

Summary Statement *

The subject property located at 2305 East Villa Maria Road is a vacant auto service garage and gas station. The tract is situated at the southeast corner of East Villa Maria Road and East 29th Street, which are classified as major arterial and minor arterial streets, respectively, on the City of Bryan's Thoroughfare Plan. The applicant/appellant, Jeremy Richmond, is requesting two separate variances in order to facilitate the sale of the subject property to a potential buyer who proposes removing the two existing buildings on the site and constructing a new 4,000 square-foot convenience store with 8 fueling stations. In order to redevelop the site in the manner proposed, the applicant is seeking approval of two variances:

1. a 143-foot variance from the standards of Land and Site Development Ordinance Section 62-296 (b)(1)(a), which requires a minimum separation distance of 275 feet in the case of driveways and streets located along major arterial roadways; and
2. a 14-foot variance from the standards of Land and Site Development Ordinance Section 62-296(f), which requires a minimum throat depth of 50 feet for driveways taking access to and from a major arterial roadway.

During their regular meeting on October 1, 2015, the Planning and Zoning Commission considered the applicant's proposal and voted to deny the request. In the case of variance requests, the bylaws of the Planning and Zoning Commission specify that any motion to approve such a request receive at least 5 affirmative votes. The October 1 regular meeting began with six (6) Commissioners in attendance. By the time these requests for variance were considered, one Commissioner had left the meeting. A motion was made and seconded to approve the requested driveway spacing variance and deny the requested driveway throat depth variance. After discussion four (4) Commissioners voted to approve the motion and one (1) member voted to deny the motion. Since the motion failed to get five (5) affirmative votes, the motion failed. No further motions were made and since PV15-12 was the last item on the agenda, the Chairperson adjourned the meeting.

Mr. Richmond appealed the Commission's decision in an email (dated October 9, 2015) to staff within ten (10) calendar days from the Commission's decision, as allowed by Land and Site Development Ordinance Section 62-381(a). (The email message is attached for reference.) It is important to note that an application for variance is automatically granted if the City Council does not act on the variance appeal before the 46th day of the date the notice of appeal is filed (Section 62-381(b)).

Staff Analysis & Recommendation *

Staff recommends upholding the Planning and Zoning Commission's decision. Staff did recommend to the Commission to approve the requested variance for the location of the driveway, but denying the requested throat depth reduction. Detailed findings and recommendations appear in the attached staff report to the Planning and Zoning Commission. Key arguments (for and against) from the Planning and Zoning Commission are highlighted below:

- Based on the analysis provided by the City's Engineering Services Department, although a driveway in the proposed location is not advisable, it would not measurably increase traffic movement hazards over those that currently exist.
- Due to the dimensions, location and configuration of the subject property, it would not be possible to meet the 275-foot driveway separation requirement at any point along either East Villa Maria Road or West 29th Street.
- The proposed reduction of driveway throat depth will negatively affect both the operation of traffic and the safety of the users.
- Granting a variance to reduce the required driveway throat depth in the specific location of the subject property might be considered detrimental to the public health, safety, and welfare in the area.
- Reduced driveway throat depth will reduce needed space for motorists to stop and wait for conflicting traffic to clear, and will increase the possibility of customer traffic extending into the roadway and the likelihood of rear-end traffic accidents.

Options *

(In Suggested Order of Staff Preference)

1. Uphold the P&Z's decision and deny both requests.
2. Overturn the P&Z's decision and approve the driveway location variance request, and uphold the P&Z's decision to deny the driveway throat depth variance request.
3. Uphold the P&Z's decision to deny the driveway location variance request, and overturn the P&Z's decision and approve the driveway throat depth variance request.
4. Overturn the Planning and Zoning Commission's decision and approve both variance requests.

Funding Source *

N/A

Attachments

Attachments CAF Appeal of PV15-12 E Villa Maria Driveway Separation and Throat
Depth.docx

4.22MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:
(all in one attachment):

1. Location Map
2. Appeal Letter
3. Excerpt from Planning and Zoning Commission meeting minutes October 1, 2015
4. Staff report to Planning and Zoning Commission

Dept. Head Signature



Kevin Russell

**Deputy City Manager
Signature**



City Manager Signature



City Attorney Signature



Janis K. Hayton