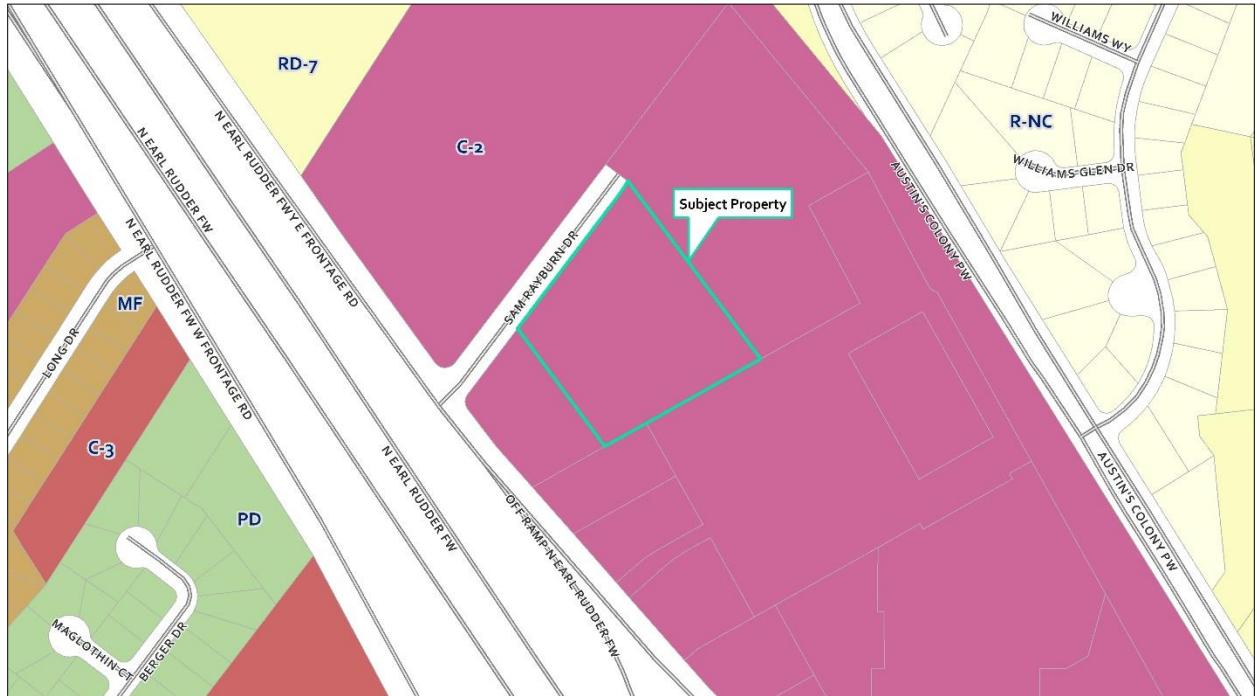
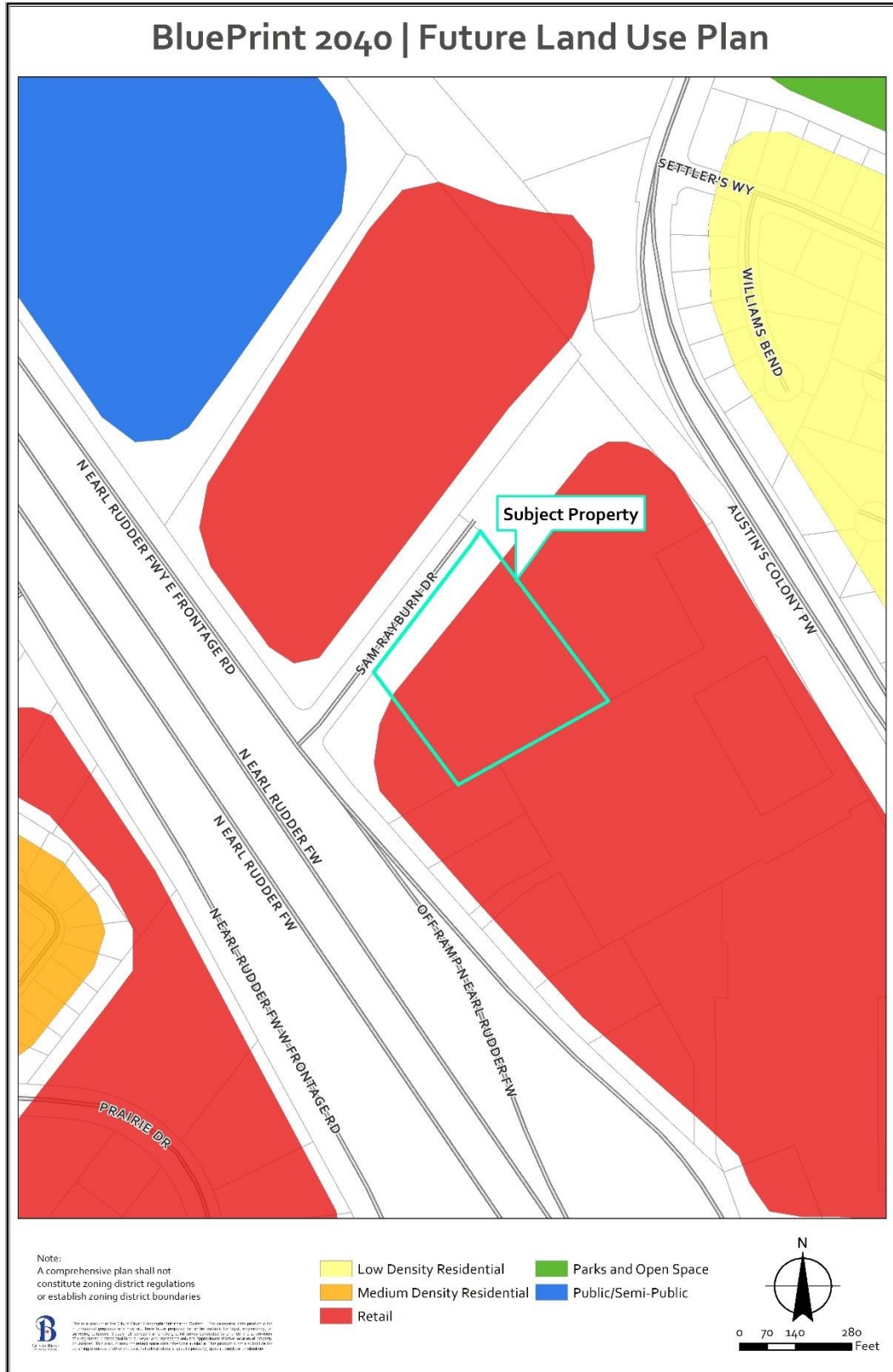


LOCATION MAPS AND AERIAL PHOTOGRAPH:



EXCERPT FROM THE BRYAN COMPREHENSIVE PLAN “BLUEPRINT 2040”:



LETTER OF APPEAL FROM AGENT ON BEHALF OF APPLICANTS:

Kay, Allison

From: Fred Paine <[REDACTED]>
Sent: Tuesday, February 12, 2019 5:29 PM
To: Kay, Allison
Cc: Zimmermann, Martin
Subject: CU18-16 City Council Appeal

Notice: EXTERNAL EMAIL! Phishing = #1 threat to Cyber Security. Is this a phishing email? – Look again!

Dear Ms. Kay,

On behalf of the developer and applicant, CBTX Capital, we wish to appeal the February 7, 2019 P&Z decision to deny the Conditional Use Permit CU18-16 to the Bryan City Council.

Grounds of appeal include:

- Denial premises based on P&Z's desire to see a master planned development occur – none currently submitted
- Denial premises based on Self Storage discouraging adjacent C-2 development – none currently submitted; Self-storage in C-2 area of FM 158 does not appear to have discouraged retail development within its general area
- Denial premises based on Self Storage discouraging adjacent C-2 development - Permitted Uses allowable by right in the C-2 zoning district include Laundromats, Pawnshops, Tattoo/piercing which could be construed to discourage adjacent C-2 development to a greater magnitude than Self and Indoor Climate Controlled Storage.
- Denial premises based on Self Storage discouraging adjacent C-2 development – Item 6.A. on the February 7, 2019 P&Z agenda included a rezoning case of a PD-M zoning. Included with the PD-M was a Planning Area 2 for a C-2 Retail area with the addition of Mini-warehouse or self-storage facilities. This use was approved for a C-2 development area.
- The Final Plat FP19-01 Colony North Subdivision – Item 2.D. on the February 7, 2019 P&Z agenda and representing a two lot subdivision of the area the CU18-16 project will occupy and the adjacent frontage lot owned by GRT Interests, LLC and signed by Mr. Grant Carrabba was approved by the Commission.

Best Regards,
Fred

Fred Paine, P.E., CFM | Civil Engineering

Gessner Engineering, LLC

www.gessnerengineering.com

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f. 979. 680. 8841

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**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF FEBRUARY 7, 2019:**

**3. 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 CU18-16: CBTX Capital

A request for approval of a Conditional Use Permit to allow construction of a self-storage facility located on land zoned Retail District (C-2), specifically on 4.33 acres of vacant land out of John Austin League adjoining the southeast side of Sam Rayburn Drive, approximately 270 feet to 720 feet east from its intersection with North Earl Rudder Freeway Frontage Road in Bryan, Brazos County, Texas. (A. Kay)

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

In response to questions from the Commission, Ms. Kay stated that:

- Staff has not received any feedback from citizens concerning this request.
- The Future Land Use Plan recommends retail use in this location.
- Staff finds that this request would not negatively affect future development in this area.

The public hearing was opened.

Mr. Christian Alvarado, CBTX Capital, applicant in favor of the request, came forward to make himself available for questions.

Mr. Fred Paine, 2501 Ashford Drive, College Station, TX, agent for the applicant, came forward and stated that the subject property has been vacant for over 20 years, and this is the only request for new development in the area that has been submitted to the City.

The public hearing was closed.

Commissioner Beckendorf moved to deny Conditional Use Permit CU18-16, because the proposal is inconsistent with the recommendations of the City's Comprehensive Plan - BluePrint 2040. Commissioner Gonzalez seconded the motion.

Commissioners commented that they want to promote the type of growth recommended by the City's Comprehensive Plan, and that the proposed use is not appropriate in this location.

Commissioner Rodriguez commented that this property has been vacant for many years, and the proposed development is well-designed and would benefit Bryan.

The motion passed by a vote of 5-2, with Commissioners Rodriguez and Conlee casting the votes in opposition.

PLANNING AND ZONING COMMISSION
STAFF REPORT



February 7, 2019

Conditional Use Permit case no. CU18-16: CBTX Capital

CASE DESCRIPTION: a request for approval of a Conditional Use Permit, to allow construction of a self-storage facility located on land zoned Retail District (C-2)

LOCATION: 4.33 acres of vacant land out of John Austin League adjoining the southeast side of Sam Rayburn Drive, approximately 270 feet to 720 feet east from its intersection with North Earl Rudder Freeway Frontage Road

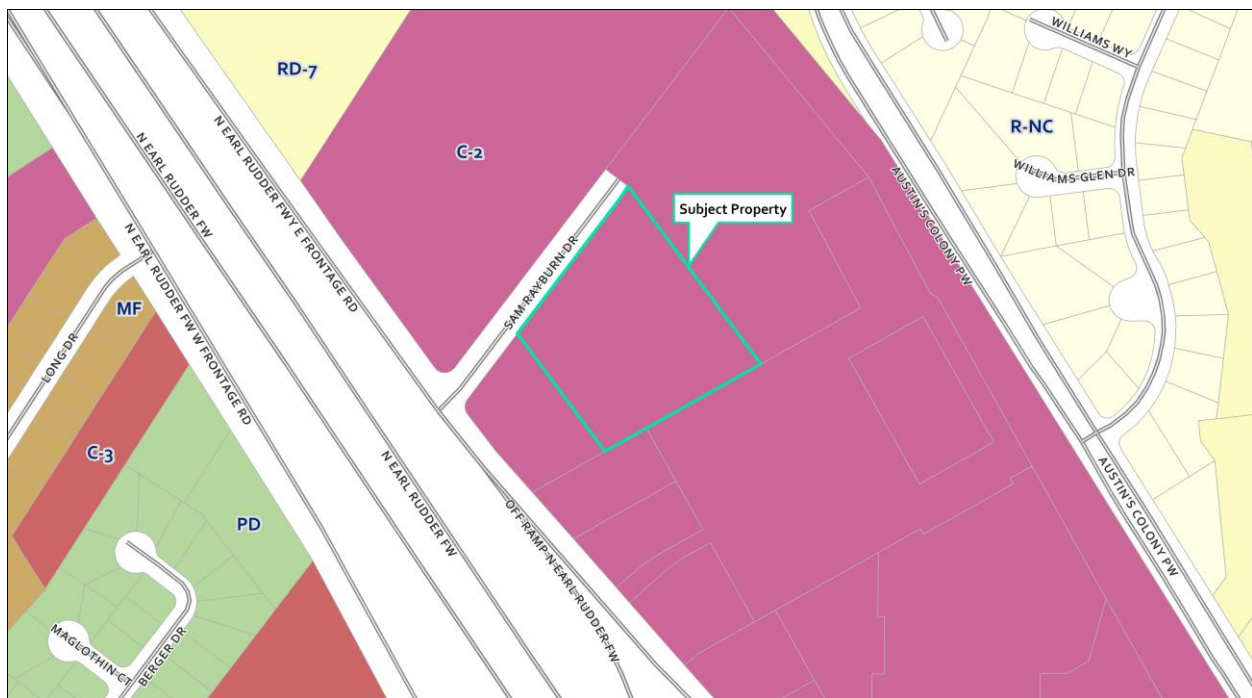
EXISTING LAND USE: vacant acreage

ZONING: Retail District (C-2)

APPLICANT: CBTX Capital

STAFF CONTACT: Allison Kay, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit



AERIAL PHOTO (2017):



BACKGROUND:

The applicants, CBTX Capital, are requesting approval of a conditional use permit to allow construction of a self-storage facility located on land zoned Retail District (C-2). The subject property is 4.33 acres of vacant land out of John Austin League, which adjoins the southeast side of Sam Rayburn Drive, approximately 270 feet to 720 feet east from its intersection with North Earl Rudder Freeway Frontage Road. Surrounding properties are all zoned C-2 District, and include Premiere Cinema to the east, restaurants to the south and vacant land to the north and west.


The C-2 District was established to provide locations for various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods. These shopping areas should utilize established landscape and buffering requirements and generally be limited to two stories in height. The Retail District should be located along or at the intersection of major collector or arterial streets to accommodate higher traffic volumes.

The applicant is requesting approval of a Conditional Use Permit to allow construction and operation of a self-storage facility. Self-storage is potentially allowed within a C-2 District, but only with the prior approval of a conditional use permit by the Planning and Zoning Commission. The purpose of the conditional use permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

According to the submitted site plan for the proposed development, the westernmost building is proposed to be a two-story indoor climate controlled facility, shielding the view of the proposed one-story self-storage

buildings from North Earl Rudder Freeway. In the C-2 zoning district, buildings are required to be constructed with at least 50% masonry. The proposed buildings will be built to or above that standard. The developer is proposing a 6-foot tall ornamental steel picket fence surrounding the property as well as a solid waste container constructed of decorative masonry matching that on the buildings.

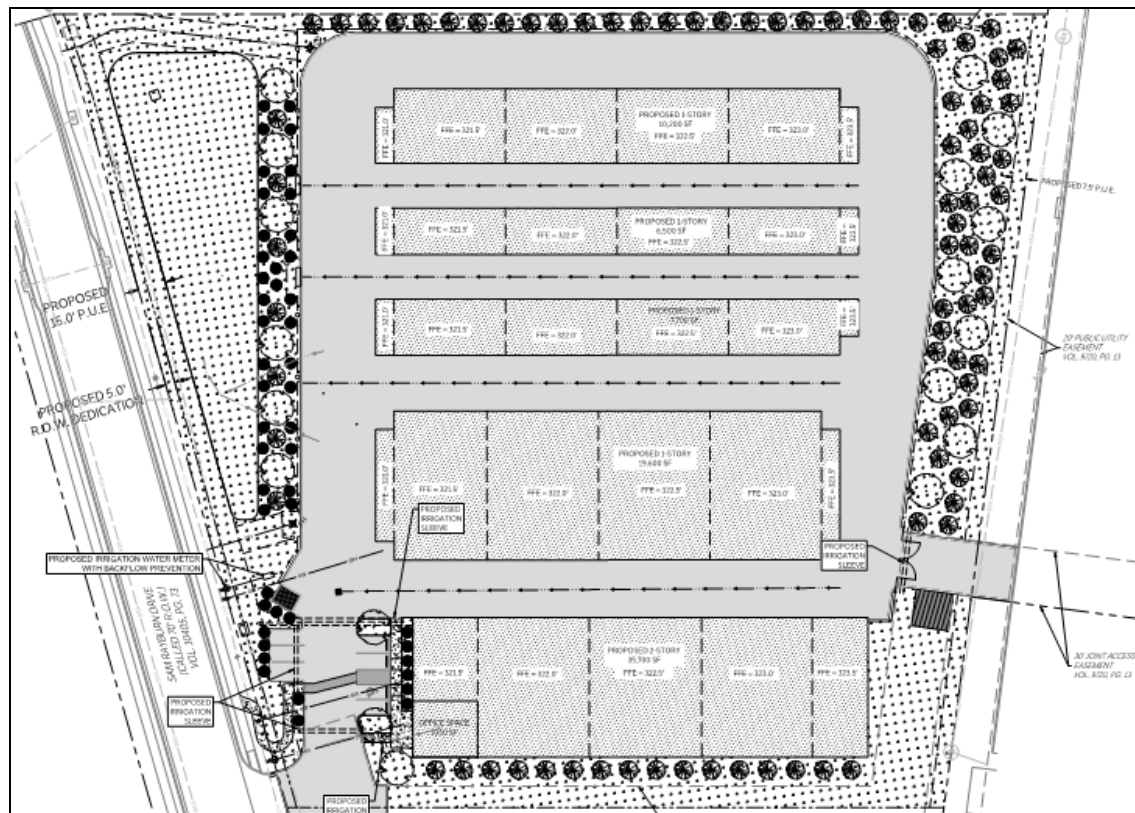
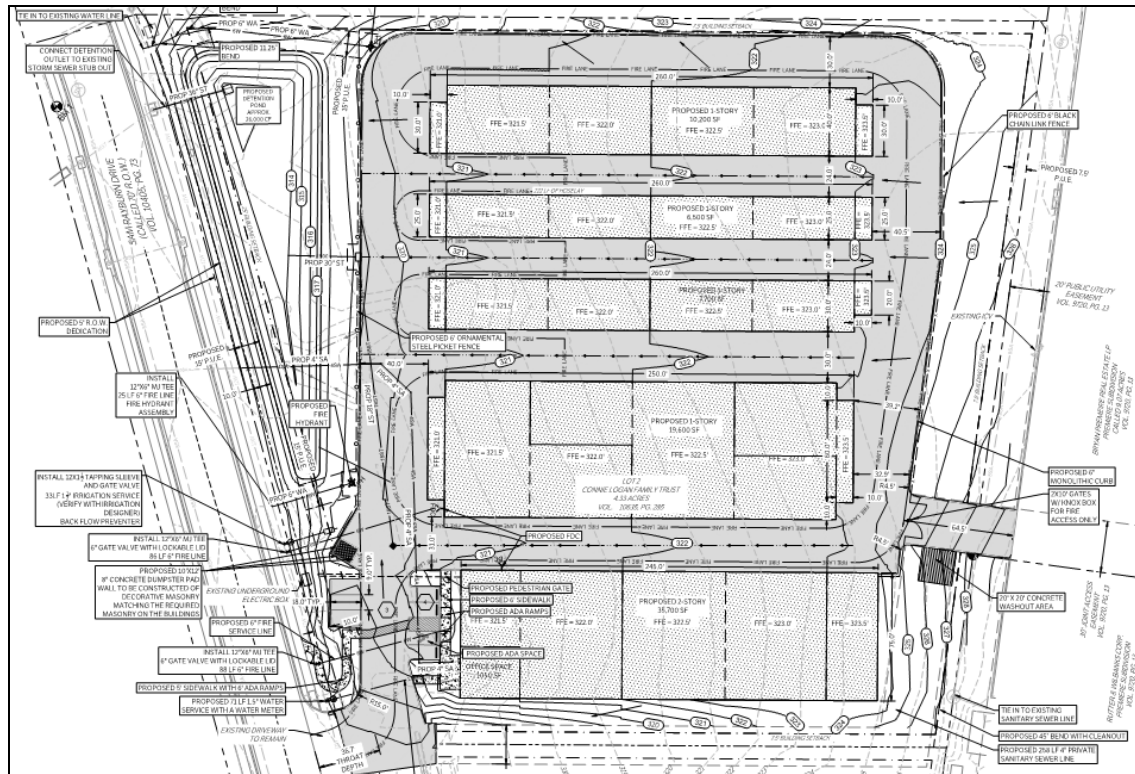
EXCERPT FROM APPLICATION:

<h2>Conditional Use Permit Supplement E</h2>	
<p><u>Minimum Requirements:</u> □ 15 Folded copies of Site Plan</p>	
<p>Please list the reasons for this conditional use permit request: <u>To receive an approved permit to construct a self storage complex with both climate controlled and non-climate controlled units in a C-2 zoning area.</u></p>	
<p><u>Exterior Building Finish: The buildings will be typical metal building construction. Due to the nature of the non-climate controlled units having overhead door entrances, it is anticipated that less than 50% of the total building facade for these units will be non-metallic. Building facades in areas fronting or backing towards public right of ways and on the two story climate controlled building will be covered by masonry/brick, EIFS, or vinyl/wood siding or other nonmetallic material.</u></p>	
<p><u>Landscaping: Extra landscaping will be provided in the areas by the parking lot, as well as in the areas next to the movie theater tract.</u></p>	
<p>Outside Storage: No outside storage of goods or vehicles will be allowed</p>	
<p>Rental Truck/Trailers: The facility will not operate as a rental facility for moving vans, trucks or trailers.</p>	

EXISTING SITE PHOTOS:



EXCERPT FROM SITE & LANDSCAPE PLAN:



RELATION TO BRYAN'S COMPREHENSIVE PLAN (BLUEPRINT 2040):

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 Future Land Use Plan (as shown on the next page) suggests the subject property is located in an area suitable for the development of retail uses.

The following excerpts from the Comprehensive Plan may be relevant for consideration of this request:

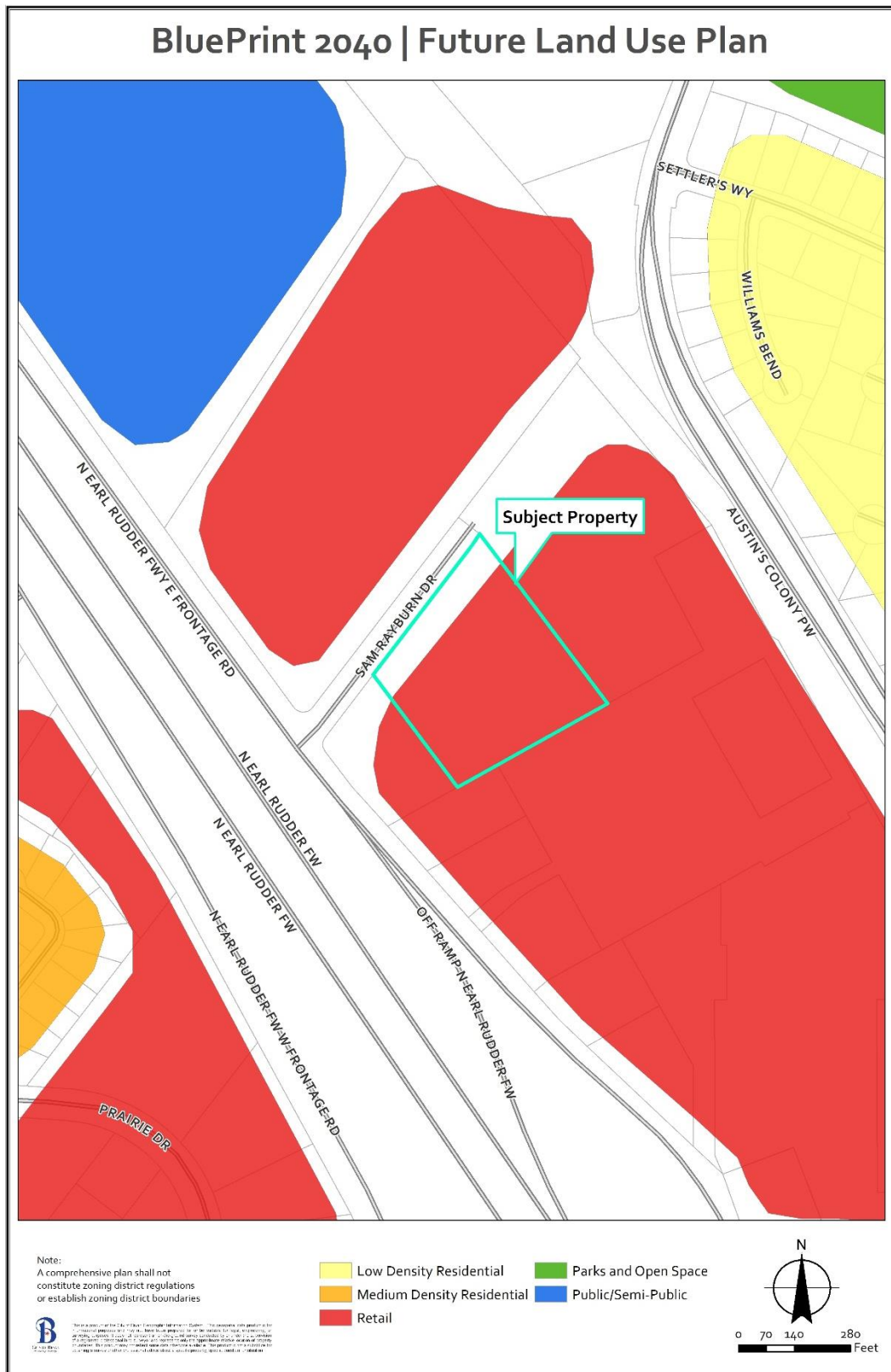
Chapter 5: Land Use

Retail (pg. 138):

Retail establishments have goods for purchase by the general public and have the benefit of directly contributing to the support of the community as a whole by generating sales tax revenue. Retail uses require high visibility locations such as along arterial roadways. Low density office uses are also permitted or encouraged in retail areas.

- Retail should be located at high points of visibility.
- They should serve as a buffer and transition between higher and lower intensity uses.

BRYAN'S FUTURE LAND USE PLAN:



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.

The proposed mini-warehouse/self-storage business is listed as a potential conditional use in the C-2 zoning district. Any physical development must conform to all applicable regulations and standards established by the City of Bryan Code of Ordinances. No variations from applicable development standards are being requested.

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.

Surrounding properties are all currently zoned Retail District (C-2) and are generally undeveloped with the exception of the Premiere Subdivision, which is developed with Premiere Cinema and various restaurants. Staff believes the proposed mini-warehouse/self-storage business use will be compatible to potential development on abutting properties. This use is less intense than most retail uses allowed by right at this location and will provide access to a collector roadway, Sam Rayburn Drive, and approximately 250-feet from access to the North Earl Rudder Freeway frontage road. Access to the proposed development would occur via one driveway from Sam Rayburn Drive. This driveway is located within a private access easement and would support access to the abutting property, which fronts North Earl Rudder Freeway.

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.

Staff maintains that a mini-warehouse/self-storage business at this location would not create greater unfavorable effect or impacts on abutting properties than a retail development allowed by right on this property without Conditional Use Permit approval.

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 believes the proposed mini-warehouse/self-storage use will generate significantly less vehicle traffic than many of the uses permitted by right in the C-2 zoning district. The number of trips per day to and from this proposed development can be expected to be less than those associated with retail uses.

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 will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts.

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.

If the requested Conditional Use Permit was to be approved, any proposed signage for the mini-warehouse/self-storage business would be subject to the standards and limitations that generally apply to properties zoned C-2. Staff contends that a mini-warehouse/self-storage business on the subject property should not have any more adverse effects on traffic control or adjacent properties than some uses permitted by right in the C-2 District.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

Adequate and convenient off-street parking will be provided in conformance with development standards.

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

Staff contends that the mini-warehouse/self-storage business, as described on the submitted site plan, will meet the objective and purpose of the Retail District where the use is proposed to be located. The subject property is located in an area recommended for retail use according to the Future Land Use Plan. This plan suggests that retail areas be adjacent to high visibility locations.

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.

Staff believes that the proposed mini-warehouse/self-storage business as described on the submitted conceptual plan will have few (if any) negative effects on properties or improvements in the vicinity.

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

Staff believes that arranged in the fashion depicted on the submitted conceptual plan, the subject property is generally suitable for mini-warehouse/self-storage uses.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow self-storage use on the subject property.