

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**



**July 16, 2015**

**Rezoning case no. RZ 15-14: Natalie Studios, LLC.**

**CASE DESCRIPTION:** a request to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing (PD-H)

**LOCATION:** 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street

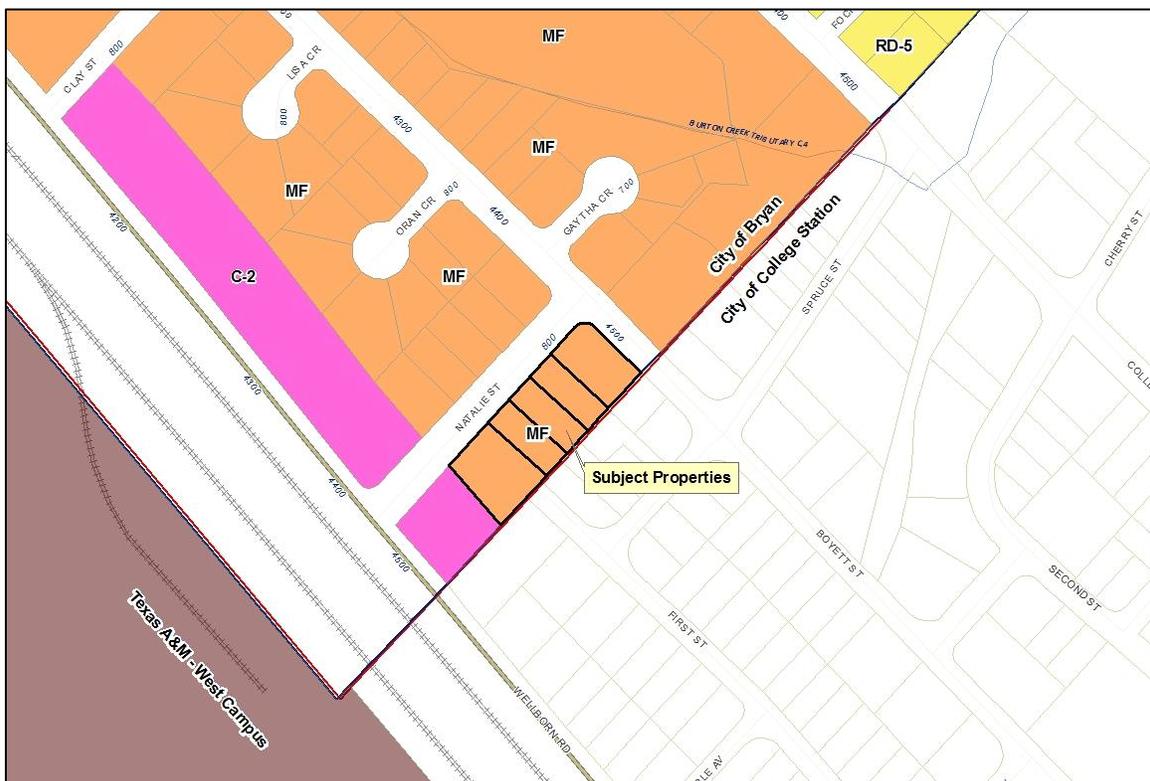
**LEGAL DESCRIPTION:** Lots 2R, 3R, 4R, 5R and 6R in Block 1 of Hyde Park Addition

**EXISTING LAND USE:** Multiple-family residences (six individual four-plexes)

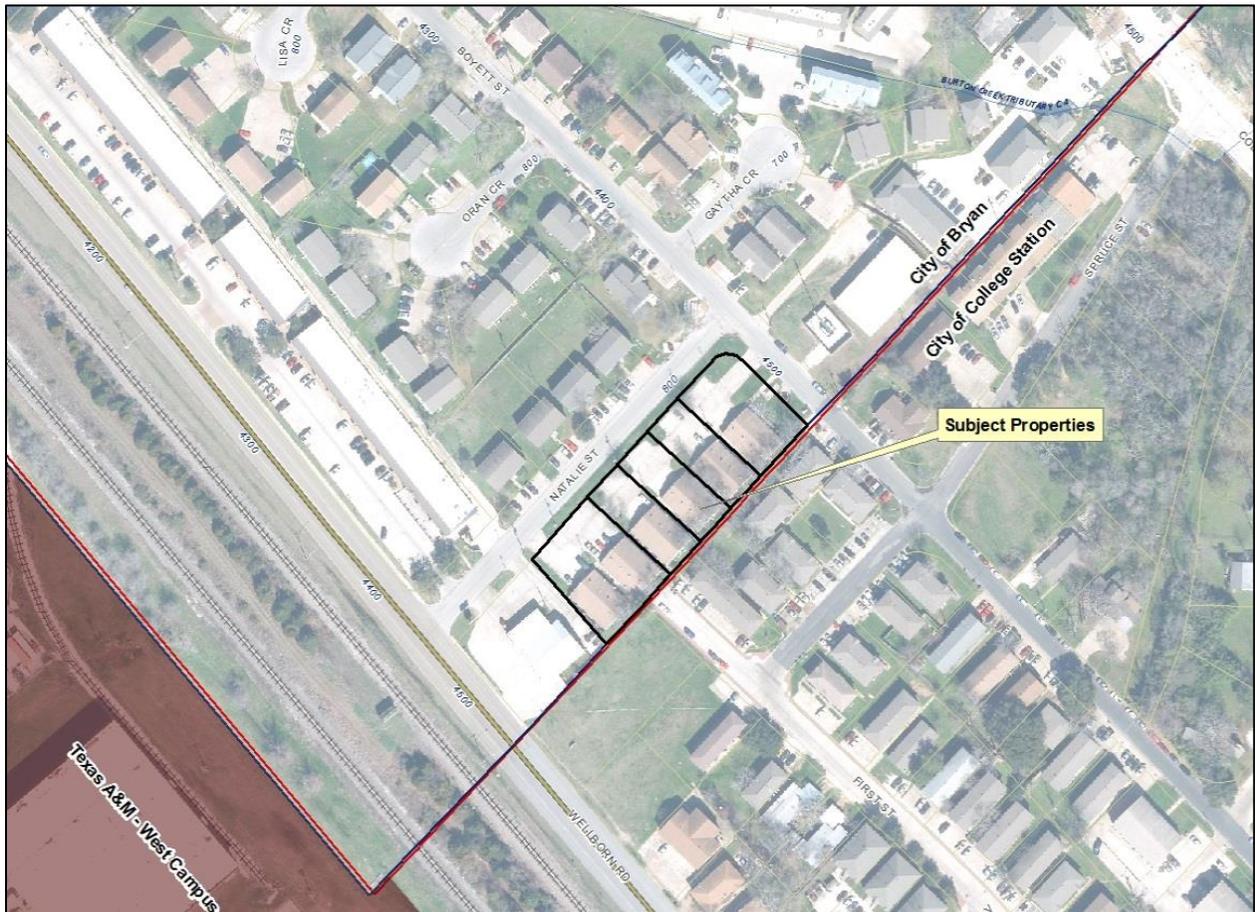
**APPLICANT(S):** Veronica Morgan, Mitchell & Morgan

**STAFF CONTACT:** Matthew Hilgemeier, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed PD-H District.



## AERIAL PHOTOGRAPH – 2013:



## BACKGROUND:

The applicant, Veronica Morgan of Mitchell and Morgan, on behalf of the property developer Natalie Studios, LLC is requesting a change of the zoning classification of 1.123 acres located at the intersection of Natalie Street and Boyett Street, from Multiple-Family District (MF) to Planned Development District – Housing (PD-H) District, to permit the planned construction of a 3-story multi-family, apartment structure consisting of 54 units.

There are six thirty-five-year-old four-plex dwelling units on the subject property which is currently platted as five individual lots. Properties located to the north and west of the subject property, across Natalie Street and Boyett Street are zoned for and developed as multi-family residential properties, while the property located along the southern property line is zoned Retail District (C-2). The subject property's eastern property line is located directly along the City of Bryan / City of College Station city limit line. This rezoning request is being made concurrently with a similar request and development plan in the City of College Station. The aim of the overall project is to redevelop the combined 5.1-acre tract, removing the existing multi-family structures and constructing three buildings; one 3-story multi-family residential unit on the subject property located within the City of Bryan, and a 7-story multi-family building and 8-story parking garage located within the City of College Station; collectively this project will be known as the "Sterling A&M Project".

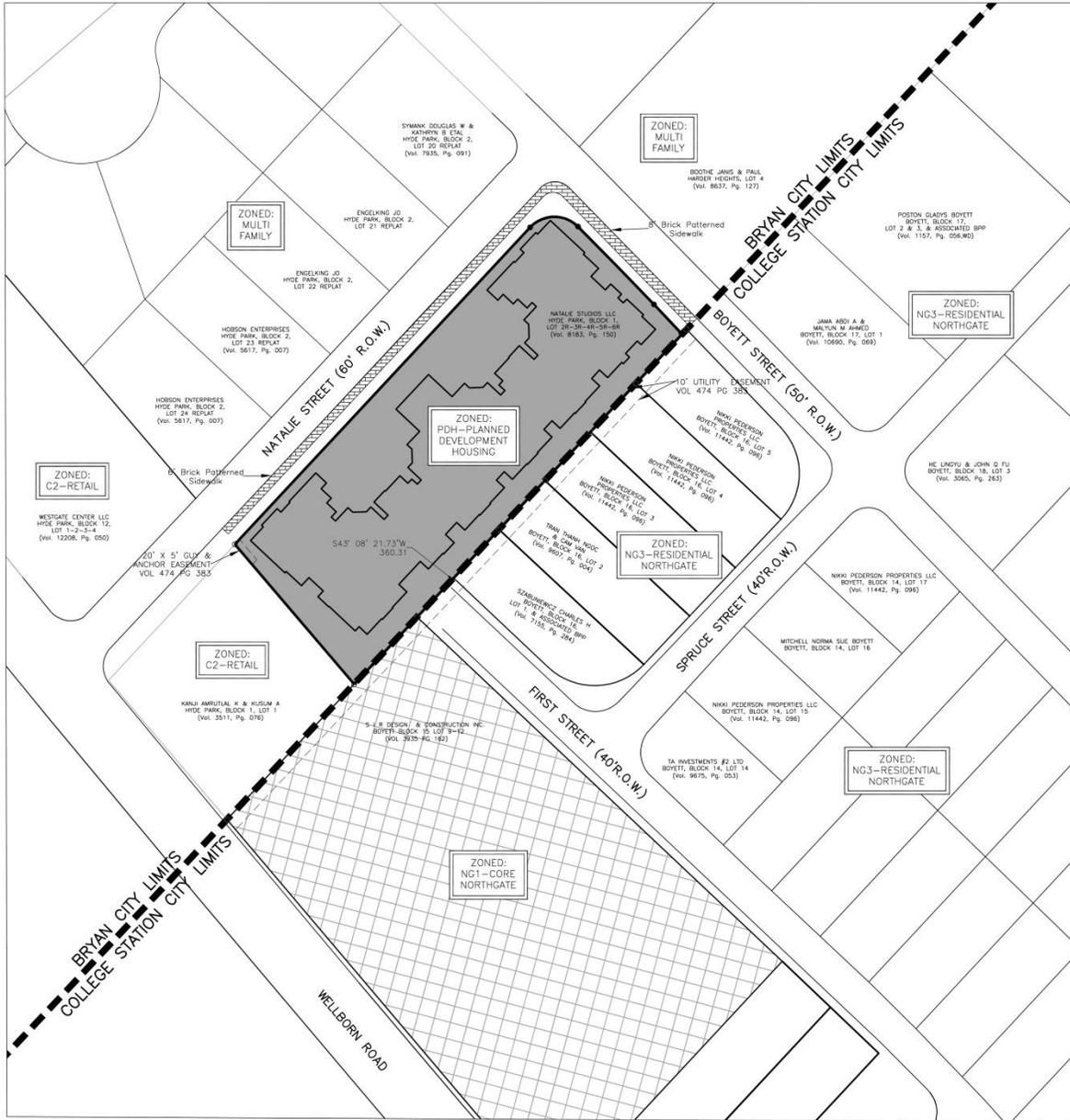
Staff from various departments from both the City of College Station and the City of Bryan have been working with the developer of this property to coordinate the planning, building review and construction phase process that will be required for this project, as well as collaborating on the most efficient manner in which to provide utility and solid waste services. If the requested rezoning is approved a future replat of the five smaller lots into the one, larger lot will be required and a site plan meeting all requirements of the City of Bryan Land and Site Development Ordinance, with the exception of any modifications granted with this rezoning request, will be submitted for review and approval by the Site Development Review Committee prior to the issuance of any building permit for construction.

The PD-H zoning classification is being requested to allow for better utilization of the property by reducing building setbacks, increasing the maximum allowed building height, and increasing the maximum unit density typically allowed for multi-family development. The proposed development plan envisions increased area utilization by eliminating the building setback requirements to allow the new structure to create an urban edge along Natalie Street and Boyett Street. The medium-rise construction proposed for the multifamily building to be located on the subject tract will allow for a higher density; consequently the applicant is requesting that the maximum multi-family density be raised from 25 to 50 dwelling units per acre.

This will allow the site to develop in a manner which is consistent with the overall development pattern that is taking place in the Northgate area of College Station (which is adjacent to the subject property) over the past 5 years.

A design and development plan have been submitted that address existing site constraints in a manner that the applicant contends will allow the property to be utilized as proposed, while remaining true to the guiding values of the Zoning Ordinance and sound planning principles.

# DETAIL, DEVELOPMENT PLAN DRAWING:



**PROPOSED ZONING**





BRYAN BUILDING - BOYETT STREET



BRYAN BUILDING - NATALIE STREET

**PROPOSED DEVELOPMENT PLAN:**

**GENERAL PURPOSE AND DESCRIPTION**

The Sterling A&M Project development plan is intended to guide planning of land use and physical development on the subject property. This PD-H development plan is envisioned as a tool to help stabilize and improve property utilization, to facilitate appropriate use of the property, to strengthen the area economy, and to promote the general welfare of the community.

**SECTION 1: LAND USES**

The following range of land uses shall be permitted by right in this PD-H District:

- Multi-family dwelling units;
- 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.

**SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to multiple-family developments on properties zoned Multiple-Family District (MF) except as provided by the following meritorious modifications:

1. Section 130-12a, “General Purpose and Description” – The maximum unit density allowed in this zoning district shall be 50 units per acre.

2. Section 62, Article IV, “Building Setbacks and Lot Standards” -
  - a. There will be no required minimum building setback from any property line in this development.
  - b. The maximum building height allowed shall be 50-feet.
3. Section 62- 429 (a)(1)(a), “Landscaping Requirements - Area Requirements” – An area equal to 10 percent of the developed area shall be required to be landscaped.
4. Section 62-297 “Parking and Circulation” - Off-street parking shall be provided on the adjacent property located in the City of College Station. A non-revocable written agreement shall be executed assuring the provision of at least 171 standard automobile parking spaces, for use by residents and guests of the multi-family structure constructed on the subject property, shall be properly drawn and executed, approved as to form by the City Attorney, and recorded with the Brazos County Clerk before issuance of a Certificate of Occupancy (CO) for the proposed multi-family structure.
5. Section 98-43 “Signs allowed in MF zoning districts” – One wall sign per building façade facing a public right-of-way not to exceed one square foot of sign area for each linear foot of that building frontage up to a maximum of 300 square feet. Allowed wall signs may be placed on any façade of the building.
6. Should there arise a circumstance where these PD-H development standards are silent, then the same standards that apply to properties in Bryan zoned Multiple-Family (MF) zoning districts shall apply.

### **SECTION 3: SUBDIVISION OF LAND**

The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances. Subdivision of the property into townhouse lots shall be permitted as per the adopted development plan drawing.

EXCERPT FROM ZONING CHANGE REQUEST FORM:

# Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

The current zoning is for MF-Multi-Family. With the MF district there are several limitations that would prohibit the development as planned. Namely, we are limited with density setbacks and height restrictions. In addition, there are limitations in Bryan with the number of unrelated individuals within a dwelling unit. With a PD-H – Planned District - Housing zoning we can modify these elements and create a district with much more flexibility to accommodate this unique student housing product.

List the changed or changing conditions in the area or City which make this zone change necessary:

This area of Bryan is in close proximity to the Northgate area of College Station. In recent years there has been a concerted effort to redevelop and reinvest in this area of both Bryan and College Station. This redevelopment has been largely focused on high density student housing, thus placing this student population in close proximity to the University. These efforts of consolidation and redevelopment are significant and are driving this request for a zone change on this property.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

Yes this zone change is in compliance with the City of Bryan Future Land Use Plan. As stated in the Goals, Objectives and Action Statements, Goal #1 is to: "Achieve a sustainable mix of land use types in suitable locations, densities and patterns." Action Statement #4 under Goal #1 is: "Limit the location of large-scale multi-family development to areas within an identified proximity to Blinn College and Texas A&M University." This requested zone change seeks to fulfill this action statement.

List any other reasons to support this zone change:

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Matthew Hilgemeier  
Staff Planner  
Development Services  
P.O. Box 1000  
Bryan, TX 77805

July 8, 2015

**Re: DINERSTEIN NORTHGATE STUDENT HOUSING PROJECT AT NATALIE STREET & BOYETT STREET REZONING REQUEST TO PLANNED DEVELOPMENT-HOUSING (PD-H)**

Dear Matthew,

As stated in the Comprehensive Zoning Ordinance, the purpose of the Planned Development district is to accommodate and encourage innovative concepts in land utilization not permitted by other zoning districts. Through this rezoning request, this development is seeking flexibility in design standards in order to provide a unique student housing concept within the Bryan/College Station community.

**Listed below are the bulk variances that we are seeking for the Dinerstein Northgate Student Housing Project:**

Understanding that we must choose a base zoning district for the residential development upon which we base all variance requests, we have chosen MF – Multi-Family Residential District as our base district and all variance requests below are based upon that base district:

**Bulk Variance Requests:**

1. ***Section 130-12.a – “The MF, Multiple-Family Residential District, is a residential district intended to provide the highest residential density of a maximum of 25 dwelling units per acre.”***

We are requesting that this development be allowed to develop at a maximum density greater than this 25 dwelling units per acre that is allowed in MF. Section 130.25.c.5 states that the maximum housing density permitted in any planned development shall be no more than 50 dwelling units per acre. We are requesting that we be allowed to develop to this maximum density of 50 dwelling units per acre.

2. ***Section 62 Article IV. Building Setbacks and Lot Standards***

We are requesting zero setbacks for this development. We are requesting the maximum height restriction be changed from 35-FT to 50-FT.

3. ***Section 62.429.a1a – “An area equal to 15 percent of the developed area (building site) shall be required to be landscaped.***

We are requesting a reduction to 10 percent of the developed area be required to be landscaped.

**4. Section 98-43 "Signs allowed in MF zoning districts"**

In addition to the allowed entrance identification sign, we are requesting one wall sign per building façade facing a public right-of-way not to exceed one square foot of sign area for each linear foot of that building frontage up to a maximum of 300 square feet. Given that request we would be allowed 2 attached signs because we have 2 building facades which face rights-of-way. We would also request that we be allowed to place these 2 wall signs on any façade of the building.

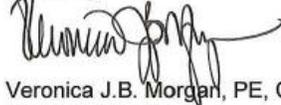
As stated in the City of Bryan Zoning Ordinance, the purpose of the PD-H, Planned Development-Housing District is used to permit new or innovative concepts in land utilization not permitted by other zoning districts. In order to develop within the City of Bryan, this development will require several bulk variances and thus the reason for a PD-H zoning district.

The community benefits from this project are as follows:

1. This development proposed at this location close to the Texas A&M University campus is ideal for a student housing project of this size. This proximity encourages alternate modes of transportation other than vehicular to the campus, which helps alleviate roadway congestion.
2. This project includes the consolidation and rebuilding of several properties that are prime for redevelopment. These properties are older housing stock and not in keeping with the higher densities currently developing in this overall area close to the TAMU campus. This development will help revitalize an older area of Bryan which is in keeping with the goals of the City of Bryan Comprehensive Plan.
3. The redevelopment will provide several upgrades to infrastructure, water distribution and sidewalks which will enhance the area.
4. These improvements to the property and infrastructure have the potential to be a catalyst for future redevelopments to surrounding properties and continue the urban renewal in the area.

We hope this information is helpful to you and for the consideration for our project. Thank you very much. If you have any questions please do not hesitate to call.

Sincerely,



Veronica J.B. Morgan, PE, CFM  
Managing Partner

Cc: File

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical 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 its recommendation regarding this proposed zoning change:

### **GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.**

#### **Objective A: Provide for an efficient development process.**

*Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.

*Action Statement 2:* Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.

## **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.

**The subject tracts for this proposed planned development plan lie on the edge the City of Bryan City limits, adjacent to the City of College Station. This proposed structure is part of a larger development that will consist of two multi-family structures, one 3-story structure located in Bryn and one 7-story structure located in College Station, and an 8-story parking garage located in College Station. In recent years, the area of College Station zoned Northgate Residential District has seen an increase in the number smaller single-family homes and individual four-plex units properties redevelop into "high rise" style apartment complexes constructed. Until now, these types of developments have been located closer to University Drive and the Northgate bar/entertainment area of College Station. Due to the success of these projects and to the relatively low cost of property located on the City of Bryan side of the twin city border, properties located in Bryan are becoming more desirable and are more likely to redevelop into this style of multi-family housing.**

**As proposed, the development plan alters very little with regard to the uses potentially allowed on the subject property. Rather, to achieve higher residential density, the plan put forward eliminates building setbacks, increases the maximum allowed height of buildings, increase the maximum number of unrelated individuals living in a single dwelling unit and reduces the amount of landscaped required.**

**Staff believes that the proposed development at this particular location, near Texas A&M University and in an area where there has been redevelopment of older, smaller multi-family properties into similar high density multi-family projects, is an appropriate use for the subject property. Staff contends that the proposed arrangement of the structure will be compatible**

**with existing land uses on surrounding properties. The proposed development is in conformance with the development infill recommendations of the Comprehensive Plan. Staff is comfortable with the proposed limited range of permitted land uses and proposed development standards for these uses at this particular location.**

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 subject property is located at the intersection of Natalie Street and Boyett Street, both of which provide access to required utilities. Should this rezoning request be approved by the City Council, any expense related to the need for relocation and/or replacement of both public and private utilities that may be required to accommodate this development will be borne by the developer.**

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.

**Within a half-mile radius of the subject property, all land that is classified as MF District in Bryan is developed for some type of multi-family use. As staged above, there area surrounding the subject property, but located in College Station is zoned for this type of high density, multifamily development. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity or elsewhere in the City unavailable for development, but may in fact encourage the redevelopment of these properties into higher density properties.**

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.

**Within a half-mile radius of the subject property, there have been ten high density, multifamily developments constructed within the last 5 years, all in College Station. Staff finds more and more that high density residential development is occurring at an increasing pace in this general vicinity, specifically in College Station. Although the area has been in a fully-developed state for many years, recent living patterns, market changes and close proximity to the Texas A&M University and the close proximity to two major thoroughfares (Wellborn Road and University Drive) appears to be bringing about increased interest in redevelopment in this area.**

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.

**Staff contends that other areas designated for similar development will not be negatively affected by the proposed zoning change. If the proposed PD-H District were approved and other requests for a similar style of development were then requested in the future, there may be a need to modify the zoning designation for other areas designated for similar development in the vicinity to allow for increased density, reduced setbacks, and increased maximum height standards. Such changes would be at the direction of the City Council and would require a public hearing to receive input from property owners. The proposed development standards of this PD-H District are specifically designed for this site.**

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 3-story, multi-family development at this location in conjunction with the proposed 7-story multi-family and parking garage proposed for the adjacent properties will allow for a useful and orderly urban redevelopment 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.

**Staff believes that the proposed multi-family development will be compatible with existing land uses that are already established in the area. The proposed variations to height limitations and reduced setbacks will not have an immediate effect on any properties directly adjacent to the subject property and will have a positive effect on the surrounding area and will be compatible with existing and anticipated uses surrounding this property. 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 have not been mitigated by the provisions of the proposed PD-H 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 slightly increase the volume of auto and pedestrian activity, it is important to note that the subject property is located near a street designed to accommodate significant amounts of both auto traffic; Wellborn Road is classified as a minor arterial street on Bryan's Thoroughfare Plan. Due to the subject property's close proximity to Texas A&M, it can be reasonably expected that pedestrian traffic will increase in the area. Six-foot sidewalks along Natalie Street and Boyett will be required to be built by the developer in the public right-of-way and dedicated to the City as part of the replatting process.**

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

**Attached signage (wall signs) is not permitted within Multiple-Family districts therefore, the applicant is requesting that one wall sign per building façade facing a public right-of-way not to exceed one square foot of sign area for each linear foot of that building frontage up to a maximum of 300 square feet be allowed. Allowed wall signs may be placed on any façade of the**

**building. Staff contends that allowing wall signage on this type of building would not adversely affect adjacent properties due to the overall height of which the sign could be placed. Additionally, due to the overall size of the proposed building, there will be little room to place an allowed freestanding sign.**

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Staff finds that the existing City of Bryan site development standards will protect adjacent properties from the negative impacts of erosion, flood or water damage. Staff further finds that the features of the proposed development plan reasonably protect adjacent properties from noise, glare and similar impacts.**

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 multi-family 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:**

Based on all of aforementioned considerations, staff recommends approving the proposed Planned Development – Housing District (PD-H).