

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: July 23, 2013		DATE SUBMITTED: July 2, 2013	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from a combination of Agricultural – Open District (A-O) and Office District (C-1) to Planned Development – Mixed Use District (PD-M) on 49.9983 acres of land located southeast of the 2000 – 2200 blocks of West Villa Maria Road between Shirewood Drive and Traditions Boulevard.			
SUMMARY STATEMENT: In the case of the subject property, Mr. Galindo proposes a mix of uses on 49.9983 acres of land. A unique feature of the proposal is that of cluster development. Cluster development is the grouping of residential or commercial properties on a development site in order to use the extra land as open space, recreation or agriculture. It is increasingly becoming popular in subdivision development for its low impact and sustainability appeal. It is the applicant’s intention to develop this property as a master-planned mixed-use development. The preliminary allocation of open space and the conceptual location of allowed land uses are illustrated on the attached development plan drawing.			
<p>The residential portion of the proposed subdivision is planned to allow development with attached multi-family dwellings as well as detached single-family homes. Accessory dwellings are proposed to be allowed with prior approval of a Conditional Use Permit. Patio/zero lot line dwellings and townhouse dwellings are proposed to also be allowed with prior approval of a Conditional Use Permit, subject to approval of zero lot lines and the arrangement of townhouse clusters by the Site Development Review Committee (SDRC) and overall development layout by the Planning and Zoning Commission.</p> <p>The “Market” and “Village” land use clusters are intended for a limited number of land uses deemed appropriate to potentially function well in a mixed use commercial / residential environment. To control the actual development of projects where a mixture of commercial and residential uses is proposed, the residential portions must first obtain conditional approval of the Planning and Zoning Commission.</p>			
STAFF ANALYSIS AND RECOMMENDATION: Staff believes that the proposed combination of commercial and residential land uses on these 49.9983 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan and recommends approving this rezoning request. The subject property lies in an area that is considered to be one of the City’s higher growth areas due to its proximity to existing development. Staff believes that the proposed development of higher density residential properties and the possibility of closely integrating residential areas into a limited selection of commercial development will create a desirable option for a growing number of individuals.			
During its meeting on June 20, 2013, the Planning and Zoning Commission unanimously recommended approving this rezoning request.			

OPTIONS (In Suggested Order of Staff Preference):

1. approve the zone change as recommended by the Planning and Zoning Commission;
2. approve the zone change request, with modifications to the development plan and/or development requirements as deemed necessary, which may require consideration at a future City Council meeting; or
3. deny the requested zone change.

ATTACHMENTS:

1. location map;
2. draft ordinance with exhibits;
3. excerpt from June 20, 2013 Planning and Zoning Commission meeting minutes;
4. staff report to the Planning & Zoning Commission with attachments

FUNDING SOURCE: N/A

APPROVALS: Joey Dunn, 7-9-13

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 07-15-2013

Revised 04/2013

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, TO CHANGE THE ZONING CLASSIFICATION FROM A COMBINATION OF AGRICULTURAL – OPEN DISTRICT (A-O) AND OFFICE DISTRICT (C-1) TO PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M) SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 49.9983 ACRES OF LAND LOCATED SOUTHEAST OF THE 2000 – 2200 BLOCKS OF WEST VILLA MARIA ROAD BETWEEN SHIREWOOD DRIVE AND TRADITIONS BOULEVARD 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 for 49.9983 acres of land located southeast of the 2000 – 2200 blocks of West Villa Maria Road between Shirewood Drive and Traditions Boulevard in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 20, 2013;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of Agricultural – Open District (A-O) and Office District (C-1) to Planned Development – Mixed Use District (PD-M) on 49.9983 acres of land located southeast of the 2000 – 2200 blocks of West Villa Maria Road between Shirewood Drive and Traditions Boulevard in Bryan, Brazos County, Texas, said 49.9983 acres of land being described more particularly 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.

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 23rd day of July, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 13th day of August, 2013 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**

BOUNDARY DESCRIPTION OF A 49.9983 ACRE TRACT

Field notes describing the boundary of a 49.9983 Ac. tract of land lying and being situated in the ZENO PHILLIPS SURVEY, ABSTRACT 45, and in the J.H. JONES SURVEY, ABSTRACT 26, and in the THOS. J. WOOTEN SURVEY, ABSTRACT 59, all three in Brazos County, Texas and being a part of the 84.36 Acres conveyed by Ramiro A. Galindo to Galindo Interests Ltd. by deed recorded in Vol. 1147, Pg. 357 of the Brazos County Deed Records and being more particularly described as follows:

BEGINNING at a point on the southern side of the Villa Maria Rd. right of way, marking a common corner with a linear park owned by the City of Bryan, this being the northernmost corner of the subject tract;

THENCE along the meanders of the northwestern bank of Turkey Creek according to the following calls:

S 16d. 26' 23" E for 219.85 ft. to a tree,
S 3d. 3' 18" E for 84.88 ft. to a tree,
S 16d. 58' 3" W for 294.11 ft. to an iron rod,
S 16d. 38' 48" W for 139.77 ft. to an iron rod,
S 19d. 21' 39" E for 101.38 ft. to an iron rod,
S 70d. 43' 25" E for 59.89 ft. to a post oak tree
S 65d. 52' 15" E for 153.23 ft. to an iron rod at the base of a post oak tree,
S 24d. 51' 57" E for 194.46 ft. to an iron rod at the base of a post oak tree,
S 71d. 48' 22" W for 110.91 ft. to an elm tree,
S 82d. 2' 26" W for 127.44 ft. to a pin oak tree,
S 58d. 37' 12" W for 96.69 ft. to an iron rod,
S 36d. 19' 16" W for 97.51 ft. to an elm tree,
S 18d. 50' 30" W for 56.00 ft. to a pin oak tree,
S 22d. 12' 6" W for 28.14 ft. to an iron rod,
S 61d. 50' 7" W for 73.85 ft. to an iron rod along the boundary line separating the Zeno Phillips and J.H. Jones Surveys,

THENCE S 44d. 30' 24" E along the Survey line for a distance of 346.28 ft. to an iron pipe,

THENCE S 42d. 46' 4" E along the common boundary line with the Westwood Estates Subdivision for a distance of 301.60 ft to a point,

THENCE S 46d. 4' 16" E continuing along the same boundary line for a distance of 225.32 ft. to an iron rod,

THENCE S 77d. 50' 49" W along a steel post fence line on the common boundary with a 40.00 acre tract now or formerly belonging to Galindo Interests Ltd., for a distance of 1,258.76 ft. to an iron rod set on the boundary line separating the J.H. Jones Survey and the Thos. J. Wooten Survey,

ACES AND BOUNDS 49.9983 ACRE TRACT ** 2 **

THENCE N 56d. 54' 25" W for 137.92 ft. to a pin oak tree,

THENCE N 48d. 6' 55" W along an old barbed wire fence marking the boundary with a 30.40 Ac. tract now or formerly belonging to Lottie Davros, for 265.33 ft. to a point,

THENCE N 42d. 37' 22" W along the said common boundary for 377.24 ft. to a post oak tree,

THENCE N 41d. 49' 16" W along the said common boundary for 531.63 ft to a point marking the intersection with southern boundary of the Villa Maria Rd. right of way,

THENCE N 63d. 37' 15" E along the southern boundary of the Villa Maria Rd. right of way for a distance 882.55 ft. to a point,

THENCE N 59d. 19' 9" E along the said right of way line for a distance of 300.00 ft. to a point,

THENCE N 50d. 42' 59" E continuing along the said right of way line for a distance of 300.00 ft. to a point,

THENCE N 42d. 6' 48" E continuing along the said right of way line for a distance of 300.00 ft. to a point,

THENCE N 34d. 21' 00" E continuing along the said right of way line for a distance of 216.86 ft. back to the POINT OF BEGINNING, containing 49.9983 acres of land, more or less.

Ramiro A. Galindo
Registered Public Surveyor
Texas License # 2588



Exhibit “B”:
Development requirements for Planned Development – Mixed District (PD-M)

SECTION 1: 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 potentially permitted uses, to strengthen the area economy and to promote the general welfare of the community.

SECTION 2: Definitions

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.

SECTION 3: Land Use

1. Within this PD-M District, multiple-family residential land use shall be permitted on land labeled “Medium Density Residential” as depicted on the development plan drawing. The following range of land uses shall be permitted by right in the Medium Density Residential portion of the subject property:

- Live / Work Units, only in buildings located within 70 feet of a public ROW;
- Multiple-Family dwellings;
- Neighborhood services, only in buildings located within 70 feet of a public ROW;
- 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;

2. Within this PD-M District, commercial/nonresidential land uses shall only be allowed on the land labeled “Market Village” or “Urban Village” on the development plan drawing. The following range of land uses shall be permitted by right in the Market and Urban Village portion of the subject property:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Banks, savings and loans or credit union offices;
- Child care--Class B;
- Child care--Class C;
- College or university;
- Essential municipal uses;
- Fitness center;
- General office use (professional, administrative);
- Government (federal or state) owned structures, facilities, or uses;
- Hospital;
- Hotel;
- Kiosk;
- Medical facilities or clinics;
- Museum/art gallery;
- Nursing home (retirement home);

- Personal service shop or custom personal services;
- Pharmacies;
- Photography studio;
- Radio or television broadcasting studio (without tower);
- Restaurant;
- Recreational/community center;
- Retail services (including incidental uses)($< 10,000$ square feet);
- Schools;
- Theater--Indoor;
- 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;
- Veterinary services (no outdoor pens or runs).

Conditional uses:

- Live/work unit
- Night club or tavern ($\leq 5,000$ square feet);
- Retail services (including incidental uses) ($\geq 10,000$ square feet);
- Patio home (zero lot line dwelling);
- Single-family detached dwelling;
- Townhouse.

3. Within this PD-M District the land labeled Creekside Conservation Area 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 Turkey Creek and the surrounding riparian area. The following range of land uses shall be permitted by right in the Creekside Conservation Area of the subject property:

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

SECTION 4: Physical Development

Physical development in this PD-M 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. Those development standards and limitations include, but are not limited to, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting as well as project phasing or scheduling.

Notwithstanding anything to the contrary in the Code of Ordinances, the following standards shall be applicable to the physical development within this PD-M District:

1. Any items or standards not otherwise specified or addressed by this section shall default to the requirements of the West Villa Maria Overlay District.
2. The 25 foot parking and signage setback requirements of the West Villa Maria Corridor Overlay District shall not apply.

3. All vehicle parking located within 25 feet of a public right-of-way shall be completely screened from view.
4. Exterior use of R-panel or equivalent industrial type corrugated metal siding shall not be allowed.
5. Density of multiple-family residential use shall be limited to 35 dwelling units per acre.
6. Compact car parking spaces may account for up to 25% of the required off-street parking spaces provided the spaces are permanently designated by sign(s) as being for use by compact cars only.
7. All compact car parking spaces shall be a minimum eight feet by six inches (8'6") in width and a minimum of sixteen (16) feet in depth.
8. On all lots created by means of a subdivision plat in accordance with Chapter 110 of the Code of Ordinances, no minimum side building setbacks shall be required from property lines inside the perimeter of this PD-M District.
9. Standard minimum building setbacks shall be required from all perimeter district property lines.
10. Existing trees > 6" diameter at breast height (DBH) properly protected during construction will be afforded 1,000 points credit toward required landscaping.
11. Live / Work Unit Provisions.
 - 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 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.

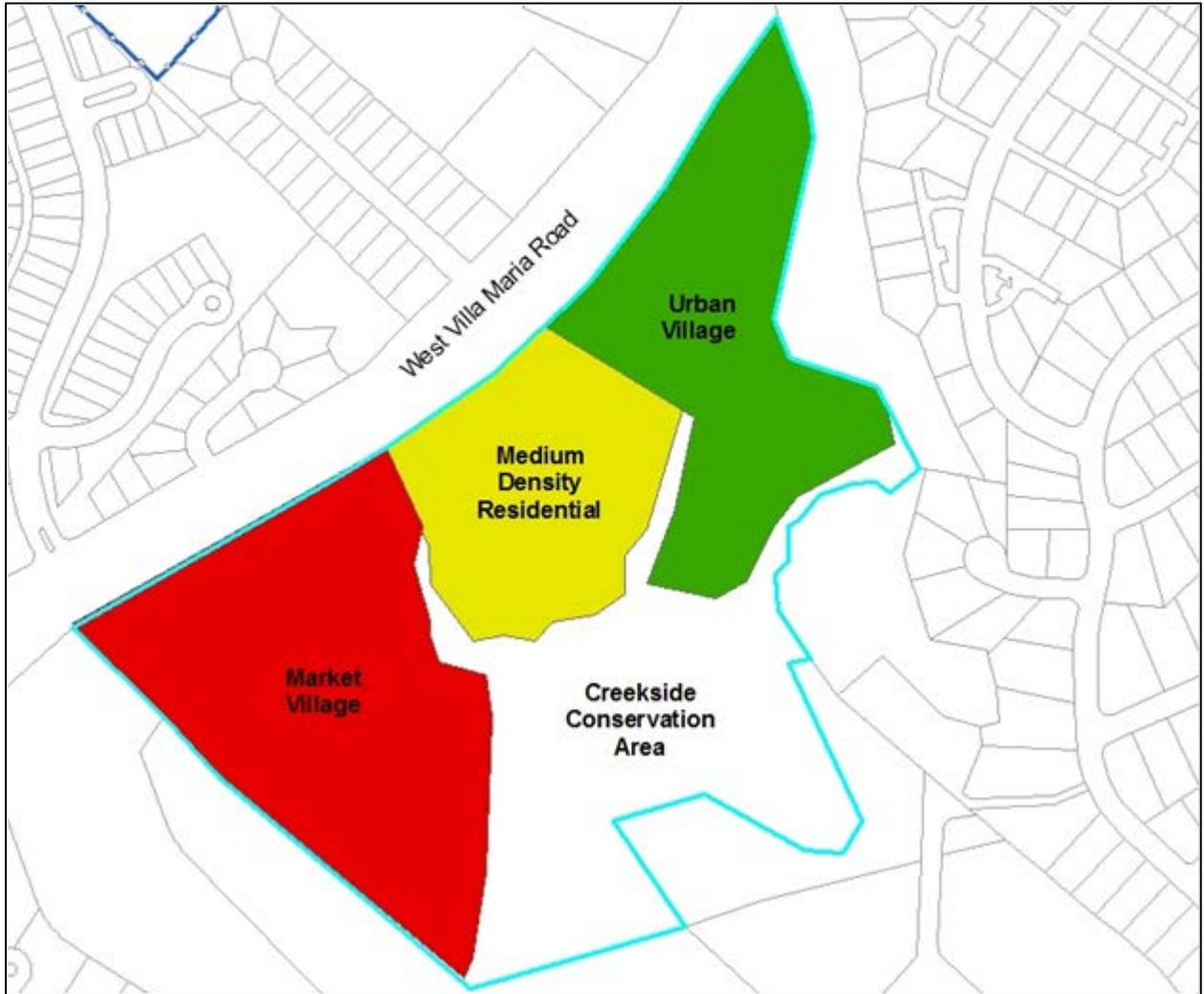
- i) Signage intended to promote on-site commercial uses shall be restricted to a one square foot sign permanently affixed to door or wall of the business component.
- j) All advertising for on-site commercial uses shall clearly state “by appointment only” if the live/work address is used.
- k) The external 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.

SECTION 5: Subdivision of Land

The subdivision of land in this PD-M District shall be in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the following exceptions or additions to ordinary standards:

1. No more than three lots shall have sole access to a public street by means of a joint access easement.

**Exhibit "B-1":
Development Plan**



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF JUNE 20, 2013:**

6. Rezoning RZ13-07: Galindo Ranch Partnership

R. Haynes

A request to change the zoning classification from a combination of Office District (C-1) and Agricultural - Open District (A-O), to Planned Development - Mixed Use District (PD-M) on 49.9983 acres of land adjoining the south side of the 2000-2200 blocks of West Villa Maria Road between Shirewood and Autumn Lake Drives in Bryan, Brazos County, Texas.

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

The public hearing was opened.

Allen McBride, 2800 Goldberry, Bryan, Texas, came forward to inquire how this development would affect the floodplain, stating that his house almost flooded in 2004.

Mr. Haynes responded to Mr. McBride that the conservation portion of the design would cover most of the floodplain.

The public hearing was closed.

Commissioner Bienski moved to recommend approval of Rezoning RZ13-07 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hickle seconded the motion

Commissioners discussed:

- Mr. Galindo's previous work in the area.
- The quality of the proposed development.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 20, 2013



Rezoning case no. RZ13-07: Galindo Ranch Partnership Tract

CASE DESCRIPTION: a request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Office District (C-1) to Planned Development – Mixed Use District (PD-M)

LOCATION: 49.9983 acres of land located southeast of the 2000 – 2200 block of West Villa Maria Road between Shirewood Drive and Traditions Boulevard

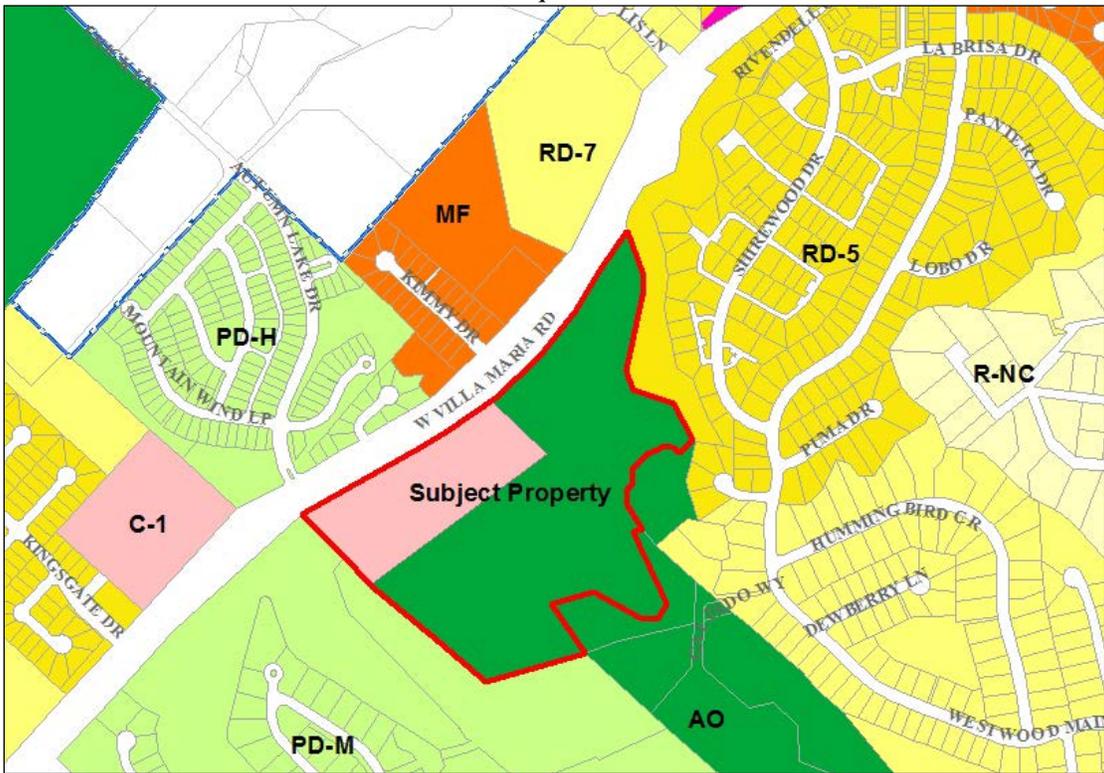
LEGAL DESCRIPTION: A004501, Z PHILLIPS (ICL), TRACT 70.07, 43.016 ACRES, & A005901 T J WOOTEN & A002600 J H JONES

EXISTING LAND USE: vacant acreage

APPLICANT(S): Galindo Ranch Partnership

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed rezoning, as requested.



AERIAL PHOTOGRAPH – 2011:



BACKGROUND:

The applicant, Ram Galindo, began developing land on the west side of Bryan 40 years ago. Many of the projects that Mr. Galindo has envisioned and subsequently brought to life have, as key objectives, the improvement of human health and preservation of the surrounding natural environment.

For a number of years discussion of a properly planned and executed alternative transportation corridor connecting major settlement areas in and around Bryan has taken place. Mr. Galindo, having previously developed potential segments of such a system, is now actively seeking support for a major component of a multi-modal alternative transportation path between the TAMU BioCorridor and Bryan's West Villa Maria area. Mr. Galindo believes that completion of each portion of such a system will enhance quality of life and the future property tax base in Southwest Bryan. Largely due to Galindo's efforts, long range pedestrian connectivity infrastructure planning is already under way with the Turkey Creek Recreation and Conservation Greenbelt (TCRCG), which envisions a pedestrian and non-vehicular network of trails eventually connecting downtown Bryan to the Brazos River and all points in between.

In the case of the subject property, Mr. Galindo proposes a mix of uses on 49.9983 acres of land. A unique feature of the proposal is that of cluster development. Cluster development is the grouping of residential or commercial properties on a development site in order to use the extra land as open space, recreation or agriculture. It is increasingly becoming popular in subdivision development for its low impact and sustainability appeal. By setting aside over 30% of the tract's gross area for open space, this PD-M District will contribute to the creation of a walkable, transit-ready, mixed-use corridor through its entire north-to-south length. It is the applicant's intention to develop this property as a master-planned mixed-use development incorporating the TCRCG and a mixed-use corridor with sufficient residential and commercial density to support the integration of selected business uses. The preliminary allocation of open space and the conceptual location of allowed land uses are illustrated on the attached development plan drawing.

The residential portion of the proposed subdivision is planned to allow development with attached multi-family dwellings as well as detached single-family homes. Accessory dwellings are proposed to be allowed with prior approval of a Conditional Use Permit. Patio/zero lot line dwellings and townhouse dwellings are proposed to also be allowed with prior approval of a Conditional Use Permit, subject to approval of zero lot lines and the arrangement of townhouse clusters by the Site Development Review Committee (SDRC) and overall development layout by the Planning and Zoning Commission. The proposed development plan and drawing for this development are attached on pages 7 – 10 of this staff report.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns.

5.5. Land Use Policies

Owing to the fact that Bryan developed without zoning for most of its history, clear development patterns are not always distinguishable. Older neighborhoods are sprinkled with small commercial areas containing scalable storefronts, offices and service uses such as barber shops. This pattern, although prohibited by most modern Euclidian zoning codes is not view as altogether undesirable by Bryan's residents. Many feel that the character of older subdivisions and historic areas, such as the Downtown, are formed, in part, by this mix of uses.

Citywide Land Use Policies

All land uses should be located such that:

- 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;
- Where feasible; parks, schools, employment centers, residential areas and shopping areas should be linked by walkways and bikeways;

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

Staff believes that the proposed mixed-use development at this particular location will generally be compatible with existing land uses on surrounding properties and in conformance with the land use recommendations of the Comprehensive Plan. Staff is comfortable with the proposed limited range of permitted land uses at this location. The light commercial tracts incorporated within this planned development lie in an area that is considered to be one of the City's higher growth areas due to its proximity to Highway 47 and the envisioned creation of a bio-medical corridor. The proposed Market and Village tracts offer the exposure which most retail trade requires, but they can be expected to also be convenient and accessible to residential users nearby or within this development.

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 applicants are aware of the existing utility capacities and the requirement to extend public infrastructure to and through this property in accordance with existing standards. Staff is not aware of any circumstances that would prevent this property to have access to required utilities.

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.

Land zoned for single-family residential development is located both to the west in the Traditions development and to the east on land adjoining the south side of W. Villa Maria Road. The closest vacant land zoned for commercial development lies west along the north side West Villa Maria Road at its intersection with Jones Road. 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 commercial and residential developments are developing at a moderate pace in this general 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.

If the proposed PD-M District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments.

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

Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed mixed-use development at this location will allow for a useful and orderly urban development of this property.

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

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. While new development at this location will increase the flow of traffic, it is important to note that the subject property is located along a road designed to accommodate significant amounts of traffic. West Villa Maria Road is classified as a major arterial street on Bryan's Thoroughfare Plan. This principal street can reasonably be expected to be capable of accommodating traffic loads typically associated with light commercial and residential uses.

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

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, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

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

Staff believes that the proposed master-planned mixed-use development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** this proposed rezoning, as requested.

Proposed Development Plan:

Development requirements for Planned Development – Mixed Use District (PD-M) on 49.9983 acres of land out of the A004501, Z PHILLIPS (ICL), TRACT 70.07, 43.016 ACRES, & the A005901 T J WOOTEN and A002600 J H JONES surveys, adjoining the southeast side of West Villa Maria Road between Traditions Boulevard and Shirewood Drive in Bryan, Brazos County, Texas

General Purpose and Description

The following development plan is intended to guide planning of land use and physical development on the subject property. This PD-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 potentially permitted uses, to strengthen the area economy and to promote the general welfare of the community.

Definitions

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.

Land Use

4. Within this PD-M District, multiple-family residential land use shall be permitted on land labeled “Medium Density Residential” as depicted on the development plan drawing. The following range of land uses shall be permitted by right in the Medium Density Residential portion of the subject property:

- Live / Work Units, only in buildings located within 70 feet of a public ROW;
- Multiple-Family dwellings;
- Neighborhood services, only in buildings located within 70 feet of a public ROW;
- 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;

5. Within this PD-M District, commercial/nonresidential land uses shall only be allowed on the land labeled “Market Village” or “Urban Village” on the development plan drawing. The following range of land uses shall be permitted by right in the Market and Urban Village portion of the subject property:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Banks, savings and loans or credit union offices;
- Child care--Class B;
- Child care--Class C;
- College or university;
- Essential municipal uses;
- Fitness center;
- General office use (professional, administrative);
- Government (federal or state) owned structures, facilities, or uses;
- Hospital;

- Hotel;
- Kiosk;
- Medical facilities or clinics;
- Museum/art gallery;
- Nursing home (retirement home);
- Personal service shop or custom personal services;
- Pharmacies;
- Photography studio;
- Radio or television broadcasting studio (without tower);
- Restaurant;
- Recreational/community center;
- Retail services (including incidental uses)($< 10,000$ square feet);
- Schools;
- Theater--Indoor;
- 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;
- Veterinary services (no outdoor pens or runs).

Conditional uses:

- Live/work unit
- Night club or tavern ($\leq 5,000$ square feet);
- Retail services (including incidental uses) ($\geq 10,000$ square feet);
- Patio home (zero lot line dwelling);
- Single-family detached dwelling;
- Townhouse.

6. Within this PD-M District the land labeled Creekside Conservation Area 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 Turkey Creek and the surrounding riparian area. The following range of land uses shall be permitted by right in the Creekside Conservation Area of the subject property:

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

SECTION 3: Physical Development

Physical development in this PD-M 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. Those development standards and limitations include, but are not limited to, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting as well as project phasing or scheduling.

Notwithstanding anything to the contrary in the Code of Ordinances, the following standards shall be applicable to the physical development within this PD-M District:

12. Any items or standards not otherwise specified or addressed by this section shall default to the requirements of the West Villa Maria Overlay District.
13. The 25 foot parking and signage setback requirements of the West Villa Maria Corridor Overlay District shall not apply.
14. All vehicle parking located within 25 feet of a public right-of-way shall be completely screened from view.
15. Exterior use of R-panel or equivalent industrial type corrugated metal siding shall not be allowed.
16. Density of multiple-family residential use shall be limited to 35 dwelling units per acre.
17. Compact car parking spaces may account for up to 25% of the required off-street parking spaces provided the spaces are permanently designated by sign(s) as being for use by compact cars only.
18. All compact car parking spaces shall be a minimum eight feet by six inches (8'6") in width and a minimum of sixteen (16) feet in depth.
19. On all lots created by means of a subdivision plat in accordance with Chapter 110 of the Code of Ordinances, no minimum side building setbacks shall be required from property lines inside the perimeter of this PD-M District.
20. Standard minimum building setbacks shall be required from all perimeter district property lines.
21. Existing trees > 6" diameter at breast height (DBH) properly protected during construction will be afforded 1,000 points credit toward required landscaping.
22. Live / Work Unit Provisions.
 - n)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;
 - o)In addition to the permitted uses above, the chair of the SDRC may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;
 - p)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;
 - q)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;
 - r) 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;
 - s) 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;
 - t) The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
 - u)The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units;
 - v)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;
 - w) All advertising for on-site commercial uses shall clearly state "by appointment only" if the live/work address is used;
 - x)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.
 - y)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;
 - z)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;

SECTION 4: Subdivision of Land

The subdivision of land in this PD-M District shall be in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the following exceptions or additions to ordinary standards:

2. No more than three lots shall have sole access to a public street by means of a joint access easement.

Development Plan Drawing:

