

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> April 23, 2013		<b>DATE SUBMITTED:</b> April 1, 2013	
<b>DEPARTMENT OF ORIGIN:</b> Development Serv.		<b>SUBMITTED BY:</b> Matthew Hilgemeier	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> DIVERSITY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> EDUCATION
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> GROWTH
<input type="checkbox"/> WORKSHOP	<input checked="" type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> IMAGE
			<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> PUBLIC SAFETY
<b>AGENDA ITEM DESCRIPTION:</b> An appeal of the Planning and Zoning Commission's denial of case no. CU13-03, a Conditional Use Permit request to allow townhomes on property in a South College – Business (SC-B) zoning district, specifically on property at 3500 S. College Avenue, being 2.00 acres of vacant land out of the J.E. Scott Survey at the south corner of S. College Avenue and Watson Lane.			
<b>SUMMARY STATEMENT:</b> During the Planning and Zoning Commission's March 21, 2013, regular meeting, a motion to approve Conditional Use Permit request case no. CU13-03 to allow for the development of 19 townhome units on 2 acres of undeveloped property at the intersection of South College Avenue and Watson Lane failed by a vote of 3 to 5, denying the request. Commissioners were concerned about the property's suitability for a residential development as the property has frontage on South College Avenue and the possibility of noise complaints from future residents at this location since the development is proposed across the street from a bar.  The proposed development would create 19 townhome units with a total of 72 bedrooms on the subject property. The proposed density of the project is 9.5 units per acre with 28,857 square feet of total living space in 3 buildings. The subject property lies approximately 445 feet north of the intersection of Old College and South College Avenue. Existing land uses in the immediate area include a commercial produce seller (Farm Patch) to the east across South College Avenue and a manufactured home park to the south and west. A bar/tavern (Carney's), two vacant lots zoned for single-family residential use and 3 single-family homes are located to the north, across Watson Lane.  The owner of the property, HKH Group LLP., represented by JC Walls, has appealed the Commission's denial to the City Council, as provided for by Zoning Ordinance Section 130-33(f).			
<b>STAFF ANALYSIS:</b>			
<b>A. PROS:</b> Approval of this Conditional Use Permit to allow new townhomes on this property would permit the first new infill development along the South College corridor in at least a decade. Since the adoption of South College corridor standards in 2004, there has not been any significant new development, commercial or residential, along this corridor that connects downtown Bryan to Texas A&M University. Development of townhomes on this 2-acre site that has been vacant since around 2006 would increase the taxable value (currently around \$119,000) and add additional housing opportunities wedged between a manufactured home park and detached single-family residences. The site is adjoined by South-College Residential (SC-R) zoning to the south and north, across Watson Lane.			
<b>B. CONS:</b> New development at this location will increase the volume of auto and pedestrian activity in this area. As mentioned above, a majority of Commissioners appears to believe the site is more suitable for commercial development and future residents in a townhouse development may complain about the noise from nearby commercial establishments.			
<b>STAFF'S RECOMMENDATION (Including Rationale and Justification):</b> At the P&Z meeting, staff recommended approving the proposed Conditional Use Permit, subject to conditions relating to the physical development of the site (SC-B District standards are to apply), site plan approval by the SDRC, and the reservation of a public access easement for a proposed sidewalk along Watson Lane. Refer to staff report for further details on staff's rationale for recommending approval to the P&Z. On March 21, 2013, P&Z denied a motion to approve the			

request by a vote of 3 for and 5 against. Commissioners were concerned about the property's suitability for a residential development as the property has frontage on South College Avenue and the possibility of noise complaints from future residents at this location since the development is proposed across the street from a bar.

**OPTIONS (In Suggested Order of Staff Preference):**

1. reverse the P&Z's denial of the request and approve the Conditional Use Permit, subject to the conditions recommended by staff;
2. reverse the P&Z's denial of the request and approve the Conditional Use Permit, subject to the conditions recommended by staff and any additional conditions that the Council deems necessary to mitigate any potentially negative impacts on adjacent properties or the surrounding area;
3. reverse the P&Z denial of the request and approve the Conditional Use Permit without conditions; or
4. uphold the P&Z's decision and deny the Conditional Use Permit.

**ATTACHMENTS:**

1. location map and aerial photo;
2. proposed townhome development layout;
3. appeal letter from the applicant;
4. excerpt from draft P&Z meeting minutes; and
5. staff report to the Planning & Zoning Commission.

**FUNDING SOURCE: N/A**

**APPROVALS:** Lindsey Guindi, 4/5/13; Joey Dunn, 4-8-13; Hugh R. Walker, 04/12/2013

**APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 04-16-2013**

**APPROVED FOR SUBMITTAL: CITY MANAGER**

**LOCATION MAP:**



**AERIAL PHOTOGRAPH – 2011:**







March 26, 2013

Matthew Hilgemeier  
Engineering Services  
City of Bryan  
Bryan, Texas 77803

Re: Letter of Appeal to City Council for Conditional Use Permit  
~ Watson Lane Townhomes Development

Dear Mr. Hilgemeier,

On behalf of my client JC Wall and the Watson Lane Townhome Development, please accept this letter as our formal request to appeal the decision by the Planning and Zoning Commission to DENY our Conditional Use Permit for townhomes on March 21<sup>st</sup> for the project tract located at 3500 South College. We would like an opportunity to demonstrate to the City of Bryan City Council that the Watson Lane Townhome Development is a positive, viable and instrumental development in this area of the City of Bryan. We have enumerated our reasons below for why a single family townhome project is optimal for this particular location.

#### PROJECT SPECIFICS

- This property is a vacant 2 acre tract of land with native trees and grasses that is currently being used as a location for spill-over parking for Carney's Pub.
- Driveway Access: No driveway access is allowed off of South College Avenue thus requiring access off of Watson Lane. Watson Lane is a residential street with current residential traffic. This development will only be adding light residential traffic in lieu of heavy commercial traffic possibly warranted by a commercial development
- This project will be upgrading the existing 2" Water Line along Watson Lane to an 8" water line and adding another fire hydrant along Watson Lane. This will improve the water supply and fire-fighting capabilities in this area
- Site Drainage: Due to stormwater detention requirements for this project, this development may alleviate some known flooding in this area
- The Watson Lane Townhome Development is at lower density (9.5 dwelling units per acre) than what is ultimately allowed (25 dwelling units per acre)
- Project design has townhomes around the perimeter along South College and Watson Lane with all of the parking and waste bins internal. Project will provide a privacy fence along the other two property lines.

#### SITE ZONING

- This property has been zoned for commercial use and available for commercial development for quite a number of years without any interest
- Because this property is located in the South College Business District Overlay, parking is required to be in the rear of the buildings, thus noise and light pollution is less likely to intrude on to neighboring properties
- With only 205' of South College frontage and no driveway access to South College, this property is not optimal location for commercial retail. Businesses will not build to suit or lease retail locations in the rear of the property due to lack of visibility
- Single Family Area: This property is surrounded by single family on three sides by the Timberlake Mobile Home Park and the residential houses along Watson Lane

**In Summary**, with the limited capabilities for commercial development due to frontage, size, and other factors listed above, and that the project property is surrounded by single family homes, it is only logical for a single family development of this type to occur in this location. That is why we are asking for the City Council of Bryan to appeal the decision cast by the Planning and Zoning Commission on March 21<sup>st</sup> of 2013, and vote in favor of the *Watson Lane Townhome Development*. The Watson Lane Townhome Project will beautify this area of Bryan with new single family homes and landscaping and will be investing in an area of Bryan in much need of re-development.

Thank you for your time and assistance on this matter.

Respectfully,  
**GATTIS ENGINEERING, LLC**

*Joe Gattis*

Joe I. Gattis, PE  
Licensed Professional Engineer

*JC Wall*

JC Wall  
Owner/Developer

**EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTE RECORD  
OF MARCH 21, 2012:**

**8. Conditional Use Permit CU13-03:**

**M. Hilgemeier**

*A request to allow Townhomes in a South College - Business (SC-B) zoning district for property located at 3500 S College Avenue in Bryan, Brazos County, Texas.*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed conditional use permit, subject to the following conditions:

- That the apartment 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.
- 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.
- The property owners provide a public access easement the length of the property along Watson Lane. The purpose of this public access easement is to include a 5-foot sidewalk.

The public hearing was opened.

Tony Hazel, 122 Watson Lane, spoke in opposition to the proposed permit, citing concerns for increased noise and traffic.

Joe Gattis, 2010 Moses Creek Ct, College Station, presented a proposed drawing (on file in the Development Services Department), described the proposed 17 dwelling units, and made himself available for questions.

The public hearing was closed.

**Commissioner Hickle moved to approve Conditional Use Permit CU13-03, subject to the following conditions:**

- **That the apartment 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.**
- **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.**
- **The property owners provide a public access easement the length of the property along Watson Lane. The purpose of this public access easement is to include a 5-foot**

**sidewalk.**

**Commissioner Jones seconded the motion.**

Commissioners discussed:

- The benefits of development
- The lot's previous use
- The parking requirements of the proposed development
- Compatibility with neighboring commercial uses
- The possibility of noise complaints from potential residents of the proposed development
- Whether high density residential or commercial use was more appropriate

**The motion failed with a 3-5 vote. Commissioners Hickle, Bienski, and Jones voted in favor. Commissioners Gonzalez, Beckendorf, Krolczyk, Madison, and Gutierrez voted in opposition.**

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**March 21, 2013**



**Conditional Use Permit case no. CU13-03: Watson Lane Townhomes**

**CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow townhomes on property in the South College-Business District (SC-B)

**LOCATION:** 2.00 acres of vacant land out of the J.E. Scott Survey adjoining the west side of the 3500 block of South College Avenue between Watson Lane and Old College Road.

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

**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** JC Wall, developer

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

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this Conditional Use Permit request.



## **BACKGROUND:**

The subject property is an undeveloped 2.00-acre tract of land zoned South College – Business District (SC-B). The property is owned by HKH Group LLP., represented by JC Walls. The owners wish to develop a 19 unit townhome project with 72 bedrooms on the subject property. The proposed density of the project is 9.5 units per acre and will consist of 28,857 square feet of total living space in 3 buildings.

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 townhome residential use on the subject property would be compatible with existing or permitted uses on abutting sites. While there are existing commercial uses located directly north, and west of the subject property, there are single-family and other multi-family residential uses located to the west and further south along both Watson Lane and South College Avenue. This proposed townhome use can also 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 on the subject property is appropriate in this particular environment. Furthermore, the proposed height of the new buildings in 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 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 large-scale commercial development could generate that would be allowed to locate here without conditional use permit approval. Staff contends that the proposed townhome 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 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 uses of this particular property will not have any adverse effects on traffic control or adjacent properties. The townhomes as proposed, 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 concept site drawing submitted for consideration indicates adequate parking for the proposed development. Further, the concept drawing acknowledges that the project will comply with development standards applicable to the SC-B zoning district. Specific analysis of parking requirements will be addressed at the time of review of a full site plan by the City's Site Development Review Committee (SDRC).**

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 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 townhome residential project on this lot would not need 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 believes the proposed townhome 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. As previously mentioned, 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 townhome residential use.**

**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 apartment 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.**
- 3. The property owners provide a public access easement the length of the property along Watson Lane. The purpose of this public access easement is to include a 5-foot sidewalk.**