVELOPMENT PLAN**


HARVEY MITCHELL PKWY - FM 2818
SANDY POINT RD. - FM 1687
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**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF OCTOBER 15, 2015:**

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

**c. Rezoning RZ15-12: STTC, LLC.**
*A request to change the zoning classification from a combination of Agricultural – Open District (A-O), Retail District (C-2), Industrial District (I), and Planned Development – Housing District (PD-H), to Planned Development – Mixed Use District (PD-M) on 164.28 acres of land adjoining the southwest side North Harvey Mitchell Parkway (FM 2818) between West State Highway 21 and Sandy Point Road in Bryan, Brazos County, Texas.* (M. Hilgemeier)

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

In response to questions, Mr. Haynes stated:

- This development will not allow sexually-oriented businesses.
- Traffic safety will be taken care of by the Texas Department of Transportation who is responsible for the adjoining roadways.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

**Commissioner Madison moved to approve Rezoning RZ15-12 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion.**

Commissioners discussed being pleased with the innovativeness of having a planned development.

**The motion passed unanimously.**

**PLANNING AND ZONING COMMISSION**
STAFF REPORT

**October 15, 2015**

CITY OF BRYAN

**Rezoning case no. RZ 15-12: STTC, LLC.**

**CASE DESCRIPTION:** a request to change the zoning classification from a combination of Agricultural – Open District (A-O), Retail District (C-2), Industrial District (I), and Planned Development – Housing District (PD-H), to Planned Development – Mixed Use District (PD-M)

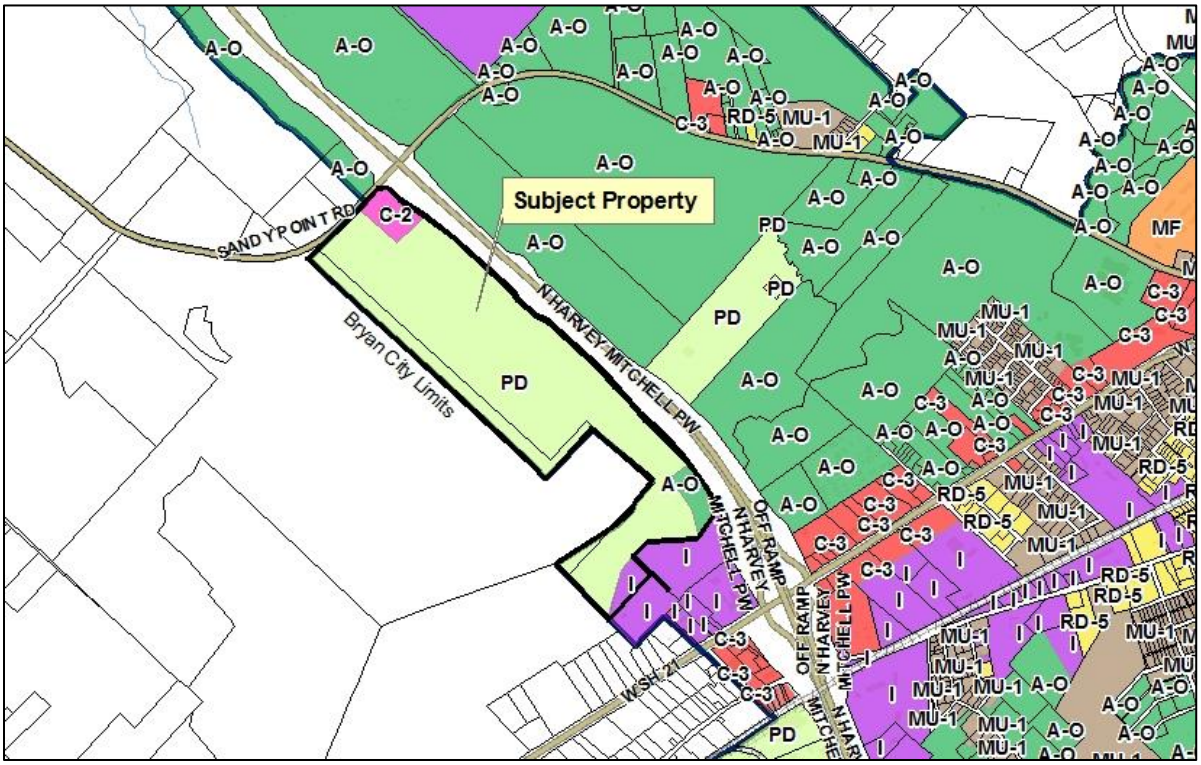
**LOCATION:** 164.28 acres of land out of Stephen F. Austin League No. 9, A-62, Hezekiah Jones Survey, A-145, and James Mc Millen Survey, A-176, adjoining the southwest side North Harvey Mitchell Parkway (FM 2818) between West State Highway 21 and Sandy Point Road

**EXISTING LAND USE:** vacant acreage

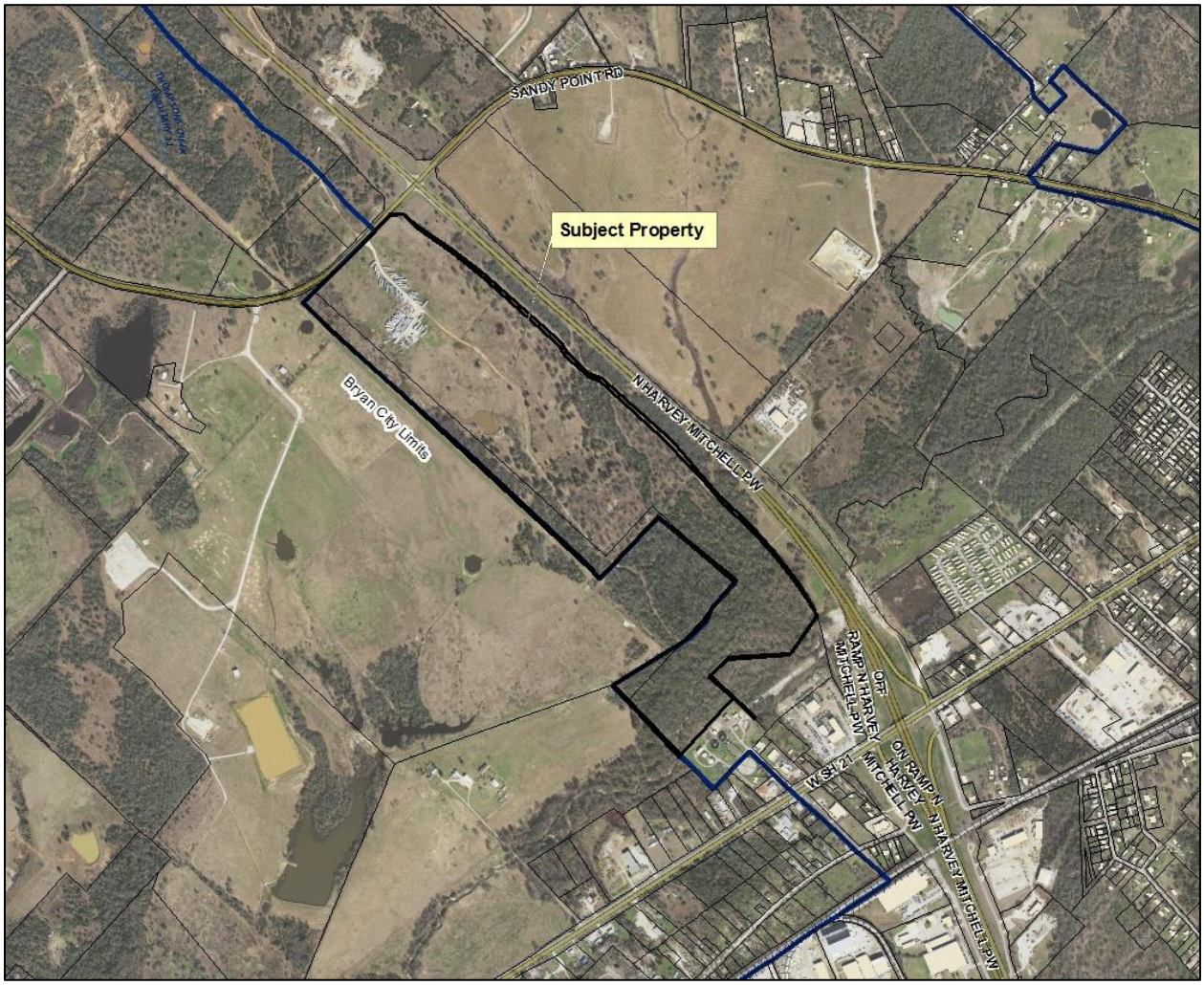
**APPLICANT(S):** Jim Elzner, STTC, LLC.

**STAFF CONTACT:** Matthew Hilgemeier, AICP, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed PD-M District.



**AERIAL PHOTOGRAPH (2015):**



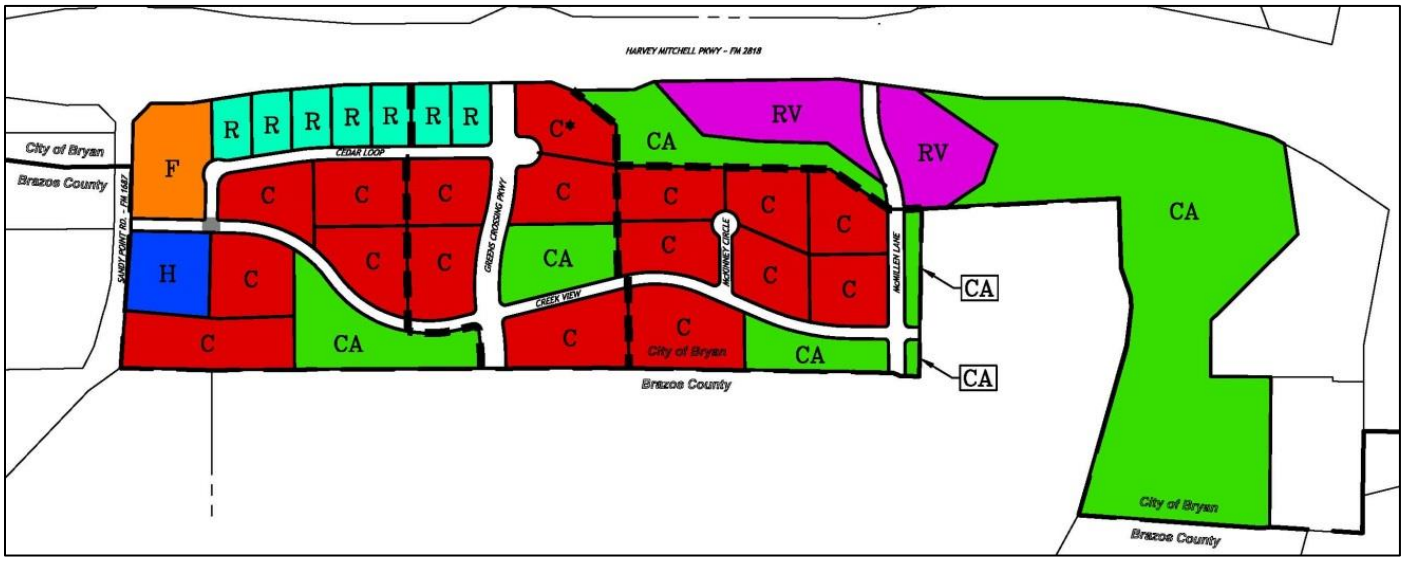

**BACKGROUND:**

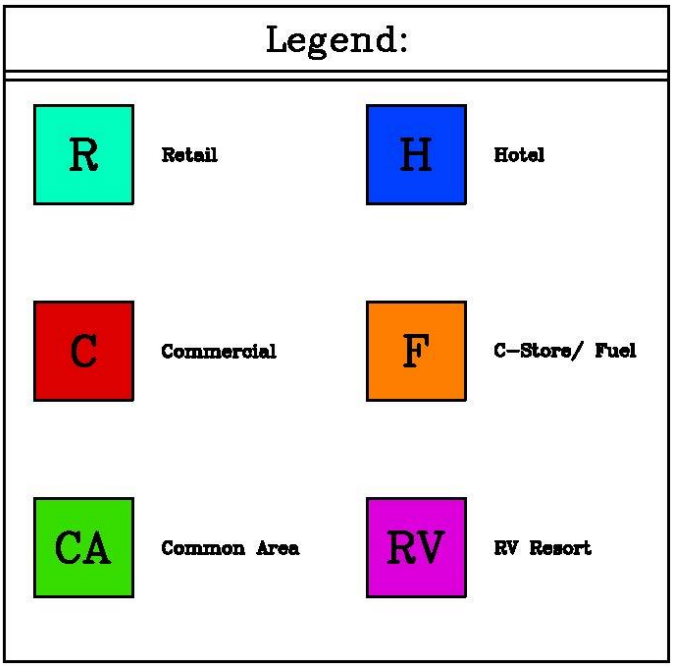
The applicants/property owners, STTC, LLC, are requesting a change of the zoning classification of 164.28 acres of land adjoining the southwest side North Harvey Mitchell Parkway (FM 2818) between West State Highway 21 and Sandy Point Road, from a combination of Retail District (C-2), Agricultural-Open District (AO), Industrial District (I) and Planned Development District – Housing District (PD-H) to Planned Development District – Mixed Use District (PD-M). The request was made to create development opportunities for a combination of mix of commercial and retail uses, including a hotel, RV Park and a convenience store/truck stop in various land use zones within the new zoning district.

The subject property was originally zoned Agricultural-Open District when it was annexed into the City of Bryan. In 2008, the property owner at the time successfully sought a zoning change of most of the subject property to a Planned Development – Housing District (PD-H). The PD-H portion of the property was intended to be developed as single-family homes on lots having dimensions and setback that were less than the typical lot dimension standards required by the standard Residential District – 5,000 zoning classification.

Since that time the property has remained undeveloped and now the current owner would like to change the zoning classification to a PD-M district to create development opportunities for a mixed-use business park (See Land Use Graphic Below).

**LAND USE GRAPHIC/DEVELOPMENT PLAN**




The proposed layout of the development will consist of a convenience store/fueling station use (See Land Use Graphic above - F) on 4.70 acres located at the hard corner of southwest side of the intersection of North Harvey Mitchell Parkway. Uses allowed in this zone will consist of a convenience store (c-store) with fuel sales and an attached restaurant with a floor area less than 50% of the floor area of the c-store. Approximately, 1,000 feet south of the intersection of Sandy Point Road and North Harvey Mitchell Parkway, along Sandy Point Road, there is proposed to be a 3.63 acres lot that will be utilized as a hotel (See Land Use Graphic above – H). There is also proposed to be seven, 1 acre+ lots (totaling 9.32

acres)located along North Harvey Mitchell Parkway to be utilized for retail uses ranging from general office space, retail sales operations, personal service shops and office-showroom/warehouse (See Land Use Graphic above - R). The large majority of the development will consist of seventeen lots, ranging in size from 2.99 acres to 4.9 acres (totaling 58.81 acres), which will be utilized for various commercial uses ranging from manufacturing, trucking company, warehousing and wholesale operations, farm equipment sales, and automobile & truck repair/ sales/service. It is important to note that there is one lot classified for commercial uses that is located along North Harvey Mitchell Parkway that will have limitations on the types of commercial uses (see Land Use Section below). Finally, there will be two lots totaling 11.54 acres, with frontage on North Harvey Mitchell Parkway, which will be utilized as a Recreational Vehicle Park (RV Park). The remaining 60.50 acres in the PD –M boundary will be utilized as common area/open space and required detention facilities.

The PD-M district zoning classification is being requested to allow for better utilization of the property by allowing for variations to standard screening, and buffering requirements typically required when retail and commercial uses adjoin each other. Additionally, the PD-M zoning classification allows for the City to ensure that the physical development of the property is appropriate for this large development that will be located directly adjacent to North Harvey Mitchell Parkway, which is one of the gateway corridors into the City of Bryan.

In order to achieve a higher aesthetic standard for this development each zone will have specific architecture standards, setback requirements, parking requirements and sign allocations. These standards are detailed below in the staff report under Physical Development. A design and development plan have been submitted that address existing site constraints in a manner that the applicant contends will allow the property to be utilized as proposed, while remaining true to the guiding values of the Zoning Ordinance and sound planning principles.

**DETAIL, DEVELOPMENT PLAN DRAWING:**

**PROPOSED DEVELOPMENT PLAN:**

## 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.

## SECTION 1: LAND USES

A. The following range of land uses shall be permitted by right in this PD-M District:

7. Commercial Zone

   The Commercial Zone with in the District is intended predominantly for heavy retail and commercial uses of a goods and service nature which typically have operating characteristics that include manufacturing, assembling and fabrication, warehousing, wholesaling, and service operations which may depend upon frequent customer or client visits. Operating characteristics which may be typical of uses permitted in the Commercial Zone include service oriented, may sell used goods, require warehouse storage and delivery areas, and have a greater service radius than retail stores. Such uses do require accessibility to major highways, rail lines or other means of transportation requiring the distribution of goods and/or services.

   d. Within the Commercial Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

      1. Accessory structures;
      2. Automobile, Truck, & Motorcycle repair/sales/rental/service (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
      3. Boat sales/rental/service;
      4. Building materials/hardware;
      5. Farm equipment sales and service;
      6. Feed store;
      7. Heating and air conditioning sales and service;
      8. Landscape sales and service;
      9. Laundries, commercial;
      10. Lumberyard;
      11. Manufacturing (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
      12. Manufactured home display and sales (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
      13. Micro-assembly;
      14. Mini-warehouse/self-storage (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );
      15. Moving Company;

16. Office—Showroom/warehouse;
17. Oil and gas operations and storage (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );;
18. Overnight delivery company;
19. Paper/chemical suppliers;
20. Plumbing shop/sales/service;
21. Printing company;
22. Private utility company;
23. Roofing and siding company;
24. Service Operations;
25. Soil, crushed rock, gravel sales (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );;
26. Trucking Company;
27. Tool and machinery shop/repair/sales/rental/service;
28. Veterinary Services (including large animal with outdoor pens or runs);
29. Warehousing and wholesale operations;
30. Wireless Transmission Facilities ( $\leq$ 35 feet in height) (Excluding Lot 1, Block 4 as denoted by the asterisk on Figure 1 of this plan );.

e. Conditional uses:

1. Concrete or asphalt batching
2. Heliport or helistop;
3. Recovery or Recycling Facility;
4. Refuse systems;
5. Telecommunication Towers;
6. Wireless Transmission Facilities ( > 35 feet in height).

f. Supplemental Standards:

1. Shipping container shall be limited to no more than 6 containers per lot. Additional containers may be approved with a Conditional Use Permit. Containers shall not be stacked;
2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;
3. No more than one (1) manufactured home sales center shall be located in this district. Additional sales centers may be allowed by condition use only.

g. Prohibited Uses:

The following uses are prohibited in the commercial zone:

1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
2. Adult & sexually oriented businesses;
3. Hotel and Motels;
4. C-Store and/or public fueling centers;
5. Wrecking yards (junk yards);
6. Small/portable structures.

8. Retail Zone

The Retail Zone within this District is established to provide locations for various types of general retail trade, business and service uses, as well as general office use. The district allows shopping areas or uses which are generally compatible near or adjacent to, heavy commercial uses but no outdoor storage or display. This zone should have shared driveways and cross access to accommodate higher traffic volumes and facilitate greater access to shops and services.

h. Within the Retail Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

1. Accessory structures;
2. General Office Space;
3. Heating and air conditioning sales and service;
4. Laboratory;
5. Laundries, commercial;
6. Micro-assembly;
7. Office-Showroom/warehouse;
8. Overnight delivery company;
9. Paper/chemical suppliers;
10. Personal Service Shop;
11. Printing company;
12. Retail Sales Operations;

i. Conditional uses:

1. Restaurant;
2. Veterinary Services (no outdoor pens or runs).

j. Prohibited:

1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;

3. Adult & sexually oriented businesses;
4. Wrecking yards (junk yards);
5. Small/portable structures;
6. Night clubs
7. Shipping Container

9. Hotel Zone

The Hotel Zone within this District is established to specifically provide locations for hotel/motel and restaurant uses. These uses are generally compatible near or adjacent to, heavy commercial and retail uses. This zone should have shared driveways and cross access to accommodate higher traffic volumes and facilitate greater access.

d. Within the Hotel Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:
    1. Hotel/Motel;
    2. All uses listed in this District for Commercial Zone and ;
    3. All uses listed in this District for Retail Zone;

e. Conditional uses:
    1. All conditional uses listed in this District for Commercial Zone;
    2. All conditional uses listed in this District for Retail Zone;

f. Prohibited:
    1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
    2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;
    3. Adult & sexually oriented businesses;
    4. Wrecking yards (junk yards);
    5. Small/portable structures.
    6. Shipping Containers.

10. C-Store/Fuel Zone

The C-Store/Fuel Zone within this District is established to specifically provide locations for convenience store and vehicle fueling centers. These uses are generally compatible near or adjacent to, heavy commercial, retail, and hotel uses. Accessory uses may include automated carwashes and multiply fuel types with separate fueling systems. This zone should have shared driveways and cross access to accommodate higher traffic volumes and facilitate greater access.

d. Within the C-Store/Fuel Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

1. Convenience Store (C-Store) with or without public fueling station;
2. All uses listed in this District for Retail Zone;
3. Restaurants (No more than 50% of GSF of the proposed c-store).

e. Conditional uses:

1. All conditional uses listed in this District for Retail Zone;

f. Prohibited:

1. Residential dwelling and accessory units, both Single-Family and Multi-Family;
2. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes;
3. Adult & sexually oriented businesses;
4. Wrecking yards (junk yards);
5. Small/portable structures.
6. Shipping Containers.

11. <u>RV Resort Zone</u>

The RV Resort Zone within this District is established to specifically provide locations for recreational vehicle park/facilities with associated amenities that take advantage of natural green zones. These parks shall generally be for short-term, mobile vehicle living units staying less than 180 days. Amenities may include, outdoor recreational facilities, public restroom and shower facilities, indoor laundry facilities, propane fueling center, and dump station.

d. Within the RV Resort Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

1. Recreational vehicle (RV) park/facility with associated amenities;

e. Conditional uses:

1. None.

f. Prohibited:

1. All other land uses.

12. <u>Common Area Zone</u>

The Common Area Zone within this District will remain in its natural state to provide wildlife habitat, open space and to preserve the ecosystem of the existing creek tributaries and the surrounding riparian areas. These areas will also be used for storm water detention and floodplain preservation.

d. Within the Common Area Zone of this District, as shown on the attached development plan exhibit, the following uses shall be permitted by right:

1. Common Open Space, Community Center, Recreational Building, and other facilities or amenities;

2. Private or public drainage & detention facilities/structures;
3. Private or public parks, walking paths, multi-modal trails;
4. Outdoor educational facilities < 1000 square feet.

e. Conditional uses:

1. None.

f. Prohibited:

1. All other land uses.

B. Definitions

3. Accessory structures:

a. An accessory structure or use is a subordinate or incidental structure, attached to or detached from the main structure without separate utilities and not rented. Accessory uses permitted include:

1) Dumpster Enclosure;
2) Separate Storage or Office Buildings;
3) Detached garages/shops;
4) Wash Bays & Automated Carwash Stations;
5) Elevated loading dock(s);
6) Antenna (amateur radio, CB radio, or TV reception) and/or satellite dish located in the rear yard only or on the roof (only one satellite dish or Antenna per lot) including any tower or other supporting structure, excluding WTF;
7) Fuel Canopy with Pumps;
8) Pool, playground, and any other sporting amenity;
9) Exclude wireless transfer facility.

4. Accessory dwelling units:

a. Accessory dwelling units are not permitted in any zone.

## SECTION 2: PHYSICAL DEVELOPMENT

Physical development in this PD-M District shall comply with the following development standards and limitations of the City of Bryan Code of Ordinances except as provided by the following meritorious modifications:

5. Commercial Zone

Physical development in Commercial Zone 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 Commercial District C3, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within the Commercial Zone:

a. Standards:

1) Architecture:
    a) All elevations facing a ROW shall be constructed with no more than 30% metallic exterior wall finishing's.
    b) All elevations facing a ROW shall be constructed using no less than 60% masonry on exterior walls. A combination of brick and stone may be used throughout all elevations.
    c) All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.
    d) A landscaped earth berm at least three feet in height, with dense shrubbery or non-canopy plantings having year-round foliage at least four feet in height, is required as a visual buffer along any common property line of different develop zone excluding common areas, inside the district only.
2) Setbacks:
    a) Front – 40 feet
    b) Side (all) – 25 feet
    c) Rear – 15 feet
3) Building Height:
    a) Maximum – 35 Feet
    b) Structures over 35 feet in height are permitted with the additional setback of one foot additional setback for each two feet in height over 35 feet.
4) Minimum Lot Size – 20,000 SF
5) Signage:
    a) One (1), low-profile sign, no more than six (6) feet in overall height, will be allowed per lot for this zone. The square footage for each sign shall be in accordance with City Standards but will not be required to be less than 50 SF.
    b) Building signage shall be limited to 1 SF per linear foot of building width that faces a ROW.
    c) One (1) attached wall sign per building façade directly facing a public ROW will be allowed.
    d) Off-Premise signage will be allowed on Multi-tenant signage.
    e) Electronic reader boards or electronic message centers will not be allowed in this zone.
6) Off Street Parking:
    a) No parking shall be required for open storage/yard areas.
    b) All other parking shall be in accordance with the City of Bryan off street parking requirements.

7) Landscape:

a) Streetscape - requirements shall be determined along all ROW frontages as follows:

1. Within fifty (50) feet of the property line along ROW, one (1) canopy tree for every forty (40) linear feet of frontage shall be installed.

a. Two (2) non-canopy trees may be substituted for each one (1) canopy tree. Substitution cannot exceed more than 50 % of the required canopy screening.

b. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree.

2. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements.

3. Canopy and non-canopy trees must be selected from the approved City plant list and may be grouped as desired.

b) Parking areas - adjacent to a right-of-way shall be screened from the right-of-way.

1. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

2. Walls and planting strips shall be located at least two (2) feet from any parking area.

3. Non-canopy trees and shrubs shall be used for plantings associated with screening of parking areas.

4. All plantings must be selected from the approved City plant list and may be grouped as desired.

c) Automotive repair business shall screen their operations with either a landscape buffer or a solid screening fence, 6 feet in height.

1. Landscaping shall be sufficient in type and density as to provide a visual block of the automotive repair operations and storage.

2. Screening fences shall be made of wood or stone only.

d) All parking end-islands shall be landscaped in accordance with City requirements.

e) Landscape points shall be determined in accordance with City requirements.

f) All landscape shall be automatic irrigated.

g) No other landscape requirements shall apply.

b. Other Regulations:

1) Landscape buffers and/or screening fences (any type) shall NOT be required, except where listed above.

2) Outdoor storage and display (all types) is allowed.

3) Pre-manufactured buildings shall have a masonry skirting on all sides at least two (2) feet above the finished floor elevation or be placed directly on a concrete foundation.

4) Lot 1, Block 4 (denoted by the asterisk on Figure 1 of this plan) as a lot fronting FM2818, shall be required to follow the same development standards as the Retail District, shown in section C-2 of this plan, except for parking. Parking requirements for this lot shall remain in accordance with this section.

5) Performance standards. The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

   a) Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.

   b) Vibration is discernible beyond the property line.

   c) Noise above the average intensity of street traffic is discernible beyond the property line.

   d) Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

6. <u>Retail, Hotel, and C-Store/Fuel</u>

Physical development in Retail, Hotel, and C-Store/Fuel Zones 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 Retail District C-2, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within these Zones:

a. Standards:

1) Architecture:

   a) All elevations facing a ROW shall be constructed with non-metallic exterior wall finishing's.

   b) All elevations facing a ROW shall be constructed using no less than 70% masonry on exterior walls. A combination of brick and stone may be used throughout all elevations.

   c) All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.

   d) For C-Store/Fuel Zone only - A landscaped earth berm at least three feet in height, with dense shrubbery or non-canopy plantings having year-round foliage at least four feet in height, is required as a visual buffer along any common property line of different land use (zoning), inside the district only

2) Setbacks:

a) Front – 30 feet (along FM2818)

b) Side (ROW Frontage) – 20 feet

c) Side (all other) – 10 feet

d) Rear (ROW Frontage) – 20 feet (Minor Collector)

e) Rear (all other) – 10 feet

3) Building Height:

a) Maximum – 35 Feet

b) For Hotel Zone Only - Structures over 35 feet in height are permitted with the additional setback of one foot additional setback for each two feet in height over 35 feet.

4) Minimum Lot Size – 20,000 SF

5) Signage:

a) Multi-tenant signs will be required in place of individual business free-standing signs for all lots fronting FM 2818. One (1) Multi-tenant sign can be place at the corner of Greens Crossing Parkway and FM2818 and one (1) Multi-tenant sign can be place at the corner of Sandy Point Road and FM2818. Each sign shall be double-sided and limited to 30 feet in overall height and a maximum of 225 SF, as measured on one side of the double-sided sign.

b) For lots fronting FM 2818 and the proposed minor collector, One (1) additional, low-profile sign, no more than six (6) feet in overall height, will be allowed per lot, to be placed on the proposed minor collector ROW frontage only.

c) For lots not fronting FM 2818, One (1), low-profile sign, no more than six (6) feet in overall height, will be allowed per lot. The square footage for each sign shall be in accordance with City Standards but will not be required to be less than 50 SF.

d) Building signage shall be limited to 1 SF per linear foot of building width that faces a ROW.

e) One (1) attached wall sign per building façade directly facing a public ROW will be allowed.

f) Off-Premise signage will be allowed on Multi-tenant signage.

g) Electronic reader boards or electronic message centers will not be allowed in this zone. LED fuel pricing signs are allowed for the c-store but the area will be inclusive of the allowed Multi-tenant signage or low-profile signage square footage, as allowed in this section.

6) Parking:

a) Retail Zone – 1 Space per 250 SF of gross building square footage

b) Hotel Zone – 1.5 Space per guestroom

c) C-Store/Fuel Zone – 1 Space per 200 SF of gross building square footage

d) Restaurants – 1.25 spaces per 100 SF of seating area.

7) Landscape:

a) Streetscape - requirements shall be determined along all ROW frontages as follows:

1. Within fifty (50) feet of the property line along ROW, one (1) canopy tree for every thirty (30) linear feet of frontage shall be installed.

a. Two (2) non-canopy trees may be substituted for each one (1) canopy tree. Substitution cannot exceed more than 50 % of the required canopy screening.

b. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree

2. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements.

3. Canopy and non-canopy trees must be selected from the approved City plant list and may be grouped as desired.

b) Parking areas - adjacent to a right-of-way shall be screened from the right-of-way.

1. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

2. Walls and planting strips shall be located at least two (2) feet from any parking area.

3. Non-canopy trees and shrubs shall be used for plantings associated with screening of parking areas. All plantings must be selected from the approved City plant list and may be grouped as desired.

4. Non-Canopy screening shall count towards any streetscape requirement that may apply.

c) All parking end-islands shall be landscaped in accordance with City requirements.

d) Landscape points shall be determined in accordance with City requirements.

e) All landscape shall be automatic irrigated.

f) No other landscape requirements shall apply.

b. Other Regulations:

1) Landscape buffers and/or screening fences (any type) shall NOT be required, except where listed above.

2) Pre-manufactured buildings shall have a masonry skirting on all sides at least two (2) feet above the finished floor elevation or be placed directly on a concrete foundation.

3) Outdoor storage and display (all types) will be by conditional use only.

7. <u>RV Resort Zone</u>

Physical development in RV Resort Zone 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 Commercial District C-3, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within the RV Resort Zone:

a. Standards:

1) Architecture:

a) All building elevations facing a ROW shall be constructed with non-metallic exterior wall finishing's.

b) All building elevations facing a ROW shall be constructed using no less than 70% masonry on exterior walls. A combination of brick and stone may be used throughout all elevations.

c) All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.

2) Setbacks:

a) Front – 25 feet

b) Side (all) – 15 feet

c) Rear – 10 feet

3) Building Height:

a) Maximum – 35 Feet

4) Minimum Lot Size – 20,000 SF

5) Signage:

a) One (1) free standing sign shall be allowed and will be limited to 25 feet in overall height and 250 SF.

b) Building signage shall be limited to 1 SF per linear foot of building width that faces a ROW.

c) One (1) attached wall sign per building façade directly facing a public ROW will be allowed.

d) Off-Premise signage will be allowed on Multi-tenant signage.

e) Electronic reader boards or electronic message centers will not be allowed in this zone.

6) Parking:

a) 1 space per RV pad site

b) All office/ amenities parking shall be in accordance with City of Bryan parking requirements.

7) Landscape:

a) Streetscape - requirements shall be determined along all ROW frontages as follows:

1. Within fifty (50) feet of the property line along ROW, one (1) canopy tree for every thirty (30) linear feet of frontage shall be installed.

    a. Two (2) non-canopy trees may be substituted for each one (1) canopy tree.

    b. One (1) existing tree (minimum four-inch caliper) may be substituted for a new tree

2. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements.

3. Canopy and non-canopy trees must be selected from the approved City plant list and may be grouped as desired.

b) Parking areas - adjacent to a right-of-way shall be screened from the right-of-way.

1. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation.

2. Walls and planting strips shall be located at least two (2) feet from any parking area.

3. Non-canopy trees and shrubs shall be used for plantings associated with screening of parking areas. All plantings must be selected from the approved City plant list and may be grouped as desired.

c) All parking end-islands shall be landscaped in accordance with City requirements.

d) Landscape points shall be determined in accordance with City requirements.

e) All landscape shall be irrigated.

f) No other landscape requirements shall apply.

b. Other Regulations:

1) Landscape buffers and/or screening fences (any type) shall NOT be required, except where listed above.

2) Outdoor storage and display (all types) is prohibited.

3) All RV pads must be paved and provide water and sewer hook-ups for each pad site.

4) A minimum of 10 feet separate between each pad it required.

5) All drive aisles shall be paved with either asphalt or concrete.

6) Pre-manufactured buildings shall have a masonry skirting on all sides at least two (2) feet above the finished floor elevation or be placed directly on a concrete foundation.

8. Common Area Zone

Physical development in Common Area Zone of this District shall generally comply with the development standards and limitations of the City of Bryan Code of Ordinances, subject to any modifications specified herein. The following standards shall also be applicable to the physical development of property within the Common Area Zone:

a. Common areas shall include:

1) Green Spaces

2) Storm Water Detention Areas

b. Detention and drainage facilities:

1) Any required detention/water quality structures may be installed within a common area and should be shared between uses within the District where ever possible.

2) Any such detention/water quality structures will be maintained by the property owner's Owners Association.

c. Clearing:

1) Clearing or removal of natural vegetation or trees shall be limited and shall be in compliance with the City of Bryan standards. Common areas should remain largely in their natural state to provide wildlife habitat, open space and to preserve the ecosystem of the existing creek tributaries and the surrounding riparian areas.

## SECTION 3: SUBDIVISION OF LAND

The subdivision of land in this PD-M District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances. Subdivision of the property into commercial lots shall be permitted as per the adopted development plan drawing.

**EXCERPT FROM ZONING CHANGE REQUEST FORM:**

# Rezoning
## Supplement A

CITY OF BRYAN
The Good Life, Texas Style

Minimum Requirements:

- ☒ Metes and Bounds description of property
- ☒ If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

The property is currently raw land that has not been platted or zoned previously for development. With this rezoning request, the property will be developed for a commercial/retail subdivision, with a mixed use.

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

This property fronts a major arterial roadway that has both industrial and commercial developments neighboring this development. In addition, this property is a corner lot that makes the site viable for development.

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

The proposed zoning is in accordance with the Future Land Use Plan and is compatible with the existing and proposed developments neighboring this site.

List any other reasons to support this zone change:

NA.

**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 m consider the following when making its recommendation regarding this proposed zoning change:

GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.

Objective A: Provide for an efficient development process.

> *Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.
>
> *Action Statement* 2: Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.

**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 tracts for this property lie adjacent to one of the major gateway corridors leading into the City of Bryan, North Harvey Mitchell Parkway. Uses surrounding the subject tract range from undeveloped open space to the north, east and west, a concrete recycling facility to the southeast, a tractor sales business (Coufal-Prater John Deere), and a City of Bryan sewer treatment facility to the southwest. Approximately 1.5 miles north of the subject property along North Harvey Mitchell Parkway is the Bryan Industrial Park, which includes industrial uses such as Toyo Ink and Bakery Feeds. The new Axis Pipe and Tube Manufacturing facility is located to the northeast of the subject property, approximately three and a half miles away.**

**Staff contends that the uses proposed by this PD-M district are appropriate uses when located next to the above mentioned uses located in the immediate are of the subject property. The development of the subject property into a commercial business park is a much needed facility in the City of Bryan and will be beneficial to those smaller, possibly locally owned businesses looking to locate their operations near industrial facilities which would benefit from their services.**

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.

**The subject property is located at the intersection of Sandy Point Road, and North Harvey Mitchell Parkway, roads that are classified as a major arterial and freeway by the City of Bryan Thoroughfare Plan, respectively. As part of the subdivision requirements and as**

**required by the Thoroughfare Plan of this property a major arterial street (R.O.W. width of 120 feet) and two minor collectors (R.O.W. width of 60 feet) will be constructed to provide access to the interior lots of this development.**

**The site is currently served by a 20-inch public sewer line that traverses the property from the north to the south and by a 12-inch water line located across North Harvey Mitchell Parkway. The site will be required to provide all other public infrastructure improvements required by the City's Subdivision Ordinance. Staff contends that given the availability of the aforementioned public services to the subject property and the proposed infrastructure improvements required to develop the property that the proposed change in zoning classification is in accordance with existing and proposed plans for providing public utilities in the area.**

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.

**As stated above, the subject property is located in an area of the city that is mainly undeveloped, raw land, but also in a close proximity to several industrial facilities. The subject property's western property line is also the City of Bryan city limits. The subject property is one of the few undeveloped properties located at the intersection of a major arterial and North Harvey Mitchell Parkway which makes it a desirable property for commercial development. While there is still undeveloped land in the Bryan Industrial Park, that land is reserved for more industrial/manufacturing uses, and the uses proposed in this development will be more commercial and retail in nature. Staff believes that this zone change request, if approved, will 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 the rate of land which is being developed for commercial/retail development in the vicinity of the subject property is rather slow. The subject property is located between two areas of the City of Bryan that are mainly developed for industrial uses. There currently is a lack of properties along the North Harvey Mitchell Parkway corridor which are developed for retail and commercial uses that are geared towards providing commercial service to these industrial uses.**

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 contends that other areas designated for similar development will not be negatively affected by the proposed zoning change. While there are other retail and commercial opportunities located south along North Harvey Mitchell Parkway near the intersection with Villa Maria Road, these properties are intended for more traditional retail and commercial uses. Staff contends that the uses proposed by this PD-M will not affect the rate in which land with a similar zoning classification located within the vicinity of the subject property will be developed.**

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 development standards listed above will allow for a useful and orderly urban redevelopment of this property.**

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 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 the proposed mixed-use development is compatible with existing land uses that are already established in the area. The proposed physical development of the property listed above related to lot size, signage, landscaping and screening are designed to ensure that the overall aesthetics of the properties once developed will be of a higher standard than what could typically be constructed there under standard commercial and retail zoning classifications. 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.**

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 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. As stated above, this development will be required to construct three new public right-of-ways. Staff has been working with the property owner's engineer to select the optimal location of the proposed major arterial street that reduces the possible number of driveways taking access to North Harvey Mitchell Parkway. Sidewalks will be provided as per Subdivision Ordinance requirements.**

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

   **In the proposed development plan for this PD-M District freestanding signage will be limited to two multi-tenant signs in the Retail portion having a maximum height of 25 feet and total area of 225 square feet to be located at the intersections of Sandy Point Road and the new major arterial with North Harvey Mitchell Parkway. No other freestanding signage will be allowed along North Harvey Mitchell Parkway in the Retail portion of the PD-M District. Those lots in the Retail, Hotel, and C-Store portions of this PD-M District that have frontage on a minor collector street will be allowed one low-profile sign with a max height of 6 feet and a maximum area totaling 60 square feet. Freestanding signs in the Commercial portion of the PD-M District**

**will be limited to one low profile sign only. One freestanding sign with a maximum height of 25 feet and a maximum area totaling 250 square feet will be allowed for the RV Park portion of this PD-M District. All attached signage in this PD-M District will be based on the size of the building for which the proposed sign will be attached.**

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

   **Staff finds that the existing City of Bryan site development standards will protect adjacent properties from the negative impacts of erosion, flood or water damage. Staff further finds that the features of the proposed development plan reasonably protect adjacent properties from noise, glare and similar impacts. A large portion of the subject property is encumbered by FEMA recognized floodplain and is being preserved as a reserve tract and common area.**

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 mixed use commercial 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:**

Based on all of aforementioned considerations, staff recommends **approving** the proposed Planned Development – Mixed Use District (PD-M).