PLANNING AND ZONING COMMISSION
STAFF REPORT

May 16, 2013

CITY OF BRYAN

Conditional Use Permit case no. CU13-04: J.C. Wall III

CASE DESCRIPTION:	a request to allow a townhouse development on property zoned South College – Business District (SC-B)
LOCATION:	3500 South College Avenue, being 2 acres of vacant land out of the J.E. Scott Survey at the south corner of South College Avenue and Watson Lane
ZONING:	South College – Business District (SC-B)
EXISTING LAND USE:	vacant acreage
APPLICANT(S):	J.C. Wall III
STAFF CONTACT:	Matthew Hilgemeier, Staff Planner
SUMMARY RECOMMENDATION:	Staff recommends **approving** this Conditional Use Permit request, **subject to certain conditions** which are described in more detail on page 6 of this staff report.

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PARKWAY ST
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BACKGROUND:

The subject property is an undeveloped 2.00-acre tract of land zoned South College – Business District (SC-B). The property owner, JC Wall III, wishes to develop a 14-unit townhome project with 52 bedrooms. The proposed density of the project is 7 units per acre and will consist of about 24,000 square feet of total living space in 2 buildings. The proposed development also includes a retail portion along S. College Avenue where a total of 4,000 square feet of retail space is proposed. Retail uses are allowed by right in the SC-B District. As proposed, the attached concept site plan shows a total of 74 off-street parking spaces, which is 2 more than minimally required by the Land and Site Development Ordinance (52 parking spaces townhomes and 20 parking spaces for the retail portion).

During the Planning and Zoning Commission's regular meeting on March 21, 2013, a motion to approve a similar Conditional Use Permit request on this same property with 19 townhomes (case no. CU13-03) failed by a vote of 3 to 5, denying the request. The property owner appealed that decision to the City Council. During its regular meeting on April 23, 2013, the City Council upheld the Commission's decision to deny the request by a vote of 5 to 1.

The subject property lies approximately 445 feet north of the intersection of Old College and South College. Existing land uses in the immediate area include, a commercial produce seller (Farm Patch) to the east; a manufactured home park is located directly south and west of the subject property. A bar/tavern (Carney's) is located to the north across Watson Lane as well as two vacant lots and three single-family homes.

The SC-B District is intended to protect existing development and to promote future development while maintaining the unique character along the South College Avenue Corridor. More specifically, the SC-B District is established to provide locations for various types of general retail trade, business and service uses. The district allows uses which are generally compatible near or adjacent to, but not usually directly in residential neighborhoods.

SC-B zoning potentially allows townhome developments, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The purpose of the conditional use permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts. The applicants are requesting such a Conditional Use Permit to be able to build the proposed townhouse complex, as shown on the conceptual site plan attached to this staff report.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Citywide Land Use Policies

All land uses should be located such that:

- appropriate buffers separate dissimilar uses. Buffers include, but may not be limited to transitional land uses, floodplain areas, parks, landscaping or natural and man-made features;

Use-Specific Land Use Policies

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other housing types as long as densities are high, ranging from 9 to 24 dwelling units per acre. These uses should be located in areas that are:

- along collector or arterial streets at mid-block locations, where appropriate.

Redevelopment and Infill Policies

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.

Goals, Objectives and Action Statements

The following goals, objectives and action statements were developed to address land use concerns facing Bryan in the next twenty years.

GOAL #1: ACHIEVE A BALANCE OF LAND USES WITHIN THE CITY

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

Action Statement 4: Limit the locations of large-scale multi-family developments to areas within an identified proximity to Blinn College and Texas A&M University.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

   Physical development of this property is proposed to comply with the standards and limitations that generally apply to properties zoned South College-Business (SC-B) and developed as townhomes including, but not limited to regulations concerning density, building height, lot coverage, access, screening, landscaping, accessory buildings, signs and lighting. Staff believes that applying the same standards that generally apply to SC-B zoned properties in Bryan, is appropriate for the proposed townhome development at this location.

2. Whether the proposed conditional use is 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 townhome residential use and proposed retail use on the subject property would be compatible with existing or permitted uses on abutting sites. The retail use is compatible with the existing commercial uses located directly north, and west of the subject property, while the townhome use is compatible with the existing single-family and other multi-

family residential uses located to the west and further south along both Watson Lane and South College Avenue. The configuration of this proposed townhome and retail use will serve as a transition from more intense commercial uses located to the east and south, and lower-density single-family uses to the west. Staff believes that the proposed townhome development along Watson Lane as well as retail uses fronting on South College Avenue on the subject property is appropriate in this particular environment. Furthermore, the proposed height of the new buildings is 2 stories and 25 feet appears to be similar in character of the existing neighborhood.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

   Staff believes that approval of the requested conditional use permit for a townhome development would not cause a negative impact on existing and future development in the area. The subject property is located approximately 1.5 miles from Texas A&M University. Staff also believes that this project could serve as a "jumping-off" point for more desirable redevelopment in this area.

4. Whether and the extent to which the proposed conditional use 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 does not anticipate that a townhome development at this location will generate any more traffic than what a larger scale commercial development could generate that would be allowed to locate here without conditional use permit approval. Staff contends that the proposed townhome and retail use at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

   Any new development on this property, including the proposed townhome and retail use, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested and no portion of this property is located within the FEMA recognized floodplain.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

   Staff contends that townhome and retail uses of this particular property will not have any adverse effects on traffic control or adjacent properties. As proposed, the proposed development should not adversely affect traffic control because of inappropriate lighting or signage.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

   The concept site plan for the proposed development indicates off-street parking for the proposed development in accordance with minimum requirements of the Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62). Further, the concept

drawing acknowledges that the project will comply with development standards applicable to the SC-B zoning district. As proposed, the development is required to provide 52 parking spaces for the townhome portion of the project and 20 parking spaces for the retail portion. A total of 74 parking spaces are being provided, which is 2 spaces more than minimally required.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

   Staff believes that, in this particular case, the proposed townhome and retail development on the subject property will result in a desirable arrangement of land use intensities in this area. The South College Corridor Districts are intended to allow for the development of a mix of uses which can complement each other in type and character. While the SC-B District is focused on providing locations for general retail and service uses, the subject property has never been developed. A mixed use development of residential townhomes and retail space on this lot is exactly the type of development the SC-B District was designed for and therefore appears to be appropriate for this location.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

   Staff believes the proposed townhome and retail use of this property will have no ill effects on properties or improvements in the vicinity. As mentioned before, several adjacent properties are also occupied by residential uses at varying densities. This project could serve as a catalyst for increased redevelopment activity, which was one of the reasons for the creation of the South College Corridor zoning districts.

10. Whether the premises or structures are suitable for the proposed conditional use.

    For the same reasons given above, staff believes that the subject property is suitable for residential townhomes and retail uses.

RECOMMENDATION:

Staff recommends **approving** the requested Conditional Use Permit to allow a multi-family residential development on the subject property, **subject to the following conditions**:

1. **That the development shall generally conform to standards and limitations that generally apply to properties zoned South College-Business (SC-B) specifically pertaining to townhome developments, including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening, landscaping, accessory buildings, signs and lighting.**

2. **That a site plan fulfilling all the technical requirements for development of a townhome complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**