ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	March 25, 2014	**DATE SUBMITTED:**	February 5, 2014
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Randy Haynes

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☐ PUBLIC HEARING	☐ 1ST READING	☐ PUBLIC SAFETY
☐ SPECIAL	☐ CONSENT	☒ 2ND READING	☐ SERVICE
☒ REGULAR	☐ STATUTORY		☒ ECONOMIC DEVELOP.
☐ WORKSHOP	☐ REGULAR		☐ INFRASTRUCTURE
			☒ QUALITY OF LIFE

AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from residential district – 5000 (RD-5) to Office District (C-1) on 0.3168 acres of land located at the northeast corner of William J. Bryan Parkway (FM 158) and Houston Avenue and currently addressed as 500 E. William Joel Bryan Parkway being Lots 1 and 2 and the west 20 feet of Lot 3 in Block 52 of Bryan Original Townsite in Bryan, Brazos County, Texas.

SUMMARY STATEMENT: Currently zoned Residential District – 5000 (RD-5), the applicant wishes to convert this 0.3 acre residential home site to business use and is requesting a zoning change to Office District (C-1). Originally built in about 1910, the house was placed on the National Register of Historic Places in 1987. Although it served as a residence for nearly 100 years, the home has been unoccupied for most of the past four years.

East of the subject property, the land is zoned for and in residential use for a distance of over a thousand feet. West, across Houston Avenue, are the Brazos County Health Department offices, on property zoned Retail District (C-2). On land to the immediate north is a 0.3 acre property where the construction of five townhomes is nearing completion as part of a development for which a Planned Development – Housing District (PD-H) was approved in June 2012. Property to the south, across William Joel Bryan Parkway, is zoned for single-family residential use, but currently occupied by a City of Bryan park. Southeast lies St. Joseph Catholic Church and to the southwest are the Bryan Independent School District's administrative offices.

The RD-5 zoning classification is intended to provide for development of detached dwelling units on lots of not less than five thousand (5,000) square feet. The C-1 District is established to create a flexible district for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted. Permitted uses should be compatible with adjacent residential areas by limiting heights to two stories and utilizing buffers and landscape materials. Adaptive reuse of existing structures is encouraged.

STAFF ANALYSIS AND RECOMMENDATION: Staff contends that a change of the zoning designation to C-1 is appropriate for the subject tract and consistent with land use recommendations of Bryan's Comprehensive Plan. Staff acknowledges the concern that the subject property abuts an established residential neighborhood. However, the C-1 zoning district allows only low-intensity office and small-scale business uses. Should the requested zoning change to C-1 be approved, a no-development buffer area on the subject property will be applied along the east property line where the subject property abuts a residential zoning district. Depending on the amount of landscaping provided, that buffer area will be from 15 to 25 feet wide.

Regarding the location of the subject property, conditions have evolved to the point where a residence at this location does not appear to be a desirable land use. Staff believes that office uses on the subject property are

appropriate in this particular environment.

During its meeting on February 6, 2014, the Planning and Zoning Commission unanimously recommended **approving** this rezoning request.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the requested zone change;
2. deny the requested zone change.

ATTACHMENTS:

1. location map;
2. draft ordinance;
3. excerpt from P&Z meeting minutes; and
4. staff report to the Planning & Zoning Commission

FUNDING SOURCE: **N/A**

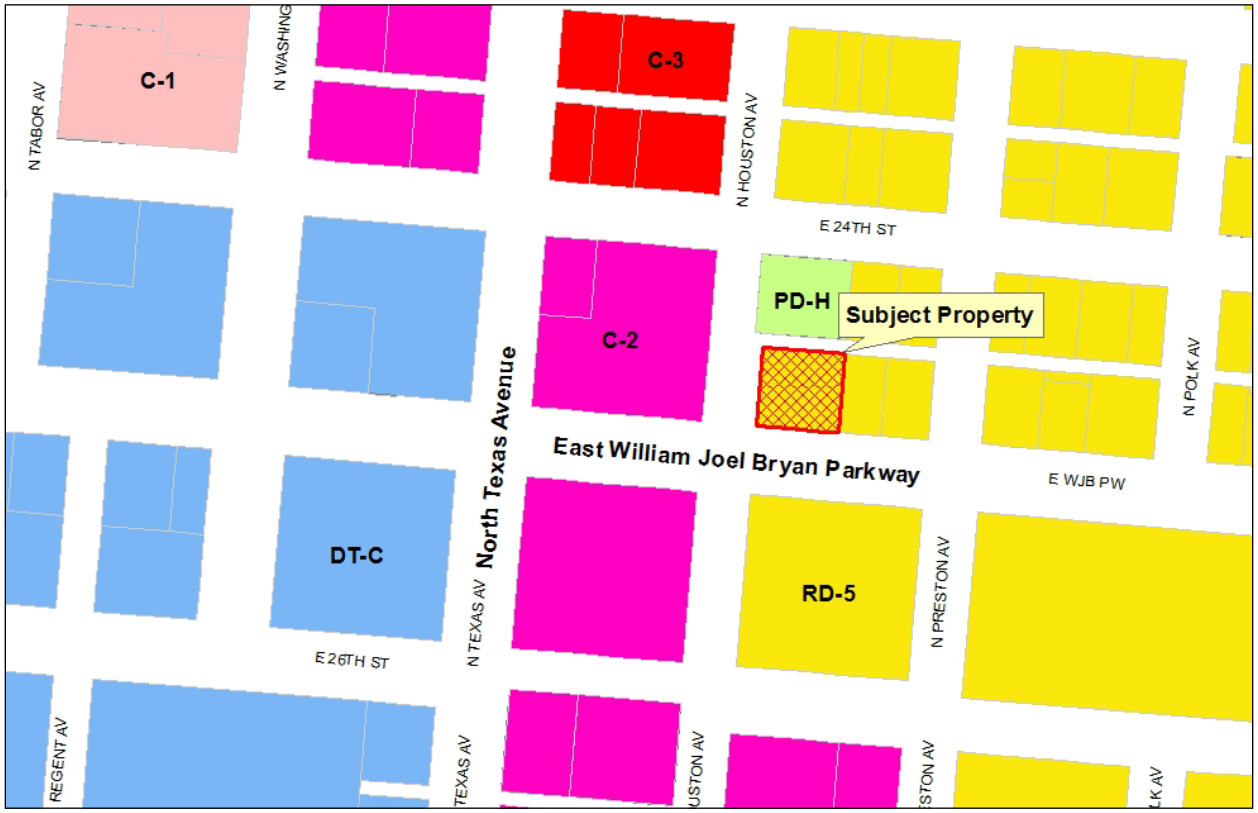
APPROVALS: Kevin Russell 2-5-14; Joey Dunn, 2-7-14; Hugh R. Walker, 02/12/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 2/14/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 2/17/2014

Revised 04/2013

LOCATION MAP:



AERIAL PHOTOGRAPH - 2011:

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL DISTRICT – 5000 (RD-5) TO OFFICE DISTRICT (C-1) ON 0.3168 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF WILLIAM J. BRYAN PARKWAY (FM 158) AND HOUSTON AVENUE AND CURRENTLY ADDRESSED AS 500 E. WILLIAM JOEL BRYAN PARKWAY, BEING LOTS 1 AND 2 AND THE WEST 20 FEET OF LOT 3 IN BLOCK 52 OF BRYAN ORIGINAL TOWNSITE IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for 0.3168 acres of land located at the northeast corner of William J. Bryan Parkway (FM 158) and Houston Avenue and currently addressed as 500 E. William Joel Bryan Parkway, being Lots 1 and 2 and the west 20 feet of Lot 3 in Block 52 of Bryan Original Townsite in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on February 6, 2014;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1) on 0.3168 acres of land located at the northeast corner of William J. Bryan Parkway (FM 158) and Houston Avenue and currently addressed as 500 E. William Joel Bryan Parkway in Bryan, Brazos County, Texas, said 0.3168 acres of land being Lots 1 and 2 and the west 20 feet of Lot 3 in Block 52 of Bryan Original Townsite.

2.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 25th day of February, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 25th day of March, 2014 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____
Janis K. Hampton, City Attorney

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF FEBRUARY 6, 2014:

8. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ14-01: Lessie Alva
A request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1) on property located at the northeast corner of William J. Bryan Parkway (FM 158) and Houston Street and currently addressed as 500 E. William Joel Bryan Parkway, being Lots 1 and 2 and the west 20 feet of Lot 3 in Block 52 of Bryan Original Townsite in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed rezoning.

In response to questions from the Commission, Mr. Haynes stated:

- that he had only received a positive response from the adjacent townhome developer
- that he had received no negative feedback
- that the applicant did not intend to remove the structure, but that the rezoning request could not address preserving the structure
- that the adjacent alley was being improved by adjoining development and also provide access to the property
- that the applicant intended to open an art gallery and host lessons

The public hearing was opened.

None came forward.

The public hearing was closed.

Commissioner Bienski moved to recommend approval of Rezoning RZ14-01 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Commissioners discussed:

- that it was good to see the property being used
- renovation of this historic property would be good

The motion to passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

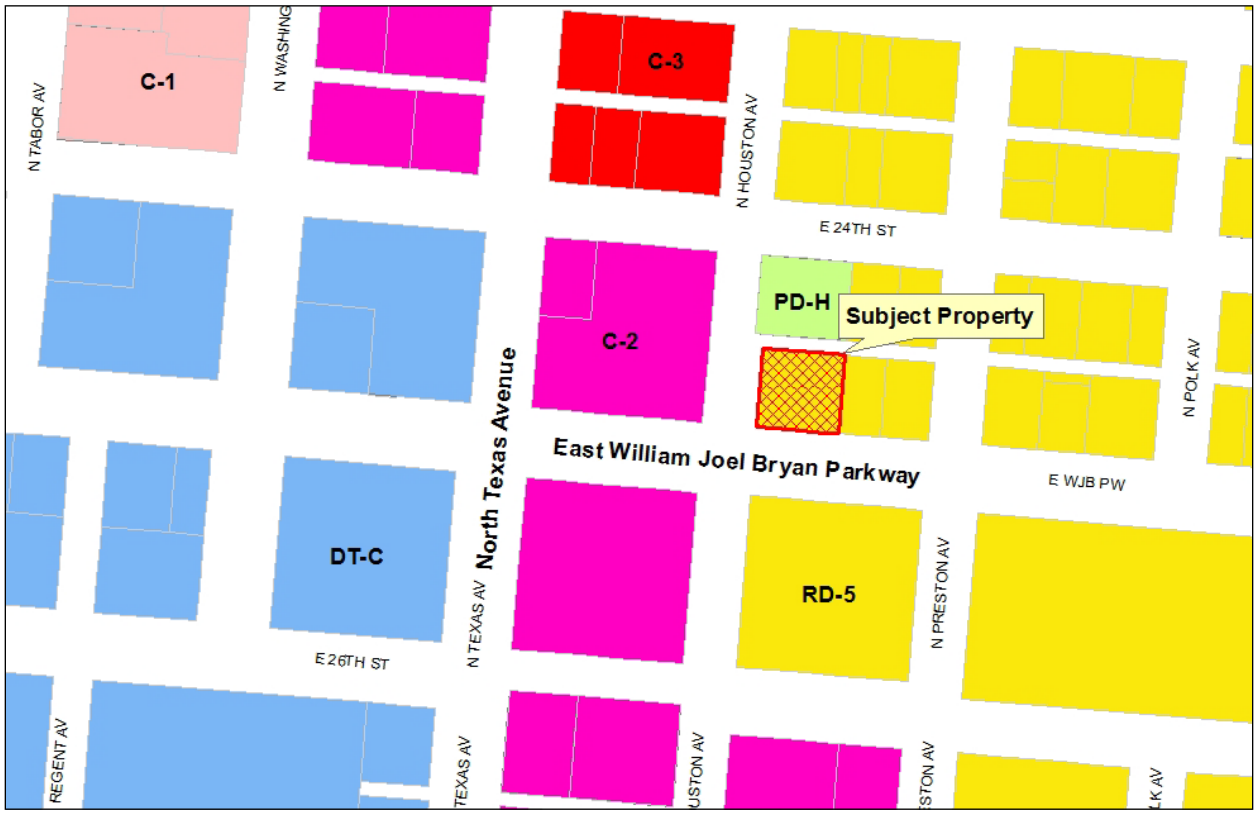
February 6, 2014

CITY OF BRYAN

Rezoning case no. RZ 14-01: Lessie Alva

CASE DESCRIPTION:	a request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1)
LOCATION:	0.3168 acres of land located at the northeast corner of William J. Bryan Parkway (FM 158) and Houston Avenue and currently addressed as 500 E. William Joel Bryan Parkway
LEGAL DESCRIPTION:	Lots 1 and 2 and the west 20 feet of Lot 3 in Block 52 of Bryan Original Townsite
EXISTING LAND USE:	vacant single-family residence
APPLICANT(S):	Lessie Alva
STAFF CONTACT:	Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



Subject Property
E 24TH ST
North Texas Avenue
East William Joel Bryan Parkway
E WJB PW
N TEXAS AV
N PRESTON AV
N POLK AV
E 26TH ST

Subject Property
E 24th St
N Preston Ave
E William J Bryan Pkwy
N Houston Ave

BACKGROUND:

Currently zoned Residential District – 5000 (RD-5), the applicant wishes to convert this 0.3 acre residential home site to business use and is requesting a zoning change to Office District (C-1). Originally built in about 1910, the house was placed on the National Register of Historic Places in 1987. Although it served as a residence for nearly 100 years, the home has been unoccupied for most of the past four years.

East of the subject property, the land is zoned for and in residential use for a distance of over a thousand feet. West, across Houston Avenue, are the Brazos County Health Department offices, on property zoned Retail District (C-2). On land to the immediate north is a 0.3 acre property where the construction of five townhomes is nearing completion as part of a development for which a Planned Development – Housing District (PD-H) was approved in June 2012. Property to the south, across William Joel Bryan Parkway, is zoned for single-family residential use, but currently occupied by a City of Bryan park. Southeast lies St. Joseph Catholic Church and to the southwest are the Bryan Independent School District's administrative offices.

The RD-5 zoning classification is intended to provide for development of detached dwelling units on lots of not less than five thousand (5,000) square feet. The C-1 District is established to create a flexible district for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted. Permitted uses should be compatible with adjacent residential areas by limiting heights to two stories and utilizing buffers and landscape materials. Adaptive reuse of existing structures is encouraged.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects. The plan identified a number of issues that have been, according to the committee members, an impediment to the healthy growth of the community. Among the goals supported by the policies are the development of attractive entrances and corridors and encouraging and promoting compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically. One of the plan's objectives is to encourage a sustainable mix of land uses types in suitable locations, densities and patterns and to identify areas for commercial development and preserve them with appropriate zoning. East William Joel Bryan is classified by the Bryan Transportation Plan as a major arterial road. Land use policies in the comprehensive plan suggest that low-density residential land uses should not lie adjacent to such high-traffic roadways.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

   The C-1 zoning classification is intended to provide opportunities for development of business, professional and financial offices. The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in Retail (C-2) and other nonresidential zoning districts.

   Staff contends that a change of the zoning designation to C-1 is appropriate for the subject tract

and consistent with land use recommendations of Bryan's Comprehensive Plan. Staff acknowledges the concern that the subject property abuts an established residential neighborhood. However, the C-1 zoning district allows only low-intensity office and small-scale business uses. Should the requested zoning change to C-1 be approved, a no-development buffer area on the subject property will be applied along the east property line where the subject property abuts a residential zoning district. Depending on the amount of landscaping provided, that buffer area will be from 15 to 25 feet wide.

Regarding the location of the subject property, conditions have evolved to the point where a residence at this location does not appear to be a desirable land use. Staff believes that office uses on the subject property are appropriate in this particular environment.

Uses allowed within the Office District include:

Assisted Living Facilities
Banks
Charitable uses
Child care--Class B and C
Community centers
Fraternal organizations
General office uses
Medical facilities or clinics
Museum/art galleries
Schools
Personal service shops
Pharmacies

The subject property is located at a transitional location, on the periphery of a large residential subdivision and adjacent to a non-residential district, non-residential land uses (schools, parks, offices) and a major thoroughfare. Staff believes that, in this particular environment, rezoning to C-1 District is appropriate, as it would allow for a useful transition in land use intensities from more intense commercial use near the intersection of Texas Avenue and William Joel Bryan Parkway to the residential neighborhood that extends east and north from the subject property. Staff supported the rezoning to PD-H zoning on property to the immediate north to allow for a higher density townhome development for the same reasons.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

   The subject property has direct access to water and wastewater services and lies at the intersection of East William Joel Bryan and Houston Avenue. These two roadways are classified as a major arterial street and local street, respectively. Staff believes that, in this particular case, these adjoining streets can be expected to be capable of accommodating traffic loads typically associated with low-intensity office and professional uses as well as small scale retail uses allowed in C-1 Districts.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

   Property in the vicinity of the subject tract is largely developed and the change of zoning to C-1 will not affect development.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

   Other areas designated for office use will be unaffected should the proposed zoning change be approved.

6. Any other factors affecting health, safety, morals, or general welfare.

   Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.

RECOMMENDATION:

Based on all these considerations, staff recommends **approving** the requested zone change to C-1 District on the subject property.