

## Agenda Item Details

Meeting	Jan 12, 2021 - Bryan City Council Second Regular Meeting
Category	6. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	B. Appeal of the Planning and Zoning Commission's decision to approve a Conditional Use Permit (Case No. CU20-06), to allow construction of nine townhomes on property zoned Residential District – 5000 (RD-5), specifically on 0.83 acres of land adjoining the south side of Lynn Drive between Mabletown and Alani Drive, being Lots 8 through 12 in Block C of the Munnerylyn Village Subdivision, and currently addressed as 209, 211, 213, 215 and 217 Lynn Drive in Bryan, Brazos County, Texas
Type	Action
Preferred Date	Jan 12, 2021
Absolute Date	Jan 12, 2021
Fiscal Impact	No
Budgeted	No
Recommended Action	Motion to approve the Conditional Use Permit and uphold the decision of the Planning and Zoning Commission to approve a Conditional Use Permit case no. CU20-06, to allow construction of nine (9) townhomes on property zoned Residential District – 5000 (RD-5), specifically on 0.83 acres of land adjoining the south side of Lynn Drive between Mabletown and Alani Drive, being Lots 8 through 12 in Block C of the Munnerylyn Village Subdivision, and currently addressed as 209, 211, 213, 215 and 217 Lynn Drive in Bryan, Brazos County, Texas.
Goals	Economic Development Quality of Life

### Summary Statement:

The applicant, Terrence Murphy, on behalf of the property owners, Lions Park Properties, LLC, desires to develop these 0.83 acres of land with nine (9) townhomes. The subject property adjoins the southeast side of the 200 block of Lynn Drive between Mabletown and Alani Drive. The property is zoned Residential District – 5000 (RD-5). Properties to the north, east, and west, also are zoned RD-5 District, while the property to the south is zoned South College – Residential District (SC-R). Property less than 100 feet away to the north is zoned Commercial District (C-3). The site plan included with this Council Action Form shows the proposed arrangement of lots, off-street parking, and landscaping.

The subject property is located in the Midtown Area. The Midtown Area Plan was adopted by the Bryan City Council on May 12, 2020. One of the Plan's recommendations for the Midtown Area includes increasing residential density where appropriate to support a stronger retail base in the area. The subject property is surrounded by a variety of housing types. Bordering the subject property to the east and west are a blend of detached residences and manufactured homes on individual lots. To the northwest, across Lynn Drive, are

detached homes and a one-story apartment complex. Adjacent property to the south is currently developed with the Lynn Acres Manufactured Home Park.

Townhomes are potentially allowed on property zoned RD-5 District, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicant proposes nine (9) townhome units, separated into two rows, on lots that comply with the City's minimum lot size requirements for lots intended for townhomes. All townhomes are proposed to have three bedrooms and be two stories in height. The proposed landscaping and off-street parking exceed the City's minimum requirements for townhomes. The proposal also includes the developer constructing an additional nine (9) on-street parking spaces. The City's development standards require three (3) off-street parking spaces for a three-bedroom townhome unit. The proposed site layout provides 30 parking spaces off-street, being a ratio of 1.11 spaces per bedroom. In addition, nine (9) on-street parking spaces are proposed to be installed along Lynn Drive, which brings the ratio to 1.3 spaces per bedroom. The City Council approved a similar arrangement for townhomes on Jefferson Street in 2013 (Ordinance No. 1993). While the City of Bryan regulations for single-unit residential development do not require landscaping, the property owner is proposing a landscaping percentage of 16.3% through a mixture of canopy and non-canopy trees, as well as decorative shrubs and seasonal ground cover.

The Planning and Zoning Commission considered the applicant's Conditional Use Permit request (case no. CU20-06) during its regular meeting on December 3, 2020. Prior to the meeting, Mr. Casey Alani, an owner of property located within 200 feet of this request, had submitted written comments in opposition to the request to the City. These comments, which are attached to this Council Action Form, were shared with the Commission prior to the meeting. During the meeting, Mr. Alani came forward and spoke against the request. Following the public hearing, the Commission voted to approve the request, subject to the conditions recommended by City staff, by a vote of five (5) in favor and four (4) in opposition.

On December 8, 2020, City staff received written notice from Mr. Alani stating that he wishes to appeal the Commission's approval 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).

### **Analysis and Recommendation:**

During its regular meeting on December 3, 2020, the Planning and Zoning Commission voted to approve this request for a Conditional Use Permit, to allow construction of nine townhomes on the subject property, adopting staff's written report and analysis for this case as the report, findings, and evaluation of the Commission.

In this case, the Planning and Zoning Commission finds:

- the subject property is located in an area recommended for low density residential according to the City's Comprehensive Plan (BluePrint 2040) Future Land Use Plan;
- the development will meet or exceed all applicable regulations and standards for townhomes, including lot size, minimum building setbacks, landscaping, and off-street parking;
- the proposed townhomes on the subject tract will be compatible with existing uses nearby and on all abutting sides;
- the proposed townhome development is appropriate at this particular location in the RD-5 District within which it is proposed;
- the proposed townhome configuration will be compatible with or exceed the surrounding area in terms of building height, bulk and scale, landscaping, access, and circulation;
- the proposed arrangement offers an attractive and compatible option for residential development on the subject property;
- the proposal includes construction of nine (9) on-street parking spaces as well as a 6-foot wide sidewalk along Lynn Drive and thereby will support pedestrian traffic as well as public parking for visitors;

- approval of this Conditional Use Permit will not negatively impact the safety and convenience of traffic flow in the area, as it has been mitigated to an extent that it will not cause harm to the surrounding area;
- there will be adequate and convenient off-street parking provided at this location in accordance with adopted standards; and
- the proposed development will have few (if any) ill effects on properties or improvements in the vicinity.

The Commission's approval of this request was made subject to the following conditions:

1. An opaque privacy fence be constructed along the parking lot to protect neighboring properties from glare.
2. Any parking lot lighting be oriented or shielded in a manner as to not negatively impact neighboring properties.
3. 30 off-street parking spaces and nine on-street public parking spaces are to be constructed to meet the parking needs.
4. A landscaping percentage of 16.3%, as proposed, be kept alive at all times according to the landscaping plan.
5. Required utilities, being a waterline and a fire hydrant, be installed, tested, and accepted prior to the recordation of the property's replat.
6. The recording of a formal replat of the subject property into individual lots be required prior to the issuance of any building permits and that any such replat shall substantially conform to the site plan that was submitted to the Commission for approval of this Conditional Use Permit.

Staff recommends that the City Council uphold the Commission's decision to approve the request, including approved conditions.

#### **Options:**

1. uphold the Commission's decision to approve the request, including approved conditions;
2. uphold the Commission's decision to approve the request with additional 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); or
3. reverse the Planning and Zoning Commission's decision and deny the request.

#### **Attachments:**

1. location map and aerial photographs;
2. excerpt map from the Comprehensive Plan, BluePrint 2040;
3. letter from Mr. Alani, dated November 23, 2020;
4. appeal letter from Mr. Alani, dated December 8, 2020;
5. excerpt from December 3, 2020 Planning and Zoning Commission regular meeting minutes;
6. staff report to the Planning and Zoning Commission; and
7. site and landscaping plans showing the proposed development.

[CAF ATTACHMENTS Appeal CU20-06, townhomes on Lynn.docx \(5,039 KB\)](#)

[01-12-21\\_6.b. - CU20-06 Appeal.pdf \(1,199 KB\)](#)

[Site Plan, CU20-06, Lynn Dr Townhomes, 1-11-2020.pdf \(532 KB\)](#)

## **Motion & Voting**

Motion to approve the Conditional Use Permit and uphold the decision of the Planning and Zoning Commission to approve a Conditional Use Permit case no. CU20-06, to allow construction of nine (9) townhomes on property zoned Residential District – 5000 (RD-5), specifically on 0.83 acres of land adjoining the south side of Lynn Drive between Mabletown and Alani Drive, being Lots 8 through 12 in Block C of the Munnerylyn Village Subdivision, and currently addressed as 209, 211, 213, 215 and 217 Lynn Drive in Bryan, Brazos County, Texas.

Motion by Buppy Simank, second by Brent Hairston.

Final Resolution: Motion Carries

Aye: Andrew Nelson, Buppy Simank, Reuben Marin, Brent Hairston, Bobby Gutierrez, Flynn Adcock