ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	January 28, 2014	**DATE SUBMITTED:**	December 17, 2013
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Martin Zimmermann

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☒ PUBLIC HEARING	☐ 1ST READING	☐ PUBLIC SAFETY
☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ SERVICE
☒ REGULAR	☐ STATUTORY		☒ ECONOMIC DEVELOP.
☐ WORKSHOP	☐ REGULAR		☒ INFRASTRUCTURE
			☒ QUALITY OF LIFE

AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 0.179 acres of land located at the east corner of College Main and Jefferson Streets, being Lot 5R in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas.

SUMMARY STATEMENT: The applicant/property owner, Mr. John Fu, is requesting to change the zoning on the subject property from Multiple-Family District (MF) to Planned Development – Housing District (PD-H), to permit the proposed construction of a 2-story, 4-unit multi-family residential apartment building (referred to as "Garden Apartments") on this property. The property is 7,812 square feet (0.179 acres) in size and has 62.5 feet and 125 feet of frontage along College Main and Jefferson Streets, respectively.

The subject property adjoins the northeast side of the newly reconstructed College Main Street. Surrounding land uses include townhomes under construction to the northwest across Jefferson Street, single-family homes further northwest, to the east and the northeast, as well as apartments further southeast ("Northgate Villas") on the same block face, and to the southwest, across College Main Street ("College Main Apartments").

The proposed development standards for this property reduce minimum building setbacks and allow additional fence height along street frontages, reduce the depth of some parking spaces while increasing the minimum drive isle width, and do not provide a buffer area along the south side property line adjacent to an RD-5 District. The proposed standards provide for 90% of masonry coverage (brick and stone) on all exterior building walls and additional landscaping.

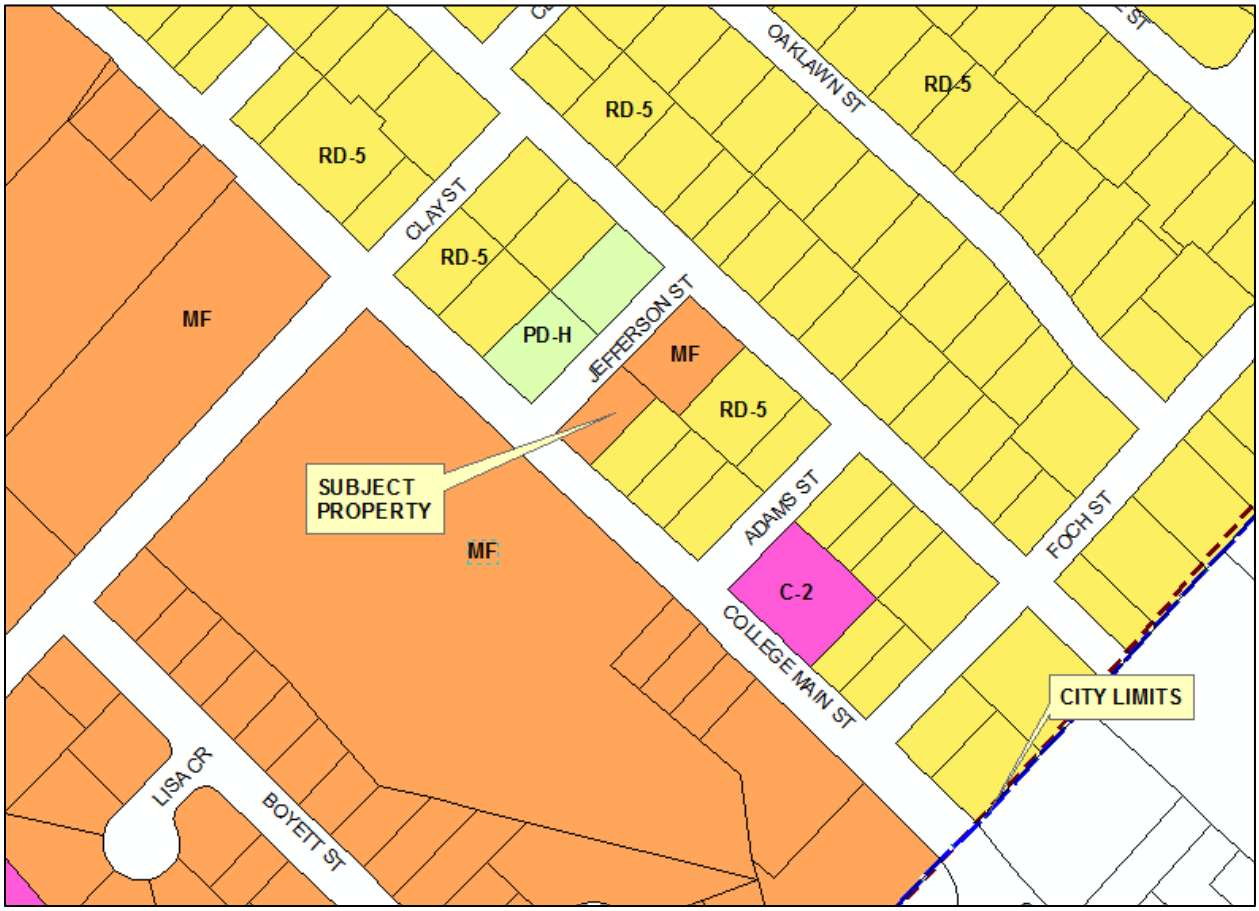
On July 23, 2013, the City Council approved MF zoning for this property as part of a request that also included adjoining land to the northeast at the corner of Jefferson and Aspen Streets. The applicant/property owner is proposing to only develop the subject property at this time and is requesting PD-H zoning for only the subject property.

STAFF ANALYSIS AND RECOMMENDATION: Staff believes that the proposed 2-story apartment development at this transitional location will generally be compatible with existing land uses on surrounding properties and in conformance with the land use recommendations of the Comprehensive Plan. Staff is comfortable with the proposed limited range of permitted land uses and altered site development standards in this particular case. If approved, the proposed PD-H zoning would allow maximizing available land utilization for a contextual infill development opportunity at this location in close proximity to Texas A&M University, the Northgate District and other multi-family residential developments along the College Main corridor. Staff believes the proposed arrangement of the building, off-street parking, and landscaping area on the subject property will have few, if any, additional negative effects on adjacent properties than a new single-family residential home would have in this same environment.

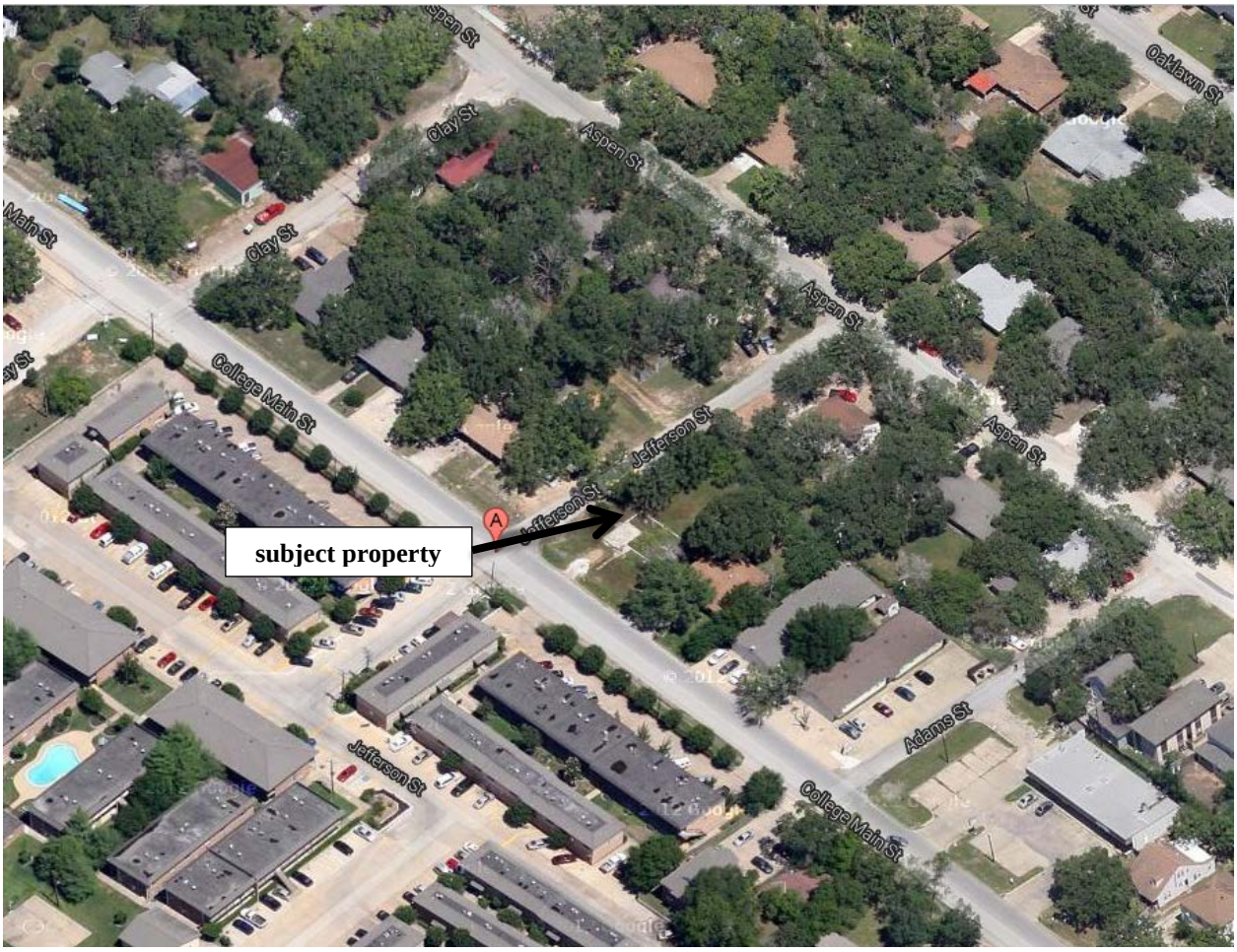
During its meeting on December 5, 2013, the Planning and Zoning Commission unanimously concurred with staff and **recommended approving** this request.
OPTIONS (In Suggested Order of Staff Preference): 1. approve the requested zone change; 2. deny the requested zone change.
ATTACHMENTS: 1. location map; 2. draft ordinance with exhibits; 3. excerpt from P&Z meeting minutes; and 4. staff report to the Planning & Zoning Commission
FUNDING SOURCE: **N/A**
APPROVALS: Kevin Russell, 1-6-14; Joey Dunn, 1-6-14; Hugh R. Walker, 01/10/2014
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 01/10/2014
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 01/16/2014

Revised 04/2013

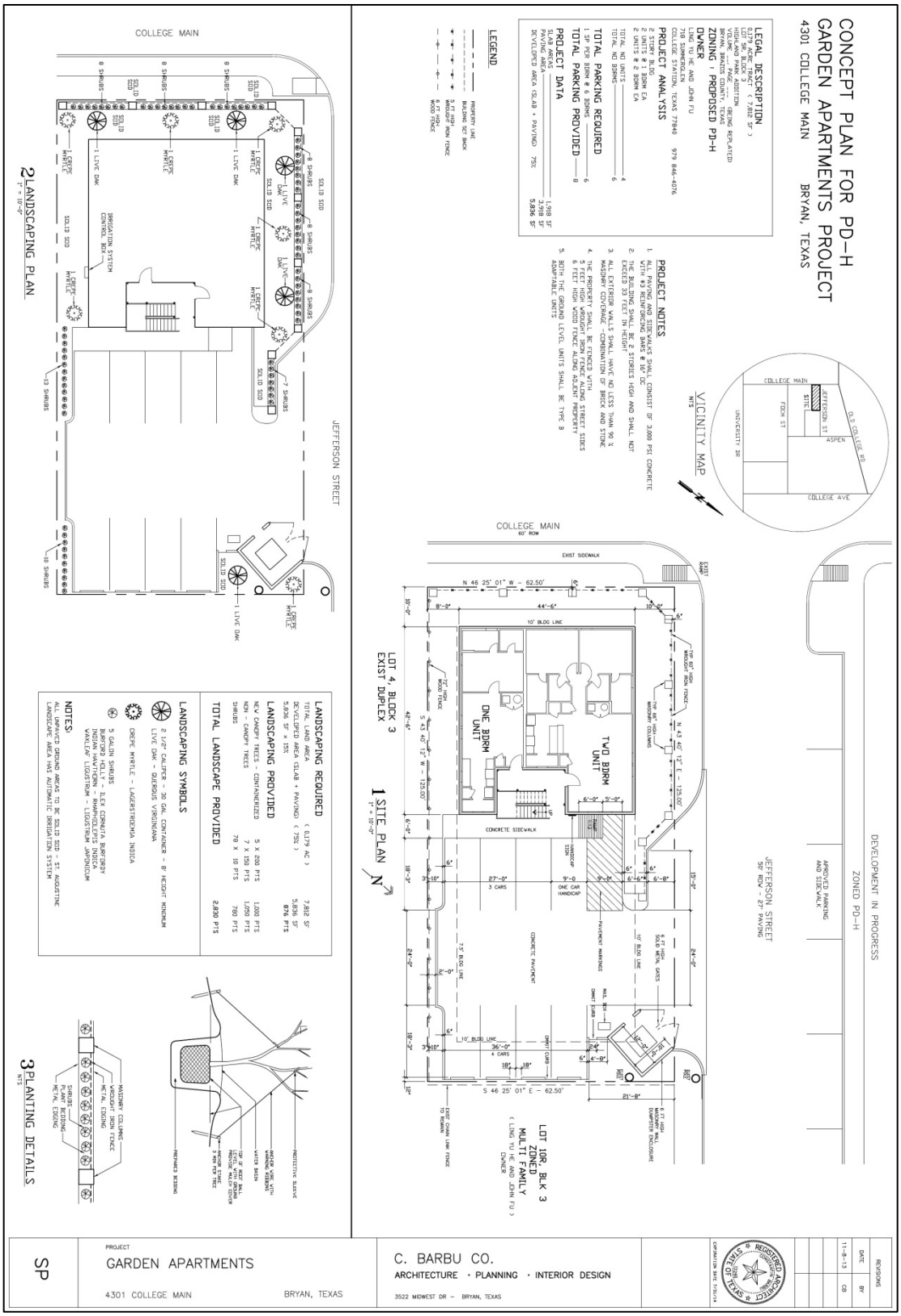
LOCATION MAP:



AERIAL PHOTOGRAPH:



PROPOSED DEVELOPMENT PLAN:



PROPOSED BUILDING ELEVATIONS:

JEFFERSON STREET ELEVATION

COLLEGE MAIN ELEVATION

PHOTOGRAPHS – November 2013:

looking at subject property from across College Main Street

looking at Jefferson Street Townhomes under construction from across College Main Street

looking at subject property from Jefferson Street

looking at Jefferson Street Townhomes under construction from subject property

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, CHANGING THE ZONING CLASSIFICATION FROM MULTIPLE-FAMILY DISTRICT (MF) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 0.179 ACRES OF LAND LOCATED AT THE EAST CORNER OF COLLEGE MAIN AND JEFFERSON STREETS, BEING LOT 5R IN BLOCK 3 OF HIGHLAND PARK ADDITION IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 on 0.179 acres of land located at the east corner of College Main and Jefferson Streets, being Lot 5R in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas, from Multiple-Family District (MF) to Planned Development – Housing District (PD-H), was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on December 5, 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification of 0.179 acres of land located at the east corner of College Main and Jefferson Streets, being Lot 5R in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas, from Multiple-Family District (MF) to Planned Development – Housing District (PD-H), subject to development requirements specified in attached Exhibit “A” and depicted on attached Exhibits “B” and “C” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this

ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 28th day of January, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 11th day of February, 2014 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST: CITY OF BRYAN:

_____ _____

Mary Lynne Stratta, City Secretary Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____

Janis K. Hampton, City Attorney

Exhibit "A":

Development Requirements

General Purpose and Description

This PD-H District is intended to maximize the property value and to revitalize the neighborhood around the newly constructed Main Street. The proposed project intends to compliment the Jefferson Street Townhome development located across Jefferson Street, which is under construction at this time.

SECTION 1: Permitted Land Uses

The following range of land uses shall be permitted by right:

- Condominiums
- Apartments
- Temporary structures for uses incidental to construction work on the premises, said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2: Development Standards

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 development on properties zoned Multiple-Family District (MF), with the following exceptions or additions to ordinary standards:

1. The minimum building setback along street frontages (College Main and Aspen Streets) shall be 10 feet.
2. Ground floor units shall be Type B adaptable units.
3. Exterior walls shall have 90% masonry coverage of brick and stone, as depicted on attached Exhibit "C".
4. Off-street parking spaces shall be 9 feet wide and 18 feet deep and adjoined by a 24-foot wide drive isle.
5. The dumpster pad shall be screened on three sides with masonry walls of at least 6 feet in height with the fourth side fitted with opaque metal gates matching the screening on the other three sides.
6. The yards along College Main and Jefferson Streets shall be enclosed by a 60-inch high wrought iron fence with 66-inch high masonry columns.
7. A 6-foot high opaque wooden fence shall be installed along the south side property line.
8. No buffer setback area shall be required where the subject property adjoins other residential districts of less intensity.
9. A minimum of 2,830 landscaping points shall be provided for this development, including at least
    a. five (5) new Live Oak trees, 2.5" in caliper, 8' minimum height at time of planting; and
    b. seven (7) new Crepe Myrtle trees.

Exhibit "B": Development Plan

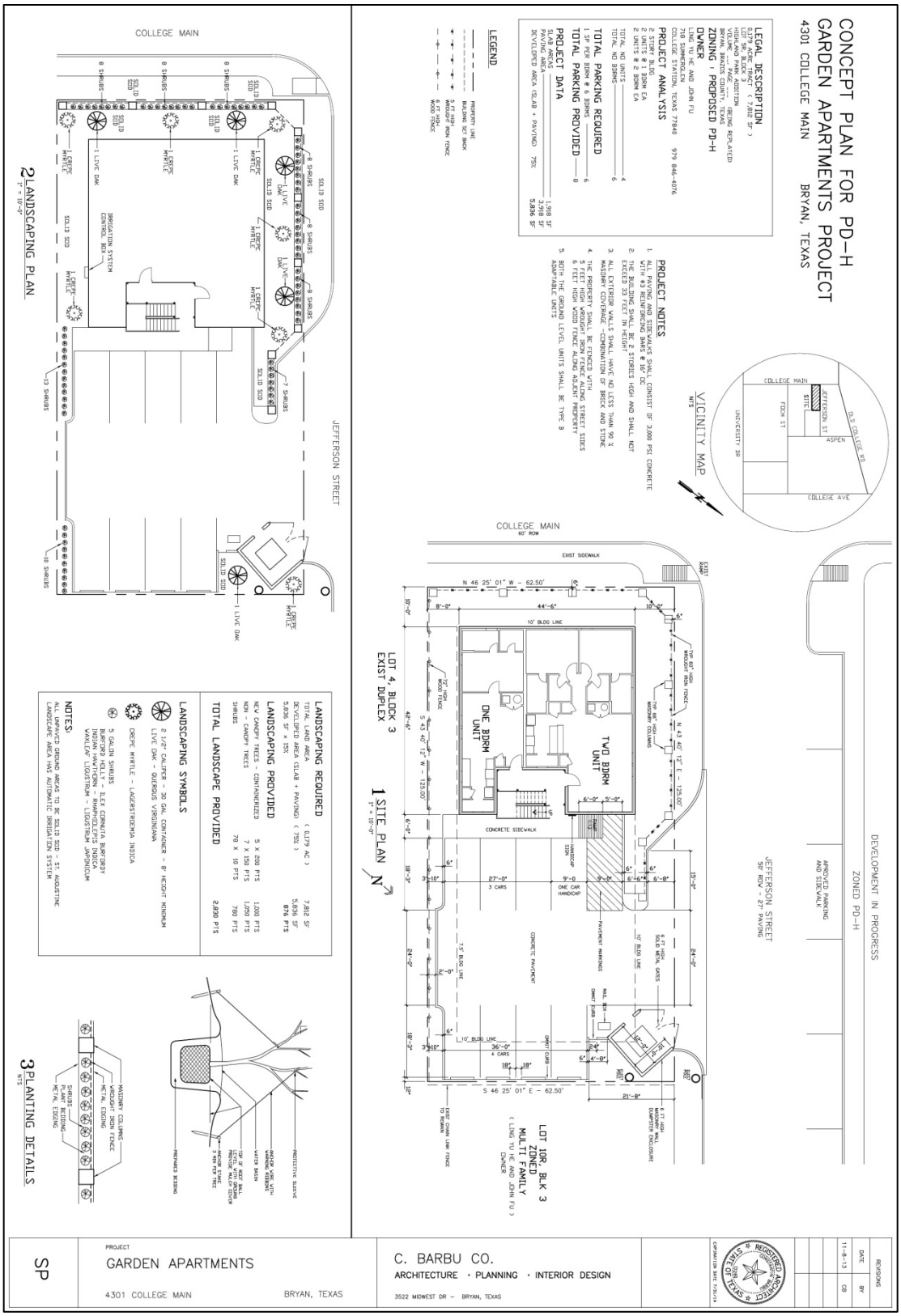


Exhibit "C": Building Elevations

JEFFERSON STREET ELEVATION

COLLEGE MAIN ELEVATION

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF DECEMBER 5, 2013:

6. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ13-17: John Fu

A request to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 0.179 acres of land located at the east corner of College Main and Jefferson Streets, being the northwest 12.5 feet of Lot 4 and Lot 5 in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas. (M. Zimmermann)

Mr. Zimmermann presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed rezoning.

In response to a question, Mr. Zimmermann responded that the site had 8 parking spaces, but none of those were on-street parking. In response to a question, Mr. Zimmermann stated he had not received feedback on the rezoning.

The public hearing was opened.

Sharon Anderson, 2304 Cindy Lane, come forward to request that the Commission deny the request or request more parking spaces. She stated that she did not believe the request included enough parking spaces.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning case no. RZ 13-17 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Commissioners discussed:

- That the parking provided exceeded the current standards
- That parking problems were at their worst on game days
- That a subcommittee was examining parking regulations in that area of Bryan, but had not yet made a recommendation
- The reduced minimum building setback

In response to a question, Mr. Zimmermann responded that the setback for the property was 10 ft and matched the setback for the neighboring Jefferson Street Townhomes.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

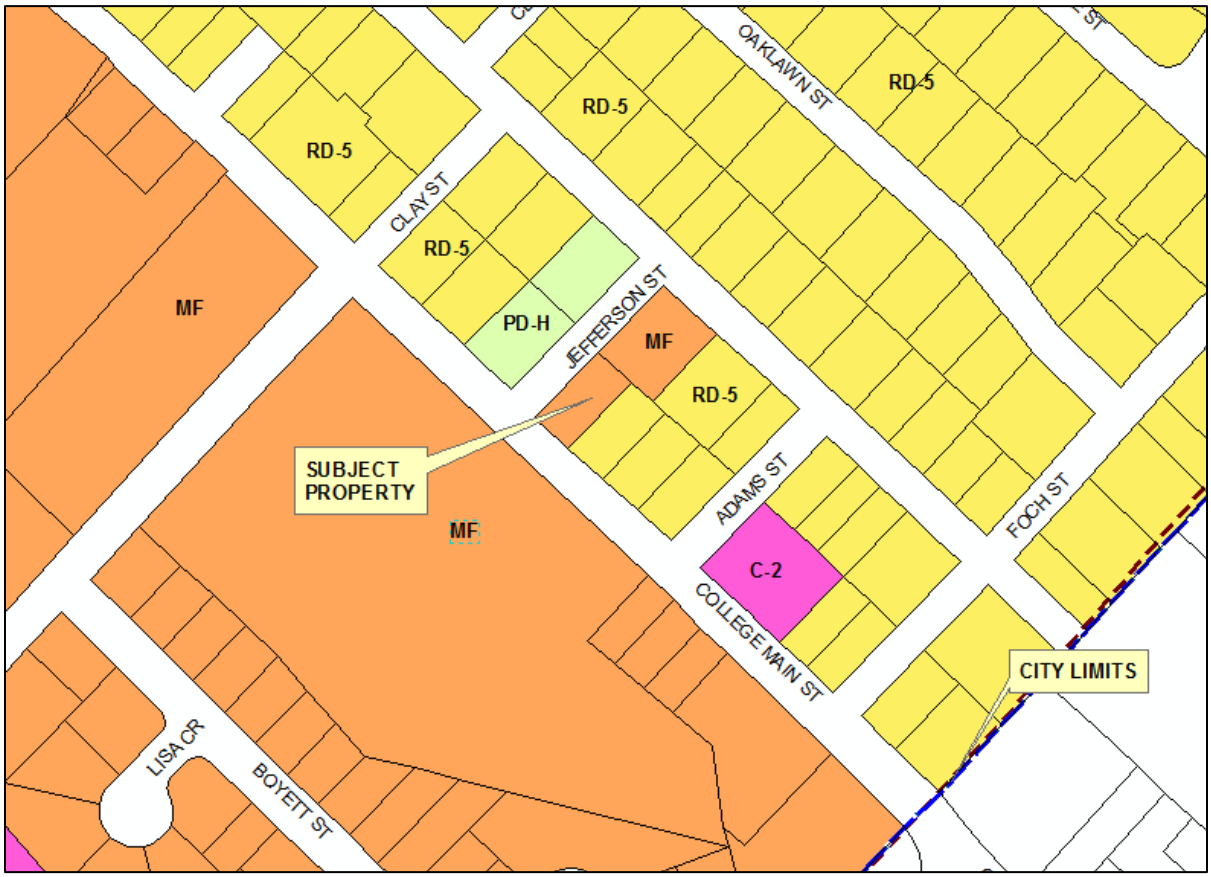
December 5, 2013

CITY OF BRYAN

Rezoning case no. RZ 13-17: John Fu

CASE DESCRIPTION:	a request to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H)
LOCATION:	0.179 acres of land located at the east corner of College Main and Jefferson Streets
LEGAL DESCRIPTION:	the northwest 12.5 feet of Lot 4 and Lot 5 in Block 3 of Highland Park Addition
EXISTING LAND USE:	vacant land
APPLICANT(S):	John Fu
AGENT:	Constantin Barbu
STAFF CONTACT:	Martin Zimmermann, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed rezoning.



AERIAL PHOTOGRAPH:

PHOTOGRAPHS – November 2013:

looking at subject property from across College Main Street

looking at Jefferson Street Townhomes under construction from across College Main Street

looking at subject property from Jefferson Street

looking at Jefferson Street Townhomes under construction from subject property

BACKGROUND:

The applicant/property owner, Mr. John Fu, is requesting to change the zoning on the subject property from Multiple-Family District (MF) to Planned Development – Housing District (PD-H), to permit the proposed construction of a 2-story, 4-unit multi-family residential apartment building (referred to as "Garden Apartments") on this property. The property is 7,812 square feet (0.179 acres) in size and has 62.5 feet and 125 feet of frontage along College Main and Jefferson Streets, respectively.

The subject property adjoins the northeast side of the newly reconstructed College Main Street. Surrounding land uses include townhomes under construction to the northwest across Jefferson Street, single-family homes further northwest, to the east and the northeast, as well as apartments further southeast ("Northgate Villas") on the same block face, and to the southwest, across College Main Street ("College Main Apartments").

On July 23, 2013, the City Council approved MF zoning for this property as part of a request that also included adjoining land to the northeast at the corner of Jefferson and Aspen Streets. Mr. Fu is proposing to only develop the subject property at this time with a multi-family residential building, as shown on the attached development plan, and is requesting PD-H zoning for only the subject property.

The proposed development standards for this property reduce minimum building setbacks and allow additional fence height along street frontages, reduce the depth of some parking spaces while increasing the minimum drive isle width, and do not provide a buffer area along the south side property line adjacent to an RD-5 District. The proposed standards provide for 90% of masonry coverage (brick and stone) on all exterior building walls and additional landscaping. If this request were approved by the City Council, then an apartment building with off-street parking and landscaping areas in the configuration shown on the attached development plan and elevation drawings would be allowed at this location.

PROPOSED DEVELOPMENT STANDARDS FOR GARDEN APARTMENTS PD-H DISTRICT:

General Purpose and Description

This PD-H development plan is intended to maximize the property value and to revitalize the neighborhood around the newly constructed Main Street. The proposed project intends to compliment the Jefferson Street Townhome development located across Jefferson Street, which is under construction at this time.

SECTION 1: Permitted Land Uses

The following range of land uses shall be permitted by right:

- Condominiums
- Apartments
- Temporary structures for uses incidental to construction work on the premises, said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2: Development Standards

Physical development in this Planned Development District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to development on properties zoned Multiple-Family District (MF), with the following exceptions or additions to ordinary standards:

1. The minimum building setback along street frontages (College Main and Aspen Streets) shall be 10 feet.

2. Ground floor units shall be Type B adaptable units.

3. Exterior walls shall have 90% masonry coverage of brick and stone.

4. Off-street parking spaces shall be 9 feet wide and 18 feet deep and adjoined by a 24-foot wide drive isle.

5. The dumpster pad shall be screened on three sides with masonry walls of at least 6 feet in height with the fourth side fitted with opaque metal gates matching the screening on the other three sides.

6. The yards along College Main and Jefferson Streets shall be enclosed by a 60-inch high wrought iron fence with 66-inch high masonry columns.

7. A 6-foot high opaque wooden fence shall be installed along the south side property line.

8. No buffer setback area shall be required where the subject property adjoins other residential districts of less intensity.

9. A minimum of 2,830 landscaping points shall be provided for this development, including at least

    a. five (5) new Live Oak trees, 2.5” in caliper, 8’ minimum height at time of planting; and
    b. seven (7) new Crepe Myrtle trees.

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 property lies at a transitional location between multiple-family residential developments along the southwest side of the recently renovated College Main Street and the Highland Park Addition to the northeast, a single-family residential subdivision that was developed in the 1930s and 1950s. This older residential neighborhood is in a prime location for redevelopment as it is close to Texas A&M University and there has been a recent increase in interest in redevelopment of the immediate area.

   As proposed, the development standards for this PD-H District reduce minimum building setbacks along street frontages to 10 feet, allow additional fence height along street frontages, reduce the depth of 4 parking spaces along the northeast side property line to 18 feet (from 20 feet) while increasing the minimum drive isle width to 24 feet (from 23 feet). The development standards propose no buffer area along the south side property line adjacent to an RD-5 District, but provide for 90% of masonry coverage (brick and stone) on all exterior building walls and additional landscaping (approximately 3 times the amount required by ordinary standards).

   Staff believes that the proposed 2-story apartment development at this transitional location will generally be compatible with existing land uses on surrounding properties and in conformance with the land use recommendations of the Comprehensive Plan. Staff is comfortable with the proposed limited range of permitted land uses and altered site development standards in this particular case. If approved, the proposed PD-H zoning would allow maximizing available land utilization for a contextual infill development opportunity at this location in close proximity to Texas A&M University, the Northgate District and other multi-family residential developments along the College Main corridor.

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 proposed change in zoning classification would not affect any existing or proposed plans for providing public schools, water supply, sanitary sewers, and other utilities in the area. The recently completed College Main Reconstruction project, a $3 million capital improvement project, provides ample transportation, water, and sewer infrastructure to support urban redevelopment and increased density along and around the College Main corridor. Any issues regarding utility capacity on the subject property will be addressed at the time of redevelopment.

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.

   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. As interest in higher-density residential (re-)development continues along the College Main corridor, staff believes that a more particular small area land use plan for the area around College Main Street could assist in better guiding land use decisions for specific properties in this Bryan neighborhood.

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.

   During the last 12 months, there has been an increased interest in (re-)development of multi-family residential projects in the area north of the Northgate District bounded by Old College and Wellborn Roads and South College Avenue. This includes the townhouse development currently under construction across Jefferson Street from the subject property, a townhouse development proposed at the corner of South College Avenue and Watson Lane, as well as a planned apartment project along Old College Road and recently completed apartment buildings near the intersection of Old College Road and College Main Street.

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.

   If the proposed PD-H District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments. However, as mentioned above, a small area land use plan for the area around College Main Street would be a useful tool for guiding land use decisions along the corridor and in the surrounding neighborhood as more and more properties are proposed to develop at higher densities than what existing zoning allows.

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 multi-family residential development at this location will allow for a useful and orderly urban development 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 residential development will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. 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.

   The PD-H District standards for this property propose no buffer setback area along the subject property's southeast side property line adjacent to a single-family home on RD-5-zoned property. In circumstances such as these, MF District zoning generally requires a minimum 25-foot wide buffer area where no development is allowed except for required or permitted landscaping and screening, stormwater detention facilities, and pedestrian walkways. The proposed multi-family dwelling is shown to be located only 7.5 feet from the south side property line. The proposed off-street parking area extends less than 2 feet from that property line.

   While this appears to be a significant variation from ordinary buffer standards, staff believes that the proposed 2-story, 6-bedroom apartment building on the subject property is only insignificantly, if any, larger in scale than a new single-family home that could be built on the subject property under the property's current MF zoning. Staff believes that the proposed arrangement of the building, off-street parking and landscaping area on the subject property will have few, if any, more negative effects on adjacent properties than a new single-family residential home would have in this same environment. To the extent possible, staff believes that any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that have 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 the new multi-family residential development at this location will increase the volume of auto and pedestrian activity (from currently zero), College Main and Jefferson Street can reasonably be expected to be capable of absorbing additional traffic loads from a new 6-bedroom development on the subject property at this time. The development proposes a total of 8 off-street parking spaces, which are 2 more spaces than would ordinarily be required for an apartment building of this scale.

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

   Staff contends that the proposed PD-H District will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs. If this rezoning were

approved, then the same sign standards that apply to properties zoned MF District would be applicable on the subject property. Existing signage in the large MF District along the south side of College Main Street, across from the subject property, does not appear to adversely affect traffic control or adjacent properties.

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

   Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

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 residential 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 these considerations, staff recommends **approving** this proposed rezoning, as requested.