

May 5, 2016



Conditional Use Permit case no. CU16-01: J.C. Wall III

CASE DESCRIPTION: a request for approval of a Conditional Use Permit to allow a 16-unit multi-family development on property zoned South College-Business District (SC-B)

LOCATION: 1.078 acres of vacant land adjoining the east side of South College Avenue approximately 215 feet to 350 feet south of its intersection with Sulphur Springs Road, being Lots 5 through 10 in Block 7 of Martin's Addition as well as a 0.196-acre unnamed public right-of-way which has been requested to be abandoned

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

EXISTING LAND USE: vacant acreage

APPLICANT(S): JC Wall III

STAFF CONTACT: Matthew Hilgemeier, AICP, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit request, **subject to conditions** (see Page 10).





BACKGROUND:

The subject property lies approximately 215 feet to 350 feet south of the intersection of South College Avenue and Sulphur Springs Road. The subject property is comprised of 1.078 acres of land zoned South College – Business District (SC-B) and includes a 0.196-acre unnamed public right-of-way has been requested to be abandoned (case no. RA16-01). During its regular meeting on April 7, 2016, the Planning and Zoning Commission recommended approving the aforementioned right-of-way abandonment request, subject to the following conditions:

1. that a formal replat encompassing all property which the applicant owns or will own after abandonment of this right-of-way is filed with the City for recording; and
2. that a 25-foot wide private shared access easement be dedicated with the replat covering the portion of right-of-way being abandoned to allow access to the neighboring property.

The right-of-way abandonment case is currently pending City Council consideration. The perpetual access easement recommended with the latter condition described above is shown on a proposed replat (case no. RP16-07) which is also scheduled for consideration by the Planning and Zoning Commission during its regular meeting on May 5, 2016.

The property is owned by HKH Group LLP., represented by JC Wall. The owners wish to develop a 16-unit multi-family residential project with 32 bedrooms on the subject property. The proposed project will consist of 16,656 square feet of total living space in four buildings. The proposed arrangement of buildings, driveways, and off-street parking areas is shown on the site plan that is attached to this staff report.

The subject property is currently vacant and was most-recently developed with a self-serve ice vending machine. Prior to the vending machine use, the site was once developed as a nightclub (Blarney Stone) and is still mostly covered in impervious paving from that business. Existing land uses in the immediate area include a vacant acreage directly to the southeast of the subject property with a self-storage warehouse and commercial produce seller (Farm Patch) further to the southeast. To the west of the subject property there are 3 single-family residences and a restaurant (Martin's BBQ). An air conditioning repair/service business (R.M. Mullinix Air) is located to the northwest, directly adjacent to the subject property.

Current Site Conditions (taken April 25, 2016)



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 for multi-family residential 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 multi-family residential development, as shown on the site plan attached to this staff report.

RELATION TO BRYAN’S COMPREHENSIVE PLAN:

The City of Bryan’s current Comprehensive 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 multi-family units including, but not limited to regulations concerning density, building height, lot coverage, access, screening, and landscaping. Staff believes that applying the same standards that generally apply to SC-B zoned properties in Bryan, is appropriate for the proposed multi-family residential 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 proposed 16-unit condominium development would be compatible with existing or permitted uses on abutting sites and appropriate within the environment within which it is proposed. While there are existing commercial uses located directly northwest, southeast, and west of the subject property, there are also three single-family residential uses located to the northwest along Sulphur Springs Road and other multi-family residential uses located further southeast of the subject property. Staff believes that the configuration of this proposed multi-family residential development may serve as a useful transition between more intense commercial uses located to the southeast, and lower-density single-family uses located to the northwest of the subject property.

The South College Corridor Overlay District is intended to provide for greater control over the aesthetic and functional characteristics of development along South College Avenue where higher development standards can effectively enhance the City's image as a place to live, work and shop. As such, staff recommends that in order to meet the intent of the overlay district, any approval of this Conditional Use Permit request be made subject to the requirement that the 4 proposed multi-family residential structures have a minimum of 80% of the front and side facades of all buildings consisting of stone or masonry and that the front façade shall have changes in plane with a depth of at least 24-inches at intervals no less than 15 feet and no greater than 30 feet. Additionally, staff recommends that a minimum of 2 windows are installed on the dwelling units at that will have outer façade facing South College Avenue.

The 4 buildings are proposed to be 2 stories tall with a maximum height of 25 feet, which appears to be similar in character to other structures in the surrounding neighborhood. However, in an effort to ensure that the buildings' roofline provides visual interest, staff recommends that no more than 50% of the roofline facing South College Avenue, as well as to the rear of the project, should be at the same elevation. Staff further recommends that a 3-foot tall wrought iron perimeter fence with masonry columns located at the property corners and every 50 feet shall be installed along the property line adjoining South College Avenue. Staff believes that these additional features will enhance the visual aesthetics of the proposed development along the South College Avenue corridor.

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 multi-family residential 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 believes that if approved with the recommended conditions that are listed below, this multi-family development would not create any greater unfavorable effects or impacts on other existing or permitted uses on abutting sites. Staff also believes that this

project, one of only a handful of new projects that have been proposed since the establishment of the South College Corridor Overlay District in 2004, many encourage more (re-)development along the South College corridor.

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 an additional 16 residential unit (32 bedrooms) development at this location will generate any more traffic than what a commercial development could generate that would be allowed to locate here without Conditional Use Permit approval. Staff contends that the proposed multi-family residential use at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity.

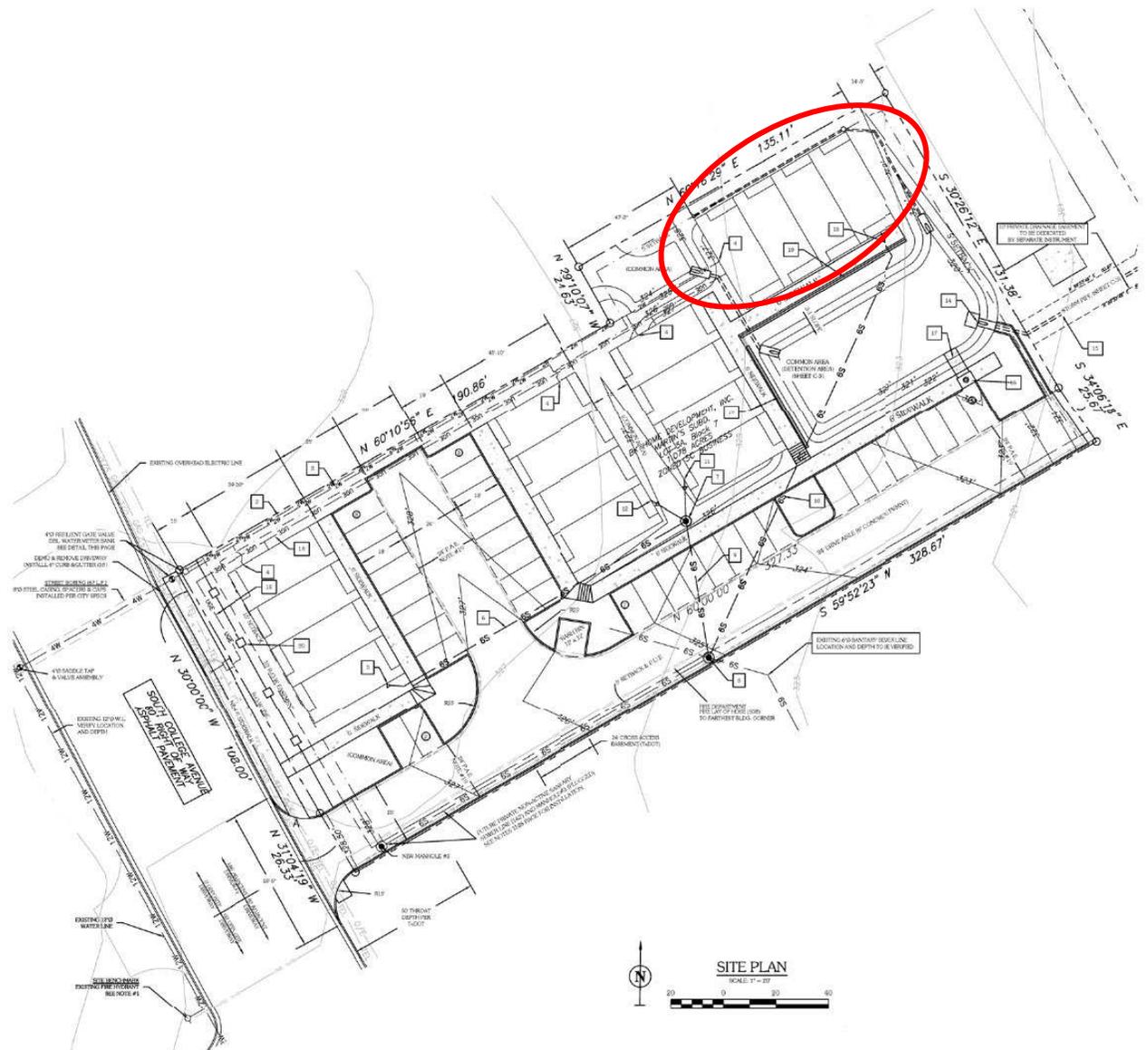
5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including the proposed multi-family residential 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.

Upon development as proposed, the project will include a detention pond at the rear (northeast side) of the property to mitigate any stormwater runoff that will be generated from the development. Detained stormwater will then be channeled off the subject property through an off-site drainage easement through neighboring properties. This required detention pond and drainage channel is expected to improve an existing drainage issue for neighboring properties who experience flooding issues during heavier rain events.

In order to construct an adequate detention and drainage facility the applicant is required to obtain an off-site drainage easement from two of the neighboring properties located northeast of the subject property to allow for stormwater runoff to be channeled away from the subject property to the City of Bryan stormwater system. As such, staff recommends that the necessary documents required to obtain an off-site drainage easement be recorded with the Brazos County Courthouse prior to the issuance of any construction permits for this site.

Additionally, due to the configuration of the proposed building layout and the City's adopted 2009 International Fire Code's requirement that all points in and around a condominium building should be within 450-feet of a fire hydrant and accessible with an improved surface, building four (see Graphic 1 below) is proposed and required to be constructed with a fire sprinkler system. Staff recommends that this also be a required condition for approval of this request.



Graphic 1: Building Four

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 if approved, the proposed multi-family residential use of this particular property will not have any adverse effects on traffic control or adjacent properties. A 25-foot wide perpetual access easement will be provided along the southeastern property line to provide the neighboring property owner to the northwest continued access, e.g., for solid waste pickup (See Graphic 2 and Picture 1 below). With this perpetual access easement, this multi-family residential development is not expected to adversely affect traffic control. Ordinary limitations on signage in the underlying SC-B zoning district will apply to the proposed development.



Picture 1 – existing condition of public right-of-way that has been requested to be abandoned and over which a perpetual access easement has been proposed

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

For a multi-family residential development of this size (16 units, 32 bedrooms), Bryan’s Code of Ordinances requires a minimum of 32 off-street parking spaces (1 parking space per bedroom). The attached site plan shows 37 proposed off-street parking spaces which is 15% more than the minimum number of required spaces. Staff therefore concludes that the amount of off-street parking proposed for this development is adequate.

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

Multi-family residential dwellings are potentially allowed in SC-B Districts, with approval of a Conditional Use Permit, as they may be appropriate in some, but not all commercial zoning districts. Staff believes that, in this particular case, the proposed 16-unit multi-family development on the subject property will result in a balanced arrangement of land use intensities in this area, which is already developed with both commercial and residential uses. As mentioned above, the development of an apartment development in the scale proposed may provide as a useful transition from higher intensity commercial uses along South College

Avenue to less intense single-family residential uses on properties to the northwest. A multi-family residential project on this 1.078-acre lot does not require a large amount of street frontage to attract potential customers, and therefore seems 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 is unable to discern any potential detrimental issues that could arise from the development of the proposed 16-unit multi-family residential development that could not be mitigated through the application of adopted City standards and policies, or this Conditional Use Permit review. Staff acknowledges that any new development on the property will change the status quo on this currently vacant 1+ acre property and its vicinity. Staff contends, however, that this change will produce fewer unfavorable effects than if one of the several other permitted uses in this SC-B District were to develop on the property.

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

The subject property has remained undeveloped for many years. Staff contends that the subject property, if developed in the manner proposed is suitable for the proposed conditional use and will be an attractive, modern apartment development that can help make the South College corridor area a successful place where people want to live, work, and play.

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 multi-family residential development shall generally conform to the site plan attached to this staff report.**
2. **That any off-site drainage or off-site utility easements necessary for this project to meet stormwater mitigation requirements and/or electrical service to this site be recorded and at the Brazos County Courthouse prior to the issuance of any construction permits.**
3. **That a landscape plan and analysis that conforms to all applicable City standards is submitted for the City for review and approval, before any building permits are issued.**
4. **That recording of a formal replat of the property into one new lot be required prior to the issuance of any building permits. Any such replat shall include a 25-foot wide private joint access easement parallel to southeastern property line of the new lot, to allow perpetual access to the neighboring property to the northeast.**
5. **Building Four must be constructed with a fire sprinkler system installed as required by the IRC 2009 Fire Code.**
6. **That 80% of the front and side façades visible from a public right-of-way consist of a variation of stone and masonry.**
7. **That the façade facing South College Avenue shall have changes in plane with a depth of at least 24 inches at intervals no less than 15 feet and no greater than 30 feet.**

- 8. That a minimum of 2 windows are installed on the dwelling units that will have an outer side facade.**
- 9. That no more than 50% of the roofline facing South College Avenue may be at the same elevation.**
- 10. That a 3-foot tall wrought iron perimeter fence with masonry columns located at the property corners and every 50 feet shall be installed along the property line adjoining South College Avenue.**

ATTACHMENTS:

1. site plan
2. elevation and floor plan illustrations
3. letters in opposition from nearby property owners