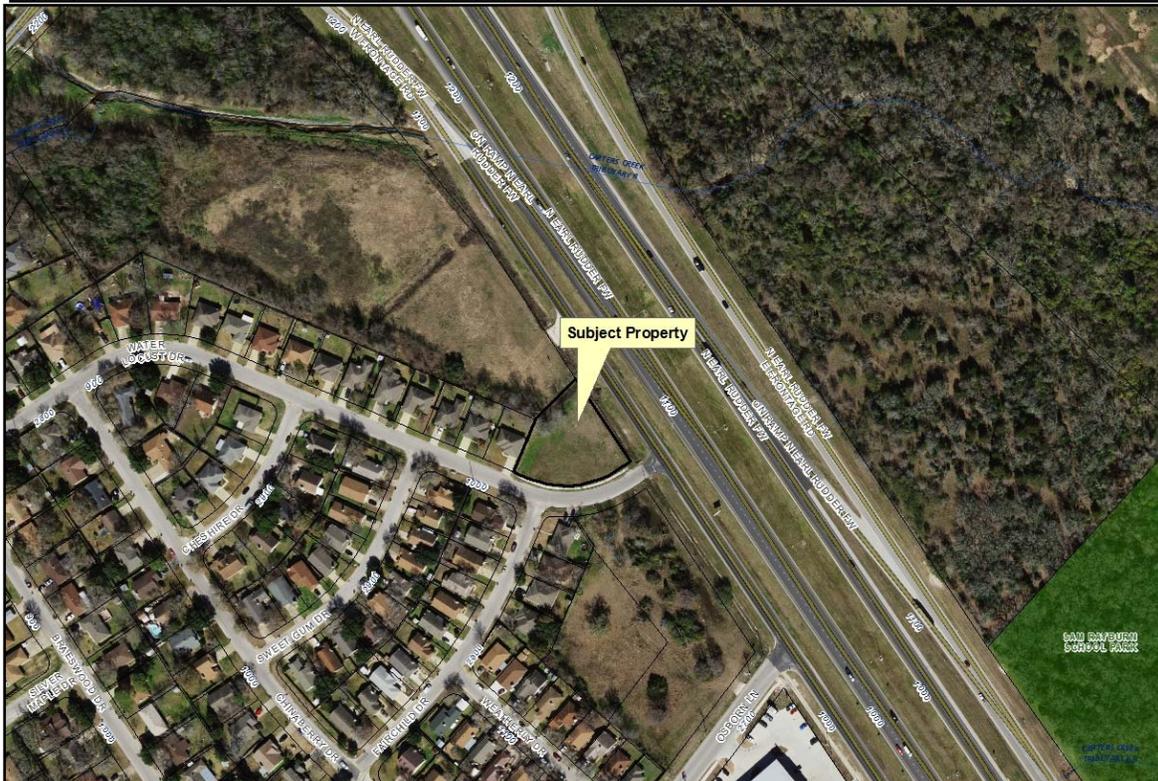
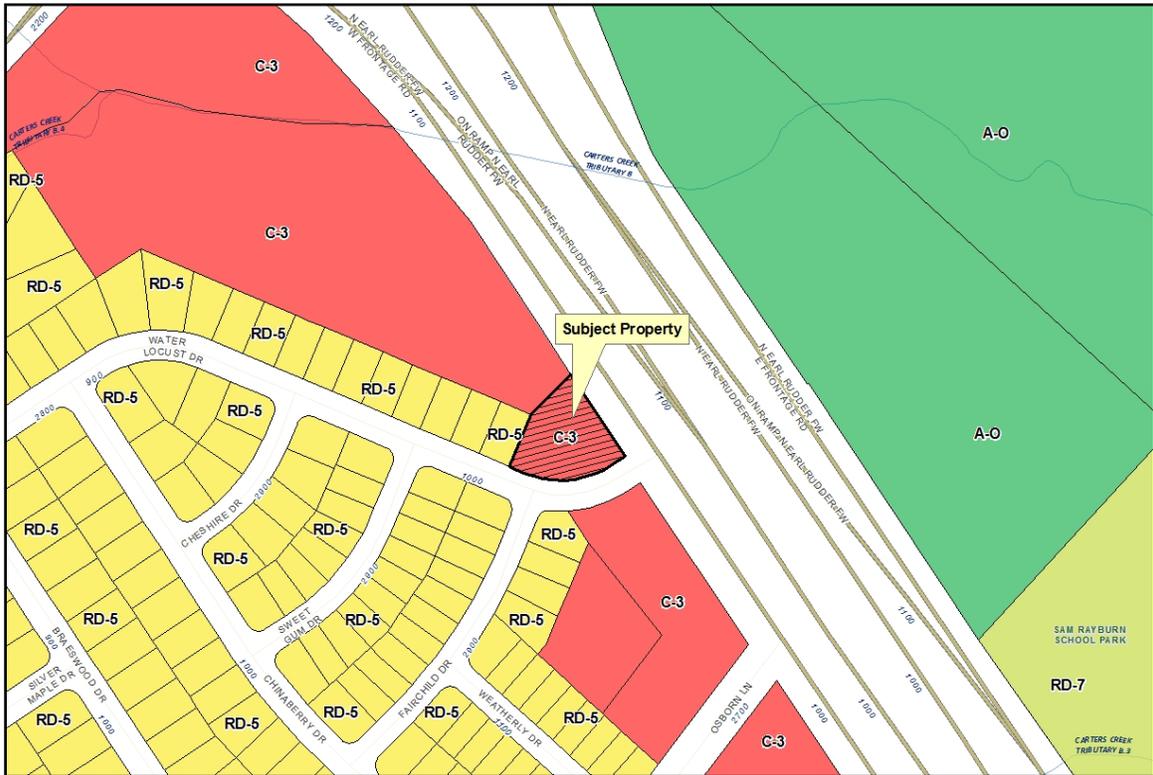


LOCATION MAPS:



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 COMMERCIAL DISTRICT (C-3) TO OFFICE DISTRICT (C-1) ON 0.62 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH EARL RUDDER FREEWAY FRONTAGE ROAD AND WATER LOCUST DRIVE, BEING LOT 2 IN BLOCK 2 OF THE CANYON CREEK ENTERTAINMENT SUBDIVISION IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for 0.62 acres of land located at the northwest corner of the intersection of North Earl Rudder Freeway Frontage Road and Water Locust Drive, being Lot 2 in Block 2 of the Canyon Creek Entertainment Subdivision in Bryan, Brazos County, Texas (case no. RZ15-21), was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on December 3, 2015;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Commercial District (C-3) to Office District (C-1) on 0.62 acres of land located at the northwest corner of the intersection of North Earl Rudder Freeway Frontage Road and Water Locust Drive, being Lot 2 in Block 2 of the Canyon Creek Entertainment Subdivision in Bryan, Brazos County, Texas,

2.

That 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 7th day of January, 2016 at a special meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 12th day of January, 2016 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

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF DECEMBER 3, 2015:**

7. 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 RZ15-21: GAZW Holdings, LLC

A request to change the zoning classification from Commercial District (C-3) to Office District (C-1) on 0.62 acres of land located at the northwest corner of the intersection of North Earl Rudder Freeway Frontage Road and Water Locust Drive, being Lot 2 in Block 2 of the Canyon Creek Entertainment Subdivision in Bryan, Brazos County, Texas. (M. Hilgemeier)

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

Commissioners asked if there has been any public input during the week. Mr. Hilgemeier replied that there had been one phone call from a citizen requesting more information.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-21 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Madison seconded the motion.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

December 3, 2015



Rezoning case no. RZ15-21: GAZW Holdings, LLC

CASE DESCRIPTION: a request to change the zoning classification from Commercial District (C-3) to Office District (C-1)

LOCATION: 0.62 acres of land located at the northwest corner of the intersection of North Earl Rudder Freeway Frontage Road and Water Locust Drive

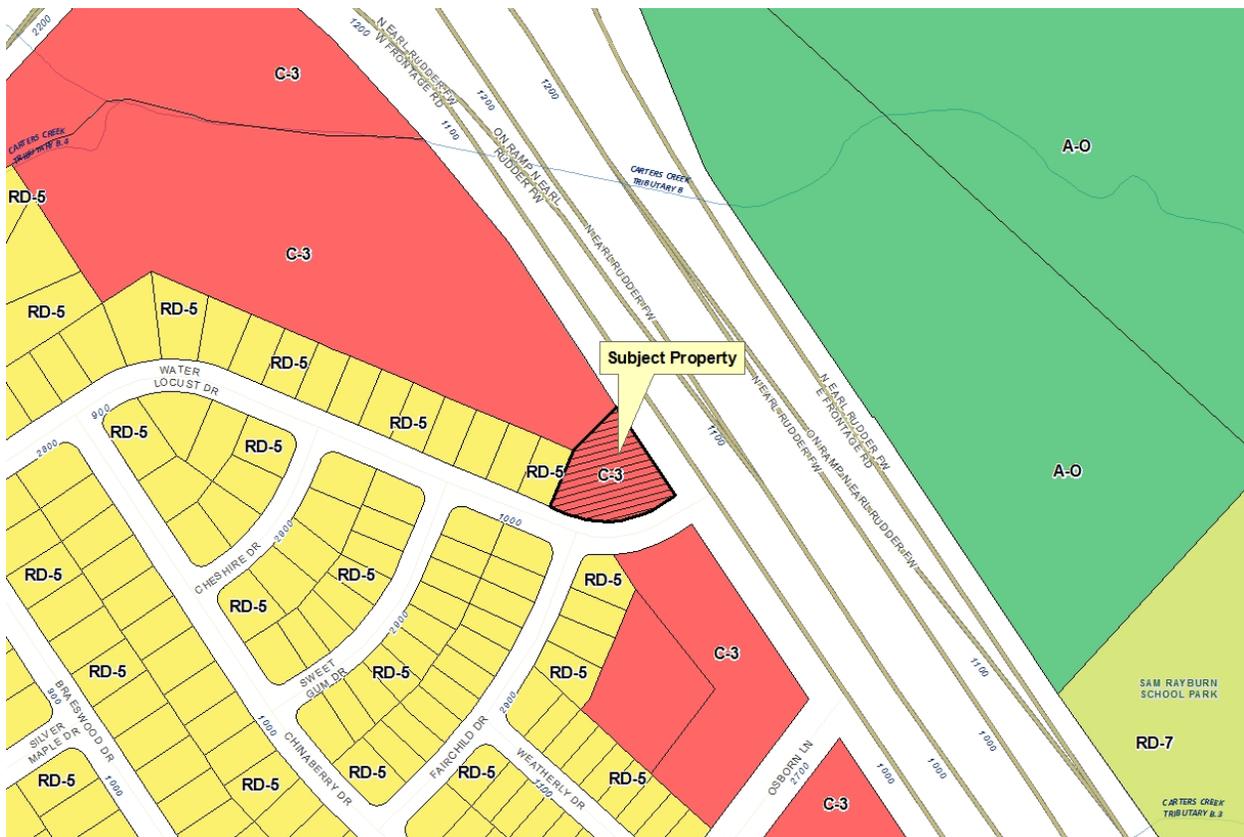
LEGAL DESCRIPTION: Lot 2 in Block 2 of the Canyon Creek Entertainment Subdivision

EXISTING LAND USE: vacant lot

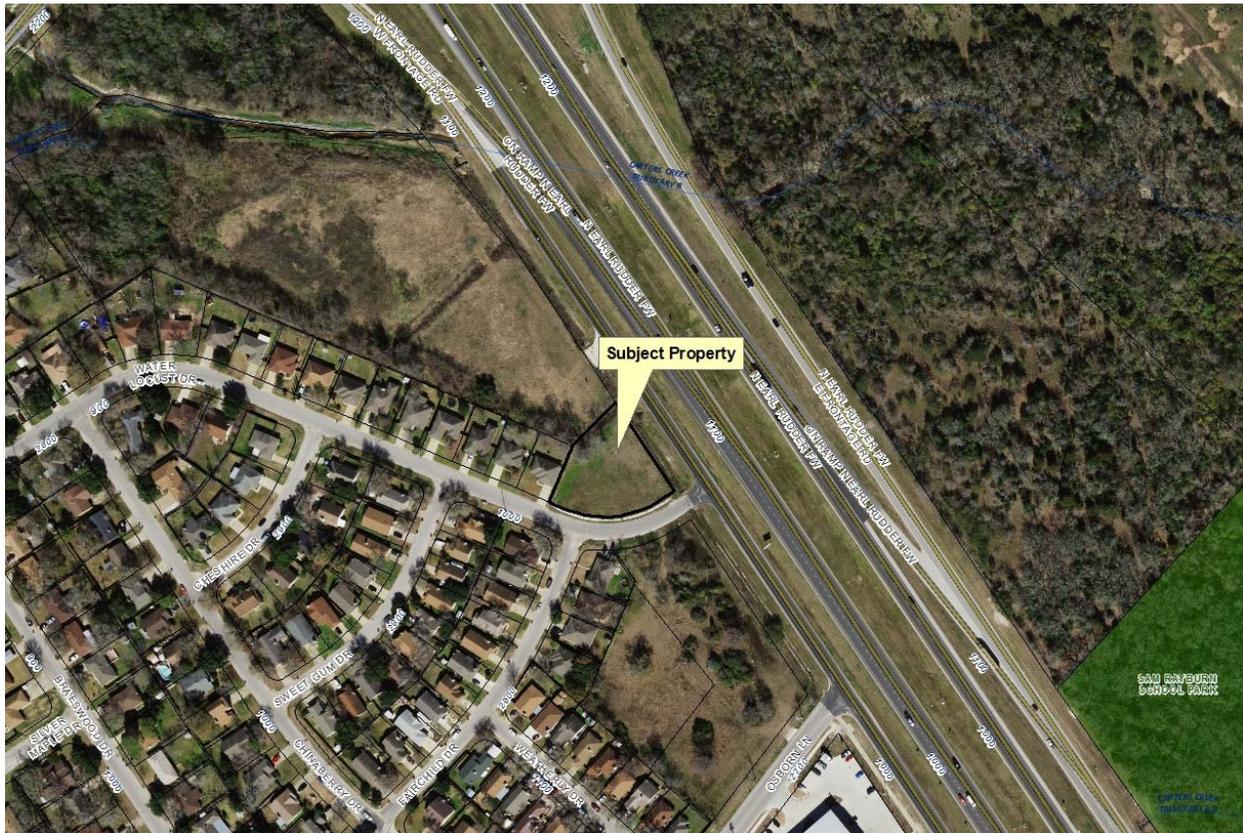
APPLICANT(S): Glenn Jones, J4 Engineering

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

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



AERIAL PHOTOGRAPH (2013):



BACKGROUND:

The 0.62-acre subject property is located at the northwest corner of the intersection of North Earl Rudder Freeway and Water Locust Drive. The property has been zoned Commercial District (C-3) since the City of Bryan adopted zoning regulations in 1989. The subject property abuts property to the west that is zoned Residential District – 5,000 (RD-5) and currently developed with single-family homes in the Allen Forest Subdivision. Properties to the north and south are zoned C-3 District and are currently vacant. To the east the subject property abuts the North Earl Rudder Freeway Frontage Road. The subject property was platted into its current configuration of 0.62 acres in June 2011 as part of the Canyon Creek Entertainment Subdivision.

The owners of the property, GAZW Holdings, LLC, wish to change the zoning classification of this property from C-3 to Office District (C-1) to limit the type of uses allowed on the property to those that can be considered less intensive than those that are currently allowed by the property's C-3 zoning. The C-3 zoning classification is intended to provide opportunities for development with heavy retail and commercial uses of a service nature, including wholesale trade, retail sales, warehousing development, repair and service establishments, as well as heavy and bulk equipment supply dealers. The C-1 zoning classification was established to create a flexible district for low intensity office and professional uses generally in smaller buildings such as general office uses, art galleries, and nursing home. Some light intensity retail uses such as a personal service shop, medical clinic or child care also permitted in C-1 Districts.

One notable difference between C-3 and C-1 zoning is the buffer area required of such properties adjacent to residential uses per Zoning Ordinance Section 130-32. Additionally, in C-1 Districts, non-residential buildings are required to cover at least 50 percent of the facades with masonry/brick materials or other non-metallic materials. There are no such requirements for properties zoned C-3 District. Please also refer to the table below.

Commercial District (C-3)	Office District (C-1)
75-feet Standard Buffer Area Requirement	25- feet Standard Buffer Area Requirement
45-feet Reduced Buffer Area Requirement	15-feet Reduced Buffer Area Requirement
Metallic material allow without limitation on all facades.	50 Percent metallic material limitation on all facades.

RELATION TO BRYAN’S COMPREHENSIVE PLAN:

The City of Bryan’s Comprehensive Plan includes policy recommendations related to the various physical development aspects. The plan identified a number of issues that have been, according to the committee members, an impediment to the healthy growth of the community. Among the goals supported by the policies are the development of attractive entrances and corridors and encouraging and promoting compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically. One of the plan’s objectives is to encourage a sustainable mix of land uses types in suitable locations, densities and patterns and to identify areas for commercial development and preserve them with appropriate zoning. The Comprehensive Plan also suggests that commercial uses are appropriate at points of high visibility along arterial and major collector streets and at intersection of major streets.

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.

Staff believes that the uses permitted in C-1 are appropriate at this particular location due to the relatively small size of the subject property (0.62-acres), the property is not conducive for development with larger scale retail development adjacent to single-family homesites. Changing the zoning to C-1 District will allow development with small-scale office uses which are less intense than those uses generally allowed by the current C-3 zoning of the property. The requested change is zoning classification would also eliminate the possibility of more intense uses allowed by right in the C-3 District to be developed here, for example, a go-cart track, a lumberyard, an RV park, or a truck repair/truck stop.

In this particular case, C-1 zoning on the subject property will be consistent with land use recommendations of Bryan’s Comprehensive Plan which suggests that office uses are appropriate at locations that are at points of high visibility along non-residential arterials and major collectors and provide a transitional land use between residential uses and higher intensity uses. As stated above, the subject property is located along the North Earl Rudder Freeway Frontage Road, this provides it with a high visibility location, but will also serve as a buffer when developed from the high volumes of traffic along the frontage road and the existing residential uses.

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.

Existing public infrastructure is adequate to support the existing development on the subject property. 6-inch wide public sewer and 8-inch wide public waters lines are located along Water Locust Drive. Staff contends that the proposed change will have no immediate impact on infrastructure needs in the area.

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 office development is occurring at a slow pace in this vicinity and moderately elsewhere in the City. However, there appears to be a demand for office spaces located at high-visibility locations. Staff contends that a change to a less intense zoning classification here will protect the adjacent residential neighborhood from uses that are generally incompatible with residential use, and which are currently allowed by right at this location.

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 office development will be unaffected by the proposed amendment. Staff contends that areas designated for similar development would not be affected if the proposed zoning amendment is approved.

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 C-1 District on the subject properties.