ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	August 25, 2015	**DATE SUBMITTED:**	August 4, 2015
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Matthew Hilgemeier

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, by changing the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street, being Lots 2R, 3R, 4R, 5R and 6R in Block 1 of the Hyde Park Addition in Bryan, Brazos County, Texas (RZ15-14).

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

There are six 35-year-old four-plex dwellings on the subject property, which is currently platted as five individual lots. Properties located to the north and west of the subject property across Natalie Street and Boyett Street are zoned for and developed as multi-family (MF) residential properties, while the property located along the southern property line is zoned Retail District (C-2). The subject property's eastern property line is located directly along the City of Bryan/City of College Station city limit line. This rezoning request is being made concurrently with a similar request and development plan in the City of College Station.

The aim of the overall project is to redevelop a combined 5.1-acre tract, removing existing multi-family structures, and constructing three buildings: one 3-story multi-family residential unit on the subject property located within the City of Bryan, a 7-story multi-family building, and an 8-story parking garage located within the City of College Station. Collectively this project will be known as the "Sterling A&M Project". Staff from various departments from both the City of College Station and the City of Bryan have been working with the developer of this property to coordinate the planning, building review and construction phase process that will be required for this project, as well as collaborating on the most efficient manner in which to provide utility and solid waste services.

The applicants are requesting a PD-H zoning classification to allow for better utilization of the property by reducing building setbacks, increasing the maximum allowed building height, and increasing the maximum unit density typically allowed for multi-family development. The proposed development plan envisions increased area utilization by eliminating building setback requirements, to allow the new structure to create an urban edge along Natalie and Boyett Streets. The medium-rise construction proposed for the multi-family building to be located on the subject tract will allow for a higher density. Consequently, the applicant is requesting that the maximum multi-family density be raised from up to 25 dwelling units to up to 50 dwelling units per acre. This will allow the site to develop in a manner which is consistent with the overall development pattern that has been taking place in the Northgate area of College Station (which is adjacent to the subject property) over the past 5 years.

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

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

STAFF ANALYSIS AND RECOMMENDATION: During its meeting on July 16, 2015, the Planning and Zoning Commission concurred with staff and **recommends approving** this rezoning request with a vote of 5 in favor and 1 in opposition, with Commissioner Incardona casting the vote in opposition.

- The proposed development appears to conform to land use recommendations of the Comprehensive Plan, which suggest the suitability of higher density residential uses located between commercial uses and residential uses of lower density, to provide a useful transition in land use intensities at this location.
- The proposed PD-H District appears to conform with the redevelopment recommendations of the Comprehensive Plan, which suggests that areas of outdated development originally built at the fringe of the city that have become more central as the city has grown around them be redeveloped to facilitate orderly, efficient and attractive development, which is what has happened with the Northgate area.
- This proposed development may help improve property utilization, facilitate appropriate use of the subject property, strengthen the area economy, and promote the general welfare of the community.
- A possible perceived negative side effect of the proposed development could be that, as a result of the increased unit density, an increase in automobile traffic in the area is highly likely.
- An additional possible negative effect of this proposed development could be that residents living on properties across Natalie Street will likely have a more restrictive view of the skyline as a result of the proposed building on the subject property being 50 feet in height when compared to the current structures that are 20 feet in height.

OPTIONS (In Suggested Order of Staff Preference):

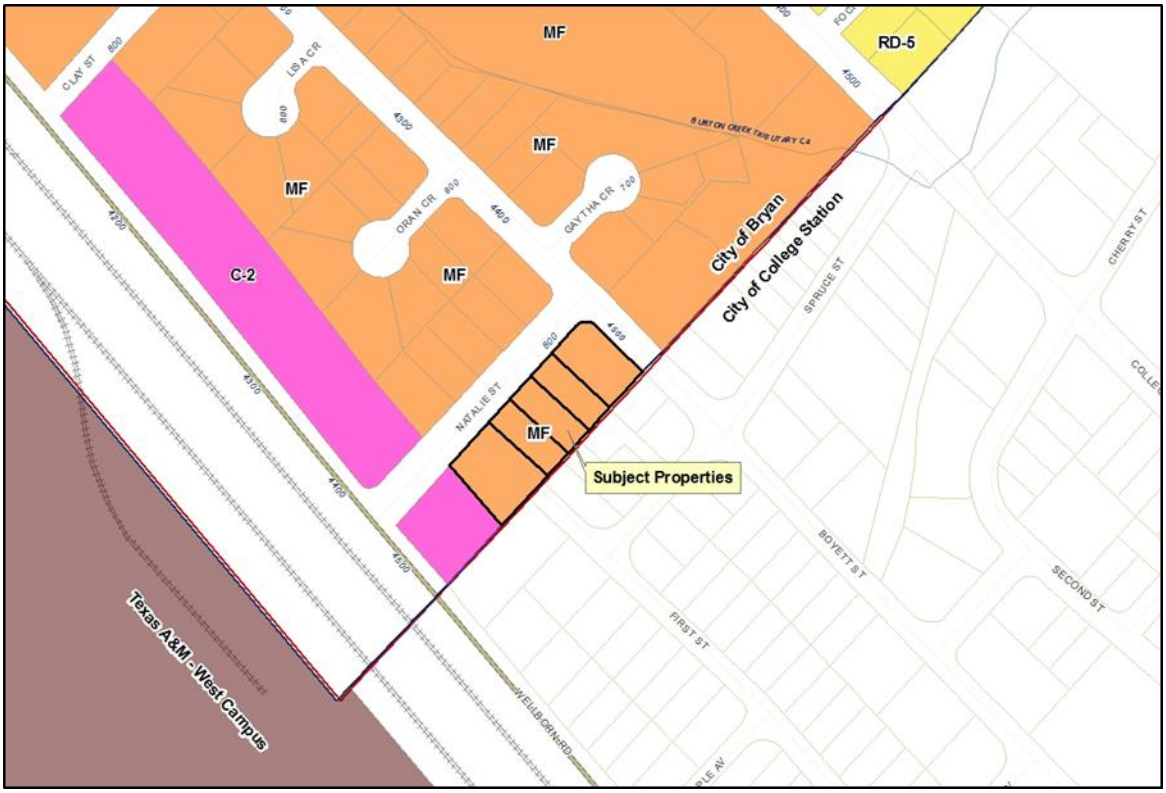
1. approve the requested zone change;
2. approve the requested zone change with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda;
3. deny the requested zone change.

ATTACHMENTS:

1. location map;
2. draft ordinance;

3. excerpt from P&Z meeting minutes of July 16, 2015; and 4. staff report to the Planning & Zoning Commission.
FUNDING SOURCE: **N/A**
APPROVALS: Kevin Russell, 8-6-15; Joey Dunn, 8-11-15; Hugh R. Walker, 08/12/2015
APPROVED FOR SUBMITTAL: CITY MANAGER
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 08/16/2015

Revised 05/2013


MF
RD-5
CLAY ST
LIBACR
MF
MF
ORAN CR
GAYTHA CR
C-2
MF
City of Bryan
City of College Station
SPRUCE ST
CHERRY ST
NATALIE ST
MF
Subject Properties
BOYETT ST
SECOND ST
FIRST ST
Texas A&M - West Campus
W ELLBORN RD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM MULTIPLE-FAMILY DISTRICT (MF) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 1.123 ACRES OF LAND ADJOINING THE SOUTHEAST SIDE OF NATALIE STREET, SOUTH OF ITS INTERSECTION WITH BOYETT STREET, BEING LOTS 2R, 3R, 4R, 5R AND 6R IN BLOCK 1 OF THE HYDE 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 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street, being Lots 2R, 3R, 4R, 5R and 6R in Block 1 of the Hyde Park Addition in Bryan, Brazos County, Texas; was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on July 16, 2015;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street, being Lots 2R, 3R, 4R, 5R and 6R in Block 1 of the Hyde Park Addition in Bryan, Brazos County, Texas, said 1.123 acres being described more particularly on attached Exhibit "A", and subject to development requirements specified in attached Exhibit "B" and depicted on attached Exhibit "B-1" subject to development requirements specified herein which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

That 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 25th day of August, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 8th day of September, 2015 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":

FIELD NOTES
1.123 ACRES
BEING THE
RE-SUBDIVISION OF
LOTS 2 & 3, BLOCK ONE OF THE
VACATING & RE-SUBDIVISION PLAT OF
THE HYDE PARK ADDITION
VOLUME 474, PAGE 383
J. E. SCOTT LEAGUE, A – 50
BRYAN, BRAZOS COUNTY, TEXAS

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 1.123 ACRES SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, BRAZOS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN RE-SUBDIVISION OF LOTS 2 AND 3, BLOCK ONE OF THE VACATING AND RE-SUBDIVISION PLAT OF THE HYDE PARK ADDITION AS DESCRIBED IN PLAT AS RECORDED IN VOLUME 474, PAGE 383, DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID 1.123 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" Iron Rod found in the southeast right-of-way line of Natalie Street for the most westerly corner, said corner being the most westerly corner of Block One of said Re-Subdivision of The Hyde Park Addition, said corner also being the most northerly corner of the Amrutlal & Kusum A Kanji Called 0.4374 of one acre tract as described in Volume 3511, Page 76;

THENCE N 42 ° 58 ' 59 " E, along the northwest line of Block One of said Re-Subdivision of The Hyde Park Addition a distance of 325.36 feet to a 1/2" Iron Rod found for the point of curvature at the intersection of the southeast right-of-way line of said Natalie Street and the southwest right-of-way line of Boyett Street;

THENCE around a curve in a clockwise direction having a delta angle of 92 ° 03 ' 56 ", an arc distance of 40.18 feet, a radius of 25.00 feet, and a chord of N 89 ° 04 ' 02 " E, a distance of 35.99 feet to an "X" in concrete found for the point of tangency of said intersection and the beginning of a curve along the southwest right-of-way line of said Boyett Street;

THENCE along the northeast line of said Block One and the southwest right-of-way line of said Boyett Street around a curve in a clockwise direction having a delta angle of 01 ° 08 ' 13 ", an arc distance of 81.76 feet, a radius of 4120.50 feet, and a chord of S 44 ° 19 ' 53 " E, a distance of 81.76 feet to a 3/8" Iron Rod found for the point of tangency of said curve;

THENCE S 43 ° 21 ' 34 " E, continuing along the northeast line of said Block One a distance of 30.73 feet to an "X" in concrete found for the most easterly corner, said corner being the most easterly corner of said Block One and also being located in the northwest line of Block 16 of the W. C. Boyett Estate Partition Map as described in Volume 100, page 440;

THENCE S 43 ° 08 ' 22 " W, along the southeast line of said Block One and the northwest line of said Block 16 a distance of 360.30 feet to a 1/2" Iron Pipe found for the most southerly corner, said corner being the most easterly corner of said Called 0.4374 acre tract;

THENCE N 40 ° 27 ‘ 49 “ W, along the southwest line of said Block One and the northeast line of said Called 0.4374 acre tract a distance of 138.18 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 1.123ACRES OF LAND MORE OR LESS, according to a survey performed on May 29, 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. North Orientation is based on rotating the northwest line of said Block One to Grid North NAD83 (CORS2011) epoch2010.00 by using GPS Methods.

EXHIBIT "B":
Planned Development – Housing District (PD-H)
Development Plan

GENERAL PURPOSE AND DESCRIPTION

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

SECTION 1: LAND USES

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

- Multiple-family dwelling units;
- Temporary structures for uses incidental to construction work on the premises which said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2: PHYSICAL DEVELOPMENT

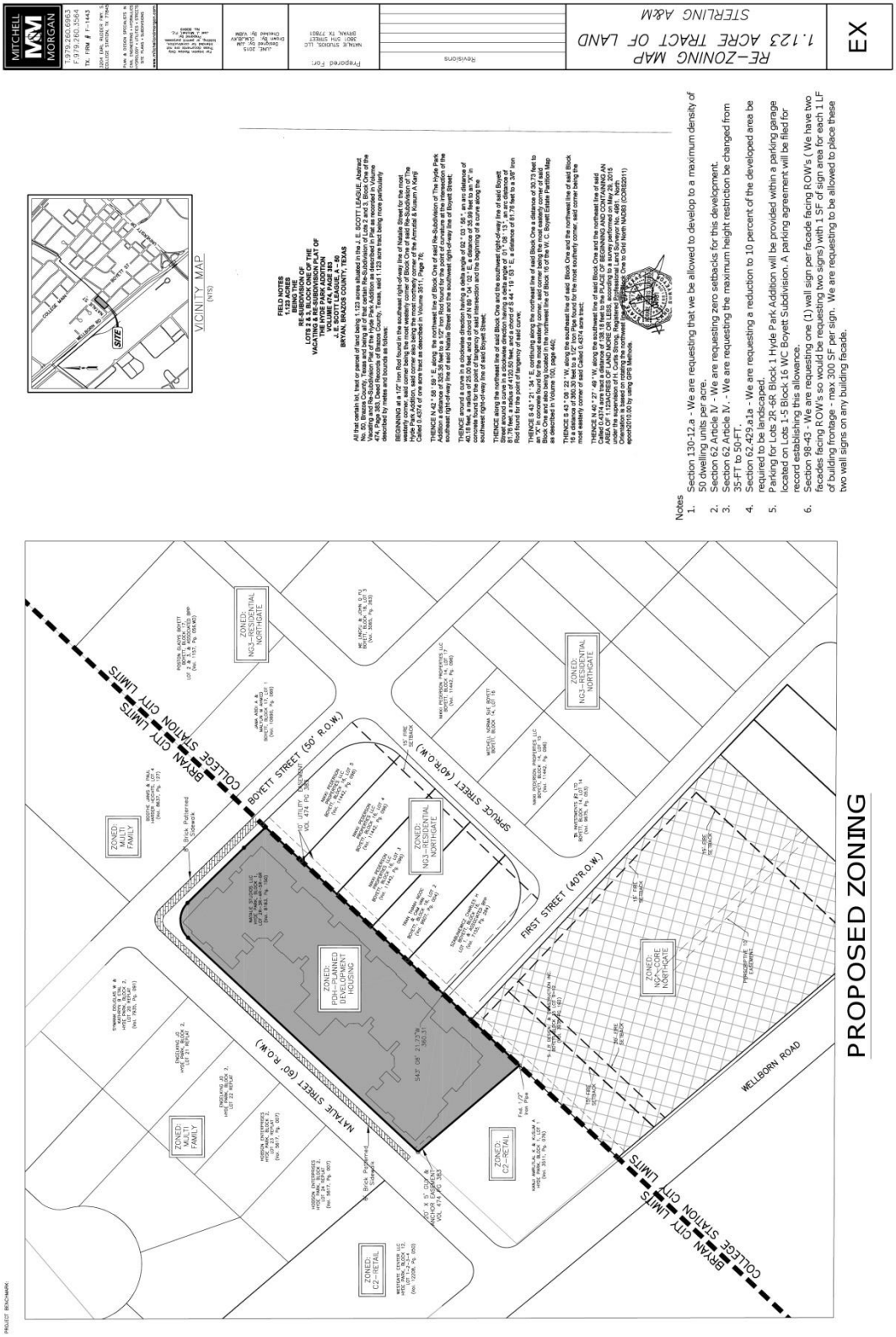
Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to multiple-family developments on properties zoned Multiple-Family District (MF) except with the requested modifications:

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

SECTION 3: SUBDIVISION OF LAND

The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances.

Exhibit "B-1":



FIELD NOTES
1.123 ACRES
BEING THE
RESUBDIVISION OF
VACATED ALLEY, BLOCK ONE OF THE
LOTS 2 & 3, BLOCK ONE OF THE
WC BOYETT SUBDIVISION
THE HYDE PARK ADDITION
VOLUME 474, PAGE 383
J. E. SCOTT LEAGUE, A-50
BRYAN, BRAZOS COUNTY, TEXAS

All that certain lot, tract or parcel of land being 1.123 acres situated in the J. E. SCOTT LEAGUE, Abstract No. 50, Brazos County, Texas and being all of that certain Re-Subdivision of Lots 2 and 3, Block One of the WC BOYETT SUBDIVISION, THE HYDE PARK ADDITION, a subdivision of record in Volume 474, Page 383, Deed Records of Brazos County, Texas, said 1.123 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the southwest right-of-way line of Nabile Street for the most easterly corner of said Lot 2, Block One, said point being the most northerly corner of the Re-Subdivision of The Hyde Park Addition, said corner also being the most northerly corner of the Armstrat & Kuaum A Kanji Subdivision, a subdivision of record as described in Volume 3511, Page 76;

THENCE N 42° 41' 00" E, 50.00 feet, to the northeast line of Block One of said Re-Subdivision of The Hyde Park Addition, said point being the most southerly corner of Lots 1 & 2, Block One of the WC Boyett Subdivision of the southeast right-of-way line of said Nabile Street and the southwest right-of-way line of Boyett Street;

THENCE around a curve in a clockwise direction having a delta angle of 62° 03' 56", an arc distance of 48.58 feet, and a chord of 46.19 feet, 104° 02' 18" E, a distance of 35.59 feet to an "X" in concrete found for the point of tangency of said curve, said point being the most northerly corner of said southwest right-of-way line of said Boyett Street;

THENCE along the northeast line of said Block One and the southwest right-of-way line of said Boyett Street, S 44° 13' 19" E, a distance of 212.37 feet, to a 1/2" iron rod found, S 44° 13' 19" E, a distance of 81.76 feet, a radius of 410.50 feet, and a chord of S 44° 13' 19" E, a distance of 81.76 feet, to a 1/2" iron Rod found for the point of tangency of said curve;

THENCE S 43° 21' 34" E, continuing along the northeast line of said Block One a distance of 30.73 feet to an "X" in concrete found for the most easterly corner of said Block One, said point being the most southerly corner of said Block One and also being located in the northwest line of Block 10 of the W. C. Boyett Subdivision, Map as described in Volume 100, page 442;

THENCE S 43° 08' 22" W, along the southeast line of said Block One and the northwest line of said Block 10, a distance of 300.37 feet, to a 1/2" iron rod found for the most southerly corner, said corner being the most easterly corner of said Called 0.4374 acre tract;

THENCE N 40° 27' 49" W, along the southwest line of said Block One and the northeast line of said Called 0.4374 acre tract a distance of 108.18 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 1.123 ACRES, or 48,925 SQ. FT. of land, more or less, as surveyed on the ground in the year 2015 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4691. North Orientation based on the Texas State Plane Coordinate System, NAD83 (CORS96) epoch2010.00 by using GPS observations.

Notes
1. Section 130-12.a - We are requesting that we be allowed to develop to a maximum density of 50 dwelling units per acre.
2. Section 62 Article IV - We are requesting zero setbacks for this development.
3. Section 62 Article IV - We are requesting the maximum height restriction be changed from 35-FT to 50-FT.
4. Section 62.429.a.1a - We are requesting a reduction to 10 percent of the developed area be required to be landscaped.
5. Parking for Lots 2R-4R Block 1 Hyde Park Addition will be provided within a parking garage located on Lots 1-5 Block 16 WC Boyett Subdivision. A parking agreement will be filed for record establishing this allowance.
6. Section 98-43 - We are requesting one (1) wall sign per facade facing ROW's (We have two facades facing ROW's so would be requesting two signs) with 1 SF of sign area for each 1 LF of building frontage - max 300 SF per sign. We are requesting to be allowed to place these two wall signs on any building facade.

PROJECT BENCHMARK:

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF JULY 16, 2015:

8. 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 RZ15-14: Veronica Morgan
a request to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street, being Lots 2R, 3R, 4R, 5R and 6R in Block 1 of the Hyde Park Addition in Bryan, Brazos County, Texas. (M. Hilgemeier)

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

In response to questions, Mr. Hilgemeier responded:

- 10% of the developed area is proposed to be landscaped instead of the standard requirement of 15% due to limited space on the lot.
- there will be sidewalks constructed along the subject property's adjacent streets.
- currently, there is no formal agreement to assure that the proposed minimum landscaping of 10% of the developed area will be met.
- the proposed development will straddle the city limits with the City of College Station.

The public hearing was opened.

Ms. Kerry Pillow, 3204 Earl Rudder Fwy. S., College Station, Texas, applicant, spoke in favor of the rezoning request and made herself available for questions.

In response to questions, Ms. Pillow responded:

- the development project will be beautifully and heavily landscaped within the proposed 10% of the developed area.
- within the City of College Station's Northgate High Density Zoning District, a new ordinance allows up to six unrelated individuals to reside within a single dwelling unit so long as a bedroom is provided for each unrelated individual.
- the owner of the development will provide a minimum parking ratio of .92 for the development, which equates to 45 parking spaces above what is required by the City of Bryan and the City of College Station.
- a parking agreement would need to be signed before certificates of occupancy would be issued to the development, thus ensuring sufficient parking for the residents of the development.

Ms. Lauren Crawford clarified the meaning of the City of Bryan's ordinance regarding the number of unrelated individuals that are permitted to reside within multi-family dwelling units. Ms. Crawford explained that multi-family developments are not constrained by the occupant density standards that are found within single-family zoning districts such as RD-5, RD-7, or R-NC districts due to the use of the word "household" within the language regulating occupant density of multi-family dwellings. Therefore, multi-family developments with 5 or 6 bedrooms and more than 4 unrelated individuals are permitted within multi-family developments in the City of Bryan.

In response to questions, Mr. Hilgemeier responded that taxes will not be shared with the City of College Station on this development.

Mr. Curtis Burnet, applicant, made himself available for questions.

In response to questions, Mr. Burnet responded:

- although the owner and developer had originally desired to build a five story complex in Bryan and a five story complex in College Station, lot dimensions, financial models, building materials, and a constrained time frame have forced the project to build a three story complex in Bryan and a seven story complex in College Station.
- although internal structures will be different between the complexes in Bryan and College Station, the external design will be identical.
- should the Bryan City Council deny this rezoning request, the owner and developer for this project most likely wouldn't redesign and resubmit plans for a 10 story steel framed structure in College Station due to the project's limited time frame.
- landscaping and streetscaping will be seamless between College Station and Bryan.

The public hearing was closed.

In response to questions, Mr. Martin Zimmermann briefly explained his perspective on the importance of good urban design and high density development in the location of the subject property.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-14 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion.

Commissioners discussed

- the area in which the subject property will be located is in dire need for redevelopment.
- their excitement to see this type of development in Bryan.
- Their concern about the uneven development in College Station as compared to Bryan; and
- trust that staff will hold the developers to their promised landscaping and streetscaping promises.

The motion passed with a vote of 5 in favor and 1 in opposition, with Commissioner Incardona casting the vote in opposition.

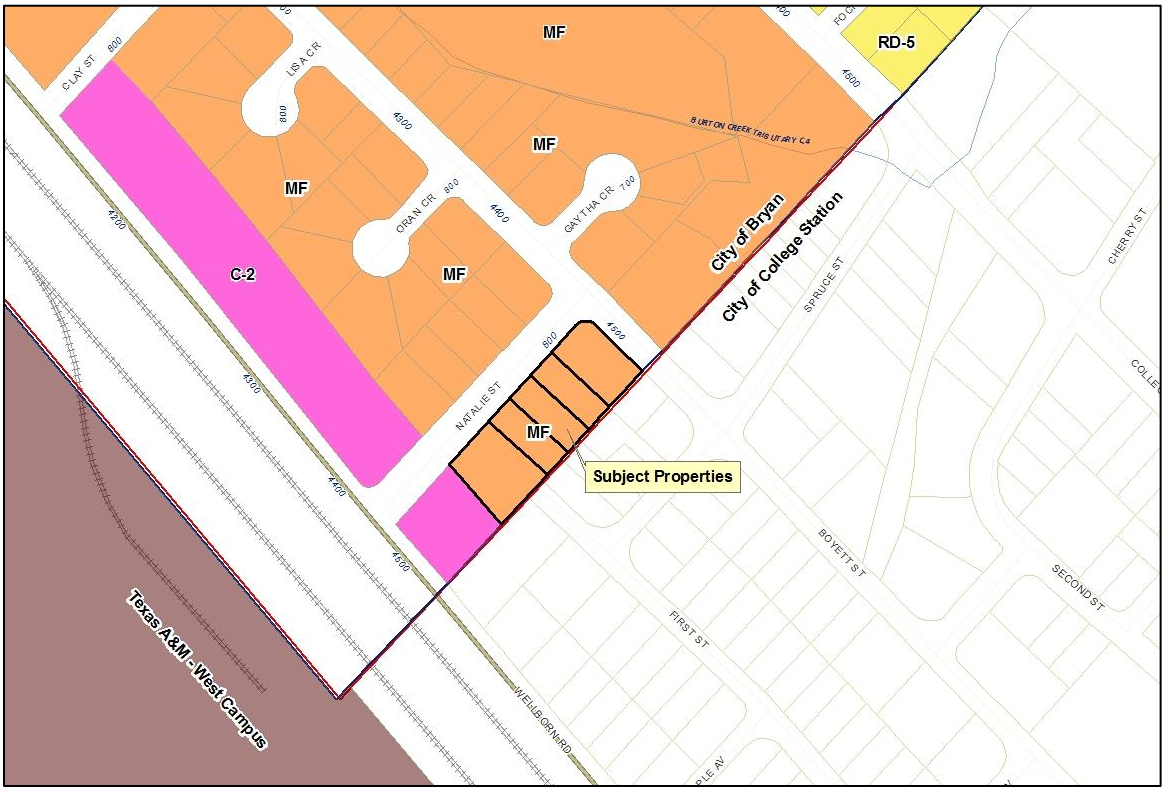
PLANNING AND ZONING COMMISSION
STAFF REPORT

July 16, 2015

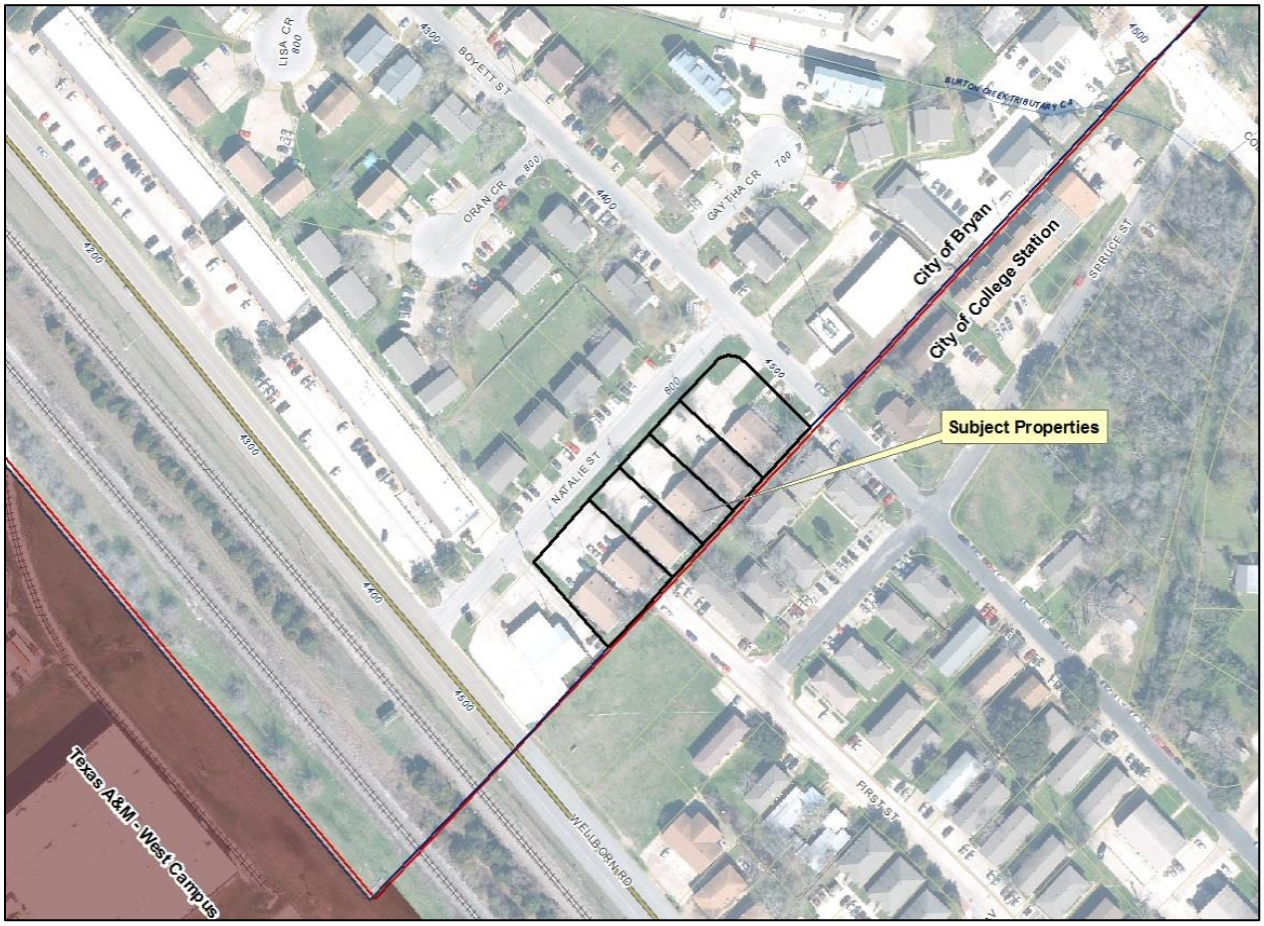
CITY OF BRYAN

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

CASE DESCRIPTION:	a request to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing (PD-H)
LOCATION:	1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street
LEGAL DESCRIPTION:	Lots 2R, 3R, 4R, 5R and 6R in Block 1 of Hyde Park Addition
EXISTING LAND USE:	Multiple-family residences (six individual four-plexes)
APPLICANT(S):	Veronica Morgan, Mitchell & Morgan
STAFF CONTACT:	Matthew Hilgemeier, Staff Planner
SUMMARY RECOMMENDATION:	Staff recommends **approving** the proposed PD-H District.



AERIAL PHOTOGRAPH – 2013:



BACKGROUND:

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

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

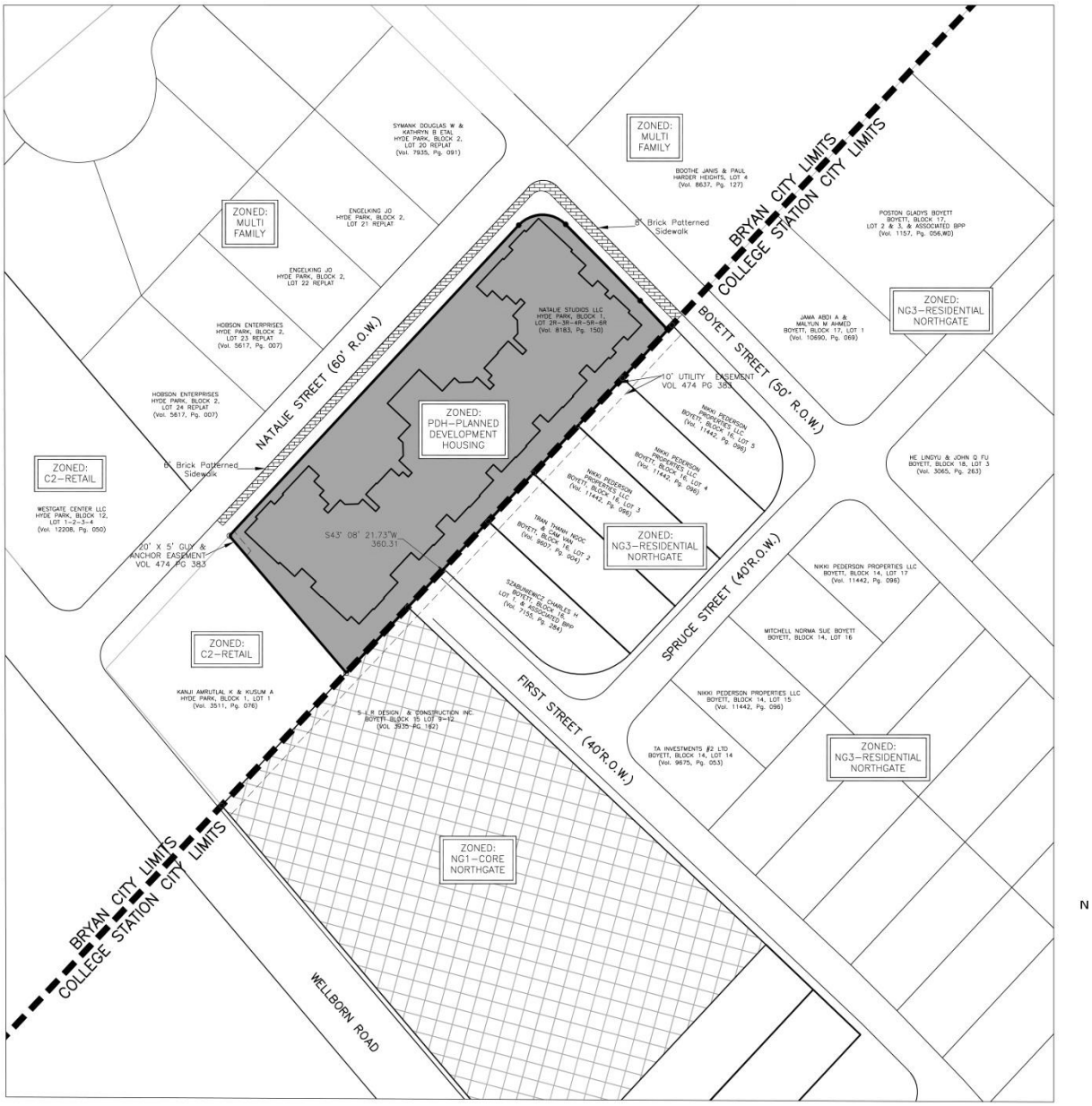
Staff from various departments from both the City of College Station and the City of Bryan have been working with the developer of this property to coordinate the planning, building review and construction phase process that will be required for this project, as well as collaborating on the most efficient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

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

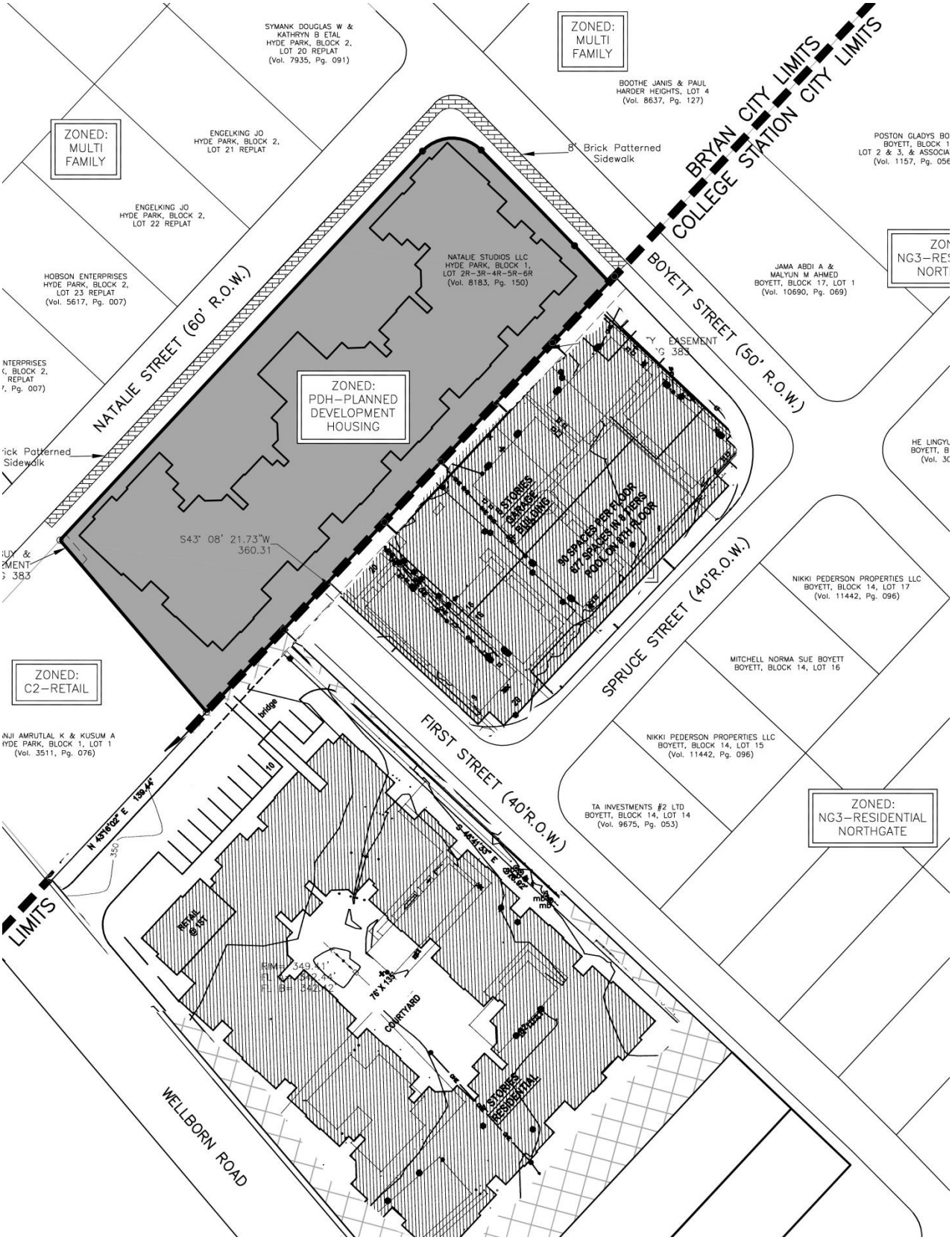
This will allow the site to develop in a manner which is consistent with the overall development pattern that is taking place in the Northgate area of College Station (which is adjacent to the subject property) over the past 5 years.

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

DETAIL, DEVELOPMENT PLAN DRAWING:



PROPOSED ZONING


SYMANK DOUGLAS W & KATHRYN B ETAL HYDE PARK, BLOCK 2, LOT 20 REPLAT (Vol. 7935, Pg. 091)
ZONED: MULTI FAMILY
BOOTHE JANIS & PAUL HARDER HEIGHTS, LOT 4 (Vol. 8637, Pg. 127)
BRYAN CITY LIMITS
COLLEGE STATION CITY LIMITS
ZONED: MULTI FAMILY
ENGELKING JO HYDE PARK, BLOCK 2, LOT 21 REPLAT
8' Brick Patterned Sidewalk
POSTON GLADYS BO BOYETT, BLOCK 1 LOT 2 & 3, & ASSOCIA (Vol. 1157, Pg. 056
ENGELKING JO HYDE PARK, BLOCK 2, LOT 22 REPLAT
NATALIE STUDIOS LLC HYDE PARK, BLOCK 1, LOT 2R-3R-4R-5R-6R (Vol. 8183, Pg. 150)
HOBSON ENTERPRISES HYDE PARK, BLOCK 2, LOT 23 REPLAT (Vol. 5617, Pg. 007)
JAMA ABDI A & MALYUN M AHMED BOYETT, BLOCK 17, LOT 1 (Vol. 10690, Pg. 069)
BOYETT STREET (50' R.O.W.)
NATALIE STREET (60' R.O.W.)
ZONED: PDH-PLANNED DEVELOPMENT HOUSING
EASEMENT
ZONED: C2-RETAIL
S43° 08' 21.73"W 360.31
SPRUCE STREET (40'R.O.W.)
NIKKI PEDERSON PROPERTIES LLC BOYETT, BLOCK 14, LOT 17 (Vol. 11442, Pg. 096)
MITCHELL NORMA SUE BOYETT BOYETT, BLOCK 14, LOT 16
NIKKI PEDERSON PROPERTIES LLC BOYETT, BLOCK 14, LOT 15 (Vol. 11442, Pg. 096)
TA INVESTMENTS #2 LTD BOYETT, BLOCK 14, LOT 14 (Vol. 9675, Pg. 053)
ZONED: NG3-RESIDENTIAL NORTHGATE
FIRST STREET (40'R.O.W.)
bridge
N 45°16'02" E 139.44'
LIMITS
RETAIL
COURTYARD
WELLBORN ROAD

BRYAN BUILDING - BOYETT STREET

BRYAN BUILDING - NATALIE STREET

PROPOSED DEVELOPMENT PLAN:

GENERAL PURPOSE AND DESCRIPTION

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

SECTION 1: LAND USES

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

- Multi-family dwelling units;
- Temporary structures for uses incidental to construction work on the premises which said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2: PHYSICAL DEVELOPMENT

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

1. Section 130-12a, "General Purpose and Description" – The maximum unit density allowed in this zoning district shall be 50 units per acre.
2. Section 62, Article IV, "Building Setbacks and Lot Standards" -
    a. There will be no required minimum building setback from any property line in this development.

b. The maximum building height allowed shall be 50-feet.

3. Section 62- 429 (a)(1)(a), "Landscaping Requirements - Area Requirements" – An area equal to 10 percent of the developed area shall be required to be landscaped.

4. Section 62-297 "Parking and Circulation" - Off-street parking shall be provided on the adjacent property located in the City of College Station. A non-revocable written agreement shall be executed assuring the provision of at least 171 standard automobile parking spaces, for use by residents and guests of the multi-family structure constructed on the subject property, shall be properly drawn and executed, approved as to form by the City Attorney, and recorded with the Brazos County Clerk before issuance of a Certificate of Occupancy (CO) for the proposed multi-family structure.

5. Section 98-43 "Signs allowed in MF zoning districts" – One wall sign per building façade facing a public right-of-way not to exceed one square foot of sign area for each linear foot of that building frontage up to a maximum of 300 square feet. Allowed wall signs may be placed on any façade of the building.

6. Should there arise a circumstance where these PD-H development standards are silent, then the same standards that apply to properties in Bryan zoned Multiple-Family (MF) zoning districts shall apply.

SECTION 3: SUBDIVISION OF LAND

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

EXCERPT FROM ZONING CHANGE REQUEST FORM:

Rezoning
Supplement A

CITY OF BRYAN
The Good Life, Texas Style.

Minimum Requirements:

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

Please list the reasons for this rezoning request:

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

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

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

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

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

List any other reasons to support this zone change:

2011

MITCHELL MORGAN

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

July 8, 2015

Re: STERLING A&M STUDENT HOUSING PROJECT AT NATALIE STREET & BOYETT STREET REZONING REQUEST TO PLANNED DEVELOPMENT–HOUSING (PD-H)

Dear Matthew,

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

Listed below are the bulk variances that we are seeking for the Sterling A&M Student Housing Project:

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

Bulk Variance Requests:

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

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

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

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

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

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

3204 EARL RUDDER FWY. S. • COLLEGE STATION, TX 77845 • T 979.260.6963 • F 979.260.3564
CIVIL ENGINEERING • HYDRAULICS • HYDROLOGY • UTILITIES • STREETS • SITE PLANS • SUBDIVISIONS
info@mitchellandmorgan.com • www.mitchellandmorgan.com

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

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

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

The community benefits from this project are as follows:

1. This development proposed at this location close to the Texas A&M University campus is ideal for a student housing project of this size. This proximity encourages alternate modes of transportation other than vehicular to the campus, which helps alleviate roadway congestion.

2. This project includes the consolidation and rebuilding of several properties that are prime for redevelopment. These properties are older housing stock and not in keeping with the higher densities currently developing in this overall area close to the TAMU campus. This development will help revitalize an older area of Bryan which is in keeping with the goals of the City of Bryan Comprehensive Plan.

3. The redevelopment will provide several upgrades to infrastructure, water distribution and sidewalks which will enhance the area.

4. These improvements to the property and infrastructure have the potential to be a catalyst for future redevelopments to surrounding properties and continue the urban renewal in the area.

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

Sincerely,

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

Cc: File

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

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

Objective A: Provide for an efficient development process.

> *Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.
>
> *Action Statement* 2: Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

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

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

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

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

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.
   The subject property is located at the intersection of Natalie Street and Boyett Street, both of which provide access to required utilities. Should this rezoning request be approved by the City Council, any expense related to the need for relocation and/or replacement of both public and private utilities that may be required to accommodate this development will be borne by the developer.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

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

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

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

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

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

6. Any other factors affecting health, safety, morals, or general welfare.

   Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed 3-story, multi-family development at this location in conjunction with the proposed 7-story multi-family and parking garage proposed for the adjacent properties will allow for a useful and orderly urban redevelopment of this property.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

   Staff believes that the proposed multi-family development will is compatible with existing land uses that are already established in the area. The proposed variations to height limitations and reduced setbacks will not have an immediate effect on any properties directly adjacent to the subject property have a positive effect on the surrounding area and will be compatible with existing and anticipated uses surrounding this property. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

   Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that have not been mitigated by the provisions of the proposed PD-H District.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

   Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. While new development at this location will slightly increase the volume of auto and pedestrian activity, it is important to note that the subject property is located near a street designed to accommodate significant amounts of both auto traffic; Wellborn Road is classified as a minor arterial street on Bryan's Thoroughfare Plan. Due to the subject property's close proximity to Texas A&M, it can be reasonably expected that pedestrian traffic will increase in the area. Six-foot sidewalks along Natalie Street and Boyett will be required to be built by the developer in the public right-of-way and dedicated to the City as part of the replatting process.

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

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

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

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

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

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

   Staff believes that the proposed multi-family development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

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