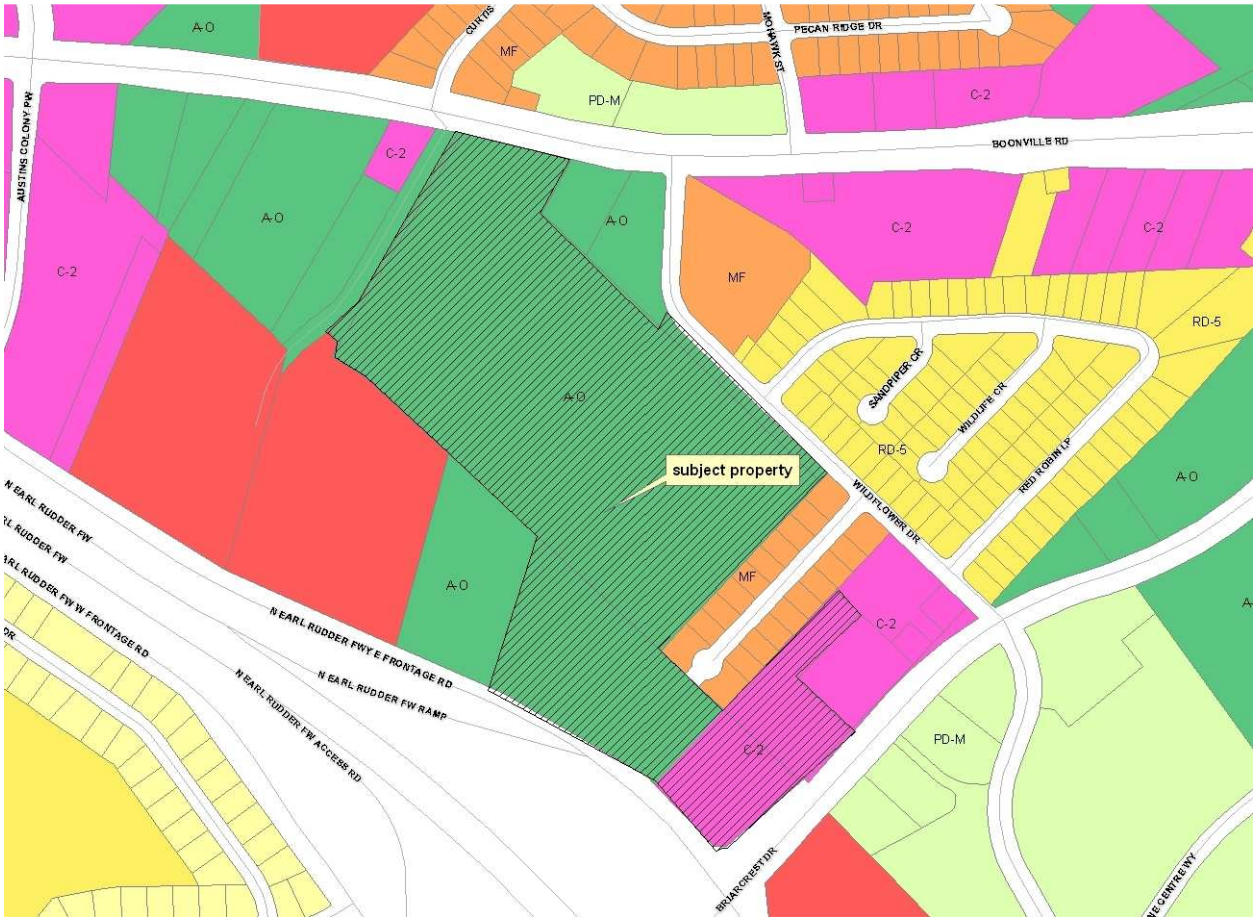
PLANNING AND ZONING COMMISSION
STAFF REPORT

February 4, 2010

Rezoning RZ 10-01: Harrison Holdings, L.P.

CASE DESCRIPTION:	a request to change the zoning classification from a combination of Agricultural-Open District (A-O) and Retail District (C-2) to a Planned Development – Mixed Use District (PD-M)
LOCATION:	40.37 acres of vacant land out of John Austin League, A-2 generally located between Briarcrest Drive (FM 1179), North Earl Rudder Freeway (SH 6) and Boonville Road (FM 158)
APPLICANT(S):	Harrison Holdings, L.P.
AGENT(S):	Bob Oliva of RMC-Texas Real Estate Corporation and Aaron Hurt of Civil & Environmental Consultants, Inc.
STAFF CONTACT:	Martin Zimmermann, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



BACKGROUND:

The subject property is approximately 40 acres in size. Most of this property is currently zoned Agricultural-Open (A-O) District; approximately 2.75 acres adjoining Briarcrest Drive is currently zoned Retail (C-2) District.

The subject property is owned by Harrison Holdings, L.P. They desire to subdivide and develop this property into a master-planned mixed-use development with retail/commercial and residential components (currently referred to as "Highland Hills development". They are requesting to rezone these 40 acres to Planned Development – Mixed Use District (PD-M). A Planned Development (PD) zoning district is one in which the type and extent of activities allowed there (as well as standards for their development) are tailor-made to meet the particular characteristics of a specific site. PD Districts may successfully be used to guarantee site-specific features which City Council finds necessary for certain developments to be compatible and practical in particular environments.

During its meeting on January 26, 2010 the City Council voted to introduce an ordinance which, if approved after a second reading currently scheduled for February 9, 2010 would include these 40 acres within the boundary of TIRZ 22. The ordinance would also amend the TIRZ 22 project and finance plan

to include projects and costs associated with development of the subject property.[1] Proposed project funding will include $4.2M in either certificates of obligation or tax increment revenue bonds in the amounts of $1.9M in 2010, $1.2M in 2011, and $1.1M in 2012. Projects in the plan include right-of-way acquisition, infrastructure associated with a new 38 foot wide street, landscaping and earthwork for detention. This development should add both ad valorem and sales tax base to the City of Bryan. The forecasted statement of cash flows reflects full participation by the City of Bryan through 2027 and Brazos County participation through 2022.

Proposed Development Standards:

The applicants/developers envision a mixed-use development with pad retail sites and restaurants fronting Highway 6 and general office, warehouse storage and light assembly on internal sites and sites fronting Boonville Road. Multi-family residential use is also anticipated on the northern portion of the site along between Boonville Road and a new public street proposed to connect Wildflower Drive and the Highway 6 northbound frontage road. A second public road is proposed to extend north from Briarcrest Drive and intersect the aforementioned road within this development.

The commercial portion of this development is planned to generally comply with the development standards that apply to lots in Retail Districts (C-2). These development standards and limitations include, but are not limited to, regulations concerning lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, parking, access, screening, buffering, landscaping, accessory buildings, and signs.

The following exceptions and/or additional standards shall be applicable to the physical development within this PD-District:

1. No minimum building setbacks shall be required from property lines that (a.) do not adjoin a public street; and (b.) do not adjoin abutting land that is not part of this PD-M District. (A minimum 25-foot front and 7.5-foot side and rear building setback is generally required in C-2 Districts.)

2. Maximum building heights within this PD-M District shall not exceed 75 feet from the ground level. No additional setback from property lines shall be required for buildings exceeding 35 feet in height. A minimum 20-foot horizontal "stepback" shall be required for buildings exceeding 40 feet in height. No stepback shall be required from property lines that (a.) do not adjoin a public street; and (b.) do not adjoin abutting land that is not part of this PD-M District. (In C-2 Districts there is generally no maximum building height, however, structures over 35 feet in height are generally required to be set back an additional foot from property lines for each two feet in height over 35 feet.)

3. Outside storage of merchandise associated with a retail use will be permitted. Such outside storage must (a.) not be visible from the public right-of-way or (b.) be adequately screened from the public right-of-way utilizing screening materials in accordance with the Zoning Ordinance. Outside storage shall not be permitted to be placed within any minimum building setbacks. (Outside storage of merchandise is not generally allowed in C-2 Districts.)

[1] Tax Increment Reinvestment Zones (TIRZ) are special zones created by City Council to attract new investment to an area. TIRZs help finance the cost of development by setting aside taxes attributable to new improvements (tax increments) in a fund to finance public improvements within the boundaries of the zone.

4. Raised landscape islands, 180 square feet in area for a single parking row and 360 square feet in area for a double parking row, shall be placed every 20 parking spaces or 180 feet. The landscape island may be reduced to 160 square feet in area for a single parking row and 320 square feet in area for a double parking row when the depth of the parking space is less than 20 feet. (Off-street parking and circulation standards of the Land and Site Development Ordinance generally require 180/360 square foot landscaped end islands; however there is generally no requirement for such end islands every 20 spaces or 180 feet.)

5. Raised bay dividers shall not be required every other parking row. (Off-street parking and circulation standards of the Land and Site Development Ordinance generally require bay dividers to help prevent uncontrolled movement across parking areas.)

6. Within 200 feet of public right-of-way for Boonville Road, all development shall conform to the standards that apply to properties in the FM 158 Corridor Overlay District, unless a standard contained herein is more restrictive in which case the standard contained herein shall apply.

7. The following specific standards for signage are proposed:

    a. Freestanding (pylon) signs shall be permitted in this PD-M zone as follows:

        i. A maximum of 1 freestanding (pylon) sign of up to 35 feet in height shall be permitted for lots with 1 street frontage.
        ii. A maximum of 1 freestanding (pylon) sign up of to 35 feet in height and low-profile (monument) sign up to 5 feet shall be permitted for lots with 2 street frontages.
        iii. No more than three freestanding (pylon signs) shall be permitted within 100 feet of right-of-way for Briarcrest Drive.
        iv. Freestanding (pylon) signs adjacent to Boonville Road right-of-way shall not exceed 10 feet in height and 150 square feet in sign area and shall be set back a minimum of 15 feet from said right-of-way.
        v. Low-profile (monument) signs up to 10 feet in height shall be permitted adjacent to Boonville Road right-of-way, but shall not exceed 150 square feet in sign area and shall be set back a minimum of 15 feet from said right-of-way.

    b. A maximum of 1 wall sign shall be permitted per tenant, per street frontage.
    c. All signage must meet the sign area (size) and minimum setback requirements of Bryan Code of Ordinances Chapter 98 unless a standard prescribed in this section is more restrictive which case the standard contained herein shall apply.

<u>Land Use</u>

The continued use of land permitted within in this PD-M District is proposed to be generally limited to the uses permitted in the C-1 (Office) District and the C-2 (Retail) District. The following uses are also proposed to be permitted by right:

1. commercial bakery;
2. farm equipment sales and service;
3. ice company (sales);
4. commercial laundry;
5. lumberyard;
6. nightclub or tavern;

7. overnight delivery company;
8. motorcycle/ATV/UTV/boat sales and service;
9. apartments;
10. condominiums;
11. mini-warehouse or self storage;
12. multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure; and
13. townhouse.

The aforementioned uses are not generally permitted in C-1 or C-2 Districts.
The following use shall also be permitted with approval of a Conditional Use Permit:

1. plumbing service.

The aforementioned use is not generally permitted in C-1 or C-2 Districts.

The following uses shall specifically <u>not be permitted</u> in this PD-M District:

1. funeral home/mortuary;
2. heliport or helistop;
3. boarding/lodging house;
4. gaming establishments;
5. commercial parking lots or garages;
6. tattoo/piercing studio;
7. wholesale ice company sales;
8. moving company;
9. pawn shop;
10. oil and gas well operations;
11. recycling collection point;
12. trailer rental; and
13. truck rental.

These aforementioned uses are generally permitted by right or with approval of a Conditional Use Permit in C-2 Districts.

A complete list of uses proposed to be permitted by right or with approval of a Conditional Use Permit on the subject property is attached at the end of this staff report.

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. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggests that commercial uses are appropriate at points of high visibility along non-residential arterial and major collector streets and at intersection of major streets. The Comprehensive Plan also suggest that residential land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local stress; and (3.) not adjacent to major arterials or freeways with out adequate buffering and access management.

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 area surrounding these 40 acres is developed with a variety of mostly retail sales and service and office uses. Single-family residential uses are located to the northeast across Wildflower Drive. Multiple-family residential uses along Prairie Flower Circle are wedged between the subject property's southeastern portion as well as an existing shopping center and office complex. Multiple-family uses are also located northeast across Wildflower Drive and north across Boonville Road.

   Staff believes that this proposed mixed-use development at this particular location will generally be compatible with existing land uses on surrounding properties and in conformance with the land use recommendations of the Comprehensive Plan. Staff is comfortable with the proposed range of permitted and potentially permitted uses at this location, which with a few exceptions (most notably perhaps multiple-family residential uses) are almost identical to those currently allowed in the Bryan Towne Center Subdivision to the south across Briarcrest Drive. As proposed, the same buffer standards that generally apply on properties zoned C-2 District shall also apply to this development, which means that a minimum 30-foot wide landscaped buffer will separate new development on this property from existing residential use on abutting properties. For the most part, any new development on the subject property would abut the rear of existing residential uses.

   The subject property lies in an area that is considered to be one of the city's higher growth areas due to its proximity to existing development and does not only offer the exposure which most retail trade requires, but will also be convenient and accessible to residential users nearby or within this development.

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.

   Staff believes that the proposed layout of streets within this PD-M District will provide for the smooth circulation of traffic for this development and in this vicinity. The applicants are aware of the existing utility capacities and the requirement to extend public infrastructure to and through this property in accordance with existing standards. Staff is not aware of any circumstances that would prevent this property to have access to required utilities.

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.

   The closest vacant land zoned for multiple-family residential development is located north across Boonville Road. The closest vacant land zoned for commercial development lies south across Briarcrest Drive. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for

development.

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.

   Staff contends that commercial and residential developments are developing at a moderate pace in this general vicinity and elsewhere in the City.

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

   If the proposed PD-M District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments.

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

   Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed mixed-use development at this location will allow for a useful and orderly urban development of this property.

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

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

   Staff believes that the proposed mixed-use master-planned development will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole.

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

   Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-M 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. The proposed layout of public roads on the subject property can reasonably be expected to provide for adequate and safe traffic circulation.

While new development at this location will increase the flow of traffic, it is important to note that the subject property is located along two arterial streets (Boonville Road and Briarcrest Drive) and an urban freeway (State Highway 6). Each of these principal streets can reasonably be expected to be capable of accommodating traffic loads typically associated with general commercial/multiple-family residential uses.

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

   Staff contends that the proposed development will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs. In fact staff believes that the additional sign standards proposed for this PD-M District can help mitigate the proliferation of potentially unsightly signage along three of Bryan's mayor thoroughfares.

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

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

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

   Staff believes that the proposed master-planned mixed-use 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:

Staff recommends **approving** the proposed Planned Development – Mixed Use District (PD-M), as requested.

LAND USES PROPOSED FOR HIGHLAND HILLS DEVELOPMENT

Permitted Uses:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Accessory structures;
- Apartments;
- Automobile service station;
- Banks, savings and loans or credit union offices;
- Bed and breakfast;
- Business or trade school;
- Charitable uses;
- Child care--Class B;
- Child care--Class C;
- Commercial bakery;
- Commercial laundry;
- Condominiums;
- Dance studio;
- Essential municipal uses;
- Farm equipment sales and service;
- Fitness center;
- Fraternal/service organization;
- General office use (professional, administrative);
- Government (federal or state) owned structures, facilities, or uses;
- Hospital;
- Ice company (sales);
- Indoor archery and shooting range;
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Laundromats (self service washateria);
- Lumberyard;
- Medical facilities or clinics;
- Micro-assembly;
- Mini-warehouse or self storage;
- Motel or hotel;
- Motorcycle/ATV/UTV/boat sales and service;
- Museum/art gallery;
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Nightclub or tavern;
- Nursery (greenhouse);
- Overnight delivery company;
- Package liquor store;
- Personal service shop or custom personal services;
- Pharmacies;
- Photography studio;
- Place of worship;

- Police station;
- Private utility office (no repair or outside storage);
- Radio or television broadcasting studio (without tower);
- Reception hall;
- Recreational/community center;
- Retail services (including incidental uses);
- Restaurant;
- Nursing home (retirement home);
- Schools;
- Studio;
- Theater—Indoor;
- 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;
- Townhouse;
- Veterinary services (no outdoor pens or runs).

Conditional Uses:

- Automobile repair/sales/rental;
- College or university;
- Commercial amusement (outdoor);
- Heating or air conditioning sales or service;
- Municipal services support facilities;
- Office--Showroom/warehouse;
- Patio home (zero lot line dwelling);
- Plumbing service;
- Printing company.
- Single-family detached dwelling;
- Theater—Outdoor.