

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: April 14, 2015		DATE SUBMITTED: March 23, 2015	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> 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 Residential District – 5000 (RD-5) to Planned Development – Business District (PD-B) on 0.844 acres of land out of the Stephen F. Austin League No. 9, A-62, adjoining the north side of the West 28 th Street between Thompson Street and Graham Drive, and currently addressed as 1520 West 28 th Street in Bryan, Brazos County, Texas (RZ14-16).			
SUMMARY STATEMENT: The subject property consists of 0.844 acres of land currently zoned Residential District – 5000 (RD-5) and has been classified as such since the City of Bryan adopted zoning in 1989. Most of the subject property has been in use as a convenience store since before 1960, which is considered a legally nonconforming use at this location.			
<p>The applicant wishes to replace the existing commercial building with a new, larger commercial building. Once the existing structure is removed, it may not be replaced as retail uses and fuel sales are generally not permitted in residential zoning districts. Due to the constraints of the site (including limited space available, location relative to residential uses, and safety concerns regarding access to West 28th Street and Graham Drive), the applicant is requesting a change of zoning of the subject property from RD-5 Residential District to Planned Development – Business District (PD-B). The applicant submits that special standards proposed as part of the development plan for the proposed PD-B District, which are described within and attached to this Council Action Form, will allow redevelopment of the property and help mitigate potential harmful impacts to the surrounding residential properties.</p>			
STAFF ANALYSIS AND RECOMMENDATION: During its meeting on March 5, 2015, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this rezoning request.			
<ul style="list-style-type: none"> • Residential use adjacent to this busy intersection would not be appropriate. • The continued operation of a small scale retail use on the site would be in the best interest of the public. • Small scale retail use is generally compatible with the surrounding residential land uses in this particular case and is supported by land use recommendations of the Comprehensive Plan. • Small scale retail use is convenient and accessible to the adjoining residential neighborhoods at this location. • Standard C-2 (Retail) District zoning, which is another zoning option for the proposed redevelopment, would permit several land uses by right at this location that may not be appropriate in this particular environment. Examples of such uses would be package liquor stores, pawnshops or boarding houses. • The proposed PD-B District will allow for useful and orderly urban (re-)development at this location. 			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. approve the requested zone change; 2. deny the requested zone change. 			

ATTACHMENTS:

1. location map/aerial photograph;
2. draft ordinance;
3. excerpt from draft Planning and Zoning Commission regular meeting minutes of March 5, 2015; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: N/A

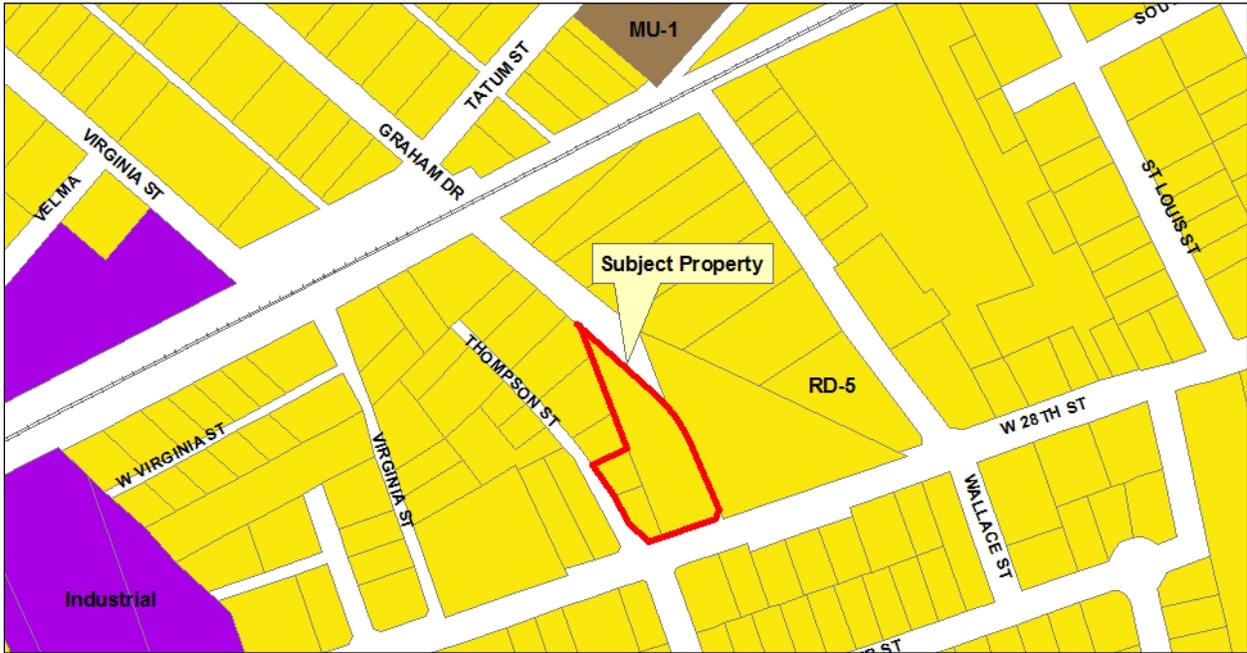
APPROVALS: Kevin Russell, 3-24-15; Joey Dunn, 3-30-15; Hugh R. Walker, 03/31/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 04-06-2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 04-06-2015

Revised 04/2013

LOCATION MAP/AERIAL PHOTOGRAPH:



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 RESIDENTIAL DISTRICT – 5000 (RD-5) TO PLANNED DEVELOPMENT – BUSINESS DISTRICT (PD-B), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 0.844 ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN LEAGUE NO. 9, A-62, ADJOINING THE NORTH SIDE OF WEST 28TH STREET BETWEEN THOMPSON STREET AND GRAHAM DRIVE, AND CURRENTLY ADDRESSED AS 1520 WEST 28TH STREET IN BRYAN, BRAZOS COUNTY, TEXAS. (RZ14-16); 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 Residential District – 5000 (RD-5) to Planned Development – Business District (PD-B) on 0.844 acres of land out of the Stephen F. Austin League No. 9, A-62, adjoining the north side of the West 28th Street between Thompson Street and Graham Drive, and currently addressed as 1520 West 28th Street in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a regular meeting on March 5, 2015;

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 Planned Development – Business District (PD-B) on 0.844 acres of land out of the Stephen F. Austin League No. 9, A-62, adjoining the north side of the West 28th Street between Thompson Street and Graham Drive, and currently addressed as 1520 West 28th Street in Bryan, Brazos County, Texas, said 0.844 acres of land being described more particularly by metes-and-bounds on attached Exhibit “A”, and subject to development requirements specified in attached Exhibit “B” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

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 14th day of April, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 28th day of April, 2015 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":

**METES AND BOUNDS DESCRIPTION
OF A
0.844 ACRE TRACT
STEPHEN F. AUSTIN LEAGUE No. 9, A-62
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE STEPHEN F. AUSTIN LEAGUE No. 9, A-62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF THE REMAINDER OF A 0.686 ACRE TRACT OF LAND AND ALL OF THE REMAINDER OF A 0.104 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO AAA & FAMILY, LLC RECORDED IN VOLUME 8735, PAGE 74 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND A PORTION OF A TRACT OF LAND AS DESCRIBED BY A DEED TO JOHNNIE A. FLETCHER AND JULIA FLETCHER RECORDED IN VOLUME 9666, PAGE 248 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF GRAHAM DRIVE (60' R.O.W.) MARKING THE NORTH CORNER OF SAID 0.686 ACRE TRACT AND THE NORTHEAST CORNER OF LOT 2, GRAHAM DRIVE ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 4893, PAGE 161 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 116 BEARS: N 02° 36' 56" E FOR A DISTANCE OF 2109.05 FEET;

THENCE: S 47° 37' 07" E ALONG THE SOUTHWEST LINE OF GRAHAM DRIVE FOR A DISTANCE OF 157.96 FEET (DEED CALL: S 47° 33' 48" E - 157.96 FEET, 9735/74) TO A 5/8 INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 295.81 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26° 19' 00" FOR AN ARC DISTANCE OF 135.87 FEET (CHORD: S 34° 27' 37" E - 134.68 FEET) TO AN "X" SET IN CONCRETE MARKING THE END POINT OF SAID CURVE;

THENCE: S 21° 18' 07" E CONTINUING ALONG THE SOUTHWEST LINE OF GRAHAM DRIVE FOR A DISTANCE OF 104.55 FEET (DEED CALL: S 21° 14' 48" E - 120.77 FEET, 8735/74) TO AN 'X' FOUND IN CONCRETE ON THE NORTHWEST LINE OF W. 28TH STREET MARKING THE NORTH CORNER OF A CALLED 0.028 ACRE TRACT OF LAND AS DESCRIBED BY A ROW DEED TO THE CITY OF BRYAN RECORDED IN VOLUME 12016, PAGE 94 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, 5/8 INCH IRON ROD FOUND MARKING THE ORIGINAL EAST CORNER OF SAID 0.686 ACRE TRACT BEARS: S 21° 18' 07" E FOR A DISTANCE OF 16.22 FEET (DEED CALL: S 21° 19' 26" E - 16.21 FEET, 12016/94);

THENCE: S 23° 40' 34" W ALONG THE NORTHWEST LINE OF W. 28TH STREET FOR A DISTANCE OF 14.12 FEET (DEED CALL: S 23° 40' 23" W - 14.15 FEET, 12016/94) TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE HAVING A RADIUS OF 697.74 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01° 28' 06" FOR AN ARC DISTANCE OF 17.88 FEET (CHORD BEARS: S 69° 47' 41" W - 17.88 FEET (DEED CALL AND MEASURED, 12016/94) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

THENCE: S 70° 31' 43" W CONTINUING ALONG THE NORTHWEST LINE OF W. 28TH STREET FOR A DISTANCE OF 102.48 FEET (DEED CALL: S 70° 31' 43" W - 142.46 FEET, 12016/94) TO A 1/2 INCH IRON ROD SET;

THENCE: N 45° 40' 23" W CONTINUING ALONG THE NORTHWEST LINE OF W. 28TH STREET FOR A DISTANCE OF 49.82 FEET (DEED CALL: N 45° 40' 23" W - 50.00 FEET, 12016/94) TO A 1/2 INCH IRON

ROD SET ON THE NORTHEAST LINE OF THOMPSON STREET (PRIVATE) AND THE SOUTHWEST LINE OF SAID 0.104 ACRE TRACT. FOR REFERENCE, A COTTON SPINDLE FOUND IN ASPHALT MARKING THE ORIGINAL SOUTH CORNER OF SAID 0.104 ACRE TRACT BEARS: S 25° 47' 18" E FOR A DISTANCE OF 59.93 FEET (DEED CALL: S 25° 49' 48" E - 50.01 FEET, 12016/94);

THENCE: N 25° 47' 18" W ALONG THE NORTHEAST LINE OF THOMPSON STREET FOR A DISTANCE OF 50.11 FEET (DEED CALL: N 25° 43' 59" W - 100.04 FEET, 8735/74) TO A 5/8 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 0.104 ACRE TRACT AND THE SOUTH CORNER OF SAID FLETCHER TRACT;

THENCE: N 25° 46' 52" W CONTINUING ALONG THE NORTHEAST LINE OF THOMPSON STREET AND THE SOUTHWEST LINE OF SAID FLETCHER TRACT FOR A DISTANCE OF 66.87 FEET TO A POINT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BENT BEARS: N 25° 46' 52" W FOR A DISTANCE OF 5.85 FEET;

THENCE: N 69° 30' 26" E THROUGH SAID FLETCHER TRACT FOR A DISTANCE OF 56.16 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID 0.686 ACRE TRACT;

THENCE: N 20° 29' 34" W ALONG THE SOUTHWEST LINE OF SAID 0.686 ACRE TRACT, AT 80.18 FEET PASS A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF SAID FLETCHER TRACT, CONTINUE ON FOR A TOTAL DISTANCE OF 222.47 FEET (DEED CALL: N 20° 26' 15" W - 289.05 FEET, 8735/74) TO THE **POINT OF BEGINNING** CONTAINING 0.844 OF AN ACRE OF LAND (36,752 SQ. FT.), MORE OR LESS, AS SURVEYED ON THE GROUND NOVEMBER, 2014. SEE PLAT PREPARED NOVEMBER, 2014, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

EXHIBIT “B”:

PD-B DISTRICT DEVELOPMENT PLAN

Development Plan for Planned Development – Business District (PD-B) allowing specific retail uses on 0.844 acres of land out of the Stephen F. Austin League No. 9, A-62, 1520 West 28th Street, adjoining the north side of the West 28th Street between Thompson Street and Graham Drive

Section 1. General Purpose and Description

The following development plan is intended to guide planning of land use and physical development on the subject property. This PD-B District development plan is envisioned as a tool to help stabilize and improve property utilization, to facilitate the redevelopment and appropriate use of the property, ensure protection of surrounding properties from foreseeable negative impacts resulting from permitted business uses, to strengthen the area economy and to promote the general welfare of the community.

Section 2. Land Use

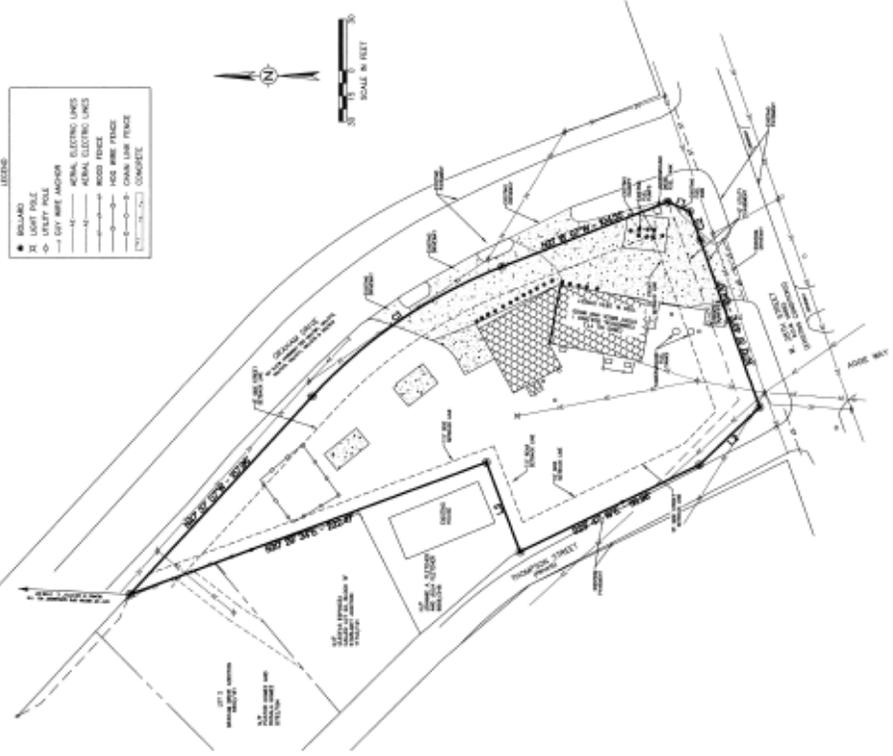
Permitted uses:

- General office use (professional, administrative)
- Personal service shop or custom personal services
- Commercial amusement (indoor)
- Retail services (including incidental uses)
- Washateria
- Convenience store with fuel sales

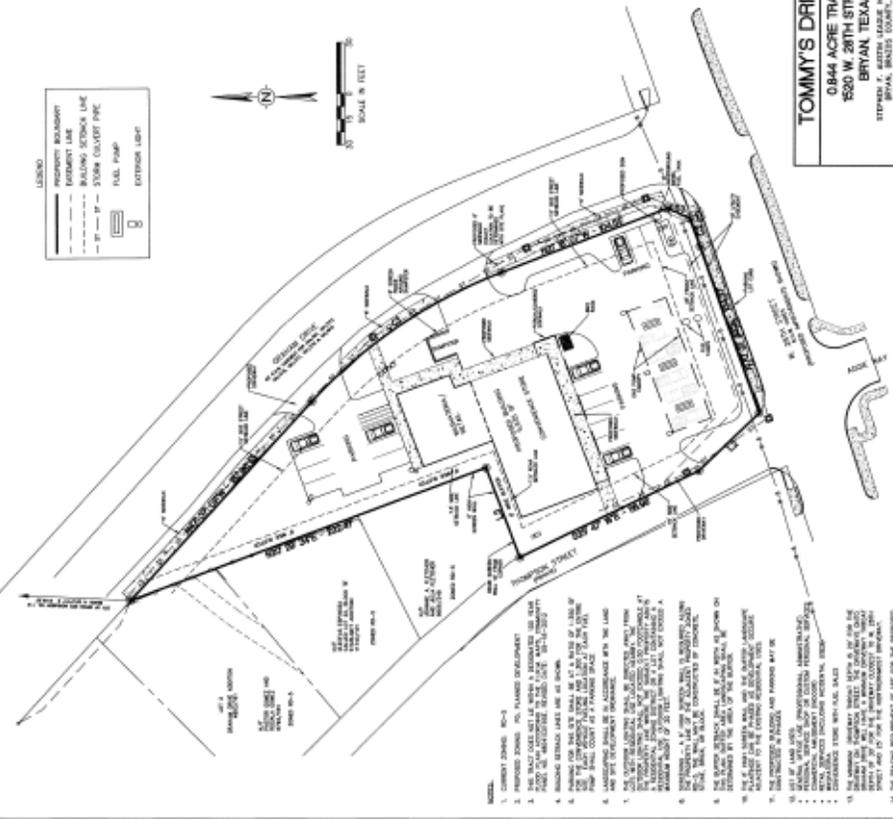
Section 3. Physical Development

Physical development in this PD-B District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned C-2 (Retail) District, subject to any modifications described and depicted on the attached development plan drawing. Those development standards and limitations include, but are not limited to, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, parking, access, screening, landscaping, accessory buildings, signs, and lighting as well as project phasing or scheduling.

EXISTING SITE PLAN



CONCEPT PLAN



- NOTES:**
1. PROPOSED ZONING: R-1.
 2. THE TRACT DOES NOT HAVE A PLANNED DEVELOPMENT.
 3. THE TRACT DOES NOT HAVE A DEDICATED OR DEDICATED TO BE DEDICATED TO A PUBLIC USE.
 4. EXISTING SETBACK LINES ARE AS SHOWN.
 5. THE PROPOSED SETBACK LINES ARE AS SHOWN.
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 14. THE PROPOSED SETBACK LINES ARE AS SHOWN.
 15. THE PROPOSED SETBACK LINES ARE AS SHOWN.

TOMMY'S DRIVE-IN
 0844 ACRE TRACT
 1520 W. 28TH STREET
 BRYAN, TEXAS
 STEPHEN F. ARTHUR, LICENSE NO. A-42
 BRUCE BRIDGES LICENSE, TEXAS
 SCALE: 1"=30'
 FEBRUARY 2013
 SUBMITTED TO:
 BRYAN, TEXAS
 ENGINEER:
 SCHULTZ ENGINEERING, LLC
 1700 AVONDALE, BRYAN, TEXAS 77802
 (817) 833-1111

SCALE	
AS SHOWN	1"=30'
AS SHOWN	1"=30'
AS SHOWN	1"=30'

DEVELOPMENT SITE PLAN

TOMMY'S DRIVE-IN
 1520 W. 28TH STREET
 BRYAN, TEXAS

DATE	DESCRIPTION
02/13/13	CONCEPT PLAN
02/13/13	EXISTING SITE PLAN
02/13/13	DEVELOPMENT SITE PLAN

Schultz Engineering, LLC
 1700 AVONDALE, BRYAN, TEXAS 77802
 (817) 833-1111

PROJECT NO.	13-001
DATE	02/13/13
SCALE	1"=30'
PROJECT	TOMMY'S DRIVE-IN
CLIENT	SCHULTZ ENGINEERING, LLC
DESIGNER	STEPHEN F. ARTHUR
CHECKER	BRUCE BRIDGES
DATE	02/13/13

NO.	DATE	REVISIONS

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF MARCH 5, 2015:**

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 RZ14-16: AAA & Family, LLC

A request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development – Business District (PD-B) on 0.844 acres of land out of the Stephen F. Austin League No. 9, Abstract 62, adjoining the north side of West 28th Street between Thompson Street and Graham Drive, and currently addressed as 1520 West 28th Street in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Haynes responded:

- No public complaints have been received from the area surrounding the subject property.
- There will be a 6-foot tall masonry fence constructed with the applicant's choice of masonry materials to the rear of the subject property.
- Landscaping will comply with normal redevelopment requirements.

The public hearing was opened.

Mr. Joe Schultz, 2730 Longmire, College Station, Texas, project engineer, came forward to speak in favor of the rezoning request.

In response to questions, Mr. Schultz responded that he has not been involved in any other development projects in the area near the subject property.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of RZ14-16 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Swearingen seconded the motion.

Commissioners

- expressed their gratitude to staff for their work on getting this case ready for consideration; and
- their excitement in seeing local businesses enhancing their surrounding neighborhoods.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

March 5, 2015



Rezoning case no. RZ14-16: AAA & Family, LLC

CASE DESCRIPTION: a request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development Business – District (PD-B)

LOCATION: 0.844 acres of land out of the Stephen F. Austin League No. 9, A-62, adjoining the north side of the West 28th Street between Thompson Street and Graham Drive, and currently addressed as 1520 West 28th Street

EXISTING LAND USE: convenience store with fuel sales

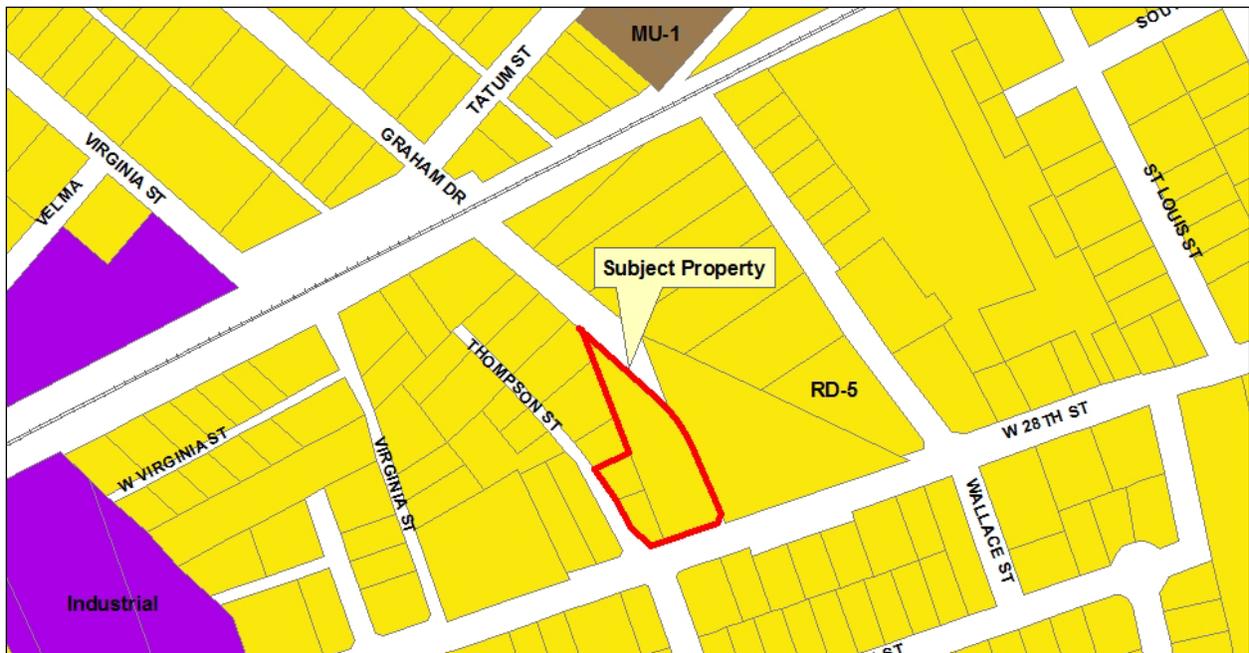
APPLICANT(S): Shamsuddin Kasamali of AAA & Family, LLC

AGENT: Schultz Engineering LLC, Joe Schultz, PE

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** PD-B as requested

Current Zoning (2015)



AERIAL PHOTOGRAPH (2013):



BACKGROUND:

The subject property consists of 0.844 acres of land currently zoned Residential District – 5000 (RD-5) and has been classified as such since the City of Bryan adopted zoning in 1989. Most of the subject property has been in use as a convenience store since before 1960, which is considered a legally nonconforming use at this location.

The applicant wishes to replace the existing commercial building with a new, larger commercial building. Once the existing structure is removed, it may not be replaced as retail uses and fuel sales are generally not permitted in residential zoning districts. Due to the constraints of the site, which include limited space available, location relative to residential uses and safety concerns regarding access to West 28th Street and Graham Drive, the applicant is requesting to change of zoning of the subject property from RD-5 District to Planned Development – Business District (PD-B). The applicant submits that special standards proposed as part of the development plan for the proposed PD-B District, which is described within and attached to this staff report, will allow redevelopment of the property and help mitigate potential harmful impact to the surrounding residential properties.

EXCERPT FROM REZONING APPLICATION:

Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

This request is to allow for the redevelopment of the existing Convenience Store located on the property. The proposed Development Site Plan will allow the construction of the new building while the store remains open. This plan shows the addition of parking, relocation of the dumpster pad and a buffer area. These changes, along with the addition of landscaping will greatly improved the look of this property.

List the changed or changing conditions in the area or City which make this zone change necessary:

This change is necessary since the existing Convenience Store was constructed prior zoning of the property and is currently operating in a residential district.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

The Future Land Use Plan has this area as Low Density Residential so the zone change is not in accordance with the plan. The Plan is incorrect for this tract as the existing Convenience Store is a retail use.

List any other reasons to support this zone change:

This zone change and redevelopment of the property will increase taxable value of the property and allow for additional services to be available to the residents who use this "Neighborhood Store".

COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

5.5 Land Use Policies

Policy statements:

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.
- The City will encourage flexibility when drafting regulations geared toward infill and redevelopment.

PROPOSED DEVELOPMENT PLAN:

Development Plan for Planned Development – Business District (PD-B) allowing specific retail uses on 0.844 acres of land out of the Stephen F. Austin League No. 9, A-62, 1520 West 28th Street, adjoining the north side of the West 28th Street between Thompson Street and Graham Drive.

General Purpose and Description

The following development plan is intended to guide planning of land use and physical development on the subject property. This PD-B District development plan is envisioned as a tool to help stabilize and improve property utilization, to facilitate the redevelopment and appropriate use of the property, ensure protection of surrounding properties from foreseeable negative impacts resulting from permitted business uses, to strengthen the area economy and to promote the general welfare of the community.

Land Use

Permitted uses:

- General office use (professional, administrative)
- Personal service shop or custom personal services
- Commercial amusement (indoor)
- Retail services (including incidental uses)
- Washateria
- Convenience store with fuel sales

Physical Development

Physical development in this PD-B District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned C-2 Retail District (C-2), subject to any modifications described and depicted on the development plan drawing. Those development standards and limitations include, but are not limited to, regulations concerning density, lot area, lot width, lot depth, yard depth and widths, building height, building elevations, coverage, parking,

access, screening, landscaping, accessory buildings, signs, and lighting as well as project phasing or scheduling.

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 subject property is located at the intersection of West 28th Street and Graham Drive, both of which are classified as major collector roadways on Bryan's Thoroughfare Plan. Staff contends that residential use adjacent to this intersection would not be appropriate and that continued operation of a small scale retail use on the site would be in the best interest of the public. Staff further contends that small scale retail use is generally compatible with the surrounding residential land uses, in this particular case, and supported by land use recommendations of the Comprehensive Plan, which suggest retail uses at points of high visibility, e.g., at the intersection of two collector roadways. In addition, small scale retail use is convenient and accessible to the adjoining residential neighborhoods at this location.

Staff submits that standard C-2 District zoning, which would be required for the proposed redevelopment at this location, would permit several land uses by right at this location that may not be appropriate in this particular environment, for example, package liquor stores, pawnshops or boarding houses. Staff believes that the proposed PD-B District at this location, will allow for useful and orderly urban (re-)development at this location.

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 adjoins West 28th Street and Graham Drive, both capable of accommodating traffic loads typically associated with the type of light retail development proposed in this PD-B District. West 28th Street is currently undergoing a major reconstruction as part of a City of Bryan Capital Improvement Project. The project includes converting this narrow open ditch roadway to a 3 lane roadway with center turn lane and sidewalks on both sides. Drainage will be improved with the installation of storm sewers and a regional storm water detention pond has already been constructed that the improved roadway will drain into. The existing utilities available at this location are adequate for the proposed redevelopment of the subject property.

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.

A considerable amount of vacant land exists along West 28th Street in the vicinity of the subject property, but the only tract zoned for retail use lies one-half mile to the east. Any proposal for similar development on currently vacant land in the vicinity would involve City Council approval of a rezoning request, as land in this vicinity is not currently zoned for retail as proposed with this PD-B District.

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.

Development or redevelopment in the general vicinity of the subject property has been gradual. In 2014, the Planning and Zoning Commission approved a Conditional Use Permit to allow construction of a neighborhood grocery store in the 1800 block of Palasota Drive, which is located approximately one-half mile south of the subject property. That approval did not involve fuel sales.

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.

If the proposed zoning change were approved, staff believes there to be few (if any) direct effects on other areas designated for similar developments. The subject property has been in light retail use for over 50 years, during which time area properties have been developed for residential uses.

The proposed zoning change and subsequent redevelopment of the subject property will have the effect of increasing the value of the subject property and, along with the current renovation of West 28th Street, enhancing the streetscape. Staff believes that other area properties may redevelop or be improved by their owners, partially as a result of reinvestment into the subject property and the City's investment in West 28th Street.

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

Staff is unable to discern other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed redevelopment at this location will allow for a useful and orderly urban development of this property. Further, staff finds that the standards of the proposed development plan in many ways better mitigate negative impacts relative to the standards imposed on development in a standard zoning district. For example, staff contends that the proposed 6-foot high masonry wall between the proposed new store and the residences along Thompson Street will more efficiently mitigate impacts such as noise or glare from the retail use than would the combination of a six-foot tall wood screening fence coupled with a 30-foot buffer landscaped buffer area, which would be required in the standard C-2 zoning district.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff believes that given the existing uses and physical development on the subject property, additional negative impact to area residences is unlikely. Staff contends however, that the proposed development plan restricts the type size and location of development more effectively than would be possible under the standards of the C-2 zoning district. Staff believes that the use and development of this property under the proposed standards will allow redevelopment of the subject property while likely producing fewer adverse impacts. For example, staff contends that the proposed 6-foot high masonry wall between the proposed new store and the residences

along Thompson Street will more efficiently mitigate impacts such as noise or glare from the retail use than would the combination of a six-foot tall wood screening fence coupled with a 30-foot buffer landscaped buffer area, which would be required in a C-2 zoning district.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

As with any retailer, the applicant plans for an increase in traffic as the result of his redevelopment of the property. That being said, the fact remains that the new building will offer the same goods and services that are offered here no, so an increase greater than what the existing roadway system can accommodate is not expected. Staff is unable to identify any other potentially adverse effects or impacts on the residential use on the abutting site that have not been better mitigated by the provisions of the proposed PD-B District.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that due to existing available transportation infrastructure and application of the standards in place for accessing that system, the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. While redevelopment at this location will likely increase the volume of auto and pedestrian activity, it is important to note that the subject property is located adjacent to major roadways designed to accommodate large amounts of traffic. West 28th Street and Graham Road are both classified as major collector streets on Bryan's Thoroughfare Plan. An important feature of the proposed site plan layout is the closure of the driveway onto West 28th Street and the reduction of the number of driveways onto Graham Drive from three to two.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

As stated above, existing infrastructure, standards and the proposed layout of the site are in place to prevent the proposed development from adversely affecting traffic safety. An important feature of the proposed site plan layout is the closure of the driveway onto West 28th Street and the reduction of the number of driveways onto Graham Drive from three to two. The development plan also addresses potential negative impact from light sources to be installed on the subject property. As specified in the plan drawing, the outdoor lighting to be installed will be equipped with cut-off shade devices so that bleed-over light shall not exceed 0.50 foot-candle at the property line where the subject property abuts the residential zoning district.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Existing infrastructure, existing and proposed development standards and the proposed layout of the site are in place to prevent the proposed development from adversely affecting erosion, flood, fire noise and glare. As specified in the plan drawing, the outdoor lighting to be installed will be equipped with cut-off shade devices so that bleed-over light shall not exceed 0.50 foot-candle at the property line where the subject property abuts the residential zoning district. Staff contends that the proposed development standards will reasonably protect persons and properties.

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

Staff believes that the proposed planned development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends **approving** that proposed rezoning to PD-B District at this location, as requested.