

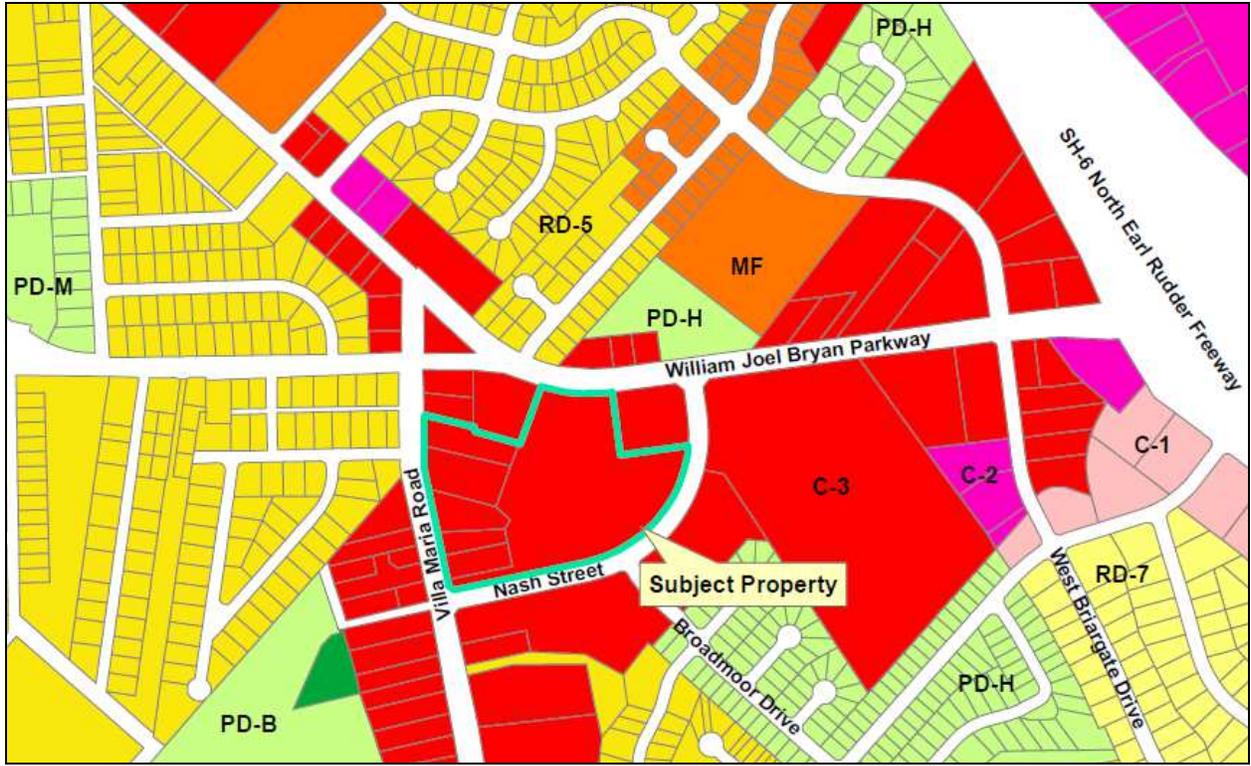
**PLANNING AND ZONING COMMISSION
STAFF REPORT**

March 20, 2014



Conditional Use Permit case no. CU 14-03: Paul Leventis et. al.

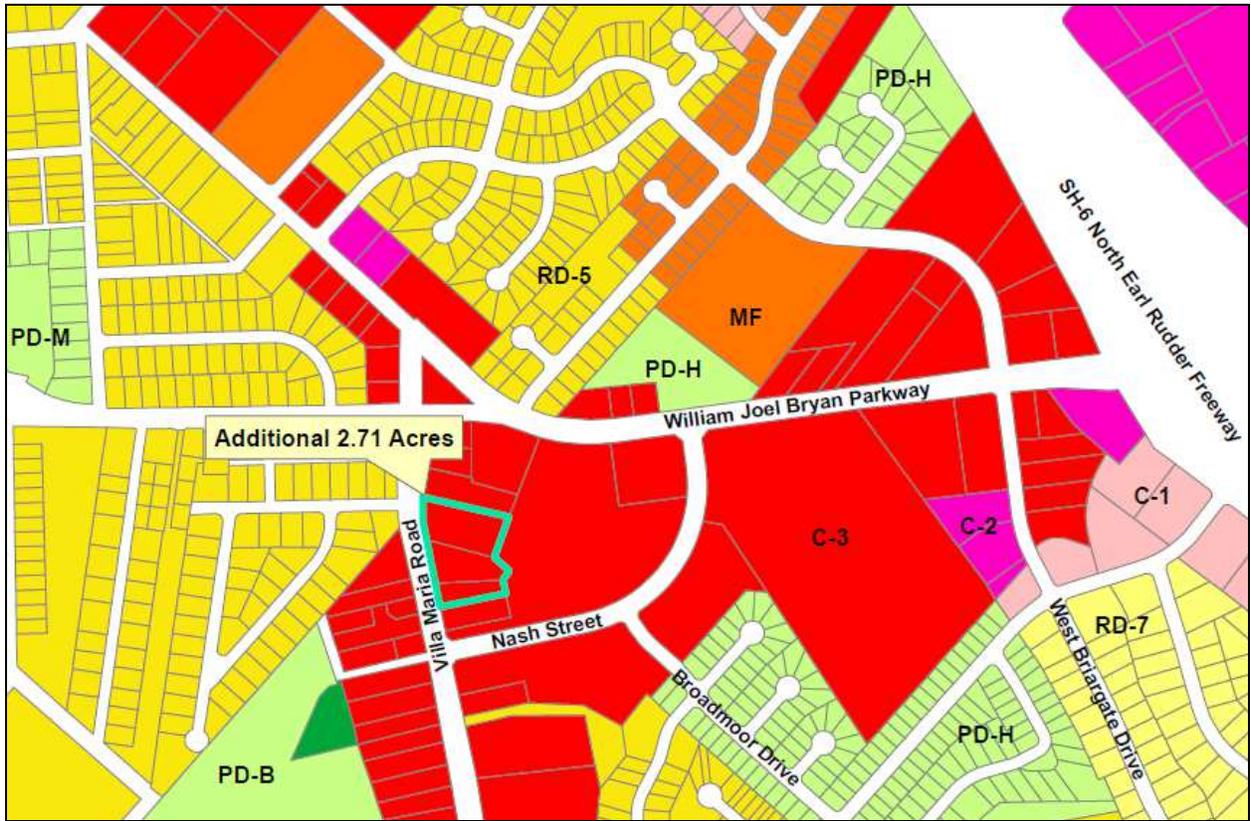
- CASE DESCRIPTION:** a request to amend a previously-approved request to allow an apartment complex on property zoned Commercial District (C-3)
- LOCATION:** 13.48 acres of land adjoining the north side of Nash Street and the east side of E. Villa Maria Road, generally south from their intersections with E. William J. Bryan Parkway (FM 158)
- LEGAL DESCRIPTION:** 4.35 acres out of John Austin Survey and Lot 1-RB in Briar Meadows Creek Subdivision – Phase III
- EXISTING LAND USE:** vacant land, two residences, warehouse with outdoor storage and a plumbing business
- ZONING:** Commercial District (C-3)
- APPLICANT(S):** Paul Leventis et.al.
- STAFF CONTACT:** Randy Haynes, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested Conditional Use Permit, **subject to certain conditions**. Please see page nine of this report for a more detailed description of staff's recommendation.



LAND AREA OF EXISTING CUP APPROVED IN APRIL, 2012:



ADDITIONAL 2.71 ACRE TRACT:



AERIAL PHOTOGRAPH – 2013:



BACKGROUND:

In April 2012, the Planning and Zoning Commission approved a Conditional Use Permit to build a 240-unit apartment complex on a 10.83 acre portion of the 13.48 acre tract that is the subject of the current request. Since the approval of that request (case no. CU12-07), only a small amount of actual development activity has occurred with regard to the project. Recently, the developers, headed by Mr. Paul Leventis, have taken advantage of the opportunity to incorporate an additional 2.7 acres of adjacent land into the scope of his plans to develop an apartment development at this location. The added land area will permit a 30% increase in the number of apartment units previously approved. The added land will allow construction of an additional 72 apartment units.

The applicants/property owners now propose to increase the size of the previously approved apartment complex on these 13.48 acres of land adjoining the north side of Nash Street generally north of its intersection with Broadmoor Drive, south of William Joel Bryan Parkway and east of Villa Maria Road. Within C-3 zoning districts in Bryan, multi-family developments are potentially allowed, but only with approval of a Conditional Use Permit (CUP) from the Planning and Zoning Commission. Consideration of a CUP allows the Commission to impose appropriate conditions that may be necessary to integrate the apartment units within the surrounding environment.

The land surrounding the subject property is generally zoned for heavy commercial use. Across William Joel Bryan Parkway to the north is land zoned C-3 District as the subject tract, northwest is the edge of a residential subdivision that adjoins both sides of William Joel Bryan Parkway and a 1.6-acre electrical substation operated by Bryan Texas Utilities (BTU). The Bryan Main Post Office and a recently developed office complex are located to the east and southeast of the subject property. Those properties, as well as undeveloped land to the south and southwest are also zoned C-3 District.

As required by the Zoning Ordinance, with their application for approval of the CUP, the applicants submitted a preliminary concept site plan for review by the Site Development Review Committee (SDRC). Many technical questions/issues regarding development of an apartment complex on the subject property still remain to be addressed, including, but not limited to, the size and location of public water and sewer line extensions, the location of fire hydrants and stormwater management. The case is being forwarded to the Planning and Zoning Commission for consideration, without an SDRC-approved site plan, but rather a conceptual site plan. If Commissioners are inclined to approve this request, staff recommends that any such approval be made subject to the recommended conditions listed on page nine of this staff report.

EXCERPT FROM P&Z MINUTES OF APRIL 19, 2012:

Conditional Use Permit CU12-07: Paul Leventis et. al.

R. Haynes

A request for approval of a Conditional Use Permit to allow an apartment development on property in a C-3 (Commercial) zoning district, specifically on 10.82 acres of land out of John Austin Survey and Lot 1 in Briar Meadows Creek Subdivision – Phase III, adjoining the north side of Nash Street generally north of its intersection with Broadmoor Drive in Bryan, Brazos County, Texas.

Mr. Haynes presented the staff report (on file in the Development Services office). Staff recommends approving the request based on the following:

- Because of the scale and arrangement of the buildings on the site, staff contends the proposed use will not likely produce greater unfavorable impacts than those created by uses permitted by right in the C-3 zoning district.

- Staff contends that the proposed use will not alter the safety level of vehicular or pedestrian traffic in the area to any greater extent than uses permitted by right in the C-3 District.
- In this case, staff contends that the location of the subject property and arrangement of the proposed development project conforms to the objectives and the purpose of the C-3 zoning district.

Staff recommends approving the request, subject to the following conditions:

- That the apartment development shall generally conform to the site plan attached to this staff report.
- That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.
- That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic circulation and off-street parking shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.
- That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.

Responding to a question from Commissioner Gonzalez, Mr. Haynes stated that the Comprehensive Plan called a need for more multi-family housing to be located near Blinn College. Nash Street is designed for heavy traffic, and the traffic coming and going from the apartment complex would not necessarily match the usual 8-5 traffic.

The public hearing was opened.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, representing the applicants, stated that lights have been placed at the troublesome intersections of the major roads near this area. He stated that this project was previously approved a few years prior. He stated that the development was talking about placing a small commercial development on the corner of Nash Street and William Joel Bryan Parkway.

Mr. Randy Mena, 2705 East Villa Maria, Bryan, Texas, spoke in opposition to the request stating that this type of development might not be wanted on such a prominent thoroughfare in Bryan.

The public hearing was closed.

Commissioner Madison moved to approve Conditional Use Permit CU12-07 subject to the following conditions:

- **That the apartment development shall generally conform to the site plan attached to this staff report.**
- **That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.**
- **That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic circulation and off-street parking shall be approved by the City of Bryan's Site Development**

Review Committee (SDRC), before any building permits are issued.

- **That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.**

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bond seconded the motion.

Chairperson Beckendorf asked if there was any discussion.

Commissioner Madison stated that this was a good development for Bryan and the Blinn College area.

The motion passed with a unanimous vote.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. 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:

Chapter 5: Land Use

Use-Specific Land Use Policies

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other 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 mid-block, where appropriate.

Land Use Goal #1:

Achieve a sustainable mix of land use types in suitable locations, densities, and patterns by limiting 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 with an apartment development is proposed to comply with the standards and limitations that generally apply to properties zoned Multiple-Family District (MF) 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 MF-zoned properties in Bryan, is appropriate for an proposed apartment 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.

The subject property is located in an area that is a gateway into Bryan and is partially within the William Joel Bryan Parkway – FM 158 Overlay District. The proposed site is surrounded by land zoned for heavy commercial use. The attached site plan shows the arrangement of proposed apartment buildings. As depicted, 75% of the proposed 536 off-street parking spaces will be screened from public roadways by proposed multi-family residential buildings. A mixture of two and three story-tall buildings will front the adjoining streets and thereby help provide a defined urban edge. Landscaping will soften that edge, creating a human scale streetscape.

The scale of the 12 proposed buildings shown on the conceptual site plan will be somewhat larger than those of buildings previously developed in the surrounding area, e.g. office buildings at the intersection of Nash Street and Broadmoor Drive. Staff contends, however, that this should have a negligible impact on adjoining properties as the development will be located on property that is separated from most adjoining properties by major arterial and collector streets with at least 80 feet of public right of way and that will provide additional separation.

A listed action statement in the Comprehensive Plan is to “limit the locations of large-scale multi-family developments to areas within an identified proximity to Blinn College”. Staff contends that the subject tract is one of few as-of-yet undeveloped properties in close proximity to Blinn College (approx. 1,500 feet) that can provide the desired development opportunity of higher-density residential housing in close proximity to the junior college, as suggested by the Comprehensive Plan.

Staff believes that existing conditions around the subject property, namely the existing electrical substation and convenience store immediately north of the subject property may limit the subject acreage’s long-term marketability for larger-scale development opportunities (such as, for example, a regional retail center), as desirable exposure for such users along William Joel Bryan Parkway is already limited and may prevent safe access to the subject property from that corridor.

If approved, the proposed apartment development will only have two curb cuts, one on Nash Street opposite the intersection of Nash and Broadmoor Drive, and one on E. Villa Maria Road, approximately 200 feet south of its intersection with E. William Joel Bryan Parkway. This redevelopment will therefore also help eliminate four existing driveways along E. Villa Maria Road, which is classified as a major arterial roadway on Bryan’s Thoroughfare Plan, which will help improve the flow of traffic near the busy intersections in this vicinity.

During development of a convenience store at intersection of Nash Street and William Joel Bryan Parkway within the last year, staff received several calls from area residents expressing dismay at the type of development occurring at that location. Since C-3 zoning allows both retail and other considerably more intense commercial uses by right, staff submits that the proposed multi-family residential project at this location can provide a useful transition between the heavily traveled William Joel Bryan/FM158 commercial corridor and the single-family residential neighborhood that extends to the southwest of the subject property along Broadmoor Drive.

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.

Because of the proposed scale and arrangement of the buildings on the site, staff contends that an apartment use will not produce any greater unfavorable impacts than those created by uses permitted by right in the C-3 zoning district. For example, RV parks, auto sales or repair businesses, warehouses or nightclubs could locate on this property without prior Conditional Use Permit approval. Should the Commission find there are characteristics of the proposal that should be further mitigated, additional conditions may be imposed, e.g., increased landscaping and/or screening.

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 contends that the proposed design will improve the safety level of vehicular and pedestrian traffic in the area. The reduction in the number of curb-cuts (conflict points) will serve to improve the level of safety over the potential number reasonably anticipated should the property be developed with uses allowed by right in this C-3 District.

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 apartment development, 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.

The location of the project is adjacent to two major arterial roadways, Villa Maria and William Joel Bryan. These facilities will provide ample capacity to accommodate the increase in traffic expected. Signage for this development is proposed to follow the same standards that apply to similar apartment developments in the City's Multiple-Family (MF) zoning districts. Staff believes that permitted signage advertising an apartment development at this location would not adversely affect traffic control because of 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 proposed apartment development will be required to provide at least the minimum number of off-street parking spaces, as required by the Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62) for such a use.

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

The C-3 District is intended predominantly for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements

that are generally compatible with typical retail uses, but generally not within or near residential environments. The inclusion of multi-family residential development on the list potentially allowed land uses in C-3 Districts indicates that some flexibility is intended by the Zoning Ordinance to permit such uses where deemed appropriate.

As mentioned above, staff believes that allowing an apartment complex at this particular location will provide a useful transition between existing and proposed low-density residential uses south of the subject property and future nonresidential uses north of the subject property along East William Joel Bryan Parkway. Staff therefore contends that the proposed development project conforms to the objectives and the purpose of the C-3 zoning district in this particular case.

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.

The construction of a 312-unit multi-family residential project on the subject property will bring changes such as an increase in traffic and activity on the now vacant land. Permitting the increase in size of the proposed multi-family residential use as shown on the attached conceptual site plan drawing will be unlikely to produce conditions that would not be otherwise experienced should the land develop into one of the many uses permitted by right in the C-3 District. Staff contends that the proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

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

Staff contends that the 13.48 acre tract, developed in the manner proposed on the attached site plan is suitable for the proposed conditional use.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow an apartment development on this property in a C-3 zoning district, **subject to the following conditions:**

1. That the apartment development shall generally conform to the site plan attached to this staff report.
2. That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.
3. That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic circulation and off-street parking shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.
4. That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.