CITY OF BRYAN
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ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 11/10/2015

Subject Matter* (?) RZ15-18: A-O TO C-2 Acres On NE Side of SH30 btwn Winding Creek Rd. and Cole Ln.
This must match rolling agenda entry

Department of Origin* DEVELOPMENT SERVICES

Submitted By* Martin Zimmermann

Type of Meeting* ○ BCD ○ Special ◉ Regular

Classification* ○ Public Hearing ○ Consent ○ Statutory ◉ Regular

Ordinance* ○ None ◉ First Read ○ Second Read ○ First & Only Read

Strategic Initiative* ☐ Public Safety ☐ Service ☑ Economic Development ☐ 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 Agricultural – Open District (A-O) to Retail District (C-2) on 4.675 acres of vacant land out of Maria Kegans League, Abstract No. 28, and adjoining the northeast side of State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas. (RZ15-18).

Summary Statement *

The subject property is 4.67 acres in size and is located on the north side of State Highway 30, east of Winding Creek Road and west of Cole Lane. The subject property is currently undeveloped and zoned A-O District and has been since its annexation into the City of Bryan in July 1999. A portion of the subject property is located in the FM 158 Corridor Overlay District which was adopted in 2004. Adjacent properties to the southeast and northeast are also zoned A-O District and also are undeveloped or developed with a single-family home, respectively. Land to the south, across State Highway 30, to the southeast, across Cole Lane, and north of the subject property are located outside of Bryan's city limits and are either located in the City of College Station's or the City of Bryan's extraterritorial jurisdiction (ETJ). Those properties are therefore not regulated by Bryan's zoning regulations. Several properties along State Highway 30 have developed with commercial businesses in recent years in the City of Bryan as well as in the City of College Station's ETJ. Across State Highway 30 from the subject property current land uses include commercial businesses.
The applicant, Frank Rajan of SF Business Investments, LLC, has requested to change the zoning of these 4.675 acres to Retail District (C-2), to accommodate planned development of a convenience store, with diesel fueling facilities, at this location.

A previous request to change the zoning classification on 9.76 acres (including these 4.675 acres) from A-O District to Commercial District (C-3) was considered by the Planning and Zoning Commission at its August 6, 2015 regular meeting (case no. RZ15-15). The Commission voted unanimously to recommend denying that zoning change due to concerns about increased traffic in the area surrounding the subject property and loss of natural habitat on the property. The applicant did not request that that rezoning request be forwarded to City Council with a negative recommendation from the Commission. On September 9, 2015 the applicant submitted a new application to change the zoning on only 4.67 acres adjoining State Highway 30, a little more than half the acreage of the previous request. Instead of C-3 zoning, the applicant has now requested to change the zoning to C-2 District.

On October 8, 2015, a written protest from 4 nearby property owners, James and Jenna Anding as well as Larry and Christine Dover, was received by the City Secretary's Office. Staff has determined that the Andings and the Dovers own more than 20 percent of the land area within 200 feet of the property for which the zoning change has been requested (22.5 percent). Therefore, in order for the rezoning request to be approved by the City Council, an affirmative vote of at least three-fourths of all Councilmembers (supermajority vote) is required, in accordance with Texas Local Government Code Section 211.006(d) and Bryan Code of Ordinances Section 130-42(i)(4). A copy of the written protest and a map illustrating properties whose owners submitted written protests are included in this Council Action Form below.

Staff Analysis & Recommendation *

During its meeting on October 1, 2015 the Planning and Zoning Commission concurred with staff and recommended approving this rezoning request by a vote of 3 in favor and 2 in opposition, with Commissioners Incardona and Swearingen casting their votes in opposition.

• The subject property is located along both a super arterial street (State Highway 30), a major collector street (Cole Lane), and is at the entrance of the City of Bryan's current city limits. Rezoning the subject property to C-2 District will support the orderly urban growth in this vicinity by encouraging future commercial development along one of the City's major entrance corridors. Rezoning the property to C-2 District therefore conforms to the land use recommendations of the Comprehensive Plan.
• Over the past year and a half, there have been two other requests to rezone property along State Highway 30 from Agricultural-Open to a C-2 District zoning classification (RZ14-11 and RZ15-13). There are similar properties developed for commercial and retail uses located further west along State Highway 30, located outside of the jurisdiction of the City of Bryan zoning regulations. The proposed rezoning from A-O District to C-2 District on these 4.67 acres will allow for orderly urban growth at this particular location relative to its relationship with the surrounding area and adjacent properties.
• The subject property is located in the FM 158 Corridor Overlay District, which requires building facades to have 75% nonmetallic material. New commercial development at this location is therefore likely to be more attractive in appearance that other existing commercial developments in the vicinity.
• The expressed concerns of one of the two Planning and Zoning Commissioners who voted in opposition to the request included the view the proposed land uses were incompatible with current and potential future uses.

Options *

(In Suggested Order of Staff Preference)
1. approve the requested zone change;
2. deny the requested zone change.

Funding Source*	N/A
Attachments	Attachments CAF RZ15-18 Hwy 30 Business Park A-O to C-2.docx 4.69MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:
(all in one attachment):
1. Location Map
2. Ordinance
3. Excerpt from Planning and Zoning Commission meeting minutes of October 1, 2015
4. Protest Letters and Map
5. Staff Report to Planning and Zoning Commission

Dept. Head Signature	Kevin Russell
Deputy City Manager Signature	
City Manager Signature	
City Attorney Signature	Janis K Hampton