

PLANNING AND ZONING COMMISSION
STAFF REPORT



June 4, 2015

Planning Variance case no. PV15-03: S. Dhuka, LLC

CASE DESCRIPTION: request for approval of a variance from Section 62-593, Lot and Setback Standards, of the City’s Land and Site Development Ordinance, which requires that all off-street parking, maneuvering, and loading areas on property zoned South College – Business District (SC-B) be located to the rear of the property, behind any structures

LOCATION: 3800 and 3814 South College Avenue, being 0.775 acres of land located at the south corner of North and South College Avenues (proposed Lot 1 of Mini Plaza Subdivision)

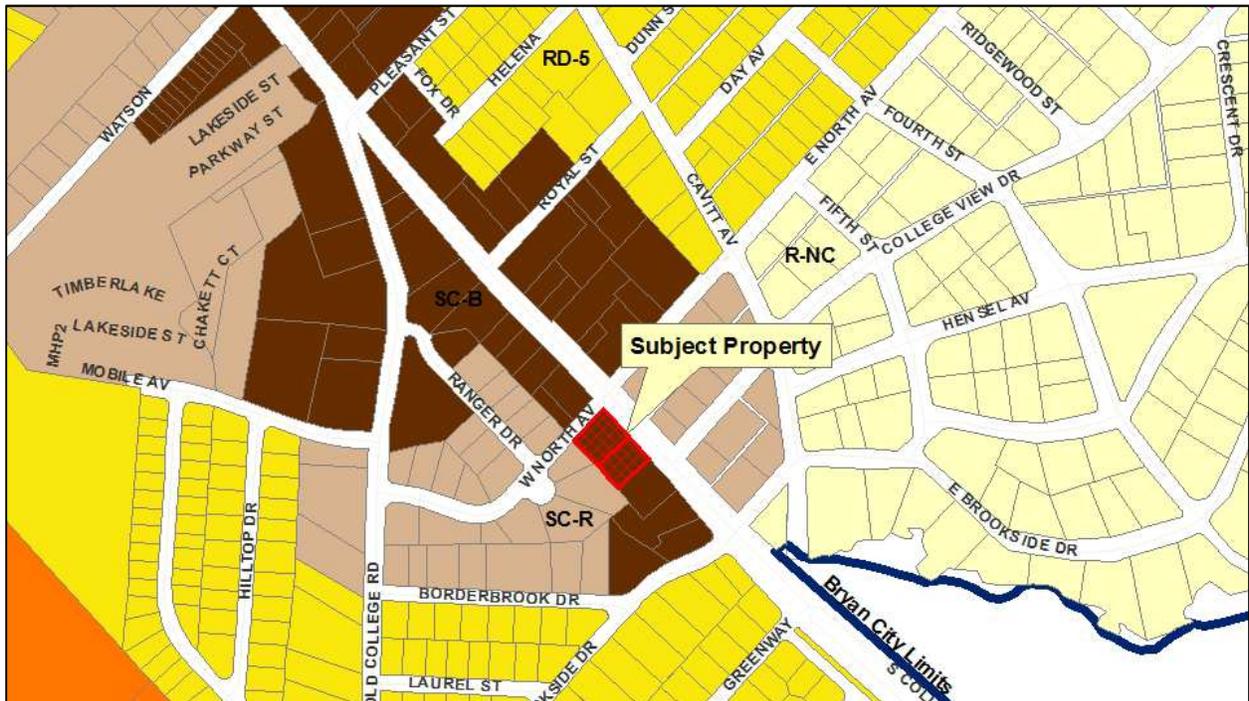
ZONING: South College – Business District (SC-B)

EXISTING LAND USE: retail store and auto repair garage

APPLICANT(S): Parviz Vessali

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this requested variance.





BACKGROUND:

South College Avenue occupies an important place in the cultural and economic history of Bryan, Texas A&M and College Station. In the years between the opening of A&M in 1876 and the era of post-war expansion during the 1950s, the Bryan-College Road / College Avenue / South College Avenue served as the primary route connecting Bryan with the ever-growing College and surrounding community.

By 2001, however, many local citizens were concerned that conditions had deteriorated to the point that the area had become an economic liability. Convinced that planned redevelopment could see the South College Avenue Corridor become a public asset, a group ultimately numbering 200 citizens, stakeholders and public officials began trying to effect positive change. In July 2002, declaring that “it is in the public interest to guide the growth and redevelopment of South College Avenue” the Bryan City Council set in motion the process that would lead to the January 2004 establishment of the South College Corridor Overlay District as well as two new zoning districts, South College – Residential District (SC-R) and South College – Business District (SC-B).

The stated purpose of the corridor overlay and the two new districts was to:

exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop.

A market study that accompanied the 2002 South College Avenue Corridor Redevelopment Plan indicated that new standards for urban design, intended to create a sense of place and thus give the corridor a new, specific identity, was critical to the long term economic viability of the corridor. One of the most notable of these new standards was the requirement that parking lots be screened from the corridor by the buildings they serve.

The applicant, Mr. Parviz Vessali, is representing the property owner, Mr. Sadig Dhuka, who wishes to remove all existing buildings and redevelop 0.775 acres of land located at the south corner of North and South College Avenues into a retail center. The new development is planned to house a convenience store offering fuel sales as well as a separate neighborhood grocery store.

At the outset of the pre-development discussions with City staff, it became evident to the property owner that complying with a major component of the existing South College – Business (SC-B) site design standards would severely limit the potential for the new businesses to be successful. Specifically at issue is the requirement that all off-street parking, maneuvering, and loading areas be located to the rear of the property, behind any structures.

Mr. Vessali is requesting complete variance from the Land and Site Development Ordinance, Section 62-593(b) which states that

all off-street parking, maneuvering, and loading areas within a South College – Business zoning district shall be located to the rear of the property, behind any structures placed on the lot.

At the request of the staff, Mr. Vessali consulted with the project architects asking them to study the site and the site design standards to determine if there was a solution that would satisfy the owner and also comply with the regulations. Evidently there were design options that would be both compliant and also allow the project to be accommodated within the property boundaries, but the developers felt that none would produce a commercially acceptable result.

To serve as examples of the type of site design envisioned for commercial development along the South College Corridor Overlay District, three examples have been appended to the end of this staff report.

CURRENT CONDITIONS:



EXCERPT FROM VARIANCE APPLICATION:

Please describe the type of variance being requested:

- Section “62-593 LOT AND SETBACK STANDARDS” paragraph (b)
“OFF-STREET PARKING SETBACK” in “SC-B”

Are there special circumstances or conditions affecting the land involved such that the strict application of the ordinance would deprive you reasonable use of the land:

- The business has been at this location for decades. The existing structure is old and decrepit. It is in the best interest of the owner as well as the neighborhood to replace it with a new building.

The new ordinance forces the building to turn its back to the street, hence decreasing the visibility from the street, consequently creating safety hazards that do not exist presently.

Is the variance necessary for the preservation and enjoyment of substantial property rights:

- Since the enactment of the new ordinance in 2004, there has been no substantial development in the area. Existing structures are in dire need of improvement. By granting this variance you help to increase the property values as well as incentivizing other property owners to follow suit.

State how the granting of the variance would not be detrimental to the public health, safety, or welfare or injurious to other property in the area:

- The granting of the variance would allow the new structure to have front entrance and parking facing the street. This is common industry practice for the current business as it increases visibility, making the area safer and helping to reduce crime.

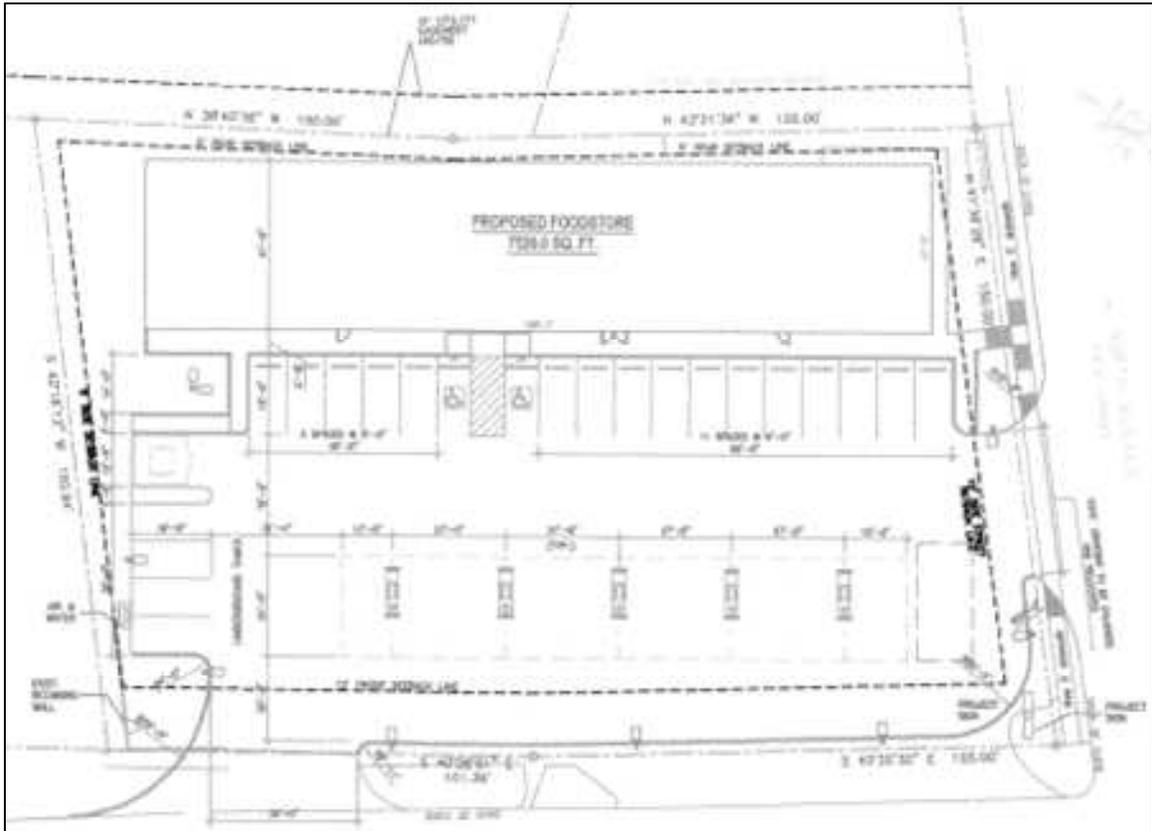
State how this variance will not affect the orderly development of the subject property and/or land in the vicinity in accordance with City of Bryan Ordinances:

- A new enhanced structure on this property will increase the value of adjacent properties. The approval of this project will encourage other property owners in the area to renovate their properties as well.

STREET VIEW, RESIDENCES ON LOTS ABUTTING THE SUBJECT PROPERTY:



PROPOSED REDEVELOPMENT SITE LAYOUT:



CONCEPTUAL REDEVELOPMENT RENDERING, BUILDINGS SITED AT REAR OF LOT:



ANALYSIS:

The Planning and Zoning Commission may authorize a variance from regulations stipulated in the Land and Site Development Ordinance. **No variance shall be granted** unless the Planning and Zoning Commission finds that **all** of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his or her land;

Adjoining the rear of the 150-foot deep subject property are two residential tracts, each containing single family residences approximately 55 years old. Staff is very concerned with the possibility that redevelopment of this specific property, under the current standards requiring that parking and maneuvering areas be located behind the building, coupled with the proposed traffic-intensive use, (convenience store with fuel sales) could create conditions that will cause harmful effects upon the adjacent residential properties.

Staff contends that aforementioned arrangement constitutes special circumstances and conditions affecting the subject property, such that strict application of the ordinance would deprive the applicant the reasonable use of his property; that reasonable use identified as having the opportunity to redevelop without creating potentially negative impacts to adjacent residential properties.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

Staff contends that it would be entirely possible for the applicant to redevelop the subject property in compliance with the standards of the ordinance and still enjoy reasonably unencumbered property rights. However, staff also contends that such a redevelopment could create harmful effects to adjacent properties. In the opinion of staff such a condition, enforcement of standards that could destabilize the adjacent neighborhood, thus negatively affecting the subject property, may represent a significant barrier to the owner's enjoyment of the property.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

The subject property shares a common rear property line with two residences that face West North Avenue. Both houses are owner-occupied and are located within the South College – Residential (SC-R) District. Each house is located as close as 50 feet from the property line shared with the subject property. Staff contends that proposed redevelopment of the subject property in compliance with the standards of the Land and Site Development Ordinance could have detrimental effects on these existing, owner-occupied residences and those effects may outweigh the benefit to the public of strict compliance with the South College Corridor Overlay District standards in conjunction with the proposed redevelopment of the subject property.

Along the 3-mile length of the South College Corridor from downtown Bryan to the city limits, 46 of the 322 parcels occupied by nonresidential uses share one or more property line with property zoned for residential use. Each of these 46 parcels could present the potential for producing similar harmful results as those identified in this case.

The actual use proposed would have significant bearing upon the ultimate outcome; for instance, parking in the rear of an office building is likely to produce less harmful effect due to less traffic, than what could be expected by a successful convenience store or a night club (<5,000sf), both of which are land uses allowed by right at this location. Staff suggests that consideration of such issues be taken up with the proposed redevelopment of individual properties and their surroundings.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this article.

Staff believes that the South College Corridor Overlay District standard requiring that parking be located behind buildings along South College Avenue is a key component in the group of regulations adopted by the City Council in 2004. Those standards are meant to guide redevelopment with the goal of creating a unique business and residential environment along what historically had been the main road between Bryan and Texas A&M University.

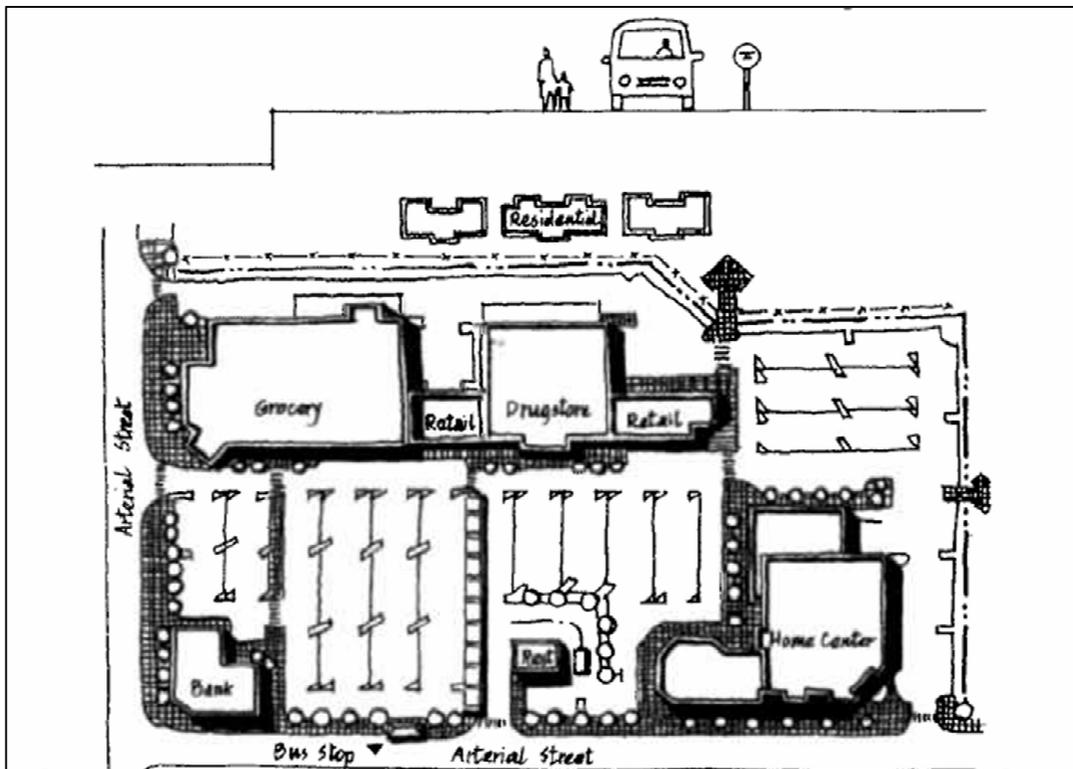
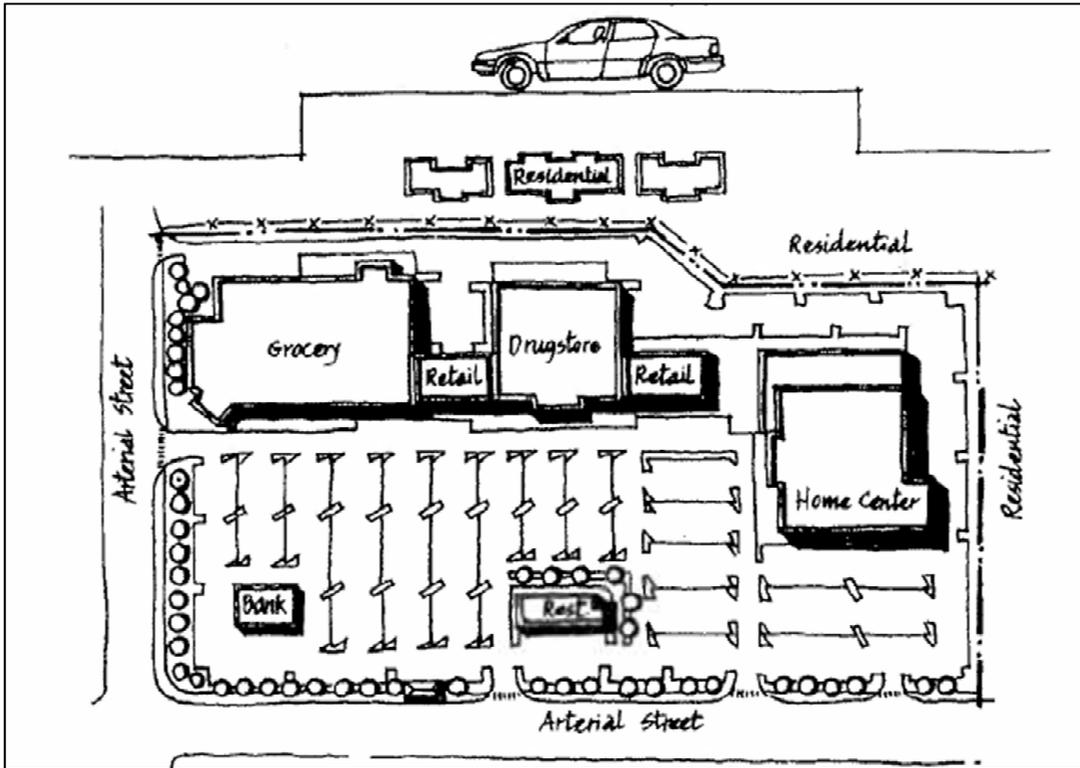
Staff asserts that granting the requested variance without clearly defined special circumstances or conditions affecting the land could have the effect of impairing orderly development of other land in the immediate vicinity or in other areas of Bryan. Such an approval may make it difficult for Planning and Zoning Commissions to deny similar requests in the future, which could then produce detrimental impacts, specifically nullification of a key development standard intended to support redevelopment along the South College Avenue corridor.

In the case of the subject property, however, staff contends that compliance with the South College Corridor Overlay District standards may produce potentially negative effects for at least adjacent residential properties that would, ultimately, prevent orderly development in this vicinity.

RECOMMENDATION:

Staff recommends **approving** this requested variance.

EXAMPLES, AUTO-DOMINATED DESIGN VS. PEDESTRIAN FRIENDLY:



EXAMPLE, PEDESTRIAN-FRIENDLY LAYOUT OF AUTO-ORIENTED BUSINESS:

