

Agenda Item Details

Meeting	Apr 23, 2019 - Bryan City Council First Special Meeting
Category	5. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	B. Appeal of the Planning and Zoning Commission's decision to deny a Conditional Use Permit (Case No. CU18-16) 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.
Type	Action
Preferred Date	Mar 05, 2019
Absolute Date	Mar 05, 2019
Fiscal Impact	No
Budgeted	No
Recommended Action	Motion to deny the Conditional Use Permit and uphold the decision of the Planning and Zoning Commission to deny a Conditional Use Permit (case no. CU18-16) 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.
Goals	Economic Development Quality of Life

Summary:

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 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 that 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 a conditional use permit may 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.

The Planning and Zoning Commission considered the applicant's Conditional Use Permit request (case no. CU18-16) during its regular meeting on February 7, 2019. During the meeting, the applicant and engineer came forward to speak regarding the request. There were not any citizens who spoke against the request. By a vote of 5 in favor and 2 in opposition, the Commission voted to deny the request.

On February 12, 2019, City staff received written notice from Mr. Fred Paine, the agent for the applicants, stating they wish to appeal the Commission's denial of the request to the City Council. The appeal was received within ten (10) days of the Commission decision, within the provided deadline for Conditional Use Permit appeals, as provided by Zoning Ordinance Section 130-33(f).

Staff Analysis and Recommendation:

During its regular meeting on February 7, 2019, the seven (7) Planning and Zoning Commissioners present voted 5-2 to deny this request for a Conditional Use Permit to allow construction of a self-storage facility located on land zoned Retail District (C-2).

- The proposal is inconsistent with the land use recommendations of the City's Comprehensive Plan – BluePrint2040.
- Promote the type of growth recommended by the City's Comprehensive Plan, and the proposed use is not appropriate in this location.
- The subject property has been vacant for many years, and the proposed development is well-designed and would benefit Bryan.

On February 7, Staff presented a recommendation of approval as per findings outlined in the attached staff report. However, at this time, staff recommends upholding the P&Z's 5-2 decision to deny the Conditional Use Permit.

Options:

1. deny the requested Conditional Use Permit, as recommended by the Planning and Zoning Commission
2. approve the requested Conditional Use Permit, as requested
3. approve the requested Conditional Use Permit with conditions for approval the City Council deems necessary to assure the use meets the criteria set forth in Subsection 130-33(a) of the Zoning Ordinance (may require consideration at a future City Council meeting)

Attachments:

1. location map and aerial photographs
2. excerpt map from the Comprehensive Plan, BluePrint 2040
3. appeal letter from agent
4. excerpt from February 7, 2019, Planning and Zoning Commission draft regular meeting minutes
5. staff report to the Planning and Zoning Commission

[Appeal CU18-16, Self-Storage in C-2.pdf \(2,294 KB\)](#)

[Bryan Self Storage w Wall Presentation.pdf \(854 KB\)](#)

Motion & Voting

Motion to deny the Conditional Use Permit and uphold the decision of the Planning and Zoning Commission to deny a Conditional Use Permit (case no. CU18-16) 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. It was pointed out the applicant had agreed to install a masonry wall at the Council's request.

Motion by Greg Owens, second by Buppy Simank.

Final Resolution: Motion Carries

Aye: Andrew Nelson, Buppy Simank, Greg Owens, Brent Hairston

Nay: Mike Southerland, Prentiss Madison, Reuben Marin