

ORDINANCE NO. 2583

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, AMENDING THE DEVELOPMENT STANDARDS OF AN EXISTING PLANNED DEVELOPMENT – MIXED-USE DISTRICT (PD-M), ON 95.29 ACRES OF LAND OUT OF THE ZENO PHILLIPS LEAGUE, A-45, ADJOINING THE WEST SIDE OF NORTH HARVEY MITCHELL PARKWAY BETWEEN LEONARD AND WEST VILLA MARIA ROADS IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS 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, Zoning, of the City of Bryan Code of Ordinances, amending the development standards of an existing Planned Development – Mixed-Use District (PD-M) on 95.29 acres of land out of the Zeno Phillips League, A-45, adjoining the west side of North Harvey Mitchell Parkway between Leonard and West Villa Maria Roads in Bryan, Brazos County, Texas, was recommended to be denied by the Planning and Zoning Commission during its regular meeting on September 15, 2022 (case no. RZ22-13) and

WHEREAS, the applicant requested forwarding the request with a negative recommendation from the Planning and Zoning Commission for final consideration by the Bryan City Council.

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 amending the development standards of an existing Planned Development – Mixed-Use District (PD-M) on 95.29 acres of land out of the Zeno Phillips League, A-45, adjoining the west side of North Harvey Mitchell Parkway between Leonard and West Villa Maria Roads in Bryan, Brazos County, Texas, said 95.29 acres being described more particularly by metes-and-bounds on attached Exhibit “A” and depicted on attached Exhibit “B”, and subject to development regulation described in Exhibit “B-1”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, 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.

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

5.

That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

6.

This ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED AND APPROVED the 11th day of October 2022, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of 7 yeses and 0 noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

Exhibit "A":

**FIELD NOTES
BEING ALL OF THE
BLINN COLLEGE
95.29 ACRE TRACT
VOLUME 12532, PAGE 270
ZENO PHILLIPS LEAGUE, A - 45
BRAZOS COUNTY, TEXAS
September 22, 2015**

All that certain lot, tract or parcel of land being 95.29 acres situated in the ZENO PHILLIPS LEAGUE, Abstract No. 45, Brazos County, Texas and being all of the 95.29 acre tract as described in deed from KKJM Investments Limited Partnership, to Blinn College of record in Volume 12532, Page 270, Official Records of Brazos County, Texas, said 95.29 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod found in the southwest right-of-way line of FM 2818 as described in Volume 284, Page 177 for an east corner, said corner being an east corner of said 95.29 acre tract, said corner being located in the northwest line of Lot 1, Block "A" Discovery Subdivision as described in Volume 597, Page 861;

THENCE S 41° 36' 18" W, along the southeast line of said 95.29 acre tract and the northwest line of said Called Lot 1, Block "A" and the Westpark Assoc. Remainder of a Called 28.576 acre tract as described in Volume 956, Page 721, respectively a distance of 791.97 feet to an Old Iron Pipe found for an interior corner, said corner being the most westerly corner of said Called 28.576 acre tract and also being the most northerly corner of a Called 2.9 acre tract (Second Tract) as described in Volume 148, Page 8;

THENCE S 41° 26' 54" E, along the northeast line of said Called 2.9 acre tract and the southwest line of said Called 28.576 acre tract a distance of 1343.28 feet to a 1/2" Iron Rod with Cap set for the most easterly corner, said corner being an interior corner of said Called 28.576 acre tract and also being the most easterly corner of said Called 2.9 acre tract, said corner also being located in the northwest line of Rock Hollow Subdivision as described in Volume 3506, Page 347;

THENCE S 30° 04' 04" W, along the northwest line of said Rock Hollow Subdivision and Carriage Hills Subdivision, Phase One as described in Volume 2718, Page 188, respectively a distance of 1280.04 feet to a 1/2" Iron rod with Cap set for the most southerly corner, said corner being the Calculated most easterly corner of the Wesley F. Honza, Jr. Called 108.02 acre tract as described in Volume 2171, Page 47;

THENCE N 47° 27' 44" W, along the Calculated northwest line of said Called 108.02 acre tract a distance of 1597.60 feet to a 1/2" Iron Rod with Cap set for a west corner, said corner being the Calculated most northerly corner of said Called 108.02 acre tract, said corner being located in the southeast line of the Jason Seymour Called 22.67 acre tract as described in Volume 1104, Page 74, a Rock Found for an interior corner of said Called 108.02 acre tract bears S 42° 05' 53" W a distance of 200.00 feet;

THENCE N 42° 05' 53" E, along the southeast line of said Called 22.67 acre tract a distance of 583.83 feet to a 1/2" Iron Rod found for an interior corner, said corner being the most easterly corner of said Called 22.67 acre tract;

THENCE N 49 ° 03 ' 59 " W, along the northeast line of said Called 22.67 acre tract a distance of 1406.87 feet to a 1/2" iron Rod found for the most westerly corner, said corner being located in the southeast right-of-way line of FM 1688 (Leonard Road);

THENCE N 42 ° 02 ' 10 " E, along the southeast right-of-way line of said FM 1688 a distance of 1516.23 feet to a 1/2" Iron Rod found for angle point;

THENCE S 89 ° 28 ' 46 " E, continuing along the southerly right-of-way line of said FM 1688 a distance of 96.36 feet to a 1/2" Iron Rod found for angle point, said corner being located at the intersection of the southerly right-of-way line of said FM 1688 and the southwest right-of-way line of said FM 2818;

THENCE S 49 ° 56 ' 28 " E, along the southwest right-of-way line of said FM 2818 a distance of 1326.15 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 95.29 ACRES OF LAND MORE OR LESS, according to a survey performed during the month of November 2014, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961 and working under FIRM No. 10093500. North Orientation is based on rotating the northeast line to Grid North NAD83 (2011) epoch 2010.00 by utilizing GPS Methods.



Exhibit "B":

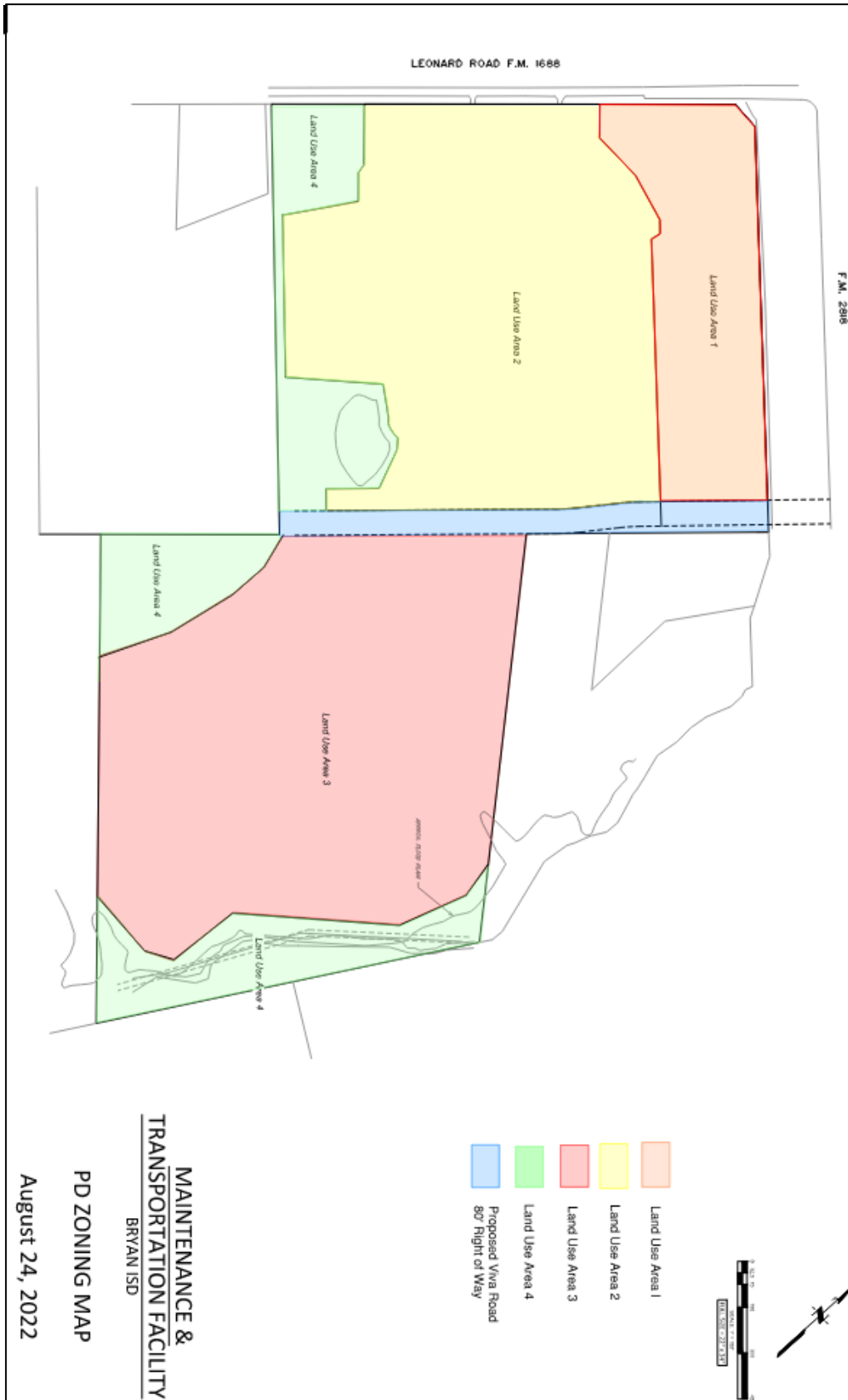


Exhibit “B-1”:

Proposed Planned Development – Mixed Use District (PD-M)

Section 1: General Purpose and Description

The intent of this development plan is to guide planning of land use and physical development on the subject property. This PD-M District development plan shall direct the design, implementation, and growth of a sustainable auxiliary educational campus environment that meets the needs of the Bryan Independent School District and the City of Bryan, and allows for orderly and cohesive development within the District.

This development plan is also intended to set forth guidelines, which will promote aesthetic objectives such as protection of natural features and visual resources, and the use of quality materials to create and maintain harmony throughout the District and the North Harvey Mitchell Parkway (FM 2818) corridor.

Section 2: Definitions

When not inconsistent with the context, words used in the present tense include the future; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to definitions found in the Zoning Ordinance, and failing that, customary usage based on the latest edition of Merriam-Webster’s Unabridged Dictionary.

In this specific context, the term *Auxiliary Educational Campus* (referred to as Campus herein) shall refer to the grounds and the buildings situated thereon, which are intended to house facilities that provide support to students, faculty or staff of a public school district.

Conservation District shall be an identified area which remains undisturbed and in its natural state to provide a wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area as well as existing ponds outside of the Turkey Creek system. Walking Trails can be incorporated into conservation areas where feasible with minimal disturbance. The Conservation District is further depicted in attached Exhibit A.

Section 3: Land Uses

This District provides for four different planning areas depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Uses permitted in each of these areas are listed below, any use not identified by these Development Regulations shall be assumed to be prohibited.

Land Use Area I - The land depicted on Exhibit “A” as Land Use Area I is intended to provide a complementary and context-appropriate combination of residential and commercial opportunities.

The following land uses shall be permitted by right in Land Use Area I:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Branch banks, savings and loans. or credit union offices;
- Child care, Class B and C;
- Essential municipal uses;

- Farmer's Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation
- Food services and/or restaurants, not including drive-through establishments;
- Hotels;
- Laboratories;
- Medical facilities or clinics;
- Multi- family dwelling unit and / or condominiums;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration etc;
- Parking, structured;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, laundromats, plant nursery, package liquor stores, and all incidental uses. Excluded from this category are retail sales and services establishments intended for the automobile, including motor fuel sales;
- School, public, not including maintenance and transportation facilities;
- Temporary structures for uses incidental to construction work on the premise;
- Theaters— indoor;
- Upper floor residential uses; and
- Veterinary clinic (no outdoor facilities for overnight storage of animals).

Land Use Area II - The land depicted on Exhibit "A" as Land Use Area II is intended to provide space for development of support facilities for the use of the Bryan Independent School District. The following land uses shall be permitted by right in Land Use Area II:

- Accessory or incidental uses to the main use;
- Accessory structures;
- District operations and maintenance, including shops, service vehicles, and associated storage;
- Essential municipal uses;
- Food preparation and distribution;
- Fueling point (nonpaid for noncommercial use);
- General office use;
- Lawn and Landscape Maintenance (Grounds Building);
- Parking lot (nonpaid for nonresidential use);
- Private recycling center of commercial and light industrial waste including tires, batteries and motor oil;
- Public Schools;
- School District Transit Garage (Bus Barn);
- Storm water management systems;
- Technology and network operation support;
- Temporary structures for uses incidental to construction work on the premises;
- Vehicle repair and maintenance; and
- Warehouse and storage.

Land Use Area III - The land depicted on Exhibit “A” as Land Use Area III is intended to provide for a variety of complementary and context-appropriate residential and commercial opportunities.

The following land uses shall be permitted by right in Land Use Area III:

- Accessory or incidental uses to the main use;
- Accessory structures;
- Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the public;
- Essential municipal uses;
- Farmer’s Market;
- Fitness, recreational sports, gym, or athletic club;
- Food Service Uses such as full-service restaurants, cafeterias, and snack bars, including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation
- Food services and/or restaurants, not including drive-through establishments;
- Government (federal or state) owned structures, facilities, and uses;
- Health, sports, and athletic training facilities;
- Lawn and Landscape Maintenance (Grounds Building);
- Multifamily dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, public administration etc;
- Place of worship;
- School, public;
- Retail Sales or Service including personal service shop or custom personal services including but not limited to: studio or photography studio, laundromats, plant nursery, package liquor stores, and all incidental uses;
- School District Transit Garage (Bus Barn);
- Storm water management systems;
- Temporary structures for uses incidental to construction work on the premises; and

The following land uses shall be potentially permitted upon prior approval of a conditional use permit by the Planning and Zoning Commission in Land Use Area III:

- Detached dwelling units with no more than 4 unrelated persons;
- Live-work unit
- Patio home zero lot line dwelling
- Single family detached dwelling
- Townhouse
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Land Use Area IV - The land depicted on Exhibit “A” as Land Use Area IV is a conservation area intended to remain undisturbed and in its natural state to provide wildlife habitat, open space and to preserve the ecosystem of Turkey Creek and the surrounding riparian area as well as existing ponds outside of the Turkey Creek system.

The following land use(s) shall be permitted by right in Land Use Area IV:

- Private or public parks walking paths multimodal trails
- Outdoor educational facilities no greater than 1000 square feet

Section 4: Physical Development

The following standards are intended to guide site and building design in this District in order to create and maintain a human-scale environment, preserve existing water systems and promote placemaking through the use of design and construction methods.

This District provides for four different planning areas, depicted in “Exhibit A”, designed to provide for an orderly transition of land uses and development standards. Development standards for these areas are further described below:

1. Physical development of office projects in this District shall comply with the development standards and limitation of the City of Bryan Code of Ordinances that generally apply to properties zoned Office District (C-1), subject to any modifications specified herein.
2. The following additional physical development standards shall also apply:
 - a) On all non-residential lots created by means of a subdivision plat in accordance with Chapter 110 of the Bryan Code of Ordinances, no minimum building setbacks shall be required from interior lot lines; however, separation requirements mandated by the applicable building and fire code will still apply.
 - b) All facades facing and located within 200 feet of the right-of-way or within 100 feet of a residential zoning district shall be constructed with at least 50 percent of each facade covered by masonry/brick construction or architectural metal paneling. This regulation does not include 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.
 - c) Approved Exterior Material List (Limitations subject to paragraphs 2b and 2d)
 - i. Masonry, including brick, natural stone, cast stone, and concrete masonry units (CMU).
 - ii. Corrugated pre-engineered metal building wall and roof panels.
 - iii. Architectural metal wall and soffit panels.
 - iv. Black vinyl-coated metal chain-link fencing, with or without slats (screening required when adjacent to Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818)).
 - v. Black ornamental metal fencing.

- d) Screening. Vehicle bays and rolling doors, as well as all materials, products, or equipment which are stored outside of a fully-enclosed building must be entirely screened from public view. This includes but is not limited to, outdoor storage, service and equipment areas, solid waste dumpsters, above-ground fuel storage tanks, campus-use electric vehicles (golf carts), heating or cooling equipment (located on rooftops or at grade), equipment loading/unloading areas and bus parking. Such areas shall be completely screened from parking and pedestrian areas and adjacent properties by a solid visual barrier not less than six feet in height. Loading and unloading areas for people are not required to be screened, nor are rooftop exhaust stacks that exceed the six-foot visual barrier requirement. All required screening, including that provided by landscape materials shall be 100% effective at the time of installation. Permitted screening methods shall consist of:
- i. Approved brick or brick-clad concrete masonry unit (CMU) fence with cast stone or painted aluminum caps;
 - ii. Approved evergreen trees, berms or other landscaping, planted such that the items intended to be screened remain so throughout the year;
 - iii. Architectural treatments which are compatible with the surrounding building architecture. The screening of rooftop equipment may include the use of parapet walls and the encasement of partition screens.
 - iv. Chain-link fencing with wood, metal, or plastic slats shall not be considered as an acceptable means of creating a visual barrier. Such materials shall be allowed when not visible from the Leonard Road (FM 1688), Viva Road or North Harvey Mitchell Parkway (FM 2818) right-of-way.
- e) Prior to the recordation of a final plat for this District, 80-feet of right-of-way for the extension of Viva Road, a major collector, will be dedicated to the City of Bryan in accordance with the Thoroughfare Plan.
- i. At the time of development, and as agreed upon by the City Engineer, only the pavement width required for the current scale of development shall be constructed. However, the pavement shall be constructed to City standards and accepted by the City of Bryan.
- f) Internal drives shall be provided and constructed to meet International Fire Code requirements and constructed of concrete and asphaltic pavement sufficient to accommodate sanitation services.
- g) Installation of public sidewalks shall not be required along Leonard Road (FM 1688) or North Harvey Mitchell Parkway (FM 2818).
- h) Detached dwelling units in this district shall conform to standards as specified in the RD-5 district.
- i) Patio home and townhouse dwellings are subject to the supplemental regulations of section 62-167 and section 62-168, respectively.

- j) Signage within this District shall be, at a minimum, as listed below. All other sign regulations of the Bryan Code of Ordinances for properties zoned C-2 District shall apply unless specifically modified by the following:
 - i. Freestanding signage:
 - 1. Due to the dimensions of the subject property, two off-premises signs will be permitted. This is to allow structures and uses to install signage adjacent to rights-of-way, which will assist with the smooth circulation of traffic.
 - 2. One freestanding sign at the intersection of North Harvey Mitchell Parkway (FM 2818) and Leonard Road (FM 1688) with a maximum height of 25 feet and a maximum area of 200 square feet;
 - 3. One freestanding sign at the Campus entrance on Leonard Road (FM 1688) with a maximum height of eight (8) feet and a maximum area of 80 square feet.
 - 4. Directional signs to be a maximum area of 20 square feet.
 - ii. Electronic message board:
 - 1. One of the aforementioned signs may incorporate an electronic message board with a maximum sign area of 80 square feet.
 - iii. Building/wall signage:
 - 1. Building/wall signage shall be allowed on the exterior walls of each building, provided the cumulative sign area of all signs on a building shall not exceed 30 percent of the building façade with the main entrance to that building.
- k) Landscaping shall be provided in order to create and maintain a healthy environment, provide visual interest, reduce the impact between light industrial, office, and residential uses on site, obscure the view of parking and storage and provide protection from soil erosion.
 - i. Existing trees located within the District at least eight-inches in diameter measured at DBH (diameter breast height), in good health and not of an invasive species, shall be assigned a value of 100 square feet per caliper inch, or 800 square feet, whichever is greater.
 - 1. Any existing trees claimed for landscape credit must be barricaded in accordance with City standards prior to any construction or earthwork occurring on site.
- l) No physical development shall be permitted within Land Use Area IV except as specified in Section 3, Land Uses. Existing trees within these Conservation Areas and located within 50-feet of a public right-of-way may be claimed for landscape credit.
- m) Buffers. When any non-residential structure or land-use abuts a residential area, the non-residential land-use along a mutual side or rear property line or where separated only by an alley, setbacks shall be greater than the minimum requirements previously set forth in this District. The purpose of the additional setback is to establish a buffer area to help mitigate noise, lighting, and other possible adverse impacts. No development shall be authorized within the buffer area except for required or permitted landscaping and

screening, stormwater detention facilities, and pedestrian walkways. The increased setbacks, which are measured from the property line, shall be required on the property in the higher intensity zoning district, and shall be observed at the time of construction. These buffer requirements are in addition to the screening standards set forth in Section 4.D of this District. No reductions in the buffer area will be allowed.

- i. The depth of the side and rear buffer setbacks shall be in accordance with the following:
 - 1. Fifty feet (50') when a non-residential land-use abuts any residential land use.
 - 2. Twenty-five feet (25') when any multi-family dwelling lot abuts a detached dwelling unit lot.