ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	May 13, 2014	**DATE SUBMITTED:**	April 17, 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, by changing the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5) on approximately 5.85 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, on approximately 0.29 acres of land adjoining the north side of Eden Lane between Finfeather Road and Barbara Street, being Lots 1, 9 thru 15, and 17 of Coulter's Subdivision of the Lobello Tract, and on Lots 1 thru 5 and Lot 13 in Block 3, and Lot 2 and the west half of Lots 7 and 8 in Block 2 of Noble Eden Subdivision in Bryan, Brazos County, Texas.

SUMMARY STATEMENT: This Council Action Form describes the rezoning of several tracts of land that were the subject of two separate rezoning cases considered by the Planning and Zoning Commission April 17, 2014. Staff believes presenting both cases for consideration by the City Council at the same time will serve two purposes: first, the cases are dependent upon one another for the ultimate outcome to be a workable solution; and second, the cases are so similar that presentation at one time will be considerably more time-efficient for the City Council and the public participating or observing the public hearing. As presented to the Planning and Zoning Commission, the cases are numbered RZ14-08 and RZ14-10. The staff reports for each case are attached to this Council Action Form.

The subject property is comprised of 16 individual tracts covering approximately 5.85 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, as well as one approximately 0.29 acre tract adjoining the north side of Eden Lane between Finfeather Road and Barbara Street. Of the 17 tracts that are the subject of this request, 14 are occupied by single-family residences (two of which are also used for commercial purposes), one is occupied by a church and two are vacant.

The Industrial zoning district is intended primarily for the conduct of manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that may depend upon frequent customer or client visits. Single-family residences are not permitted in Industrial zoning districts. However, most of the land in this area has long been occupied by single-family homes for many years, many of which were built before Bryan's adoption of zoning regulations in 1989. Land to the west along both sides of Eden Lane and north of Palasota Drive is zoned Residential District – 5000 (RD-5) and developed with detached single-family residences of lots more than 1 acre in size. Land to the north and south of the subject property is occupied by heavy commercial businesses located on land zoned for industrial use.

The request was triggered by a rezoning application for one of these 17 tracts. Mr. Glen Conrad, who owns a single 0.35-acre lot located at 1410 Finfeather Road, midway between Eden Lane and Palasota Drive, submitted an application for Residential District – 5000 zoning (RD-5) for his property. Mr. Conrad's property, like most others in the surrounding area, is occupied by a single-family home, but zoned for industrial use. It is Mr. Conrad's wish to

enter into a real estate transaction involving his property, but that process has been thwarted due to the fact that the land is zoned Industrial District, which does not allow residential land uses. Even though the existing residential use is grandfathered, should the house be destroyed or substantially damaged (greater than 60% of the Brazos County Appraisal District's assessed value), the reconstruction of a residence would not be allowed.

During a workshop meeting on March 20, 2014, City staff made the Planning and Zoning Commission aware of Mr. Conrad's request for RD-5 zoning (case no. RZ14-08) and the discrepancy between how land in this vicinity is zoned, and how this land is actually being used. By consensus, Commissioners directed staff to initiate a rezoning of properties adjacent to Mr. Conrad's property to RD-5 District (case no RZ14-10).

Written notices to property owners within the area of consideration informing them of the Planning and Zoning Commission's public hearing regarding a possible rezoning of their properties were mailed on March 31 and on April 7, 2014. Staff has received no opposition to the proposed rezoning of these properties.

STAFF ANALYSIS AND RECOMMENDATION: During its meeting on April 17, 2014, the Planning and Zoning Commission concurred with staff and unanimously recommended approving both Mr. Conrad's and the City-initiated request (i.e., Planning and Zoning Commission workshop meeting) for RD-5 zoning on the subject property.

- RD-5 zoning would protect existing residential land use in this area, prevent the emergence of undesirable land uses in close proximity to established single-family home sites, and promote orderly urban growth in this part of Bryan.
- Changing only the zoning on Mr. Conrad's 0.35-acre property at 1410 Finfeather Road to RD-5 District would have the effect of rendering a significant amount of the surrounding land undevelopable for future industrial use.
- Single-family residential use is appropriate on the subject property due to its proximity to other single-family residences, and the absence of industrial uses within its boundary.
- Land uses allowed in the RD-5 District will be compatible in the immediate area surrounding the subject property and would fit within the adopted goals and land use policies set out in the Comprehensive Plan.

OPTIONS (In Suggested Order of Staff Preference):

1. approve both requested zone changes (case nos. RZ14-08 and RZ14-10);
2. deny both requested zone changes (case nos. RZ14-08 and RZ14-10);
3. approve only Mr. Conrad's request for RD-5 zoning (case no. RZ14-08); or
4. approve only the City-initiated request for RD-5 zoning (case no. RZ14-10).

ATTACHMENTS:

1. location map;
2. draft ordinance;
3. excerpt from P&Z meeting minutes of April 17, 2014; and
4. staff reports to the Planning & Zoning Commission.

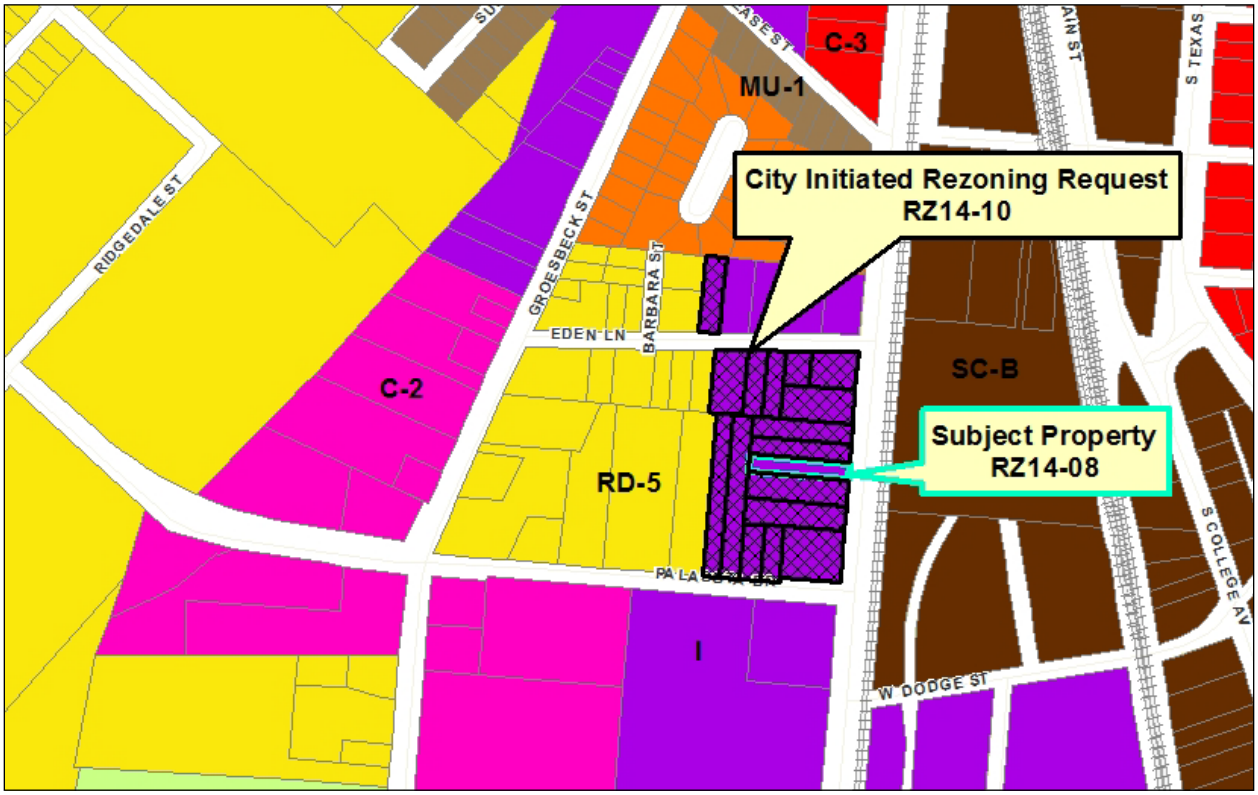
FUNDING SOURCE: **N/A**

APPROVALS: Kevin Russell, 4-22-14; Joey Dunn, 4-23-14; Hugh R. Walker, 04/25/2014

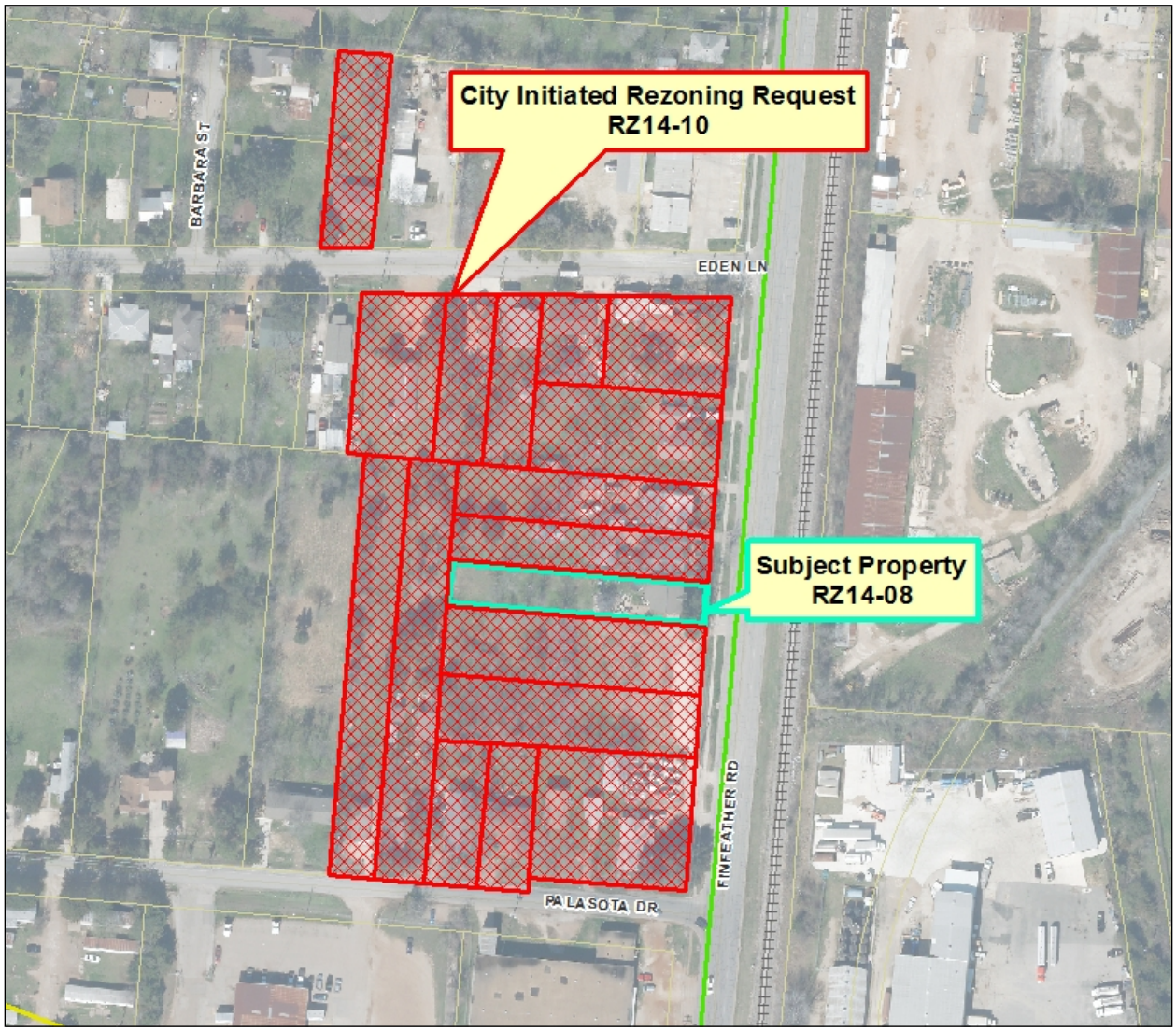
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 5/2/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 05/05/2014

LOCATION MAP:



SPATIAL RELATIONSHIP OF SUBJECT PROPERTIES, RZ14-08 AND RZ14-10:



ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM INDUSTRIAL DISTRICT (I) TO RESIDENTIAL DISTRICT – 5000 (RD-5) ON APPROXIMATELY 5.85 ACRES OF LAND BOUNDED BY EDEN LANE, FINFEATHER ROAD AND PALASOTA DRIVE, AS WELL AS ON APPROXIMATELY 0.29 ACRES OF LAND ADJOINING THE NORTH SIDE OF EDEN LANE BETWEEN FINFEATHER ROAD AND BARBARA STREET, BEING LOTS 1, 9 THRU 15, AND 17 OF COULTER'S SUBDIVISION OF THE LOBELLO TRACT, AS WELL AS LOTS 1 THRU 5 AND LOT 13 IN BLOCK 3, AND LOT 2 AND THE WEST HALF OF LOTS 7 AND 8 IN BLOCK 2 OF NOBLE EDEN SUBDIVISION 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 by changing the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5) on approximately 5.85 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, as well as on approximately 0.29 acres of land adjoining the north side of Eden Lane between Finfeather Road and Barbara Street, being Lots 1, 9 thru 15, and 17 of Coulter's Subdivision of the Lobello Tract, as well as Lots 1 thru 5 and Lot 13 in Block 3, and Lot 2 and the west half of Lots 7 and 8 in Block 2 of Noble Eden Subdivision in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a regular meeting on April 3, 2013;

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 Industrial District (I) to Residential District – 5000 (RD-5) on approximately 5.85 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, as well as on approximately 0.29 acres of land adjoining the north side of Eden Lane between Finfeather Road and Barbara Street, being Lots 1, 9 thru 15, and 17 of Coulter's Subdivision of the Lobello Tract, as well as Lots 1 thru 5 and Lot 13 in Block 3, and Lot 2 and the west half of Lots 7 and 8 in Block 2 of Noble Eden Subdivision in Bryan, Brazos County, Texas.

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 13th day of May, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 27th day of May, 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 APRIL 17, 2014:

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

b. Rezoning RZ14-08: Glen Conrad
A request to change the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5) on property located at 1410 Finfeather Road, being 0.35 acres of land adjoining the west side of Finfeather Road between Eden Lane and Palasota Drive, specifically occupying Lot 15 of Coulter's Subdivision of the Lobello Tract 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 request.

In response to a question, Mr. Haynes stated that any existing businesses would be grandfathered.

The public hearing was opened.

None came forward.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ14-08 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gonzalez seconded the motion.

Commissioners discussed:

- the rezoning makes sense given the current residential use
- the rezoning being beneficial to current residents
- appreciation for the city staff
- appreciation for the big picture approach to problems

The motion passed unanimously.

c. Rezoning RZ14-10: City of Bryan
A request to change the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5) on approximately 5.5 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, as well as on approximately 0.29 acres of land adjoining the north side of Eden Lane between Finfeather Road and Barbara Street, being Lots 1, 9 thru 14, and 17 of Coulter's Subdivision of the Lobello Tract, as well as Lots 1 thru 5 and Lot 13 in Block 3, and Lot 2 and the west half of Lots 7 and 8 in Block 2 of Noble Eden Subdivision 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 request.

The public hearing was opened.

None came forward.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of Rezoning RZ14-10 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:

- This rezoning having the same benefits as the previous rezoning

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

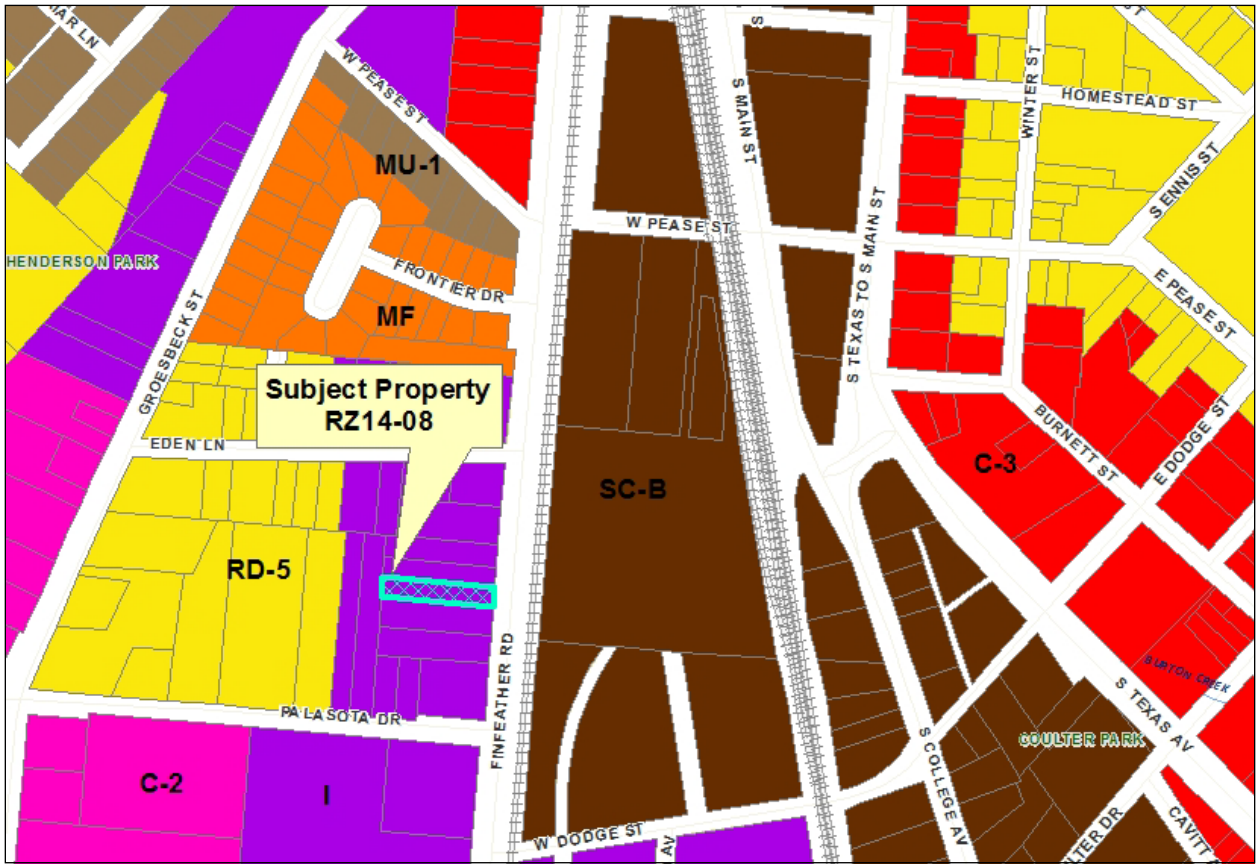
April 17, 2014

CITY OF BRYAN

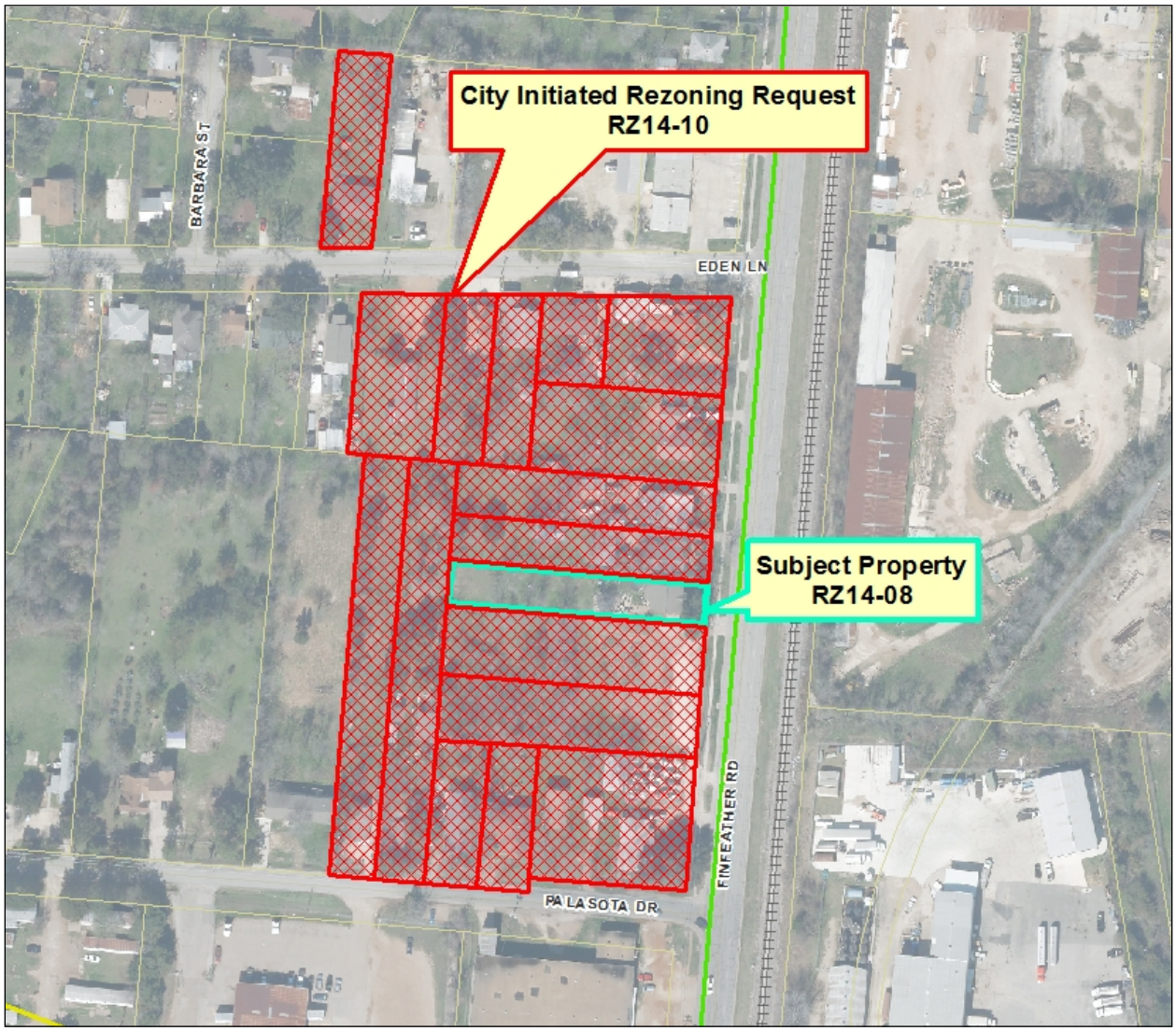
Rezoning case no. RZ 14-08: Glen Conrad

CASE DESCRIPTION:	a request to change the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5)
LOCATION:	1410 Finfeather Road, being 0.35 acres of land adjoining the west side of Finfeather Road between Eden Lane and Palasota Drive
LEGAL DESCRIPTION:	Lot 15 of Coulter's Subdivision of the Lobello Tract
EXISTING LAND USE:	single-family home
APPLICANT(S):	Glen Conrad
STAFF CONTACT:	Randy Haynes, Senior Planner

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



SPATIAL RELATIONSHIP OF SUBJECT PROPERTIES, RZ14-08 AND RZ14-10:



AERIAL PHOTOGRAPH (2013):

BACKGROUND:

The subject property is a single 0.35-acre lot located at 1410 Finfeather Road, midway between Eden Lane and Palasota Drive. The property is currently occupied by a single-family residence. The land surrounding the subject tract is similarly developed with single-family residences, but zoned Industrial District (I). Further to the west, land is zoned Residential District – 5000 (RD-5) all the way to Groesbeck Street and developed with single-family homes on 1-acre lots. Finfeather Road, classified as minor arterial street on Bryan's Thoroughfare Plan, and a Union Pacific railroad right-of-way adjoin the subject property to the east.

The property owner, Mr. Glen Conrad, has requested to change the zoning of the subject property to RD-5 District. It is Mr. Conrad's wish to enter into a real estate transaction involving his property, but that process has been thwarted due to the fact that the land is zoned Industrial District, which does not allow residential land uses. Even though the existing residential use is grandfathered, should the house be destroyed or substantially damaged (greater than 60% of the Brazos County Appraisal District's assessed value), the reconstruction of a residence would not be allowed. The property has been zoned Industrial District since the initial implementation of zoning in Bryan on December 11, 1989.

The Industrial zoning district is intended primarily for the conduct of manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations which may depend upon frequent customer or client visits. Such uses do require accessibility to major highways, rail lines or other means of transportation requiring the distribution of goods.

The RD – 5000 District is intended primarily to provide development opportunities for detached dwelling units on lots of not less than 5,000 square feet in size and is designed primarily for residential use and does not easily lend itself to other types of nonresidential uses.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The Comprehensive Plan includes policy recommendations related to various use specific types of development.

5.5 Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

- Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;
- Accessible to collector and arterial streets, but directly access only local streets; and
- Not adjacent to major arterials and freeways without adequate buffering and access management.

5.6 Goals, Objectives and Action Statements

GOAL #2: Facilitate orderly, efficient and attractive development, redevelopment and infill.
Objective A: Provide for an efficient development process.
Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

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.

   Bryan's Zoning Ordinance requires substantial no-development buffer areas along mutual side or rear property lines wherever development in an Industrial zoning district adjoins land zoned for residential use. Because of this, any request for change from or to Industrial District zoning should take into account the impact that such a change could have on the subject property as well as on surrounding property.

   In this case, staff contends that a change to RD-5 District on only the subject property would have the future effect of rendering a significant amount of the surrounding land undevelopable for industrial use. Staff also believes, however, that Industrial zoning on the subject property, as well as on the adjacent properties may no longer be appropriate, as most properties surrounding Mr. Conrad's property are, either also currently in residential use or vacant.

During a workshop meeting on March 20, 2014, City staff made the Planning and Zoning Commission aware of Mr. Conrad's request for RD-5 zoning and the discrepancy between how land in this vicinity is zoned, and how this land is actually being used. Commissioners were presented with different suggestions of how the zoning map could be amended to address this discrepancy, and thereby help protect existing residential land use in this area, and promote orderly urban growth in this part of Bryan. By consensus, Commissioners directed staff to initiate a rezoning of these adjacent properties to RD-5 District. That request, Rezoning case no. RZ14-10, is also scheduled for consideration by the Planning and Zoning Commission during its meeting on April 17, 2014.

Although adjacent to a minor arterial roadway, staff believes that single-family residential use is appropriate on the west side of Finfeather Road, between Eden Lane and Palasota Drive, to the proximity of other single-family residences, and the general absence of industrial development that has occurred here despite the properties' Industrial zoning. Staff contends that the land uses allowed in the RD-5 district will be compatible in the immediate area surrounding the subject property and would fit within the adopted goals and land use policies set out in the Comprehensive Plan. RD-5 zoning would furthermore protect established residential land use in this area, prevent the emergence of undesirable land uses in close proximity to established single-family home sites, and promote orderly urban growth in this part of Bryan.

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.

   Public infrastructure is adequate to support the existing residential development on the subject property. Staff finds that the proposed change will have no immediate impact on infrastructure needs in the area. Any issues regarding utility availability will be addressed at the time of re-development.

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.

   Staff contends that residential development is occurring at a moderate pace in this vicinity and elsewhere in the City.

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 of Bryan zoned for single-family detached residential development will be unaffected by the proposed amendment.

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 RD-5 District on the subject property.

PLANNING AND ZONING COMMISSION
STAFF REPORT

April 17, 2014

Rezoning case no. RZ 14-10: City of Bryan

CASE DESCRIPTION: a request to change the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5)

LOCATION: approximately 5.5 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, as well as on approximately 0.29 acres of land adjoining the north side of Eden Lane between Finfeather Road and Barbara Street

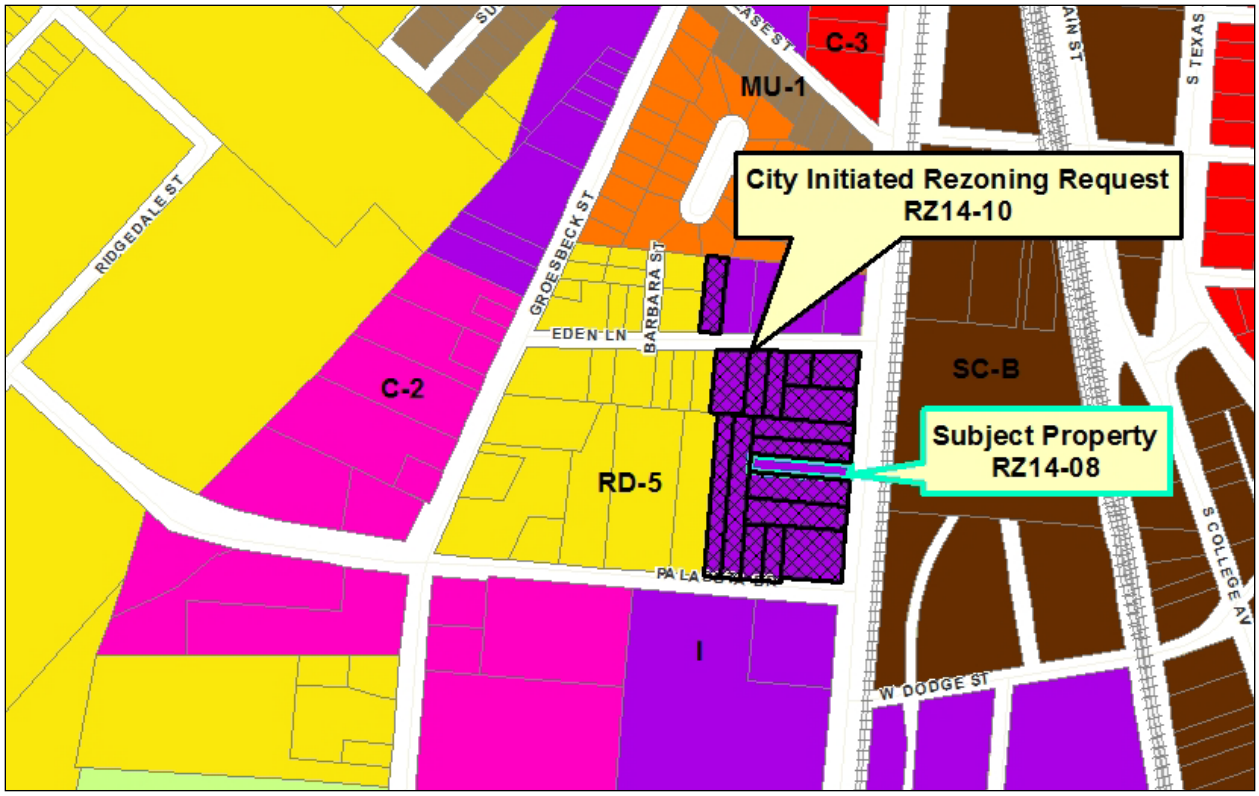
LEGAL DESCRIPTION: Lots 1, 9 thru 14, and 17 of Coulter's Subdivision of the Lobello Tract, as well as Lots 1 thru 5 and Lot 13 in Block 3, and Lot 2 and the west half of Lots 7 and 8 in Block 2 of Noble Eden Subdivision

EXISTING LAND USE: single-family homes, vacant lots,

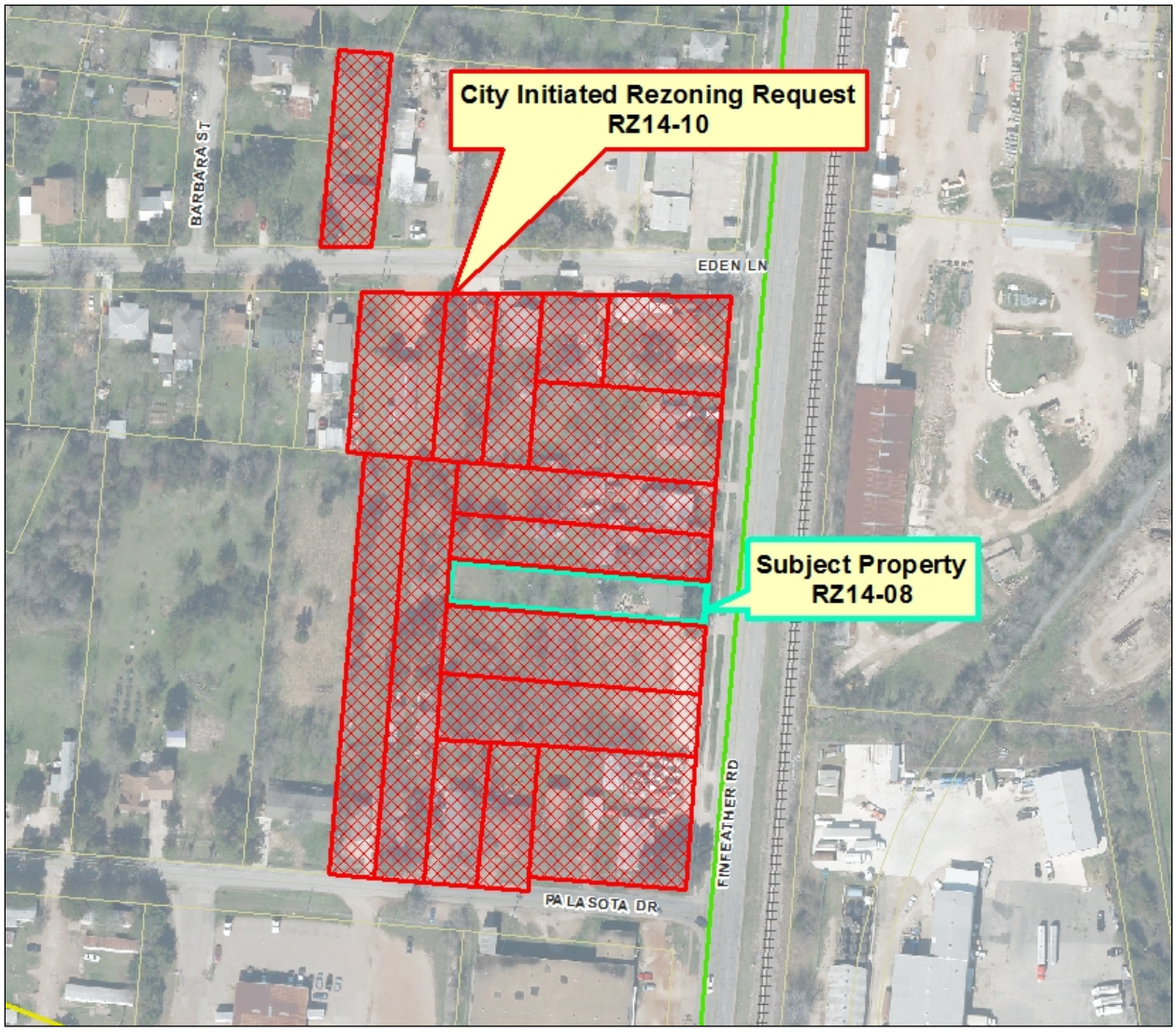
APPLICANT(S): City of Bryan

STAFF CONTACT: Randy Haynes, Senior Planner

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



SPATIAL RELATIONSHIP OF SUBJECT PROPERTIES, RZ14-08 AND RZ14-10:



AERIAL PHOTOGRAPH (2013):

BACKGROUND:

The subject property is comprised of 15 individual tracts covering approximately 5.5 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, as well as one approximately 0.29 acre tract adjoining the north side of Eden Lane between Finfeather Road and Barbara Street. Of the 16 lots that are the subject of this request, 13 are occupied by single-family residences, one contains a church and two are vacant. In at least two of the properties, commercial use is also present. If the request for rezoning to the property is approved by the City Council, the existing commercial uses will be allowed to continue as legally nonconforming. All of the properties involved in this rezoning request (case no. RZ14-10) were zoned for industrial use upon the initial implementation of zoning in Bryan on December 11, 1989.

Land to the west along both size of Eden Lane and north of Palasota Drive is zoned Residential District – 5000 (RD-5) and developed with detached single-family residences of lots more than 1 acre in size. Land to the north and south of the subject property is occupied by heavy commercial businesses located on land

zoned for industrial use. Finfeather Road, classified as minor arterial street on Bryan's Thoroughfare Plan, and a Union Pacific railroad right-of-way are located east of the subject property.

The subject property surrounds a 0.35-acre lot at 1410 Finfeather Road that is the subject of rezoning case no. RZ14-08, which is also scheduled for consideration by the Planning and Zoning Commission during its meeting on April 17, 2014. The applicant in that case, Mr. Glen Conrad, has requested to change the zoning of that property, which is occupied by a single-family home, to RD-5 District. It is Mr. Conrad's wish to enter into a real estate transaction involving his property, but that process has been thwarted due to the fact that the land is zoned Industrial District, which does not allow residential land uses. Even though the existing residential use is grandfathered, should the house be destroyed or substantially damaged (greater than 60% of the Brazos County Appraisal District's assessed value), the reconstruction of a residence would not be allowed.

All of the land that is subject of this request question is also zoned Industrial District (I). This zoning district is intended primarily for the conduct of manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations which may depend upon frequent customer or client visits. Single-family residences are not permitted in Industrial zoning districts. However, most of the land in this area has long been occupied by single-family homes for many years, most even since before Bryan's adoption of zoning regulations in 1989.

Because of the way zoning law is written, existing homes may continue to be used as residences for as long as the owner wishes. This is commonly called "grandfathering". Potential problems that may arise due to the current discrepancy between zoning and actual land use include difficulty or delays when trying to buy or sell property, obstacles when wanting to rebuild a home that was heavily damaged or destroyed, and the potential for a business locating close to residences that may negatively affect the living comfort in what has traditionally been a residential area.

During a workshop meeting on March 20, 2014, City staff made the Planning and Zoning Commission aware of Mr. Conrad's request for RD-5 zoning and the discrepancy between how land in this vicinity is zoned, and how this land is actually being used. Commissioners were presented with different suggestions of how the zoning map could be amended to address this discrepancy, and thereby help protect existing residential land use in this area, and promote orderly urban growth in this part of Bryan. By consensus, Commissioners directed staff to initiate a rezoning of these properties to RD-5 District. The RD – 5000 District is intended primarily to provide development opportunities for detached dwelling units on lots of not less than 5,000 square feet in size and is designed primarily for residential use and does not easily lend itself to other types of nonresidential uses.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The Comprehensive Plan includes policy recommendations related to various use specific types of development.

5.5 Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

- Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;

- Accessible to collector and arterial streets, but directly access only local streets; and
- Not adjacent to major arterials and freeways without adequate buffering and access management.

5.6 Goals, Objectives and Action Statements

GOAL #2: Facilitate orderly, efficient and attractive development, redevelopment and infill.
Objective A: Provide for an efficient development process.

Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

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.

   Bryan's Zoning Ordinance requires substantial no-development buffer areas along mutual side or rear property lines wherever development in an Industrial zoning district adjoins land zoned for residential use. Because of this, any request for change from or to Industrial District zoning should take into account the impact that such a change could have on the subject property as well as on surrounding property.

   In this particular case, staff contends changing only the zoning on Mr. Conrad's 0.35-acre property at 1410 Finfeather Road, as it has been requested with Rezoning case no. RZ14-08, would have the effect of rendering a significant amount of the surrounding land undevelopable for future industrial use. In light of the fact that most properties surrounding Mr. Conrad's property are, for the most part, either also currently in residential use or vacant, with most properties being occupied by homes that have existed here long before the implementation of zoning in Bryan in December 1989, staff believes that rezoning all of the subject property is appropriate in this particular context. RD-5 zoning would protect existing residential land use in this area, prevent the emergence of undesirable land uses in close proximity to established single-family home sites, and promote orderly urban growth in this part of Bryan.

   Although adjacent to a minor arterial roadway, staff believes that single-family residential use is appropriate on the subject property due to its proximity to other single-family residences, and the absence of industrial uses within its boundary. Staff contends that the land uses allowed in the RD-5 District will be compatible in the immediate area surrounding the subject property and would fit within the adopted goals and land use policies set out in the Comprehensive Plan.

   If this and Mr. Conrad's request for RD-5 zoning were approved, a cluster of Industrial District zoning would remain at the northwest corner of Finfeather Road and Eden Lane, where a warehouse and parking areas for a construction company are currently located. Property owners along the south side of Eden Lane would still face industrial development directly across from their single-family residences on the south side of Eden Lane. While this is still not an optimal abutting arrangement, staff believes that approving both rezoning requests

RZ14-08 and RZ14-10 will at least prevent the emergence of larger-scale industrial development in close proximity of single-family homes.

If the Planning and Zoning Commission should disagree with staff and find that Industrial District zoning on Mr. Conrad's property is appropriate and should not be changed, then staff would urge the Commission to not recommend changing the zoning on the subject property either, as it would make future industrial development on Mr. Conrad's property impossible with adopted development standards (e.g., required buffer areas).

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.

   Public infrastructure is adequate to support the existing residential development on the subject property. Staff finds that the proposed change will have no immediate impact on infrastructure needs in the area. Any issues regarding utility availability will be addressed at the time of (re-) development.

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.

   Staff contends that residential development is occurring at a moderate pace in this vicinity and elsewhere in the City.

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 of Bryan zoned for single-family residential development will be unaffected by the proposed amendment.

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 RD-5 District on the subject property, **<u>but only so long as</u>** the zoning on 0.35 acres of land at 1410 Finfeather Road is also changed to RD-5 District, as it has been requested with Rezoning case no. RZ14-08. Changing the zoning on this City block would protect established residential land use in this area, prevent the emergence of undesirable land uses in its proximity, and promote orderly urban growth in this part of Bryan.