



# R-NC District Zoning Detached Shared Housing Midtown Area Plan

Martin Zimmermann, AICP

November 8, 2018

City of College Station

City Council Workshop Meeting



# Overview

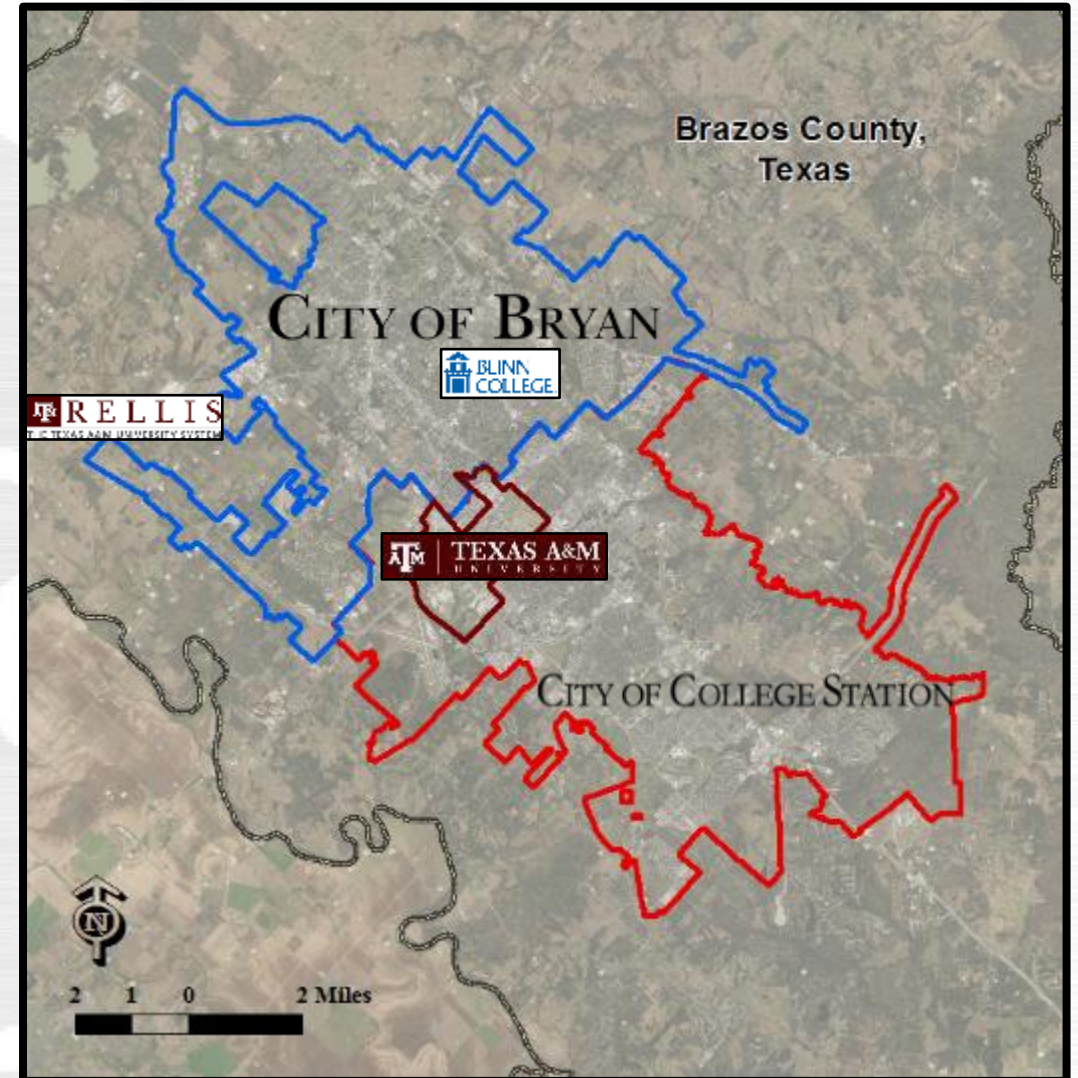
- Community Background
- Residential - Neighborhood Conservation District (R-NC)
- What's a “stealth dorm” or “Ag Shack”?
- Bryan's Response
- Where we are today





# Bryan, Texas

- 1871 - Bryan incorporates
- 1876 - Texas A&M University opens
- 1938 - College Station incorporates
- 1970 - Blinn College established
- 1989 - Bryan adopts zoning
- 2002 - Bryan sets limit of no more than 4 unrelated persons
- 2018 - RELLIS Campus opens







# Student Population Growth

- College and University growth:

- Texas A&M University:

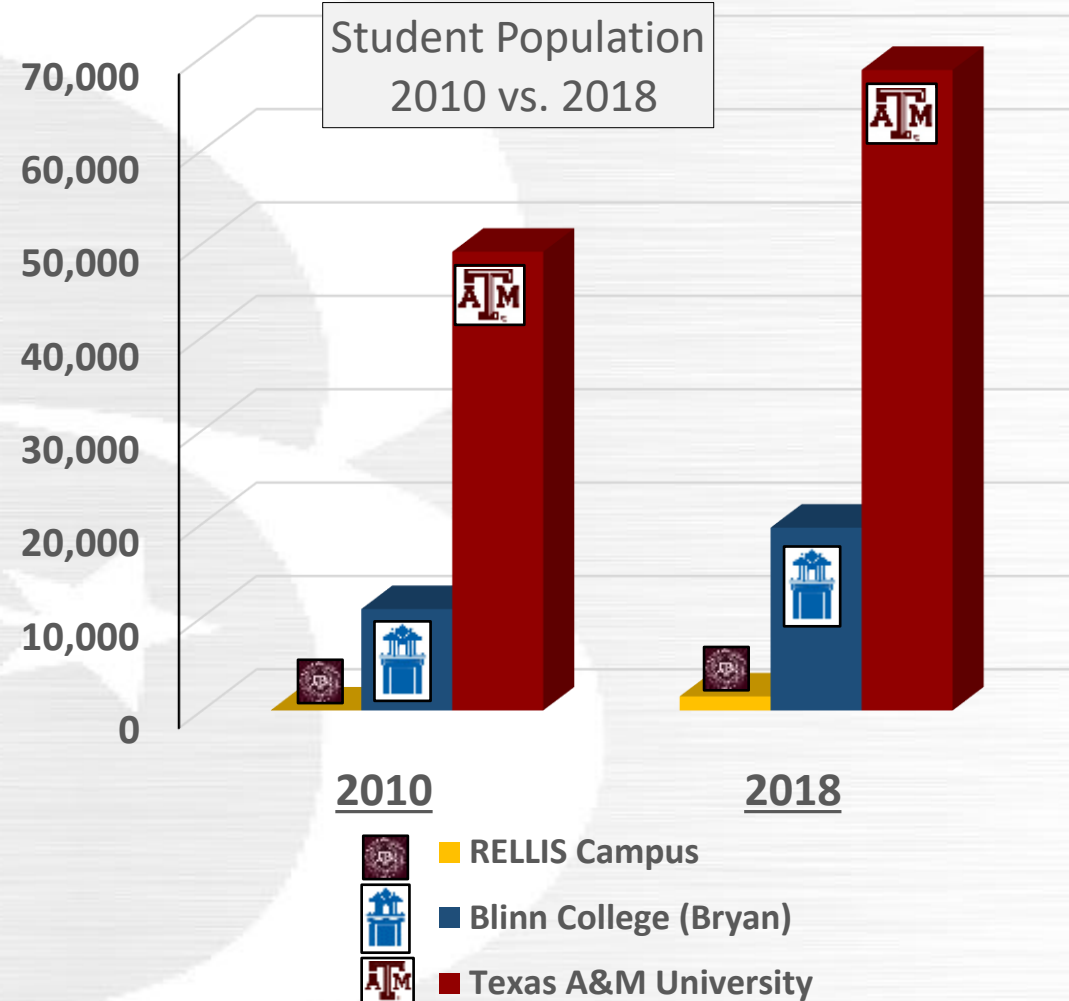
- 2010: 49,129 students
    - 2018: 68,603 students

- Blinn College:

- 2010: 10,863 students
    - 2018: 19,581 students

- RELLIS Campus:

- 2018: 1,500 students





# Student Population Growth

- Total 2018 student population
  - 89,684
- **44.6%** of Bryan and College Station combined populations
  - 200,889
- 40.2% of Brazos County population
  - 222,830





# Student Population Growth



- Student growth increases transient rental population
  - Students tend to need housing only portions of the year
  - Move frequently within the city to find a better deal
  - More common to share housing with roommates
- 54% of the housing stock in Bryan is rentals



## Early 2000s

### Bryan council to review roommate zoning

By APRIL AVISON Eagle Staff Writer Oct 10, 2006



The Bryan  
unrelated

The city  
The Res  
complain  
neighbor

### Public meeting set for 'roommate law'

Eagle Staff Report Jun 28, 2006



Bryan City Council  
petitioning for a zon

The meeting will be

Monday to teach residents about  
adults sharing a home.

Meeting at 600 E. 26th St. in Bryan.



- Students continue to move into single-family homes as roommates
- Occupancy in single-family homes is up to 4 unrelated persons (blood, marriage, adoption)
- Neighborhoods are encouraged to organize and create associations (NAPP)
- 42 City-recognized neighborhood associations





## Early 2000s

- Planning and Zoning Commission subcommittee discussions continue for over a year
- City Council adopts a new zoning district in March 2006
- Residential – Neighborhood Conservation District (R-NC)
- “Single-family home” redefined as “detached dwelling unit”
- Occupancy limited to 2 unrelated in detached dwelling unit/CUP for up to 4

### Bryan race centers on roommate ordinance

By CRAIG KAPITAN Eagle Staff Writer May 5, 2006 0



When Mike Southerland tried to challenge Mark Conlee last year for the Single Member District 4 seat, limiting roommates in Bryan neighborhoods was one of his top campaign issues.

But now the local insurance agency owner is challenging another incumbent - At-Large Place 6 Councilman Russell Bradley - and both are touting their efforts in getting a roommate resolution passed.

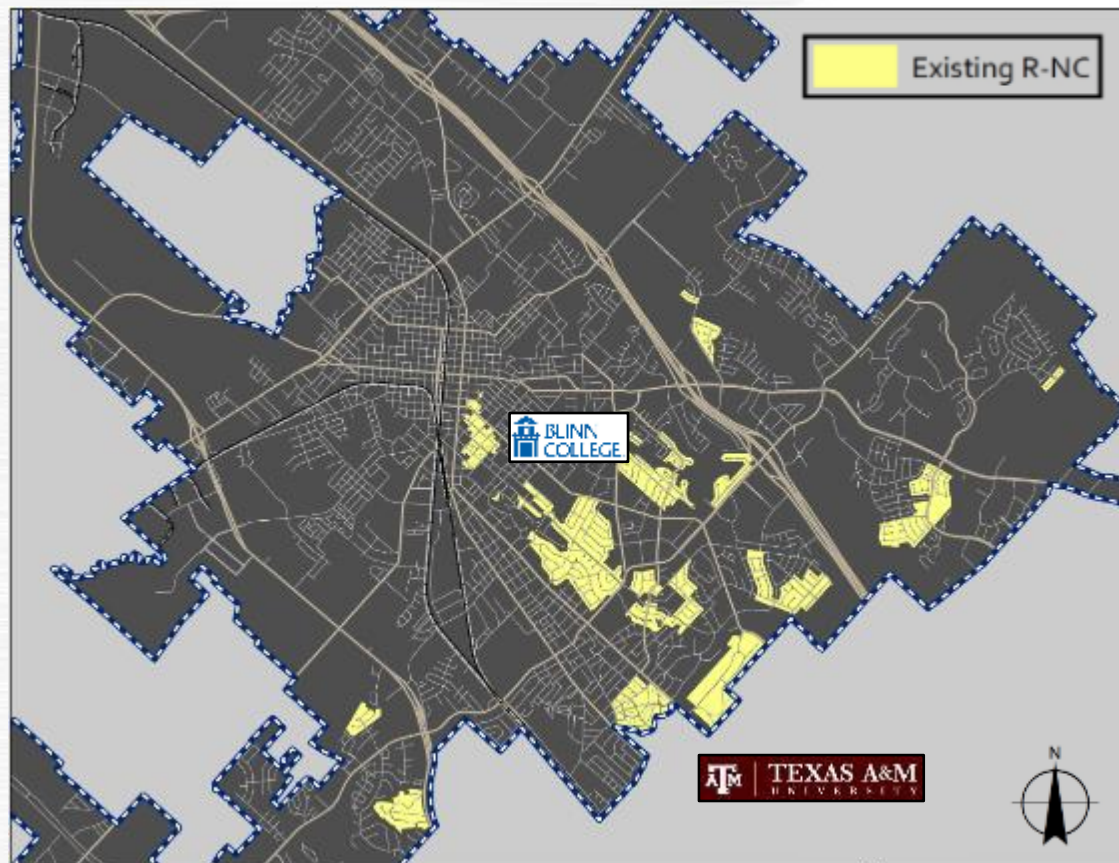
The two longtim  
election is unde



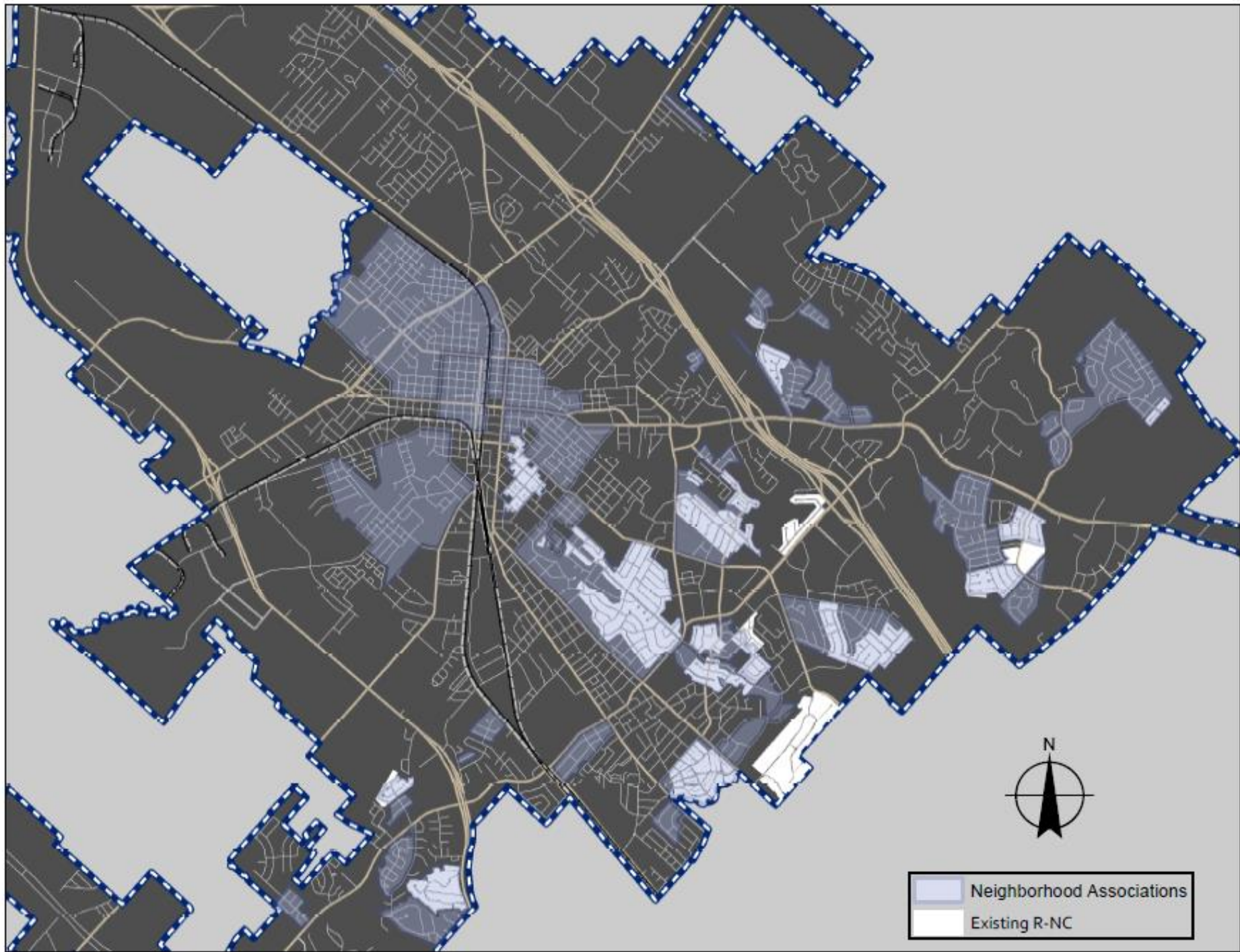




# Residential - Neighborhood Conservation District



- Purpose: preserve, protect and enhance character of established residential neighborhoods
- 47 subdivisions or subdivision phases rezoned to R-NC District to date
- 2,883 out of 17,657 residential lots (16.3%)

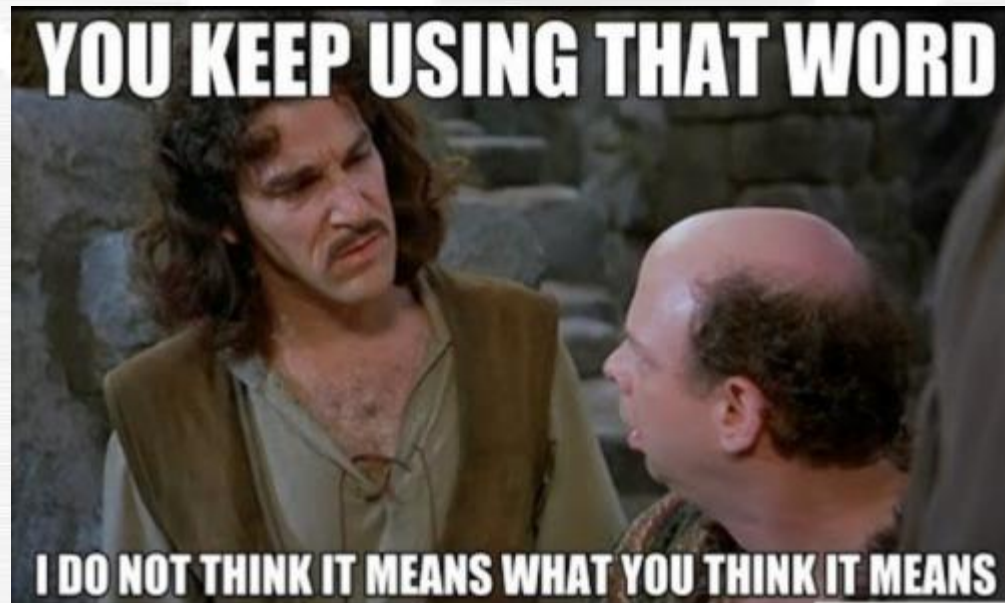






Developments since 2014

From “Ag Shacks” to  
“Stealth Dorms” to  
“Detached Shared Housing”





# How its made

- Developer purchases older home on large lots
- Existing home is demolished
- Lot is split into multiple lots meeting the minimum lot standards
- P&Z consideration of residential replats
- Citizen protest during public hearings
- Replat “meets all the requirements”
- “Stealth dorms” built on each lot







# How its made

- Defined as “single-family homes” by the residential building code
- Construction allowed by right in many zoning districts





# The first red flag: Lot Division



- Existing lot approx. 100 feet wide
- Current use – single family or rental
- Can always convert back to single-family







# The first red flag: Lot Division







# The first red flag: Lot Division

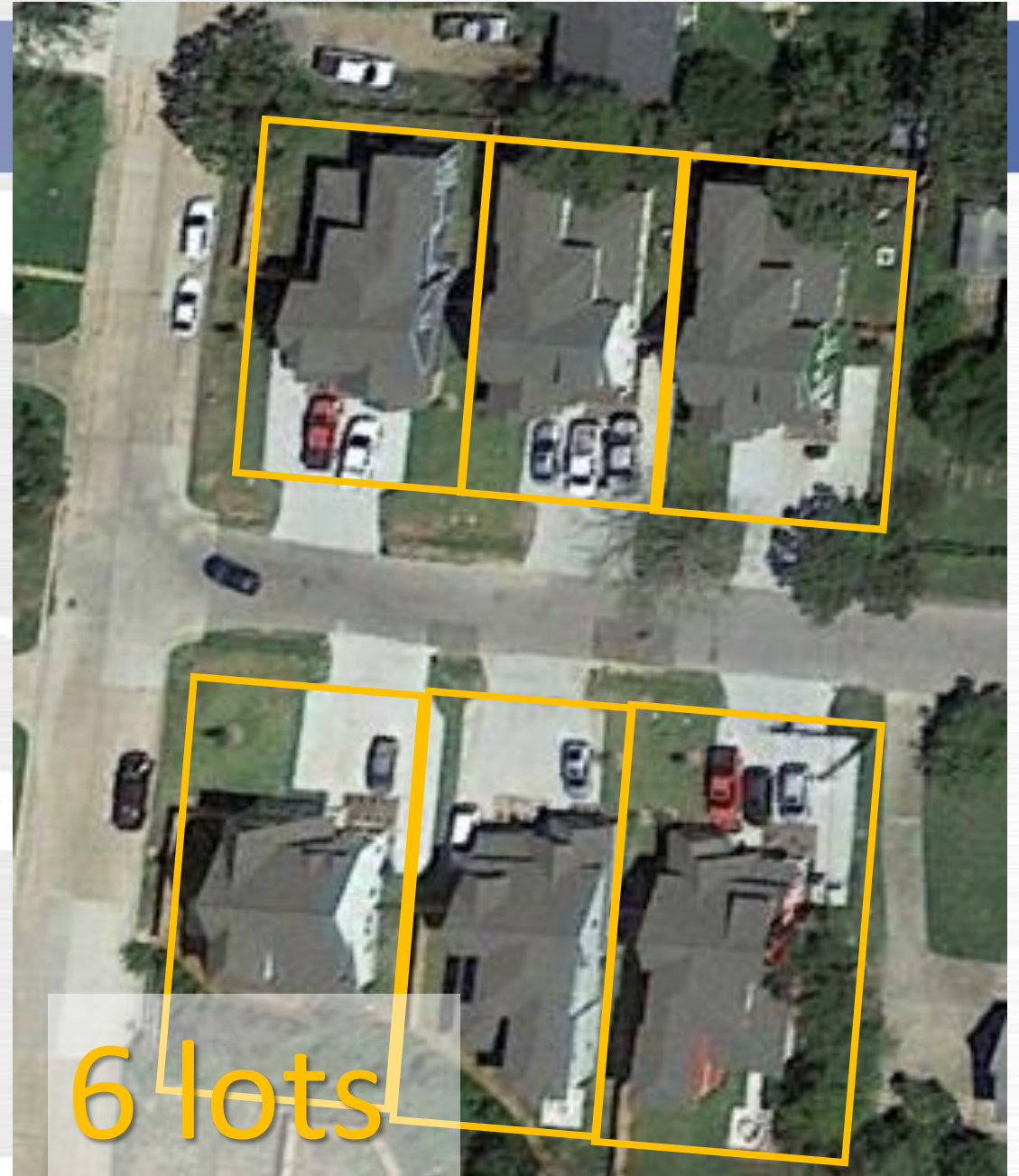
- 2 new lots - 50 feet wide
- Stealth dorm use – rental to 4 unrelated
- Difficult to convert back to single-family











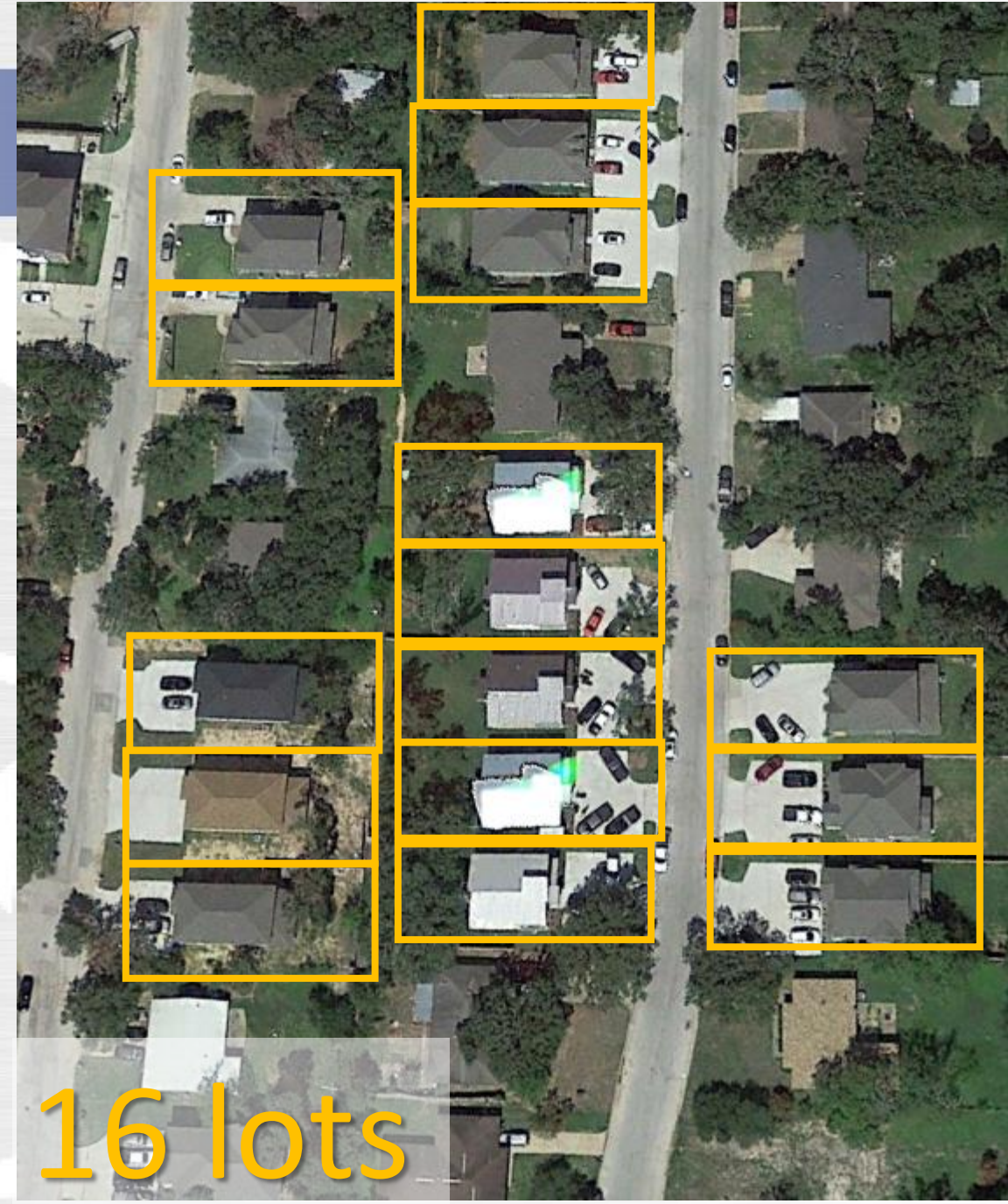








11 lots

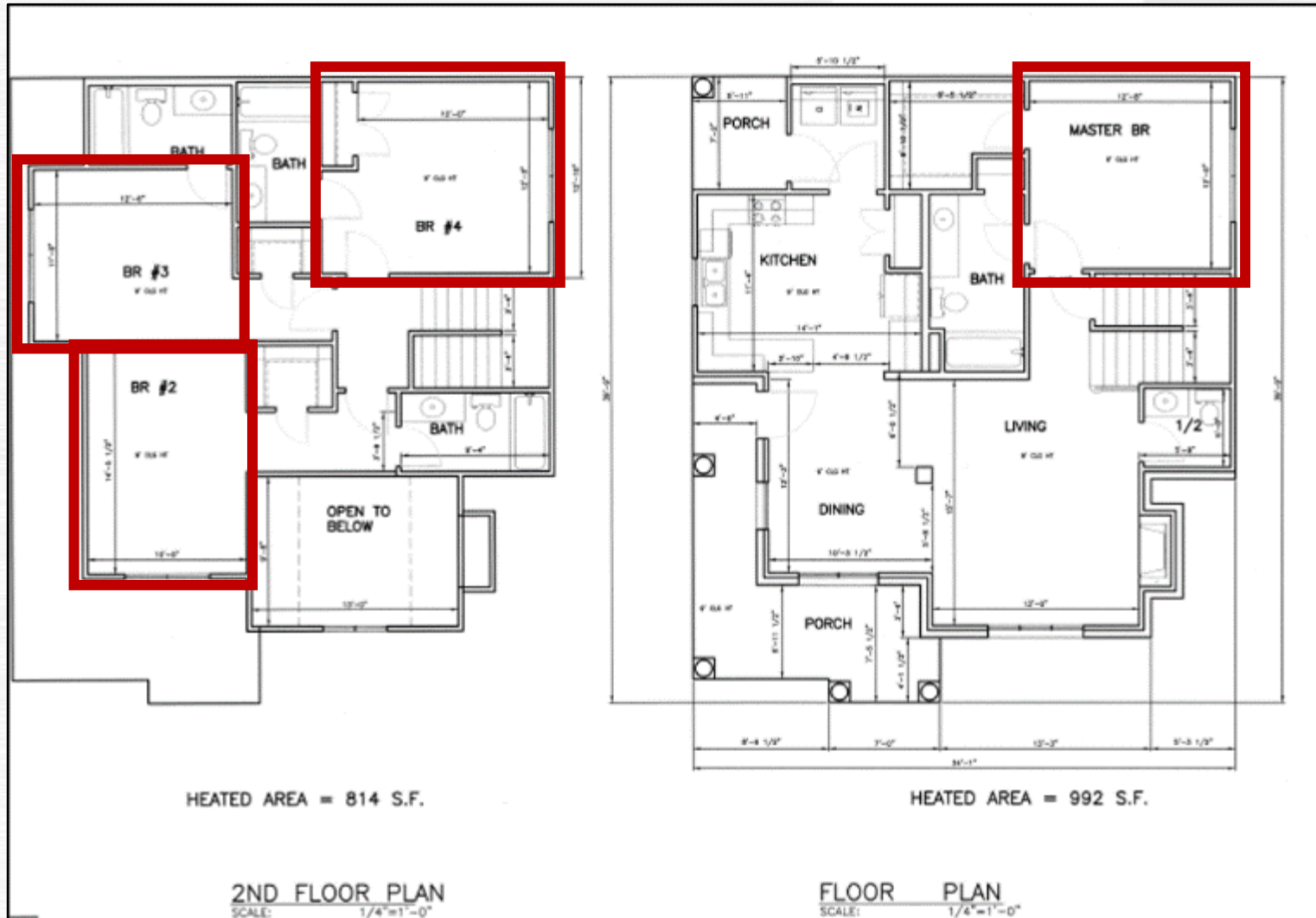


16 lots





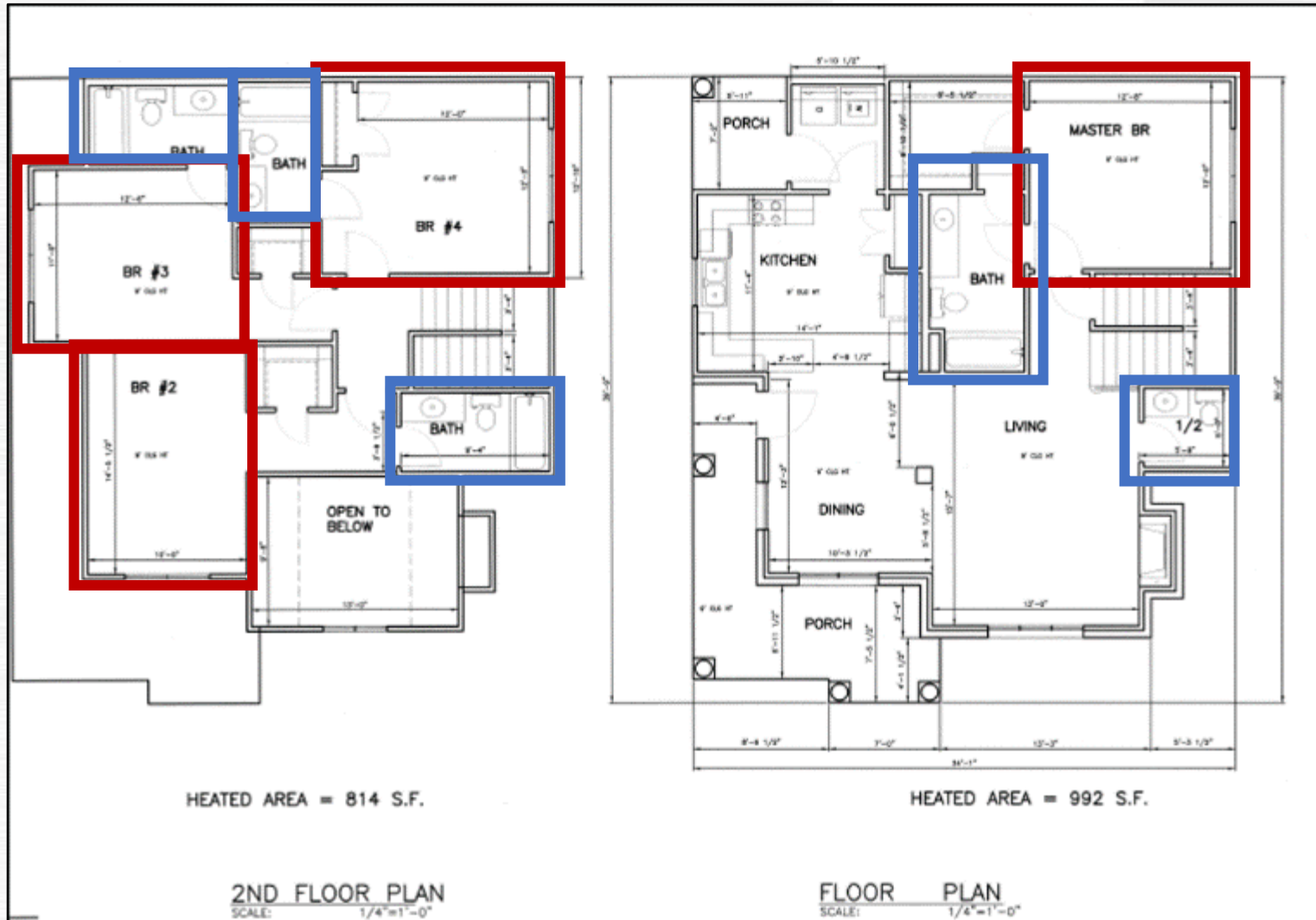
# How its made



- Usually 4 or 5 bedrooms
- With 4 or 5 bathrooms
- 5<sup>th</sup> bedroom often called a “study”
- 5 unrelated = Zoning Ordinance violation



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# How it's made



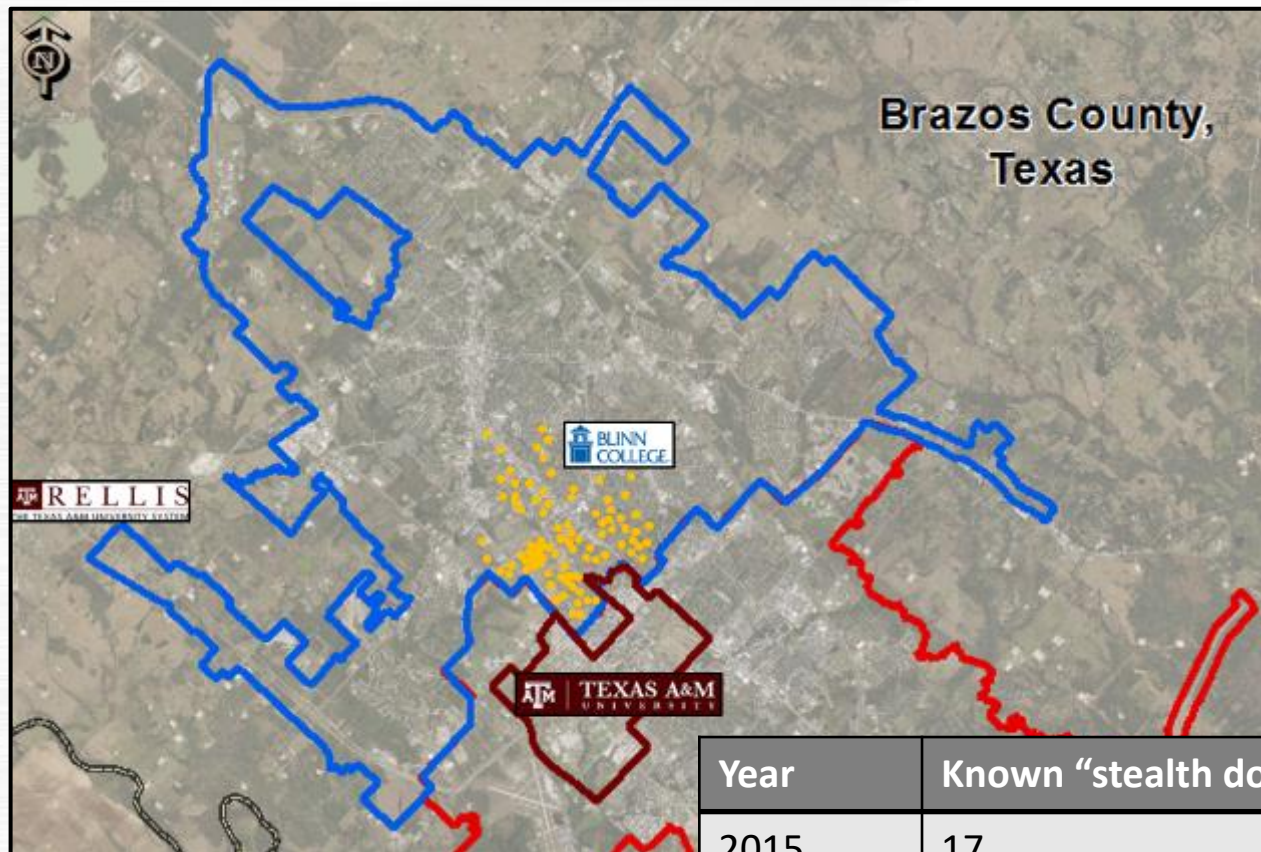
Created “multiple-family dwelling” characteristics in a building and neighborhood intended for single-family use







# Impact 2014 - present



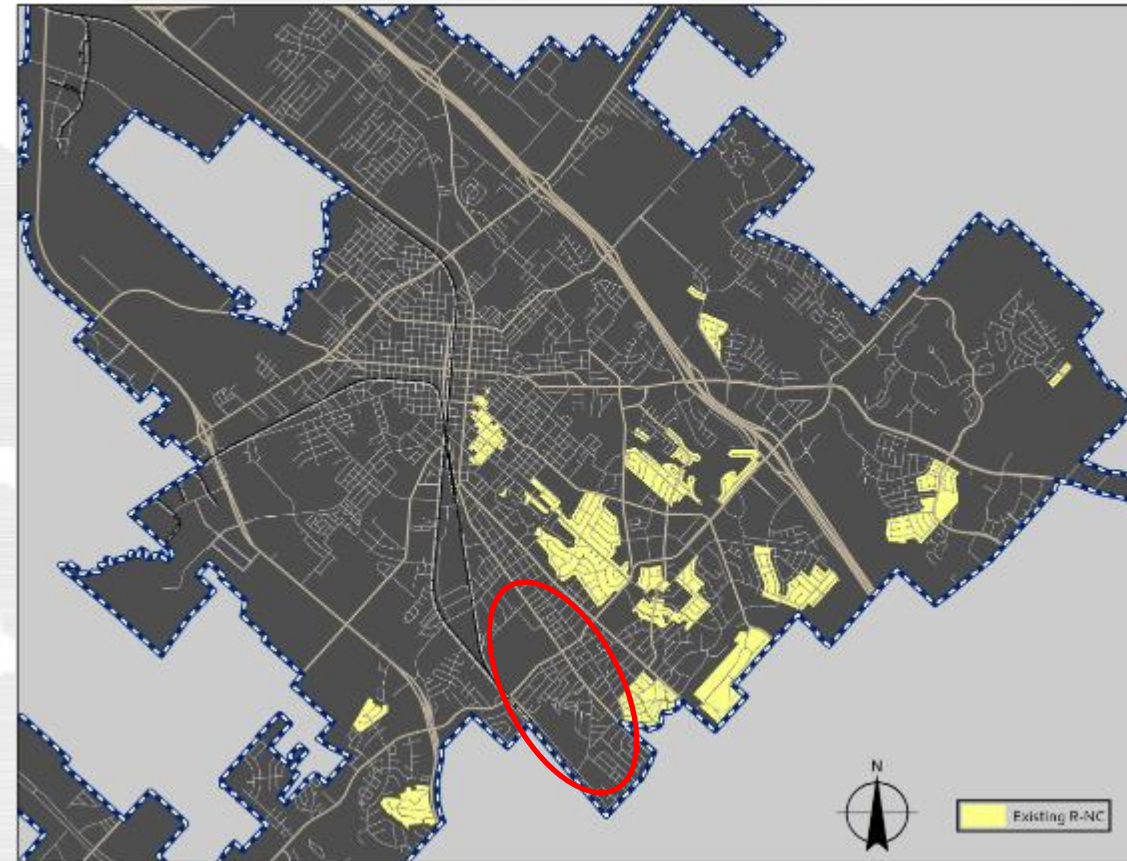
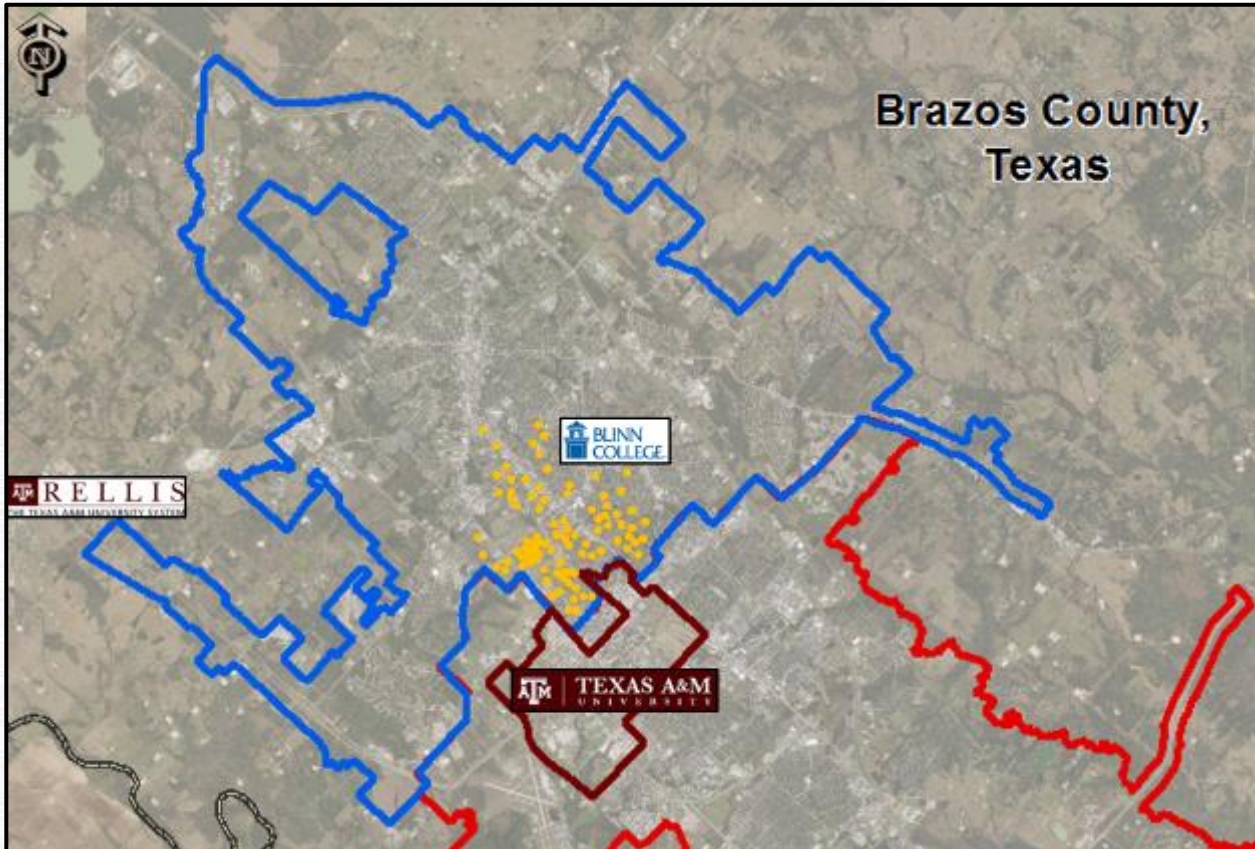
Year	Known "stealth dorms"
2015	17
2016	17
2017	37 (Includes "Howdy Court" development)
2018	1 (non-permitted)







# Impact 2014 - present





# Not a new phenomenon

## Aggie Shack - Stealth Dorm - Detached Shared Housing

### Student quarter

A **student quarter** or a **student ghetto** is a residential area, usually in proximity to a college or university, that houses mostly students. Due to the youth and relative low income of the students, most of the housing is rented, with some cooperatives. Landlords have little incentive to properly maintain the housing stock, since they know that they can always find tenants. **Non-students tend to leave the area because of the noise and raucous behavior of the students.** Property crimes, sexual assaults, and noise and drug violations are more common in student quarters.

Most modern student ghettos arose from the rise in post-secondary enrollment after World War II. Many colleges and universities became unable to house all their students, while homeowners in adjacent neighborhoods fled from the influx of students. Such neighborhoods often took over from faculty and other affluent (permanent) residents, as the housing stock in these areas deteriorated. **Many local governments have worked to control the spread of student ghettos and improve their appearance.** Fire safety is a special concern.

#### References:

Gumprecht, Blake. "Fraternity Row, the Student Ghetto, and the Faculty Enclave: Characteristic Residential Districts in the American College Town." *Journal of Urban History*, v.32, no.2, January 2006.





# Not a new phenomenon

## Fort Worth

### Single Housekeeping Unit

- Individuals occupying a dwelling unit that have established ties and familiarity with each other; share a lease agreement, have consent of the owner to reside on the property, or own the property; jointly use common areas and interact with each other; and share the household expenses, such as rent or ownership costs, utilities, and other household and maintenance costs, or share responsibility for household *activities*. If the unit is rented, all residents over the age of 18 have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises.

## Austin

### Group Residential

- use is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

## San Marcos

### Purpose Built Student Housing

- One or more buildings, each containing two or more living units that are designed, marketed, or used for the primary purpose of housing college students.





# Bryan's Response



# Bryan's Response

- **September 2016** – P&Z Subcommittee established
- **March 2017** – First public meeting/stakeholder meetings
- **April 2017** – Second public meeting
- **September 2017** – Public Q&A meeting/P&Z recommendation
- **October 2017** – City Council sets ordinance aside
- **January 2018** – P&Z adopts “new and improved” recommendation
- **February 13, 2018** – City Council adopts new ordinance





# Public Involvement

- 2 public meetings
- Online surveys (anonymous)
- Emails from citizens
- Phone calls
- One-on-one stakeholder meetings

## Types of Citizen Input

**288**

Public Input  
Surveys

**22**

People Spoke at  
Public Meetings

**21**

Email  
Comments

**16**

Public Input  
Boards

Quotes from online survey:

- “LISTEN TO US! Stop thinking about being greedy little money-snatchers for ONCE”
- “Unmitigated greed cramming too much on too little”
- “Let Planners do their jobs and keep the City Council's opinions out of day to day operations”



# Top 10 Concerns

1. Parking
2. Lawn care
3. Noise
4. Traffic congestion
5. House maintenance
6. Trash and litter
7. Safety
8. Neighborhood integrity
9. Lack of affordable housing options
10. Poor building standards

## Citizen Survey



Please fill out the survey below to the best of your ability. This survey is completely anonymous and will only be used to gather more information regarding by-the-room rental housing. There are open ended questions and multiple choice questions. Please feel free to write as much or as little as you are comfortable with to share your thoughts and opinions.

Once completed, please return this survey to the nearest City Staff member.

### By-the-Room Rental Housing in Established Neighborhoods:

The City of Bryan has recently seen an increase in the re-subdivision of lots in established neighborhoods for the construction of single-family homes, which are often used as rental housing. In response to concerns by neighboring property owners, the Planning and Zoning Commission has appointed a subcommittee to study the topic.

#### 1. What subdivision do you live in?

- a. \_\_\_\_\_
- b. ☒ Prefer not to respond

#### 2. How many of your neighbors are renters vs. owners?

- a. ☒ None
- b. 1-2
- c. 3-5
- d. More than 5
- e. Don't know

#### 3. Has by-the-room rental housing impacted your quality of life in any way?

- a. This type of housing has had no impact on me.
- b. ☒ This type of housing has impacted me in the following ways:  
*I work for Habitat - this type of housing makes it very difficult to get land donated or sold to us at HFI to put low-working families in working class neighborhood land is becoming very valuable*

#### 4. Have you noticed any maintenance issues/concerns with properties that are rented vs owner occupied?

- a. ☒ I have noticed no maintenance issues/corners
- b. I have noticed the following:  
\_\_\_\_\_

#### 5. Who should be held responsible to maintain rental properties?

- a. ☒ The property owner
- b. The renter/tenant
- c. Other/Comments:  
\_\_\_\_\_  
\_\_\_\_\_

#### 6. As Texas A&M University and Blinn College continue to grow, more student housing is in demand. In response to this demand, what neighborhoods are most appropriate as a location for by-the-room rental housing focused on students?

*Areas that are predominantly rental or apts at this time*

#### 7. In the Planning and Zoning Commission Meetings, the following topics have been brought up in regards to this topic. Please share your thoughts on each of the following or add any topics of your own:

a. **Parking:**  
*Code should require more spaces per bedroom*

b. **Building Standards**  
*Bldgs. should be of quality construction and then maintained*

c. **Quality of Life**  
*There is no way students will or should be expected to have or need the same quality of issues a young family or older adult couple require.*

d. **Landscaping/Maintenance**  
*Lawns should be maintained and not allowed to become weed infested fields*





# Negative Perceptions

“It is too late for the citizens to do anything once the evil deception (stealth) of rezoning has been committed...”





# Citizen Frustrations – Parking

- Poor geometry of driveways
- On-street parking to not block those already in driveway
- Illegal on-street parking (blocking driveways)

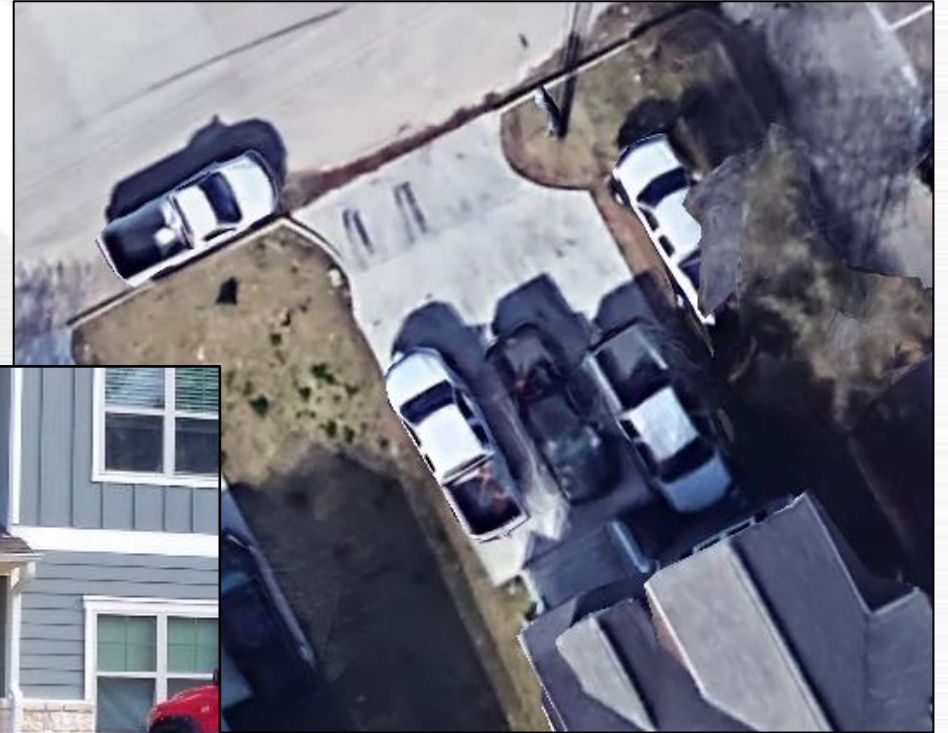






# Citizen Frustrations – Parking

Parking on  
unimproved surfaces





# Citizen Frustrations – Traffic Congestion

- Reports of emergency vehicles and school busses not able to pass in certain locations
- “Parking in established neighborhoods is a nightmare with room-rentals.”







# Citizen Frustrations – Neighborhood Integrity



- “...furniture often placed on roof during parties and remain for weeks.”
- “The renters have been climbing on the roofs and having water balloon (or something) fights.”



# Citizen Frustrations – Neighborhood Integrity







## It's not all negative



“Less families with kids, however  
It also cleaned up very blighted  
houses, somewhat increased  
parking and traffic, but  
manageable.”

“The new homes seem to be nicer  
than the ones being torn down.”

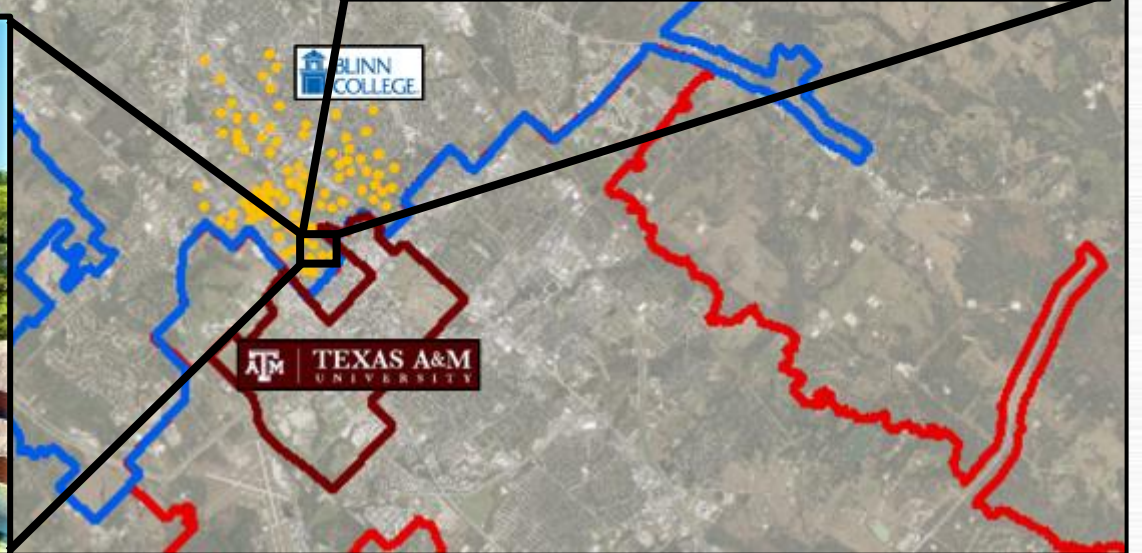
“Let be realistic, A&M is growing,  
it will continue.”





# Howdy Court

- 17 homes designed for students
- Cul-de-sac “enclave”
- Did not “invade” established neighborhoods







# Howdy Court

## Planned Development Standards

- 17 student-oriented housing units
- Reduced ROW width
- Reduced front setback
- 6-foot wide sidewalks
- Shared parking required in rear
- 1 tree planted in front yard
- Wrought-iron fence with masonry columns along adjacent collector street





# Missed Economic Development Potential

“The City of Bryan is missing the boat on redevelopment of the *North of Northgate Area*”.

- Bryan Developer







# Economic Development Potential



## **Townhomes:**

- Twelve 3-story units
- 0.46 acres
- Improvement value: **\$2,315,000+**



## **Stealth Dorms:**

- Three 2-story units
- 0.44 acres
- Improvement value: **\$510,000+**



# Planning and Zoning Commission Subcommittee





# Subcommittee Goals

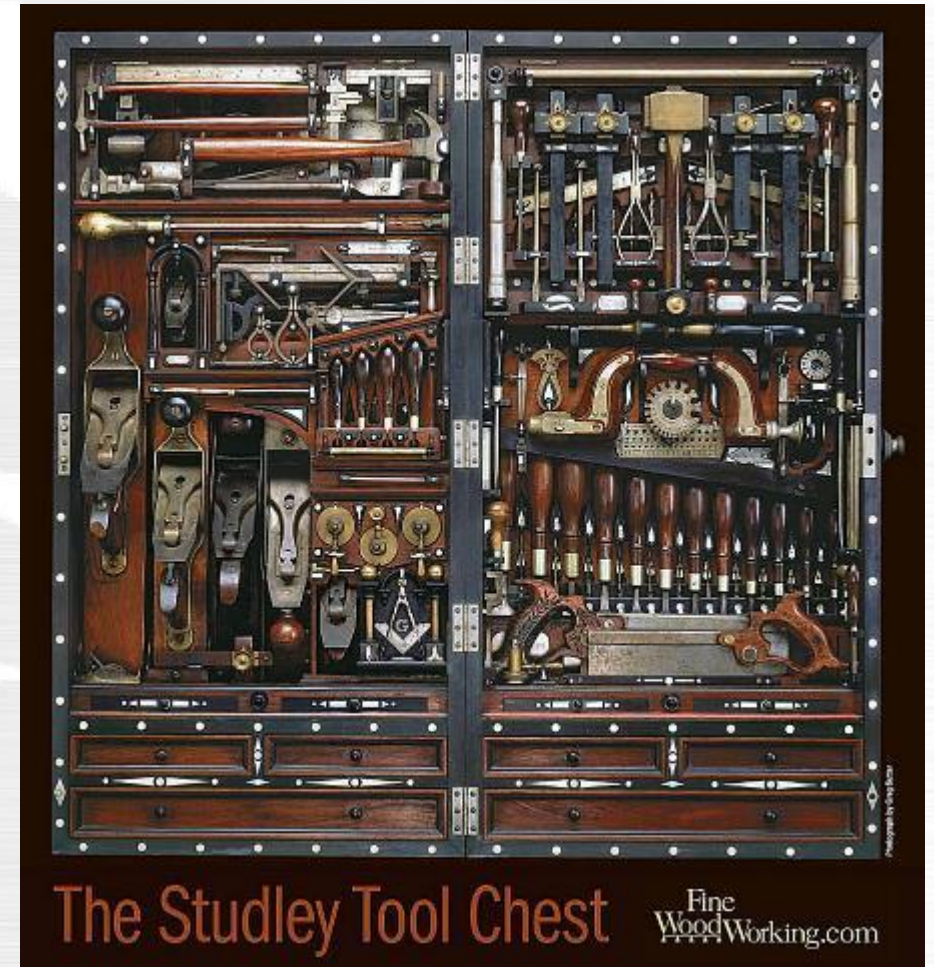
- Regulate growth in a manner that is **no longer harmful or detrimental** to the City of Bryan:
  - Define the use
  - Identify successful developments
  - Regulate when and where to allow it
  - Set conditions and standards to mitigate impacts





# Findings

1. Unregulated development of “stealth dorms” is **harmful** to the City of Bryan.
2. “Stealth dorms” should be a **separately defined** land use.
3. **Not permitted by right** in residential districts.
4. There is **no ONE solution** to the problem.







# Detached Shared Housing (DSH)

## Challenges:

- Can't retroactively make changes to existing structures
- Do not want to impact 3 and 4 bedroom homes owned by families
- Do not want to make new development impossible from over-regulation



# Detached Shared Housing (DSH)

**Detached Shared Housing (DSH)** shall mean a detached dwelling unit on an individual lot, for which an approved building permit was issued after February 13, 2018, with four (4) or more bedrooms which is occupied or intended to be occupied by more than two (2) unrelated persons.





# Where and how to allow DSH?

- Only by Conditional Use Permit
  - Potentially allowed in most residential zoning districts (except for R-NC District)
  - Same process that duplexes and townhomes go through
  - Set standards included, but the P&Z can add conditions as well





# Detached Shared Housing (DSH)

## Building Permit after February 13, 2018

- Allows regulation to not retroactively require site changes

## 4 or more bedrooms

- Allows for 3 bedroom developments to be developed as usual

## Required a definition of Bedroom:

- **Bedroom** shall mean any habitable room 70 sq. ft. or greater in floor area, which may be segregated from the remainder of the dwelling unit with a door or similar closure, has more than one means of egress (doorway or window) and is not a kitchen, bathroom (lavatory), or utility room.

### WHAT IS DETACHED SHARED HOUSING (DSH)?

Detached shared housing (DSH) is defined as a detached dwelling unit on an individual lot, for which an approved building permit was issued after February 13, 2018, with four (4) or more bedrooms, which is occupied or intended to be occupied by more than two (2) unrelated persons. (Zoning Ordinance Sec. 130-3)

### HOW DO I KNOW HOW MANY BEDROOMS A HOME HAS?

Any habitable room 70 sq. ft. or greater in floor area which may be segregated from the remainder of the dwelling unit with a door or similar closure, has more than one means of egress (doorway or window) and is not a kitchen, bathroom (lavatory) or utility room is considered to be a bedroom. (Zoning Ordinance Sec. 130-3)

### WHERE IS DETACHED SHARED HOUSING (DSH) ALLOWED?

Detached shared housing is **permitted by right on properties in the Multiple-Family (MF) zoning district**. Detached shared housing may potentially be allowed with prior approval of a Conditional Use Permit (CUP) from the Planning and Zoning Commission in the following zoning districts:

- Residential District – 7000 (RD-7)
- Mixed Use - Residential District (MU-1)
- Residential District – 5000 (RD-5)
- South College - Residential District (SC-R)

### HOW DO I REQUEST A CONDITIONAL USE PERMIT (CUP) FOR A DSH?

All Conditional Use Permit (CUP) applications may be submitted during regular business hours at the Development Services Department office on the first floor of the Municipal Office Building located at 300 S. Texas Ave. The process begins with review from the Site Development Review Committee (SDRC). Then the request is scheduled for consideration by the Planning and Zoning Commission (P&Z) for approval. Appeals of any conditions or denial by the P&Z may be directed to the City Council. (Zoning Ordinance Sec. 130-33)

Please note that all CUP requests must conform to specific use standards for DSH developments, including independently accessible off-street parking, a driveway of no more than 16 feet in width, two canopy trees, and no more than 50% lot coverage in front of the home. (For more details, please see Zoning Ordinance Sec. 130-34)

### WHAT DO I SUBMIT FOR A CUP APPLICATION?

- A General Application with non-refundable \$400 application fee
- Supplement E with digital copies of a site plan

The General Application and Supplement E form may be found here:  
<https://www.bryantx.gov/planning-and-development-services/permits-and-applications/>

### I HAVE A 4-BEDROOM HOME THAT IS NOT BEING USED AS A DSH. DO I NEED A CUP?

No. Simply indicate on the building permit application that the structure will not be used as DSH. Any change in use of the structure to DSH in the future will require prior approval of a CUP.

Have more questions? Contact Development Services at 979-209-5030 or [planning@bryantx.gov](mailto:planning@bryantx.gov).





# Conditional Use Permit Standards

## Parking and Access:

- 1 off-street parking space per bedroom
- independently accessible parking spaces
- 16-ft. maximum driveway width

## Compatibility:

- Two (2) canopy tree - At least one must be in the front yard
- No more than 50% impervious coverage in front yard





# How is it enforced?

Simple checkbox on building permit

air: <input type="checkbox"/>	New Construction: <input type="checkbox"/>	Demolition: <input type="checkbox"/>
Constructing Driveway in ?	Present Use:	
	Intended Use:	
Constructing Sidewalk in ?	Will building be used as Detached _____ Yes Shared Housing? (Sec _____.__) _____ No	
16. # of Dwelling Units: _____		19. Water Tap Size: _____
# of bedrooms: _____		
# of bathrooms: _____		20. Sewer Tap Size: _____

**CITY OF BRYAN APPLICATION FOR BUILDING PERMIT**  
P.O. Box 1000 Bryan Texas 77805 \* Phone: 979-209-5010 \* Fax: 979-209-5035 \* www.bryan.tx.gov

<b>1. ADDRESS / LOCATION OF WORK:</b> ADDRESS: _____ SUBDIVISION: _____ PHASE: _____ LOT: _____ BLOCK: _____		<b>2. DATE OF APPLICATION:</b> _____ <b>PERMIT # (by city):</b> _____ <b>WTR / SWR # (by city):</b> _____ PROPERTY RUN/MSR: _____	
<b>3. PROPERTY OWNER INFORMATION:</b> NAME: _____ ADDRESS: _____ CITY/STATE/ZIP: _____ EMAIL: _____ FAX: _____ PHONE: _____		<b>4. GENERAL CONTRACTOR INFORMATION:</b> NAME: _____ ADDRESS: _____ CITY/STATE/ZIP: _____ EMAIL: _____ FAX: _____ PHONE: _____	
<b>5. ELECTRICIAN (Name &amp; Phone #):</b> _____		<b>6. PLUMBER (Name &amp; Phone #):</b> _____	
<b>7. HVAC (Name &amp; Phone #):</b> _____		<b>8. ARCHITECT - (If required by state or city ordinance (Name &amp; Phone #):</b> _____	
<b>9. ENGINEER - (If required by state or city ordinance (Name &amp; Phone #):</b> _____		<b>10. CLASS OF WORK (Check the appropriate box):</b> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Remodel <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> <b>Are you performing exterior of a commercial building?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>11. DESCRIPTION OF WORK:</b> Constructing Driveway in R.O.W. <input type="checkbox"/> Present Use: _____ Constructing Sidewalk in R.O.W. <input type="checkbox"/> Intended Use: _____ Will building be used as Detached _____ Yes Shared Housing? (Sec 130.34(g)) _____ No		<b>12. Estimated Valuation</b> (Cost of Labor and Materials for project): \$ _____	
<b>13. Total Permit Fee</b> (Valuation + Tap Fees + Any Misc. Fees): \$ _____		<b>21. Official Use Only - Misc. Fees:</b> Long Tap Fee: _____ D & T Fee: _____ Work site Permit fee: _____ REVISOR 2-15-18	

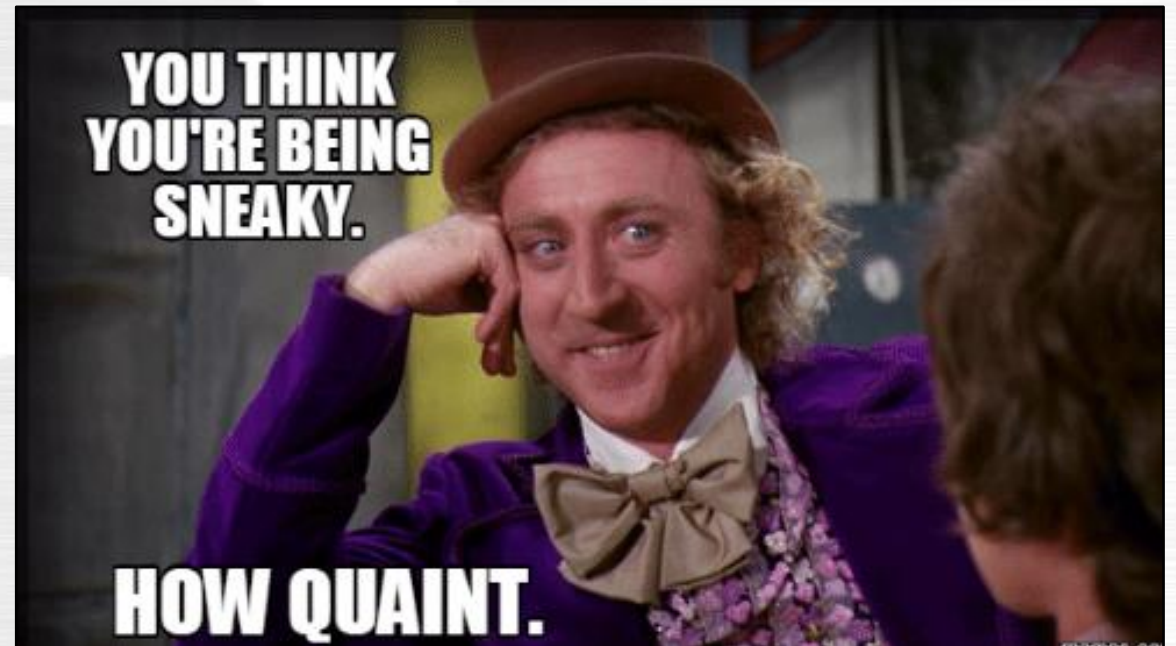
Submit all of the above information with a fully completed application is required to approve/issue the Permit in a timely manner. Omission of any information will cause the review to be delayed until the information is received.





# What if they check the wrong box?

- “Stealth dorm” floor plan easily recognizable at permit review
- Code Enforcement
  - 34 complaints since 2013
    - 82% no violation determined
    - 3 complaints filed in court
    - 2 proof grandfathering (rental history)
  - Symptoms:
    - overflowing trash cans
    - cars parked in the yard
  - Investigate root cause
  - Citations
  - Compliance Plan
- “Problem resolves itself”





What Happened Next?





# We are still waiting to find out...

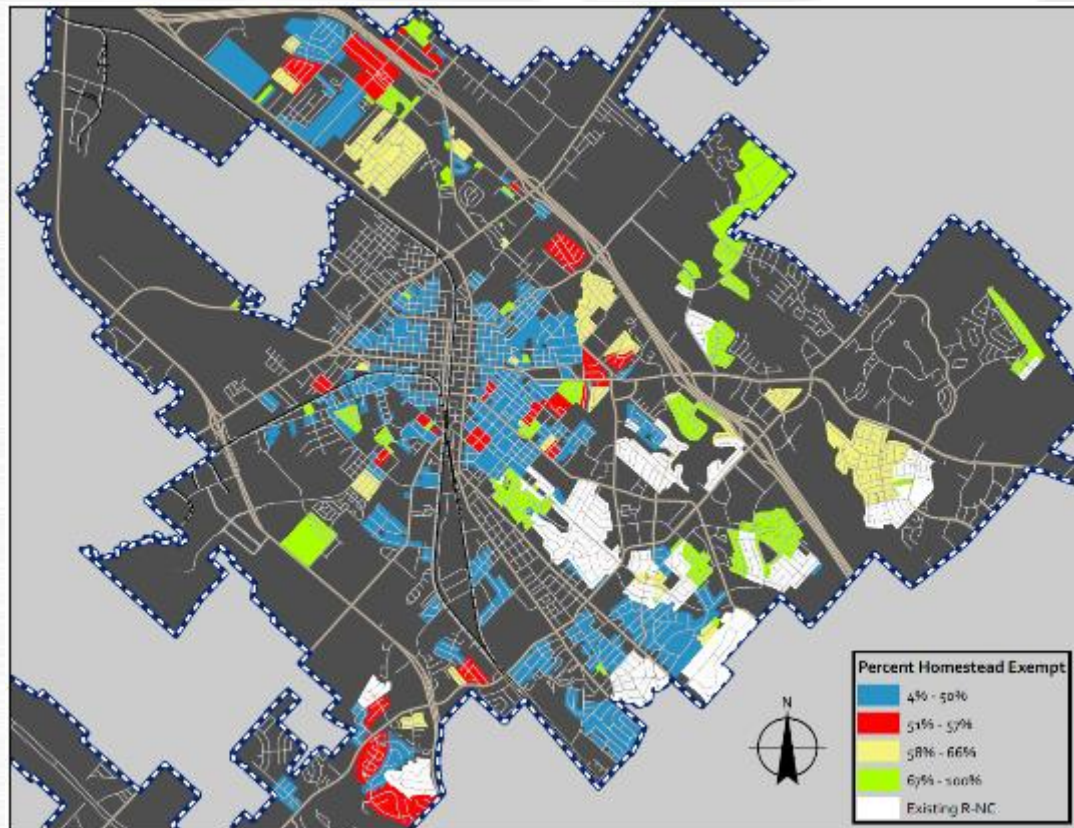
- Market slowed right after ordinance passed
  - Rental market appears oversaturated
  - Stakeholders predicted this
- Some inquiries from interested developers
  - No formal submittals
  - Everyone seems to be waiting to see what the others will do first
- First Code Enforcement complaint
  - Converted garage to bedroom
  - Not in area we expected





# Not the only solution...

- More opportunities for R-NC District created
- New interest in R-NC District zoning
- P&Z Subcommittee continues to meet

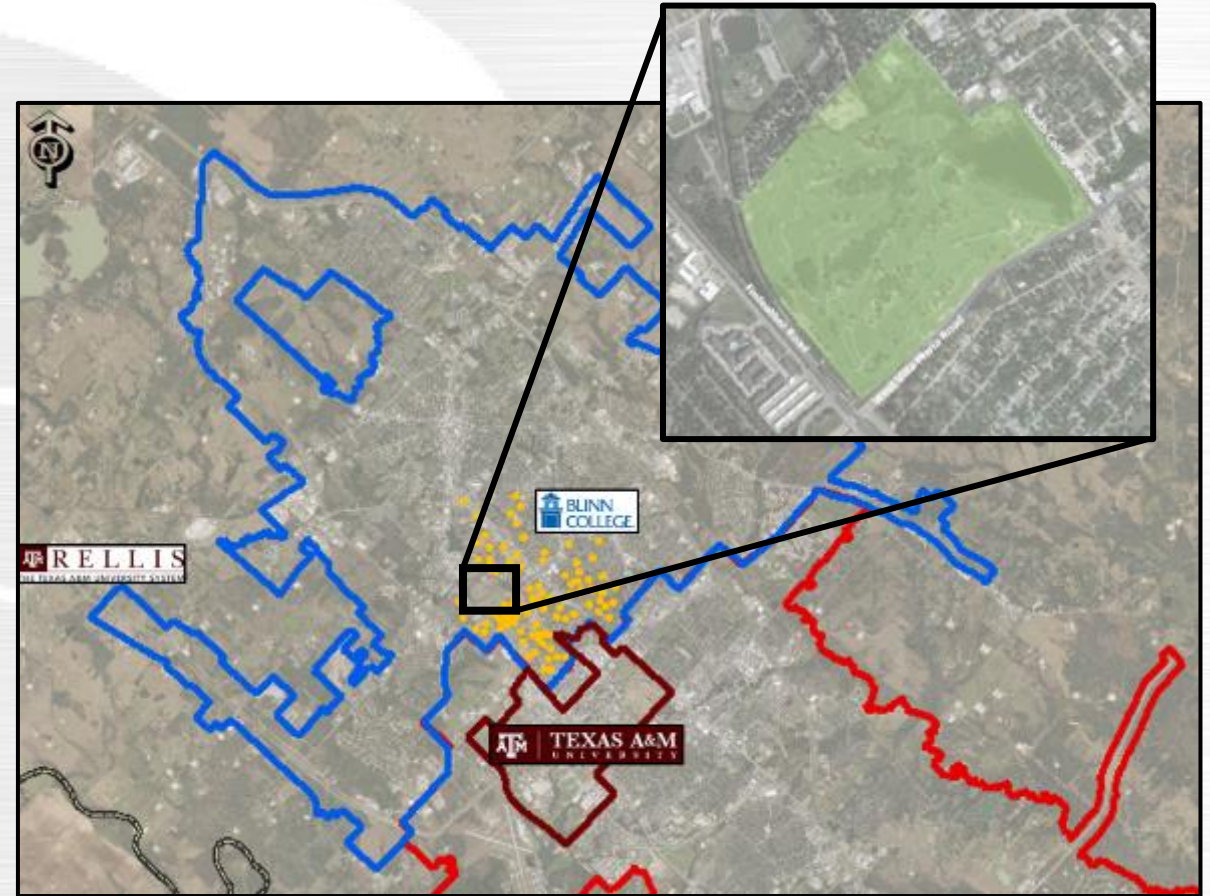






# November 2017 – City Golf Course Changes

- New location for municipal golf course is donated to City
- Former location of golf course is announced to become new “Super Park”
- City of Bryan hired Consultant team, Burditt Consultants to plan the 147 acre regional park





# November 2017 – City Golf Course Changes

## New Regional Park

- Show-stopper for detached shared housing research process
- Catalyst for redevelopment
- Land surrounding park has significantly increased in value
- Increased political awareness about development surrounding park area







# Midtown Area Plan

- Council directed staff to release RFP in February 2018
- Contract with Miller Boskus Lack executed September 25, 2018
  - Experience Districts
  - Market Opportunity Summary
  - Catalytic Opportunities
  - Pattern Book & Regulating Plan
  - Code Revisions
  - Implementation Pathways





# Project Timeline

## **September 2018**

Finalize Contract

## **October 2018**

Stress Test of Existing Codes

## **November 2018**

Kick-off Public Engagement

## **December 2018**

Experience Districts & Market  
Summary

## **Jan/Feb 2019**

Presentation of preliminary  
research to Staff

## **March/April 2019**

Pattern Book and Regulating Plan

## **May 2019**

Draft Code recommendations

## **June/July 2019**

Implementation Matrix

## **August 2019**

Final presentation to City Staff





# Thank You!

Martin Zimmermann, AICP

Assistant Director

Development Services

[mzimmermann@bryantx.gov](mailto:mzimmermann@bryantx.gov)

979.209.5030