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MEMORANDUM

August 25, 2004

TO: Planning & Zoning Commission

FROM: Natalie Ruiz, Development Manager
Jane Kee, City Planner

SUBJECT: **Annual Review of the Comprehensive Plan & UDO.**

When the UDO was adopted in 2003, the City committed to making this development ordinance a living document. To honor that commitment, a stipulation was added that provides for the annual review of the City's Comprehensive Plan and UDO.

Comprehensive Plan Update:

Several weeks ago the Commission received a report reviewing the Comprehensive Plan amendments that were completed since creation of the Long Range Division in 2000 and since adoption of the UDO in 2003. Attached is a supplement to this report that takes a closer look at the major categories of land use examining what is planned versus zoned, whether there is compliance with the Comprehensive Plan and what is zoned and vacant, thus available for development. This analysis will serve as a starting point for a future discussion of possible City initiated rezonings.

Proposed changes to the UDO:

Many of the proposed amendments are clerical in nature. As staff has administered the code over the last year, we have identified several editing discrepancies and minor clarifications or corrections. The following is a brief summary of the major changes proposed to the UDO. (A more detailed list is provided as an attachment.):

- ❖ Attached Sign Regulations – With the adoption of the UDO in 2003, we began regulating the amount of attached signage allowed on a building. Until that time, there was no limit to the amount of attached signage. After administering the new regulations for a year, we identified two changes that we are proposing with this annual review:
 - Allowing additional signage for buildings on corner lots including the endcaps of shopping centers if a public entrance is provided.

- Establishing commercial banner provisions to allow one banner per commercial building, tenant lease space or multi-family development not to exceed 4' x 12'. The current code permits banners; however, the banner counts against the allowable attached signage similar to permanent attached signage. Administering this provision over the last year has been cumbersome and difficult for the customer to calculate and understand. As you will recall, staff brought this item before the Commission for direction earlier this year. The proposed changes are in accordance with the Commission's direction with one exception. The P&Z requested that banners be prohibited in all design districts. The proposed ordinance prohibits them in Wolf Pen Creek and the Overlay design districts. Banners are still allowed in Northgate under the current proposal. Staff recommends that this issue be addressed with the upcoming changes to the Northgate ordinance this fall.

- ❖ Retail Sales & Service – With the adoption of the UDO in 2003, the C-1 General Commercial and C-2 Commercial Industrial zoning districts became more distinct. Prior to the UDO, these two zoning districts were almost interchangeable in terms of permitted uses in each district. The general difference between the two districts is that C-1 is more of a retail district with no storage and C-2 is more an industrial district with no retail sales. Staff is proposing a change to the specific use standards that will allow limited storage in C-1 and limited retail sales in C-2. The proposed Sales and Service Matrix will help determine the appropriate uses for each district.

- ❖ Sexually-Oriented Businesses (SOB's) – The City adopted provisions covering (SOB's) when the UDO was adopted in 2003. During the annual review, it was determined that alternative sites need to be made available to comply with federal case law. The United States Supreme Court has held that cities cannot totally ban SOB's; however, they can regulate the location. In the leading case, Renton, the Supreme Court upheld regulations limiting the SOB's to 5% of the City's geographic area. The United States Supreme Court held that Renton had provided sufficient sites for SOB's; therefore, the ordinance was constitutional. In an effort to obtain 5% of the City's geographic area, staff is proposing to modify the UDO. The overall concept is to allow SOB's in commercial and industrial zoning districts with buffering of protected uses, residential zoning districts and portions of major roadways. In order to achieve this concept, the following modifications were made to the UDO:
 - In addition to C-2 Commercial Industrial and M-2 Heavy Industrial zoning districts, SOB's will be permitted uses in C-1 General Commercial, M-1 Light Industrial and R&D Research and Development zoning districts. Adding these additional zoning districts still did not provide for 5% of the City's area.
 - As a result, three additional areas or tracts of land were added to reach the 5% requirement. The following tracts were selected based on their proposed land use according to the City's Land Use Plan, access to major roadways and distance from existing residential areas. The UDO includes an amendment that will allow SOE's as a permitted use on three specific tracts regardless of distance separation requirements. These tracts are shown in purple on the attached SOE map.

- The list of protected uses from SOB's has been modified to only include the following:
 - Elementary & secondary schools
 - Public neighborhood parks
 - Day care centers
 - Colleges & Universities
- Distance separation requirements from SOB's and protected uses or residential districts have been modified to 400'. (For the purposes of the SOB ordinance, the A-O Agricultural Open zoning district is not a residential district.)
- Prohibited locations along major roadways have been modified to include a 400' setback from the rights-of-way of the following thoroughfares:
 - Texas Avenue – This includes the portion of Texas Avenue from the northern city limits line with the City of Bryan to the Harvey Mitchell Parkway intersection.
 - University Drive – This includes the portion of University Drive from the Texas Avenue intersection to Earl Rudder Freeway.

A map is provided as an attachment that shows the location of potential SOB's as of the date of this memo. Please realize that as areas of the city develop, rezone, etc. the map will change.

- ❖ Driving Ranges – Specific use standards for driving ranges are being proposed to ensure that adjacent neighborhoods and residential uses are protected. Driving ranges are currently allowed in the existing code; however, the proposed standards will provide additional buffering, screening, lighting and parking requirements.

The UDO as a Living Document:

Throughout the past year, several efforts have been undertaken to honor the commitment that the UDO is a living document, including the following:

- ❖ As changes and issues were identified, staff brought forward amendments to modify the UDO. The following is a brief summary of the amendments approved throughout the past year. (A more detailed list is provided as an attachment.):
 - Design Review Board Membership
 - Driveway Access Requirements
 - Northgate Zoning District Amendments
 - Sign Ordinance Amendments and Clarifications
 - Zero Lot Line Construction
 - Krenek Tap Overlay District
- ❖ The Planning & Zoning Commission had a standing item on their regular agenda to hear visitors specifically on the UDO. During the past year, there were two issues brought to the Commission's attention and both resulted in amendments to the UDO. These issues dealt with Northgate zoning district requirements and zero lot line construction.
- ❖ The Comprehensive Plan – Throughout the past year, amendments have been made to the Comprehensive Plan that were both City-initiated and property owner initiated. It is required that rezoning requests be in compliance with the Comprehensive Plan before approval. Simple, straight forward amendments may be processed along with a rezoning request. More complex amendments are processed on a quarterly basis. This provides time for staff to adequately research and prepare recommendations. It also allows the Planning & Zoning Commission and City Council to consider the amendment separately from a specific development proposal.

Community Input:

In preparation for the annual review of the UDO, staff compiled several changes and clarifications of the ordinance throughout the year. We also solicited input from the community for several months. Once a revised draft of the UDO was prepared, it was posted on the City's website for public input. As a result, staff received the following comments:

- ❖ Outside Storage and Display – Staff received input from a developer of Tractor Supply retail centers who requested that we modify the current outdoor storage and display requirements. He has explored developing a new stand alone facility and expressed concern that the current outside storage and display requirements are too restrictive. Staff looked into his concerns and determined that the current requirements, while restrictive, are critical from a community appearance standpoint. The current ordinance provisions allow limited outdoor storage and display; however, the amount proposed by Tractor Supply would need to be located indoors or completely screened from view.
- ❖ Attached Signage Requirements – Staff received input from a local sign contractor regarding the current attached sign requirements. He expressed concern that limiting the amount of attached signage also limits the creativity and the overall aesthetics of the sign. Staff looked into this issue and determined that generally, the attached signage requirements are adequate. However, provisions were added for buildings with multiple entrances. Buildings on corner lots or lease spaces at the end of a shopping center may have additional attached signage if they provide a public entrance.
- ❖ Freestanding Signage Requirements – Staff received input from the College Station Med regarding freestanding signage requirements and the health and safety needs of their site and other medical campuses. Given the fact that hospitals contain an emergency room, there is a special need to direct traffic from the street to the correct entrance. In response to this need, staff revised the sign regulations to provide additional signage for hospitals.

Staff also hosted a UDO Community Work Session on July 27th to review the proposed changes and solicit input. A total of seven community members attended and the input received regarding the UDO and the annual review was extremely positive. There were three comments that were outside the scope of the annual review; but, will be considered with future amendments:

- ❖ Northgate Ordinance Amendments – A suggestion was made to have a similar work session for the upcoming Northgate ordinance changes. The attendees preferred the informal setting with staff to discuss the proposed ordinance changes.
- ❖ Subdivision Regulations & Drainage Development Standards – The current process for revising the joint development standards in Bryan & College Station has worked well; however, it is very time consuming for city staff. A suggestion was made to hire an outside facilitator to lead the weekly meetings and make necessary changes to the text. The current process is a good one and allows collaboration between the local community and city staff. A third-party facilitator could help in drafting the new ordinance and mediate changes to the Subdivision Regulations.

- ❖ Commercial Zoning Districts – Is there a need for both C-1 General Commercial and C-2 Commercial Industrial zoning districts or should they be combined? Given the current neighborhood protection standards, is there still a need to separate the two zoning districts? We discussed the pros and cons of combining the two districts and determined that this is a much larger issue that should be handled outside of the annual UDO review. As part of the City Council’s strategic plan on redevelopment, staff will explore this issue further.

Where do we go from here?

The Commission should make a recommendation to the City Council on the proposed changes to the UDO. In addition, there are many amendments that are underway now or soon will be, including:

- ❖ Northgate Design District – Modifying the current regulations and development standards to comply with the adopted Redevelopment Plan.
- ❖ Drainage Ordinance – Updating the current drainage ordinance and design standards to be incorporated into the UDO and the joint B/CS Design Standards.
- ❖ Subdivision Regulations, Article 8 – Modifying the current regulations and incorporating them into the UDO.
- ❖ Comprehensive Plan Amendments – Both City-initiated and property owner initiated amendments to deal with areas of rapid growth.
- ❖ UDO – As issues are identified or new development trends that may prompt amending the current ordinance.

Attachments:

- List of proposed changes to the UDO
- List of changes made to the UDO in the past year
- SOE map reflecting potential locations
- Comp Plan Summary
- Revised UDO – Articles 2, 3, 5, 6, 7, 9 & portions of 11