

To: Bryan City Secretary
From: Councilmembers Southerland and Peña
Subject: Agenda Item Titled:



Amend City Council Action taken on an Appeal of the Planning and Zoning Commission's Denial of Requests for Variances to Chapter 62, Land and Site Development, Article VI, "Access and Off-Street Parking" on PV15-12.

Please place the following item on the Bryan City Council Regular Agenda for the next Bryan City Council Meeting:

Discussion, consideration, and possible action to amend the action taken by the City Council on agenda item 12b. on 11/10/2015 of an appeal of the Planning and Zoning Commission's decision to deny requests for variance to standards of Article VI, "Access and Off Street Parking", of Chapter 62, "Land and Site Development" of the Bryan Code of Ordinances, specifically the minimum 275-foot drive separation distance and 50-foot driveway throat depth generally required on properties along major arterial streets to allow a new driveway with a driveway throat depth of 36 feet to be located within 132 feet of East 29th Street on property located at 2305 East Villa Maria Road, at the southeast corner of the intersections of East Villa Maria Road and East 29th Street, being Lot 1 in Block 1 of the Villa Maria Gulf Service Subdivision in Bryan, Brazos, County Texas by overturning the denial or non-consideration or error by the P & Z Commission's action.

Discussion:

The following information was not presented or considered at the Council meeting of 11/10/2015:

Matthew Hilgemeier City of Bryan representative sent an "Action Notification" on Oct 1, 2015 (attached) as a city official to the property owner, the applicant and agent stating:

"A request for approval of a variance from the minimum 275-foot drive separation distance and 50-foot driveway throat depth generally required on properties along major arterial streets, to allow a new driveway with a driveway throat depth of 36 feet to be located within 132 feet of East 29th Street on property at 2305 East Villa Maria Road, at the southeast corner of the intersection of East Villa Maria Road and East 29th Street, being Lot 1 in Block 1 of the Villa Maria Gulf Service Subdivision in Bryan, Brazos County, Texas.

Case No: PV15-12

Action: The Planning and Zoning Commission voted to deny both requests with a vote of 4 in favor and 1 against.

Additional Comments: You may appeal the Commission's denial of your requests to the Bryan City Council. Written notice of appeal specifying the grounds for the appeal must be delivered to the Planning and Development Services within ten (10) calendar days after the date of the Commission's decision."

Presentations: Councilmembers Peña and Southerland

This agenda item placement is in accordance with the Bryan City Charter (j) (1) a. 2. Also the Texas Attorney General Opinion Number DM-228 (1993) states no policy can preclude a councilmember from placing an item on the agenda for public discussion.

Any changes to this agenda item must be approved in writing by both under signs prior to posting to the agenda.



Date: 11/17/2015

Rafael Peña, Councilmember District 2



Date: 11/17/2015

Mike Southerland, Councilmember District 4, msoutherland@bryantx.gov, 979-229-7805

Attachments:

1. P and Z Denial of Variance Request 10-1-2015
2. Appeal of PV15-12, Staff Action Form
3. Appeal of PV15-12 doc 2, maps and appeal letter, dated Oct 9, 2015