

ACTION FORM BRYAN CITY COUNCIL

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| DATE OF COUNCIL MEETING: April 22, 2014 | | DATE SUBMITTED: April 3, 2014 | |
| DEPARTMENT OF ORIGIN: Development Services | | SUBMITTED BY: Randy Haynes | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: | STRATEGIC INITIATIVE: |
| <input type="checkbox"/> BCD | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1ST READING | <input type="checkbox"/> PUBLIC SAFETY |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2ND READING | <input type="checkbox"/> SERVICE |
| <input checked="" type="checkbox"/> REGULAR | <input type="checkbox"/> STATUTORY | | <input checked="" type="checkbox"/> ECONOMIC DEVELOP. |
| <input type="checkbox"/> WORKSHOP | <input checked="" type="checkbox"/> REGULAR | | <input type="checkbox"/> INFRASTRUCTURE |
| | | | <input checked="" type="checkbox"/> QUALITY OF LIFE |
| AGENDA ITEM DESCRIPTION: Appeal of the Planning and Zoning Commission's decision to approve a Conditional Use Permit request (case no. CU14-03) to amend a previously-approved request to allow an apartment complex on property zoned Commercial District (C-3), subject to certain conditions, on 13.48 acres of land adjoining the north side of Nash Street and the east side of E. Villa Maria Road, generally south from their intersections with E. William J. Bryan Parkway (FM 158), in Bryan, Brazos County, Texas. | | | |
| SUMMARY STATEMENT: During its regular meeting on March 20, 2014, the Planning and Zoning Commission, by a vote of 6 to 1, voted to approve a Conditional Use Permit request (case no. CU14-03) by Mr. Paul Leventis et.al., to amend a previously-approved Conditional Use Permit for an apartment complex on property adjoining the north side of Nash Street and the east side of E. Villa Maria Road, generally south from their intersections with E. William J. Bryan Parkway (FM 158). The Commission's approval was made subject to conditions that the apartment development shall conform to the conceptual site plan, that the development shall follow standards generally applicable in Multiple-Family (MF) zoning districts, and that all subdivision plat requirements and full site plan review and approval by the Site Development Review Committee shall be required before building permits may be issued for the project. | | | |
| <p>On April 19, 2012, the applicant/developer had successfully sought the Planning and Zoning Commission's approval of a Conditional Use Permit request (case no. CU12-07) for a 240-unit apartment development on 10.83 acres at this same location. That previous approval remains valid. The new request was made specifically to add 2.71 acres of land, which the developer/applicant was recently able to acquire, to the proposed apartment development at this location, and to increase the total number of apartment units by 72 to a total of up to 312 units.</p> <p>As required by the Zoning Ordinance, staff mailed written notifications to 25 owners of property located within 200 feet of the request at least 10 days prior to the Planning and Zoning Commission's March 20 public hearing. Bryan's Zoning Ordinance Section 130-33(f) allows owners of property located within 200 feet from a property that is subject of a Conditional Use Permit application, to appeal its approval by the Planning and Zoning Commission to the City Council, within 10 calendar days of the Commission's decision.</p> <p>On March 26, 2014, City staff received letters from Ms. Lila Harrison Wayne and Mr. Kenneth Melson. Both Ms. Wayne and Mr. Melson own property located within 200 feet from the subject property of this Conditional Use Permit request, at 1813 Rose Street and 2708 E. Villa Maria Road, respectively. The appellants' reasons for appeal are listed in their letters, which are attached to this Council Action Form below.</p> <p>Neither Ms. Wayne nor Mr. Melson had addressed the Commission during its March 20 public hearing on the matter. However, twelve (12) citizens who own property outside of the statutory 200-foot notification area spoke in opposition to the request during the March 20 meeting. Prior to that meeting, six (6) individuals had submitted</p> | | | |

written comments in opposition, and three (3) individuals had submitted written comments in favor of the request. Copies of all written comments received regarding this request were shared with the Planning and Zoning Commission prior to the March 20 meeting, and are also attached to the Council Action Form below.

STAFF ANALYSIS AND RECOMMENDATION: Staff recommends upholding the Planning and Zoning Commission's approval of this Conditional Use Permit, including the approved conditions.

- The proposed multi-family residential project at this location can provide a useful transition between the heavily traveled William Joel Bryan/FM158 commercial corridor and the single-family residential neighborhood that extends to the southwest of the subject property along Broadmoor Drive.
- Existing conditions around the subject property, namely the existing electrical substation and convenience store immediately north of the subject property may limit the subject acreage's long-term marketability for larger-scale development opportunities (such as, for example, a regional retail center), as desirable exposure for such users along William Joel Bryan Parkway is already limited and may prevent safe access to the subject property from that corridor.
- A listed action statement in the Bryan Comprehensive Plan is to "limit the locations of large-scale multi-family developments to areas within an identified proximity to Blinn College". The subject tract is one of few as-of-yet undeveloped properties in close proximity to Blinn College (approx. 1,500 feet) that can provide the desired development opportunity of higher-density residential housing in close proximity to the junior college, as suggested by the Comprehensive Plan.
- If approved, the proposed apartment development will only have two curb cuts, one on Nash Street opposite the intersection of Nash and Broadmoor Drive, and one on E. Villa Maria Road, approximately 200 feet south of its intersection with E. William Joel Bryan Parkway. This redevelopment will therefore also help eliminate four existing driveways along E. Villa Maria Road, which is classified as a major arterial roadway on Bryan's Thoroughfare Plan, which will help improve the flow of traffic near the busy intersections in this vicinity.
- An apartment use at this location will not produce any greater unfavorable impacts than those created by uses permitted by right in the C-3 zoning district. For example, RV parks, auto sales or repair businesses, warehouses or nightclubs could locate on this property without prior Conditional Use Permit approval.

OPTIONS (In Suggested Order of Staff Preference):

1. uphold the Commission's decision to approve the request, including approved conditions;
2. uphold the Commission's decision to approve the request with additional conditions for approval the Council deems necessary to assure that the use meets the criteria set forth in Subsection 130-33(a) of the Zoning Ordinance (may require consideration at a future City Council meeting); or
3. reverse the Planning and Zoning Commission's decision and deny the request.

ATTACHMENTS:

1. location map;
2. appeal letters from Ms. Wayne and Mr. Melson;
3. excerpt from March 20, 2014 Planning and Zoning Commission meeting minutes;
4. staff report to the Planning & Zoning Commission;
5. conceptual site plan drawing (separate PDF document); and,
6. written comments received regarding this request.

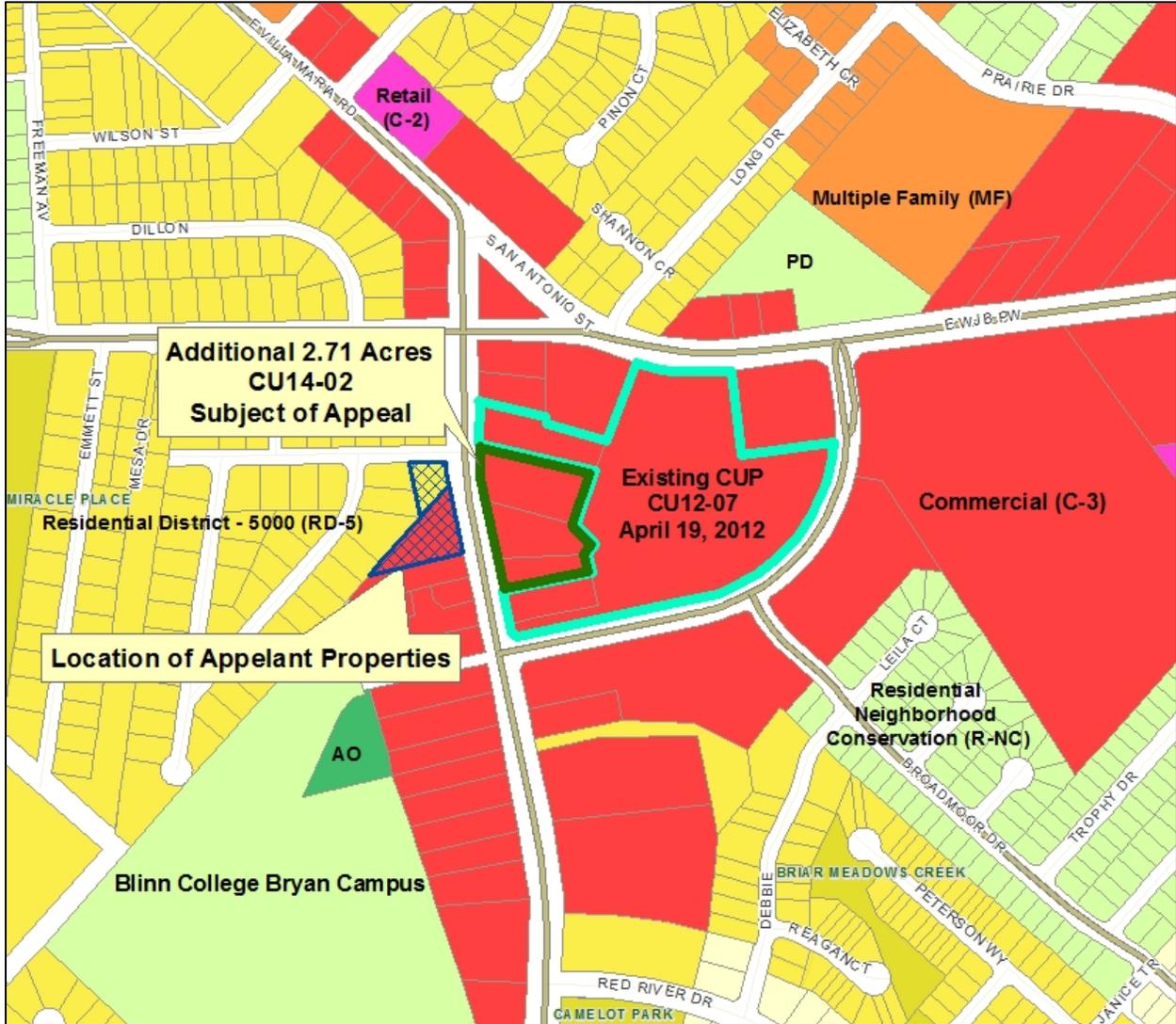
FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 4-4-2014; Joey Dunn, 4-7-14; Hugh R. Walker, 04/10/2014

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton,

LOCATION MAP:



Date: March 25, 2014

THRU: City of Bryan

Planning Services

Bryan, TX

TO: Bryan City Council

FROM: Mr. Kenneth Melson

2708 E Villa Maria

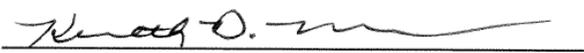
Bryan, TX 77802

Development
Services

MAR 26 2014

3:30 pm
M. H. H. H.

RECEIVED


KENNETH D. MELSON

I appeal the conditional use permit case number CU 14-03 to the Bryan City Council in accordance with Bryan City Code of Ordinances Part II – Code of Ordinances Chapter 130, Sec. 130-33. Conditional use permits. *“(f) Appeal to city council. Approval or denial of an application for a conditional use permit may be appealed to the city council by the applicant for the permit or any owner of property located within 200 feet of the subject property”*. Written notice of appeal specifying the grounds for the appeal must be delivered to planning services within ten calendar days after the date of the planning and zoning commission's decision.”

I request the conditional use permit CU 14-03 be denied for the following reasons:

- a. Does not conform with applicable regulations and standards established by this chapter;
- b. 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;
- c. Potentially creates greater unfavorable effects 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;
- d. 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;
- e. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
- f. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs;
- g. Fails to provide adequate and convenient off-street parking and loading facilities;
- h. Fails to conform with the objectives and the purpose of the zoning district in which the development is located;

- i. 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; or**
- j. The premises or structures are not suitable for the proposed use.**

Date: March 25, 2014

THRU: City of Bryan

Planning Services

Bryan, TX

TO: Bryan City Council

FROM: Ms. Lila Harrison Wayne

1813 Rose Street

Bryan, TX 77802

Development
Services

MAR 28 2014 3:28pm

RECEIVED

Lila Harrison Wayne

I appeal the conditional use permit case number CU 14-03 to the Bryan City Council in accordance with Bryan City Code of Ordinances Part II – Code of Ordinances Chapter 130, Sec. 130-33. Conditional use permits. “(f) Appeal to city council. Approval or denial of an application for a conditional use permit may be appealed to the city council by the applicant for the permit or any owner of property located within 200 feet of the subject property”. Written notice of appeal specifying the grounds for the appeal must be delivered to planning services within ten calendar days after the date of the planning and zoning commission's decision.”

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- b. 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;
- c. Potentially creates greater unfavorable effects 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;
- d. 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;
- e. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
- f. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs;
- g. Fails to provide adequate and convenient off-street parking and loading facilities;
- h. Fails to conform with the objectives and the purpose of the zoning district in which the development is located;

- i. 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; or**
- j. The premises or structures are not suitable for the proposed use.**

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF MARCH 20, 2014:**

**7. REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING
WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed
to City Council).**

a. Conditional Use Permit CU14-03: Paul Leventis et. al.

A request for approval of a Conditional Use Permit, to amend a previously-approved request to allow an apartment complex on property zoned Commercial District (C-3), specifically on approximately 13.48 acres of land adjoining the north side of Nash Street and the east side of E. Villa Maria Road, generally south from their intersections with E. William J. Bryan Parkway (FM 158) in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

In response to questions from the Commission, Mr. Haynes stated that:

- the conditional use permit already approved allows for 240 units on most of the subject property.
- this request would incorporate additional land and would allow up to 312 units.
- he had received no comments from residents on the other side of East Villa Maria Road.

The public hearing was opened.

Ms. Bonnie Nuche, 2615 Leila Court, Bryan, Texas, Ms. Jean Madsen, 2613 Leila Court, Bryan, Texas, Ms. Caron Cruise, 2603 Leila Court, Bryan, Texas, Ms. Dorothy Hagen, 2605 Priscilla Court, Bryan, Texas, Mr. Bill Ray, 2611 Leila Court, Bryan, Texas, Mr. David Brouse, 3319 Broadmoor, Bryan, Texas, Mr. Ron Yokem, 2600 Trophy Drive, Bryan, Texas, Mr. Bob Mosley, 2600 Priscilla Court, Bryan, Texas, Ms. Patsy Fleming, 2610 Trophy Drive, Bryan, Texas, Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, Ms. Pat Mosley, 2600 Priscilla Court, Bryan, Texas, Ms. Rosie Cemino, 3321 Broadmoor, Bryan, Texas, came forward to speak in opposition to the request. Speakers provided the following reasons for their opposition:

- the neighborhood is age restricted and safe
- increased traffic and gridlock
- increased dangerous traffic situations, like backing onto Broadmoor and increased speed
- increased density
- demographic change
- a desire to keep the area age-restricted
- a decline in future property values
- developer did not discuss plans with residents (a previous plan here was discussed with HOA)
- residents did not know about or support the previously-approved Conditional Use Permit
- lack of parking for residents' guests
- desire for a smaller development here

Mr. Paul Leventis, 1722 Broadmoor #212, Bryan, Texas, applicant, came forward to speak in favor of the request. He stated there were offices buffering the homes from the multi-family development. He described the appearance of his proposed buildings and stated they would

improve the appearance of the neighborhood. He anticipated young professionals and students would live in the development. Due to utility easements and the creek, he stated that he believes this is the highest and best use of the property.

Ms. Bert Baker, 2608 Louisa Court, came forward to speak in favor of the request, stating that residents had previously voted down a senior apartment complex with recreation that residents could have access to and that she believed residents did not want anything to be developed on the property.

The public hearing was closed.

Commissioner Beckendorf moved to approve Conditional Use Permit CU14-03, subject to the following conditions

- 1. That the apartment development shall generally conform to the site plan attached to the staff report.**
- 2. That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.**
- 3. That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic circulation and off-street parking shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**
- 4. That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.**

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:

- great location for young professionals
- need traffic changes in the area
- already approved most of the apartments, just adding more
- the developer will need to add the appropriate parking to be successful
- East Villa Maria Road and William J. Bryan Parkway are TxDOT roads
- concern that residents will park on neighborhood streets
- Commission did not receive this level of citizen input at approval of previous CUP
- appreciation for residents coming to voice concerns

In response to questions from the Commission, Mr. Haynes stated:

- that 312 was the maximum number of units allowed with this CUP
- there were 528 bedrooms and 536 parking spaces proposed
- the developer had begun infrastructure improvements on the property of the previous CUP

The motion passed by a vote of six (6) in favor and one (1) in opposition. Commissioner Gonzalez cast the vote in opposition.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

March 20, 2014

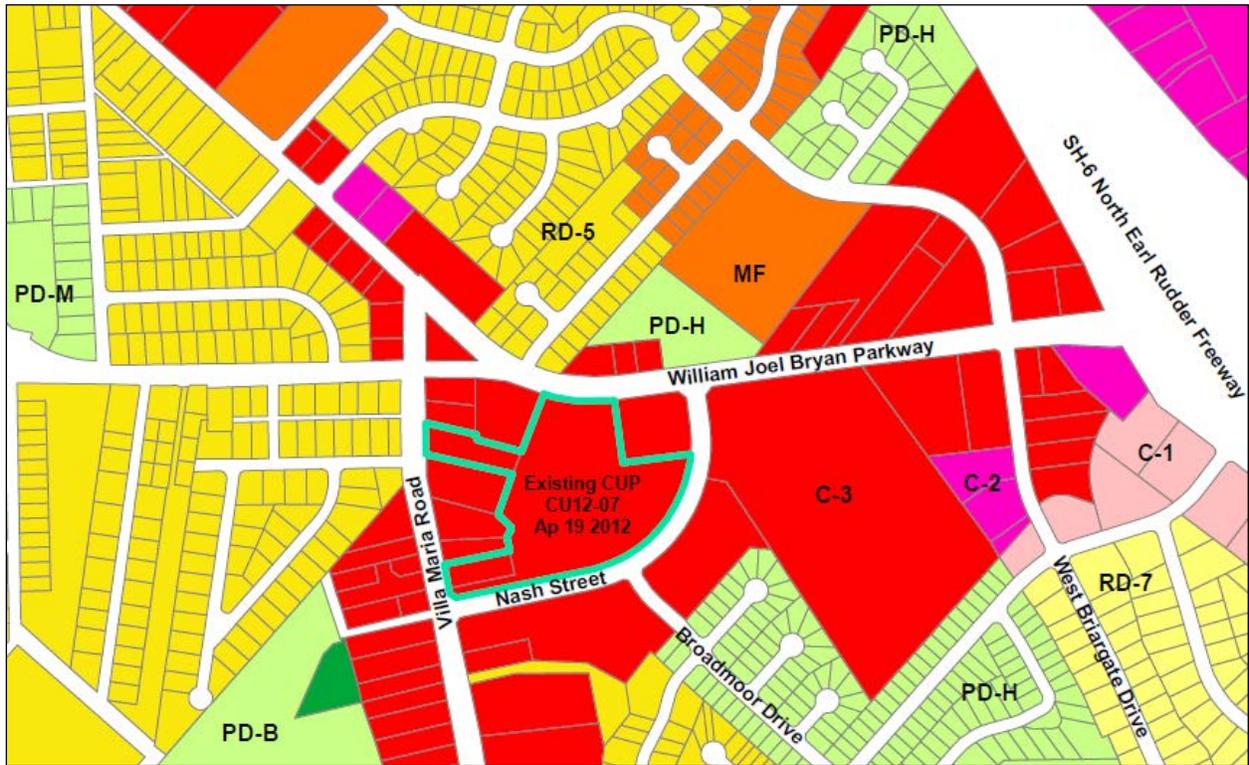


Conditional Use Permit case no. CU 14-03: Paul Leventis et. al.

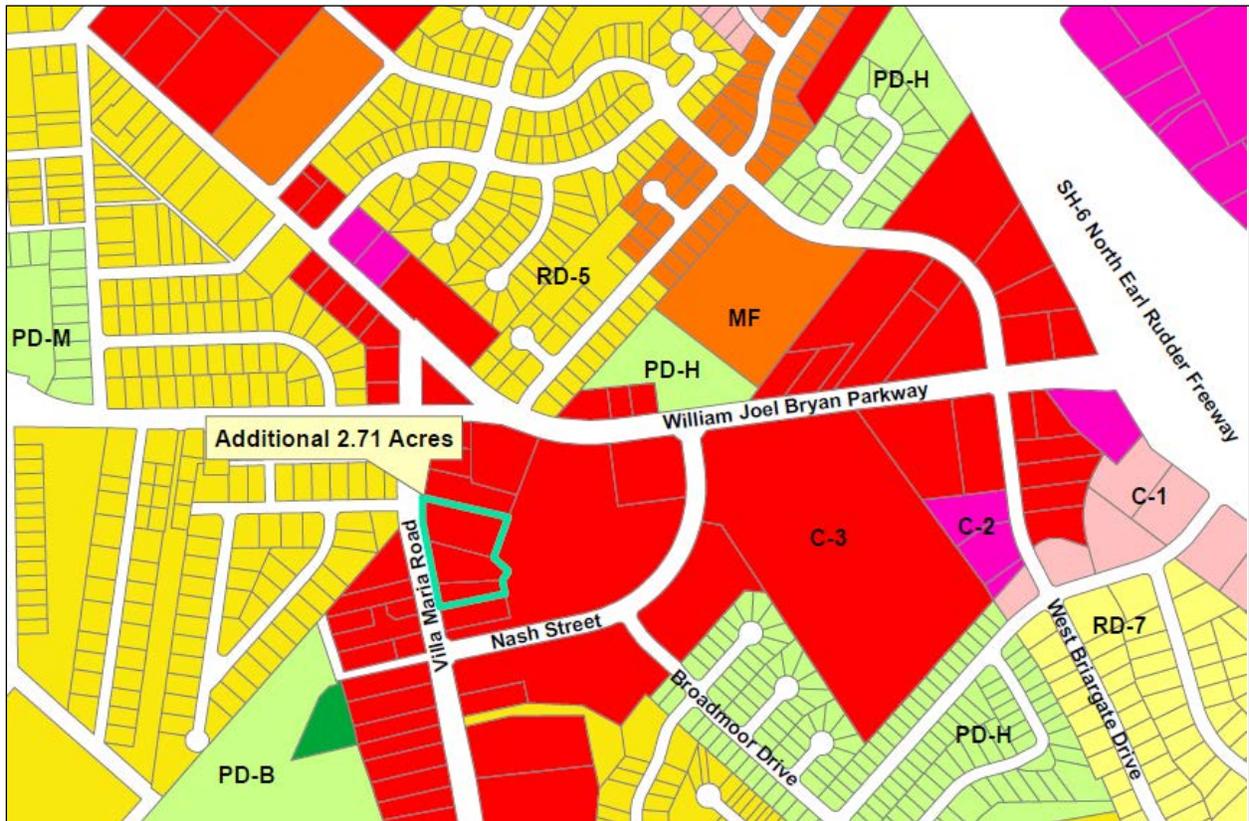
- CASE DESCRIPTION:** a request to amend a previously-approved request to allow an apartment complex on property zoned Commercial District (C-3)
- LOCATION:** 13.48 acres of land adjoining the north side of Nash Street and the east side of E. Villa Maria Road, generally south from their intersections with E. William J. Bryan Parkway (FM 158)
- LEGAL DESCRIPTION:** 4.35 acres out of John Austin Survey and Lot 1-RB in Briar Meadows Creek Subdivision – Phase III
- EXISTING LAND USE:** vacant land, two residences, warehouse with outdoor storage and a plumbing business
- ZONING:** Commercial District (C-3)
- APPLICANT(S):** Paul Leventis et.al.
- STAFF CONTACT:** Randy Haynes, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested Conditional Use Permit, **subject to certain conditions**. Please see page nine of this report for a more detailed description of staff's recommendation.



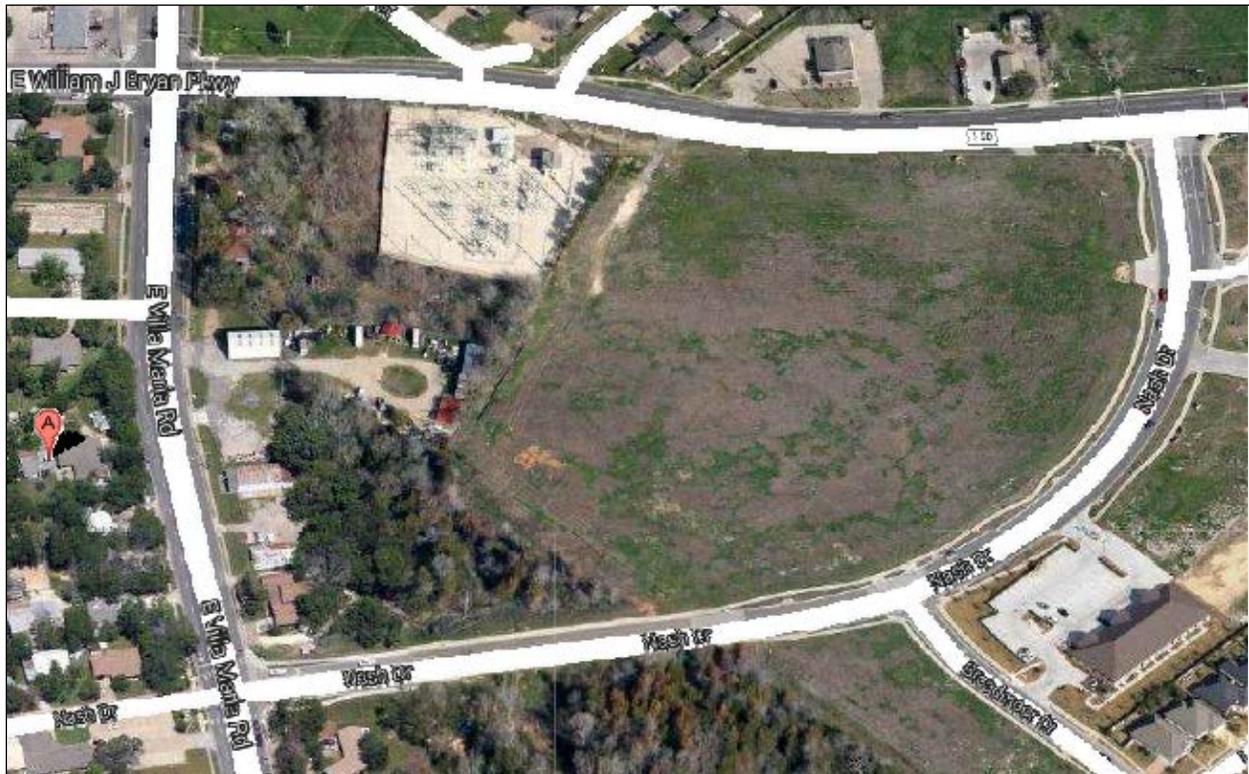
LAND AREA OF EXISTING CUP APPROVED IN APRIL, 2012:



ADDITIONAL 2.71 ACRE TRACT:



AERIAL PHOTOGRAPH – 2013:



BACKGROUND:

In April 2012, the Planning and Zoning Commission approved a Conditional Use Permit to build a 240-unit apartment complex on a 10.83 acre portion of the 13.48 acre tract that is the subject of the current request. Since the approval of that request (case no. CU12-07), only a small amount of actual development activity has occurred with regard to the project. Recently, the developers, headed by Mr. Paul Leventis, have taken advantage of the opportunity to incorporate an additional 2.7 acres of adjacent land into the scope of his plans to develop an apartment development at this location. The added land area will permit a 30% increase in the number of apartment units previously approved. The added land will allow construction of an additional 72 apartment units.

The applicants/property owners now propose to increase the size of the previously approved apartment complex on these 13.48 acres of land adjoining the north side of Nash Street generally north of its intersection with Broadmoor Drive, south of William Joel Bryan Parkway and east of Villa Maria Road. Within C-3 zoning districts in Bryan, multi-family developments are potentially allowed, but only with approval of a Conditional Use Permit (CUP) from the Planning and Zoning Commission. Consideration of a CUP allows the Commission to impose appropriate conditions that may be necessary to integrate the apartment units within the surrounding environment.

The land surrounding the subject property is generally zoned for heavy commercial use. Across William Joel Bryan Parkway to the north is land zoned C-3 District as the subject tract, northwest is the edge of a residential subdivision that adjoins both sides of William Joel Bryan Parkway and a 1.6-acre electrical substation operated by Bryan Texas Utilities (BTU). The Bryan Main Post Office and a recently developed office complex are located to the east and southeast of the subject property. Those properties, as well as undeveloped land to the south and southwest are also zoned C-3 District.

As required by the Zoning Ordinance, with their application for approval of the CUP, the applicants submitted a preliminary concept site plan for review by the Site Development Review Committee (SDRC). Many technical questions/issues regarding development of an apartment complex on the subject property still remain to be addressed, including, but not limited to, the size and location of public water and sewer line extensions, the location of fire hydrants and stormwater management. The case is being forwarded to the Planning and Zoning Commission for consideration, without an SDRC-approved site plan, but rather a conceptual site plan. If Commissioners are inclined to approve this request, staff recommends that any such approval be made subject to the recommended conditions listed on page nine of this staff report.

EXCERPT FROM P&Z MINUTES OF APRIL 19, 2012:

Conditional Use Permit CU12-07: Paul Leventis et. al.

R. Haynes

A request for approval of a Conditional Use Permit to allow an apartment development on property in a C-3 (Commercial) zoning district, specifically on 10.82 acres of land out of John Austin Survey and Lot 1 in Briar Meadows Creek Subdivision – Phase III, adjoining the north side of Nash Street generally north of its intersection with Broadmoor Drive in Bryan, Brazos County, Texas.

Mr. Haynes presented the staff report (on file in the Development Services office). Staff recommends approving the request based on the following:

- Because of the scale and arrangement of the buildings on the site, staff contends the proposed use will not likely produce greater unfavorable impacts than those created by uses permitted by right in the C-3 zoning district.

- Staff contends that the proposed use will not alter the safety level of vehicular or pedestrian traffic in the area to any greater extent than uses permitted by right in the C-3 District.
- In this case, staff contends that the location of the subject property and arrangement of the proposed development project conforms to the objectives and the purpose of the C-3 zoning district.

Staff recommends approving the request, subject to the following conditions:

- That the apartment development shall generally conform to the site plan attached to this staff report.
- That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.
- That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic circulation and off-street parking shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.
- That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.

Responding to a question from Commissioner Gonzalez, Mr. Haynes stated that the Comprehensive Plan called a need for more multi-family housing to be located near Blinn College. Nash Street is designed for heavy traffic, and the traffic coming and going from the apartment complex would not necessarily match the usual 8-5 traffic.

The public hearing was opened.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, representing the applicants, stated that lights have been placed at the troublesome intersections of the major roads near this area. He stated that this project was previously approved a few years prior. He stated that the development was talking about placing a small commercial development on the corner of Nash Street and William Joel Bryan Parkway.

Mr. Randy Mena, 2705 East Villa Maria, Bryan, Texas, spoke in opposition to the request stating that this type of development might not be wanted on such a prominent thoroughfare in Bryan.

The public hearing was closed.

Commissioner Madison moved to approve Conditional Use Permit CU12-07 subject to the following conditions:

- **That the apartment development shall generally conform to the site plan attached to this staff report.**
- **That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.**
- **That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic**

circulation and off-street parking shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.

- **That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.**

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bond seconded the motion.

Chairperson Beckendorf asked if there was any discussion.

Commissioner Madison stated that this was a good development for Bryan and the Blinn College area.

The motion passed with a unanimous vote.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new 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:

Chapter 5: Land Use

Use-Specific Land Use Policies

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other 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 mid-block, where appropriate.

Land Use Goal #1:

Achieve a sustainable mix of land use types in suitable locations, densities, and patterns by limiting 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 with an apartment development is proposed to comply with the standards and limitations that generally apply to properties zoned Multiple-Family District (MF) 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 MF-zoned properties in Bryan, is appropriate for an proposed apartment 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.

The subject property is located in an area that is a gateway into Bryan and is partially within the William Joel Bryan Parkway – FM 158 Overlay District. The proposed site is surrounded by land zoned for heavy commercial use. The attached site plan shows the arrangement of proposed apartment buildings. As depicted, 75% of the proposed 536 off-street parking spaces will be screened from public roadways by proposed multi-family residential buildings. A mixture of two and three story-tall buildings will front the adjoining streets and thereby help provide a defined urban edge. Landscaping will soften that edge, creating a human scale streetscape.

The scale of the 12 proposed buildings shown on the conceptual site plan will be somewhat larger than those of buildings previously developed in the surrounding area, e.g. office buildings at the intersection of Nash Street and Broadmoor Drive. Staff contends, however, that this should have a negligible impact on adjoining properties as the development will be located on property that is separated from most adjoining properties by major arterial and collector streets with at least 80 feet of public right of way and that will provide additional separation.

A listed action statement in the Comprehensive Plan is to “limit the locations of large-scale multi-family developments to areas within an identified proximity to Blinn College”. Staff contends that the subject tract is one of few as-of-yet undeveloped properties in close proximity to Blinn College (approx. 1,500 feet) that can provide the desired development opportunity of higher-density residential housing in close proximity to the junior college, as suggested by the Comprehensive Plan.

Staff believes that existing conditions around the subject property, namely the existing electrical substation and convenience store immediately north of the subject property may limit the subject acreage’s long-term marketability for larger-scale development opportunities (such as, for example, a regional retail center), as desirable exposure for such users along William Joel Bryan Parkway is already limited and may prevent safe access to the subject property from that corridor.

If approved, the proposed apartment development will only have two curb cuts, one on Nash Street opposite the intersection of Nash and Broadmoor Drive, and one on E. Villa Maria Road, approximately 200 feet south of its intersection with E. William Joel Bryan Parkway. This redevelopment will therefore also help eliminate four existing driveways along E. Villa Maria Road, which is classified as a major arterial roadway on Bryan’s Thoroughfare Plan, which will help improve the flow of traffic near the busy intersections in this vicinity.

During development of a convenience store at intersection of Nash Street and William Joel Bryan Parkway within the last year, staff received several calls from area residents expressing dismay at the type of development occurring at that location. Since C-3 zoning allows both retail and other considerably more intense commercial uses by right, staff submits that the proposed multi-family residential project at this location can provide a useful transition between the heavily traveled William Joel Bryan/FM158 commercial corridor and the single-family residential neighborhood that extends to the southwest of the subject property along Broadmoor Drive.

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.

Because of the proposed scale and arrangement of the buildings on the site, staff contends that an apartment use will not produce any greater unfavorable impacts than those created by uses permitted by right in the C-3 zoning district. For example, RV parks, auto sales or repair businesses, warehouses or nightclubs could locate on this property without prior Conditional Use Permit approval. Should the Commission find there are characteristics of the proposal that should be further mitigated, additional conditions may be imposed, e.g., increased landscaping and/or screening.

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 contends that the proposed design will improve the safety level of vehicular and pedestrian traffic in the area. The reduction in the number of curb-cuts (conflict points) will serve to improve the level of safety over the potential number reasonably anticipated should the property be developed with uses allowed by right in this C-3 District.

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 apartment development, 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.

The location of the project is adjacent to two major arterial roadways, Villa Maria and William Joel Bryan. These facilities will provide ample capacity to accommodate the increase in traffic expected. Signage for this development is proposed to follow the same standards that apply to similar apartment developments in the City's Multiple-Family (MF) zoning districts. Staff believes that permitted signage advertising an apartment development at this location 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 proposed apartment development will be required to provide at least the minimum number of off-street parking spaces, as required by the Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62) for such a use.

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

The C-3 District is intended predominantly for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements that are generally compatible with typical retail uses, but generally not within or near residential environments. The inclusion of multi-family residential development on the list potentially allowed land uses in C-3 Districts indicates that some flexibility is intended by the Zoning Ordinance to permit such uses where deemed appropriate.

As mentioned above, staff believes that allowing an apartment complex at this particular location will provide a useful transition between existing and proposed low-density residential uses south of the subject property and future nonresidential uses north of the subject property along East William Joel Bryan Parkway. Staff therefore contends that the proposed development project conforms to the objectives and the purpose of the C-3 zoning district in this particular case.

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.

The construction of a 312-unit multi-family residential project on the subject property will bring changes such as an increase in traffic and activity on the now vacant land. Permitting the increase in size of the proposed multi-family residential use as shown on the attached conceptual site plan drawing will be unlikely to produce conditions that would not be otherwise experienced should the land develop into one of the many uses permitted by right in the C-3 District. Staff contends that the proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

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

Staff contends that the 13.48 acre tract, developed in the manner proposed on the attached site plan is suitable for the proposed conditional use.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow an apartment development on this property in a C-3 zoning district, **subject to the following conditions:**

1. That the apartment development shall generally conform to the site plan attached to this staff report.
2. That the apartment development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, off-street parking, landscaping, accessory buildings, signs and lighting.
3. That a site plan fulfilling all the technical requirements for development of an apartment complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis, as well as on-site traffic circulation and off-street parking shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.
4. That all subdivision plat requirements shall be fulfilled, as applicable, before any building permits for the construction of an apartment development on this property are issued.

To: Bryan Planning & Zoning Commission
From: Bert Baker, resident of 2608 Louisa Crt., Bryan, TX 77802
Date: March 20, 2014
Re: Nash Apartment Complex

I would like to add my support to the apartment project that is being presented this evening. There has been a lot of misinformation that has been spoken about the project and Mr. Leventis. Home Owners do not have the full story on this project; I have asked Mr. Leventis speak to the other residents in my area and he has done so. There could be worse developments that reside at that location then the one proposed. I think it would be very beneficial in cleaning up the land parcels that are along Villa Maria.

Thank you for your service on the Commission.

A handwritten signature in blue ink that reads "Bert Baker". The signature is written in a cursive style with a large initial "B".

Bert Baker

Haynes, Randall

From: Elaine Bandstra [mailto:Elaine.Bandstra@bryantx.gov]
Sent: Tuesday, March 18, 2014 2:31 PM
To: Haynes, Randall
Subject: apartment complexes

Mr. Haynes, Re. your Brian Meadows Creek development--consider the Sr. housing development and the increase of vehicular traffic that will cause extreme traffic congestion to an untenable level. The Post office and gas station already are causing traffic problems and then your 300+ units will cause extreme problems. Remember the seniors already contributed building roads, schools and beautifying the center of Bryan. Now you want to stress out another section of town without sufficient police protection. Mr & Mrs H Bandstra, 202 Leila Ct.

Haynes, Randall

From: Carolyn Ruffino [REDACTED]
Sent: Tuesday, March 11, 2014 7:26 PM
To: Haynes, Randall
Subject: Briar Meadows Subdivision

Dear Mr. Haynes:

I currently reside in the Briar Meadows Sub. Recently I heard that the Planning and Zoning Committee for the City of Bryan is planning on approving the building of an 500 unit apartment complex in our neighborhood with outlets on Broadmoor and Villa Maria.

For the following reasons I am strongly opposed to the building of these apartments in our neighborhood:

1. With 500 units there will be a tremendous increase in traffic on Broadmoor;
2. Briar Meadows is a residential neighborhood restricted to seniors who love walking on Broadmoor. With increased traffic there will be a safety issue for residents who love taking quiet walks;
3. With increased traffic there will be an increase in noise;
4. This morning I watched a lady trying to back out of her driveway on to Broadmoor. It took her 5 minutes to get onto Broadmoor because of waiting on traffic -- first from her right, then her left and back and forth for 5 minutes. That's our situation now. With increased traffic from the complex, trying to get onto Broadmoor will be a nightmare.
5. With all of these situations combined the market value of our homes will go down, down, down.

For all of these reasons I am strongly opposed to the City of Bryan allowing the building of this apartment in our neighborhood. Please present my views at your next meeting.

Sincerely,

Carolyn Ruffino

Haynes, Randall

From: Robert Henderson <rhenderson@bryan-tx.com>
Sent: Wednesday, March 19, 2014 10:07 AM
To: Haynes, Randall
Subject: March 20th public hearing

Randy Haynes
Project Planner,
City of Bryan

Mr. Haynes, although Mr. Paul Laventis is on the architectural committee of the Briar Meadows HOA, the HOA board members have only recently learned of his proposed construction of an apartment complex bordered by Nash and Villa Maria.

The home owners in our age-restricted neighborhood are, of course, concerned with the increased traffic the apartments will bring to the area and the possibility of lower home values. There is also concern about increased area crime usually associated with apartment complexes.

I realize that something will be built in that space and apartments may not be the worst option, but 300 plus units, 500 plus bedrooms and possibly 500 cars seems excessive.

I will be unable to attend the March 20th public hearing.

Thank you,

Robert Henderson
President, Brier Meadows HOA
2603 Louisa Ct.
Bryan, TX 77802
252 384-8026

Haynes, Randall

From: Robert Henderson [REDACTED]
Sent: Wednesday, March 19, 2014 4:04 PM
To: Haynes, Randall
Subject: Apartment complex

Randy Haynes
Project Planner,
City of Bryan

Mr. Haynes,

After my email to you this morning, Paul Laventis called me and set me straight concerning the apartment complex bordered by WJ Bryan, Villa Maria and Nash. Once again I learn that it's better to get all the facts before I start yelling. Paul told me he is building 207 units - not 300+ and the appearance of the apartment buildings will not be a disgrace to the neighborhood. There will, of course, be an increase in traffic but I realize something will be built in that location and Paul's apartments seem like a good option.

Robert Henderson
President, Brier Meadows HOA
2603 Louisa Ct.
Bryan, TX 77802
252 384-8026

Haynes, Randall

From: rkeller000@comcast.net
Sent: Monday, March 17, 2014 11:12 PM
To: Haynes, Randall
Cc: Janice Keller
Subject: Comments-Apartment Complex Near Briar Meadows Subdivision

Randy, I own a house at 2607 Leila Ct. in Bryan. It is on the last row of houses closest to the proposed apartment complex. I just heard about the project and the public hearing that will be held this Thursday. I have some comments I would like to share with you concerning this project. It would seem that the owners of all property surrounding the proposed complex would have been personally notified by letter, I was not. As a taxpayer I deserve that respect. If you sent such a letter I apologize but I did not receive it. I have been told this complex is being built for Blinn students. I am not able to come to the meeting on Thursday so I am sending you some of my thoughts.

First of all the community we live in is a age restricted community. I moved here, and I am sure others did so also to have an adult only community and all the benefits that affords. Having student apartments so close goes in the face of this. We will have more noise and increased personnel activity in our area. You will have people walking, running, taking their dogs out at all hours. Would you personally like a towering apartment complex next to your single family dwelling? I really can believe that this project would even be considered for this particular area! It seems to me to be an overly large complex for the area. My understanding was when I bought my property that this type of complex would not be built.

My property value will go down, I have no doubt. I have a low opinion of multi apartment facilities. If the apartment complex would have existed at the time of my purchase I would not have bought. In fact it is not hard to imagine that if the complex was there first, Briar Meadows would not have been built in all likely hood.

Broadmoor is already a highly trafficked area and this will only increase the automobile, motorcycle and bus traffic. Having the major opening to the complex off of Nash only complicates this situation. Having observed the traffic problems created by students drivers in College Station only makes me worry about this even more. The traffic on William Joel is already horrible in the mornings and afternoons as it is. I've seen a number of wrecks there already.

Building a complex for students will also mean that there will be parties and more people living and hanging around than would be in an apartment complex constructed for the population at large. There will be no one to govern actions except for the students themselves. This type of complex can bring in an unhealthy elements with drugs, fighting, and theft. I don't want that potential near me or my family. I will feel very unsafe if this project goes through.

I don't know about this complex but my observation is that these complexes are erected with investor money, when the return on the investment is realized the major investors back out and it succumbs to multiple owners over time. Meanwhile the infrastructure deteriorates and the complex rents to lessor cliental. Good for them but not for our property values. College Station is surely a case in point, every where you look there are duplexes, run down student apartments, cars parked everywhere. I would be very discouraged if I had a house and it was near a student living area. Once an area opens to student housing it goes down. I wouldn't live there for that reason alone.

I am by no means condemning students as a whole, however when you put a large number of them together their are always more problems. Please look at the police reports in College Station around their complexes.

These types of apartments have a much shorter life that single family dwellings as they are used and abused more and consequently tend to deteriorate faster causing an eyesore. Obviously I don't want the complex to be built in this location at all. I think from my perspective that is a major planning error for this location and I certainly hope you would take my comments into consideration.

I hope you take into account traffic flow and put the opening on another street rather than Nash. The sketch I saw shows the main entrance directly across from Broadmoor. This means a traffic light will have to be installed for traffic flow and to prevent wrecks. It means that traffic will back up on Broadmoor and could inhibit my ability to get out of my street during rush hours. Where do you plan on putting the bus stops? Will you open another road? A sound barrier fence should be erected around the whole complex.

What is the status of this project? Has it been going on a long time? Are we in the planning stages or is it a done deal? I would appreciate a somewhat detailed drawing of the facility planned.

Please send me a response so I will know you got my comments. I know your job is not easy.

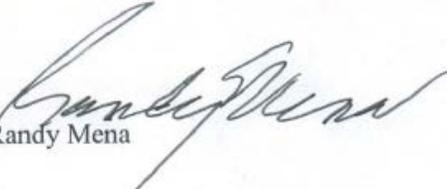
Sincerely,

Robert Keller
979-236-7961

To: Bryan Planning & Zoning Commission
From: Randy Mena, resident of 2810 Cherry Creek Cr., Bryan, TX 77802-2926
Date: March 20, 2014
Re: Nash Apartment Complex

I would ask the Commission to vote in favor of this project. As a Bryan resident this project would be a great addition to the area; this project will fill a need for housing. In addition, this project will assist in cleaning up the structures along Villa Maria and give the City a nicer look on the main thoroughfares. This location is an older part of our town and is need of redevelopment. This project is great for the City of Bryan and will provide a tax base and employment for people operating the facility.

Once again, I would ask that the Commission vote in favor of the project. Thank you for your time and service on the P&Z Commission.


Randy Mena

Haynes, Randall

From: Pat Mosley [REDACTED]
Sent: Friday, March 14, 2014 10:21 AM
To: Haynes, Randall
Subject: Rezoning of land between WJB, Villa Maria, and Nash

Mr. Haynes:

Thank you for your time and information regarding the commercial zoned lot between Villa Maria, Nash, and William Joel Bryan Parkway (WJB) that is being considered for rezoning for apartments.

Rezoning the property to allow an apartment complex that will draw at least 500 residents and vehicles plus friends, families and other 'temporary' residents staying at apartments, will increase traffic to the point of gridlock on all three streets, and will increase noise to the nearby residential areas twenty-four hours a day.

As I am sure you are aware Villa Maria and WJB already comes to gridlock trapping residents in their neighborhoods and postal customers to and from the post office. Villa Maria and WJB are so congested emergency equipment, ambulance, fire, police are increasingly using Nash and Broadmoor to get to the hospital. Not only is this a danger to fully-developed residential neighborhoods and its residents, emergency equipment should not be relying on side streets. I am sure you are aware Nash, also, which you stated was built to carry heavy traffic already comes to almost a traffic standstill with Blinn students bypassing Villa Maria and WJB via Nash from early morning to approximately 10p..

You have stated the committee/council 'hopes', I believe is the word used, the residents of the apartment complex will ride bicycles or walk. Possibly some traffic will be alleviated by these methods IF the weather is not too hot, not too cold, not too windy, nor too wet so the residents choose to walk or ride a bike. And, the residents may walk or ride a bicycle if only one destination very close is

required, but this is Texas and 2014. Perfect, dependable weather as well as walking or riding a bicycle over private transportation often enough to alleviate traffic congestions caused by rezoning allowing the building of the apartment complex, additional residents, and vehicles is very doubtful.

You stated the property is currently zoned for commercial. You stated the current zoning, commercial, could bring in a service station or a even manufacturing. Either one of these scenarios could in no way increase traffic, potential danger on the streets or in the neighborhoods as a service station, which is already in the area, or a manufacturing plant which could employ hundreds of employees, could cause compared to the proposed apartment complex usage. Traffic increases by such a manufacturing plant would most likely be limited to the start and the end of the work day with possibly a small number of non employees on site daily. Most likely any, if at all, night occupation would be very limited to a much smaller number at a manufacturing plant than an apartment complex with the potential of five hundred plus residents coming/going limiting night traffic and noise way below an apartment complex. The afore mentioned station is a twenty-four hour business but has no ability or possibility of causing the congestion and noise of a five hundred plus additional humans and their vehicles to an already congested area.

I could continue with more reasons an apartment complex on already overloaded streets will be a hazard, possibly deadly due to the greatly increase traffic causing an increase in traffic accidents in the area as well as adding increased noise, traffic and danger to the local residents, but I believe you understand my concerns. I ask that independent studies be completed on the dangers and of the increased traffic as well as the increase noise level by the construction of an apartment complex before any zoning changes to the land enclosed by WJB, Villa Maria, and Nash.

It is very disappointing that no effort was made to notify the local residents and neighborhoods directly of this zoning change which

will so negatively impact them. Neither the residents along and just off Broadmoor, which will change from residential street to major artery, were not notified nor either of the two neighborhoods just a few yards from the land in question were notified. You stated, I assume to explain why the neighborhoods were not notified directly, a corporation was notified instead. The corporation mentioned is owned by the owner of the land to be rezoned, Paul Lavents, who stands to gain tremendously financially and who serves on two HOA boards whose neighborhoods are within yards of the land in question, as far as I can find, chose not share the information. The failure/choice not to notify residents/neighborhoods directly giving little time to study the rezoning issue makes one wonder if there is any point. Is this a *done deal* between the City of Bryan and Paul Lavents with no regard to the impact on the citizens who will be negatively impacted?

Pat Mosley

member Briargate HOA

Haynes, Randall

From: Kathryn Presley [mailto:kpresley@broadmoor.com]
Sent: Thursday, March 20, 2014 11:08 AM
To: Haynes, Randall
Subject: proposed apt. complex on Nash at Broadmoor

My neighbors and I (all senior citizens) are gavelly concerned about this proposed project. This is certainly not what we were promised when we located in Briar Meadows--a QUIET senior citizens community. I don't drive at night or I would be at tonight's meeting. Please see what you can do to protect our interests. We were also promised Broadmoor would never be extended to Wm. J. Bryant--you got around that by building Nash--this apt. project would seem to be just another broken promise by the City of Bryan.

To: Bryan Planning & Zoning Commission
From: Roland Ruffino, resident of 2326 W. Briargate Dr., Bryan, TX 77802-2118
Date: March 20, 2014
Re: Nash Apartment Complex

I would like to throw my support to this apartment project that is being presented to the Planning and Zoning commission today. This is a great project for the area and a demand for this type of development in the area. This project will assist in cleaning up the structures along Villa Maria. This location is an older part of our town and is need of redevelopment. This project is great for the City of Bryan and will provide a tax base and employment for people operating the facility.

Once again, I would ask that the Commission vote in favor of the project. Thank you for your time and service on the P&Z Commission.


Roland Ruffino