PLANNING AND ZONING COMMISSION
STAFF REPORT

April 15, 2010

CITY OF BRYAN

Rezoning RZ 10-05: Curtis Capps

CASE DESCRIPTION: a request to change the zoning classification from Mixed Use District (MU-2) to Mixed Use Residential District (MU-1)

LOCATION: 0.682 acres of land along the south side of the 300 block of Bonneville Street between Lucky Street and West 24th Street

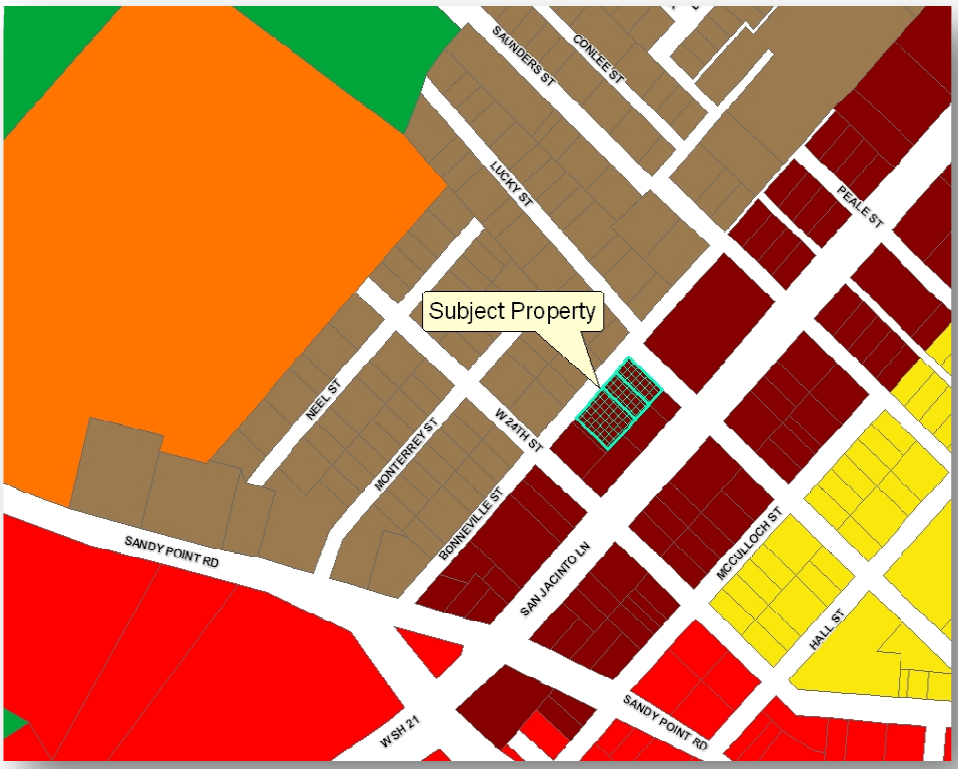
LEGAL DESCRIPTION: part of Lot 8 and Lots 9 through 12, Block 9, Henderson Addition Revised

EXISTING LAND USE: vacant lots

APPLICANT(S): Curtis Capps

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **denying** the requested rezoning of these lots to MU-1 District.



BACKGROUND:

The subject properties are four vacant lots that adjoin the south side of Bonneville Street in the Henderson Addition, just north of San Jacinto Lane (State Highway 21). The applicant, Mr. Curtis Capps, is requesting that the zoning of the subject properties be changed from MU-2 District to MU-1 District to accommodate the proposed installation of four new manufactured homes on these lots.

When Bryan adopted zoning in 1989, the MU-2 was intended to be a temporary district classification for "transitional areas" of the city, e.g., areas where nonresidential uses exist in structures which were at one time used for residential purposes. The existing MU-2 zoning of the subject properties currently allows single-family residential use in detached dwellings here, but such dwellings must be either of conventional site-built or modular construction. The requested MU-1 zoning classification district is the only zoning classification that permits the installation of manufactured housing on individual lots by right.

In May 16, 2002, the Planning and Zoning Commission considered and unanimously denied a request for MU-1 zoning of these same four lots (case no. RZ02-07). An excerpt from the Planning and Zoning Commission's meeting minute record of that meeting as well as an excerpt from the current rezoning application is attached at the end of this staff report.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Within the comprehensive plan, objectives and action statements were developed to address land use concerns facing Bryan in the next twenty years. The following are examples that staff considers particularly germane to this case.

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning

Objective B: Foster the redevelopment of older and blighted areas.

Action Statement 2: Formulate broad and area-focused redevelopment initiatives.

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 and their relationship to general area and the City as a whole.

   San Jacinto Lane/State Highway 21 is classified as an urban freeway on Bryan's Thoroughfare Plan. Saunders Street and Sandy Point Road are classified as collector and arterial-type streets, respectively which are major street categories from the perspective of traffic load. Bryan's Comprehensive Plan generally urges commercial use, wherever possible, to be clustered at or near strategic intersections of major streets than can both accommodate traffic load (commensurate with commercial use) and offer the exposure which most retail trade requires.

   In this particular case, a residential neighborhood, developed with modest single-family housing and zoned MU-1 District, extends north of the subject properties between Sandy Point Road and Saunders Street. Staff believes that the four subject lots are located at a transitional edge or periphery of a neighborhood-oriented commercial cluster that may someday emerge between San Jacinto Park at Saunders/Lucky Streets and Sandy Point Road along the north side of San Jacinto Lane/State Highway 21.

   Staff contends that the long-term development prospects for this and other properties in this block (as well as the adjacent block to the southwest) are most likely for commercial use given their proximity to San Jacinto Lane/State Highway 21. Portion of the block where the subject properties are located is already in nonresidential use (carwash). Rezoning the subject properties to MU-1 District and their subsequent development with manufactured housing would in all likelihood forever eliminate the possibility for desirable neighborhood commercial infill redevelopment at this location.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

   The subject properties have direct access to water and wastewater services. Bonneville Street is a local street that is improved with 27 feet of pavement and can generally be expected to accommodate traffic loads typically associated with uses allowed in MU-1 Districts.

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.

   There is moderate amount of vacant land currently classified for similar development available in the area. As mentioned above, an MU-1 District extends north of the subject properties between Sandy Point Road and Saunders Street. Staff can identify no reasons that the requested rezoning to MU-1 District would cause other vacant MU-1-zoned land to become 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.

   In the vicinity there is land zoned MU-1 District to the north of the subject site. This land is developed with site-built as well as manufactured homes. Lots for development with manufactured homes appear to be in steady demand in this area. The San Jacinto corridor, most of which is zoned MU-2 District has seen moderate redevelopment interest in the past few years. Various small business owners have invested along this corridor recently.

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.

   Other areas designated for similar development are unlikely to be affected, if these lots were rezoned MU-1 District.

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

   There are no other factors affecting health, safety, morals, or general welfare.

RECOMMENDATION:

Based on all these considerations, staff recommends **denying this request for** MU-1 zoning

EXCERPT FROM REZONING APPLICATION FOR RZ10-05:

R-28684 → 7

Please list the reasons for this rezoning request:

PRESENT ZONING CLASSIFICATION (MU-2) HAS PREVENTED THESE LOTS FROM BEING UTILIZED. THERE IS ~~NO~~ a DEMAND FOR SINGLE FAMILY (~~SLAB TYPE~~) CONSTRUCTION IN THIS PART OF TOWN but not for site built or modular homes.

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

WITH THE EXCEPTION OF THE COMMERCIAL BUILDING AT THE CORNER OF 24TH AND BONNEVILLE (CURRENTLY UTILIZED AS AN "AUTO-DETAIL SHOP", THE BALANCE OF THIS ENTIRE BLOCK HAS BEEN VACANT FOR MANY YEARS.

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, IN ACCORDANCE ~~No, The~~ These ~~pro~~ lots are zoned multi use. The Problem is b/c MU-2 expanded the front lots on the 21st are too big enough to put a business or similar on them. Also no one wants to put a site built, modular, or business on the lots facing Bonneville b/c of the surrounding.

List any other reasons to support this zone change:

THIS REQUESTED CHANGE WOULD PUT THESE VACANT/NON-UTILIZED LOTS BACK INTO A PRODUCTIVE STATUS. Also would bring revenue back to the city in reference to taxes, power and water.

EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTE RECORD OF MAY 16, 2002:

11. PUBLIC HEARING/CONSIDERATION – REZONING REQUEST (RZ 02-07)

Rezoning request from 'MU-2' Mixed Use District to 'MU-1' Mixed Use Residential District, located at the southeast corner of Bonneville and Lucky Streets in the Henderson Revised Addition, Block 9, part of Lot 8, all of Lots 9-12.

Lindsey Nall, Development Planner, presented the staff report (on file in Planning Services).
Ms. Nall informed the Commission that the applicant requested rezoning from a 'MU-2' Mixed Use to 'MU-1' Mixed Use Residential, for future development of manufactured homes. Ms. Nall contends that rezoning the subject site to 'MU-1' may hinder future commercial development on the properties adjacent to the subject site.

Staff recommends denial.

The Commission and staff discussed the following:

1. Definition of a 'MU-1' and a 'MU-2';
2. Depth of the subject lot; and
3. Future land use.

The public hearing was opened.

Eddie Mae Phillips of 1603 W Saunders, stated the following:

1. Keeping the integrity of the community; and
2. Concern for single manufactured homes.

The public hearing was closed.

Commissioner Walker made a motion to deny rezoning request RZ 02-07 with Staff Findings (refer to Staff Report), and Commissioner Nelson seconded the motion.

The motion was approved by a unanimous vote.