

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 RESIDENTIAL DISTRICT – 5000 (RD-5) ON 0.286 ACRES OF LAND LOCATED AT 515 EAST 30TH STREET, ADJOINING THE WEST CORNER OF BAKER AVENUE AND EAST 30TH STREET, BEING LOT 1 IN BLOCK 14 OF THE PHILLIPS ADDITION IN BRYAN, BRAZOS COUNTY, TEXAS; 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 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for 0.286 acres of land located at 515 East 30th Street adjoining the west corner of Baker Avenue and East 30th Street, being Lot 1 in Block 14 of the Phillips Addition in Bryan, Brazos County, Texas (case no. RZ15-26) was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on January 7, 2016;

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 Residential District – 5000 (RD-5) on 0.286 acres of land located at 515 East 30th Street adjoining the west corner of Baker Avenue and East 30th Street, being Lot 1 in Block 14 of the Phillips Addition 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That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 9th day of February, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 23rd day of February, 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 JANUARY 7, 2016:**

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 RZ15-26: George and Connie Hester

A request to change the zoning classification from Commercial District (C-3) to Residential District – 5000 (RD-5) on 0.286 acres of land located at 515 East 30th Street, adjoining the west corner of Baker Avenue and East 30th Street, being Lot 1 in Block 14 of the Phillips Addition 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.

Commissioners directed questions to staff including whether or not there had been any public input regarding the case prior to the meeting. Mr. Haynes responded that there was not.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Incardona moved to recommend approval of Rezoning RZ15-26 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion and the motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**



January 7, 2016

Rezoning case no. RZ15-26: George and Connie Hester

CASE DESCRIPTION: a request to change the zoning classification from Commercial District (C-3) to Residential District – 5000 (RD-5)

LOCATION: 0.286 acres of land located at 515 East 30th Street, adjoining the west corner of Baker Avenue and East 30th Street

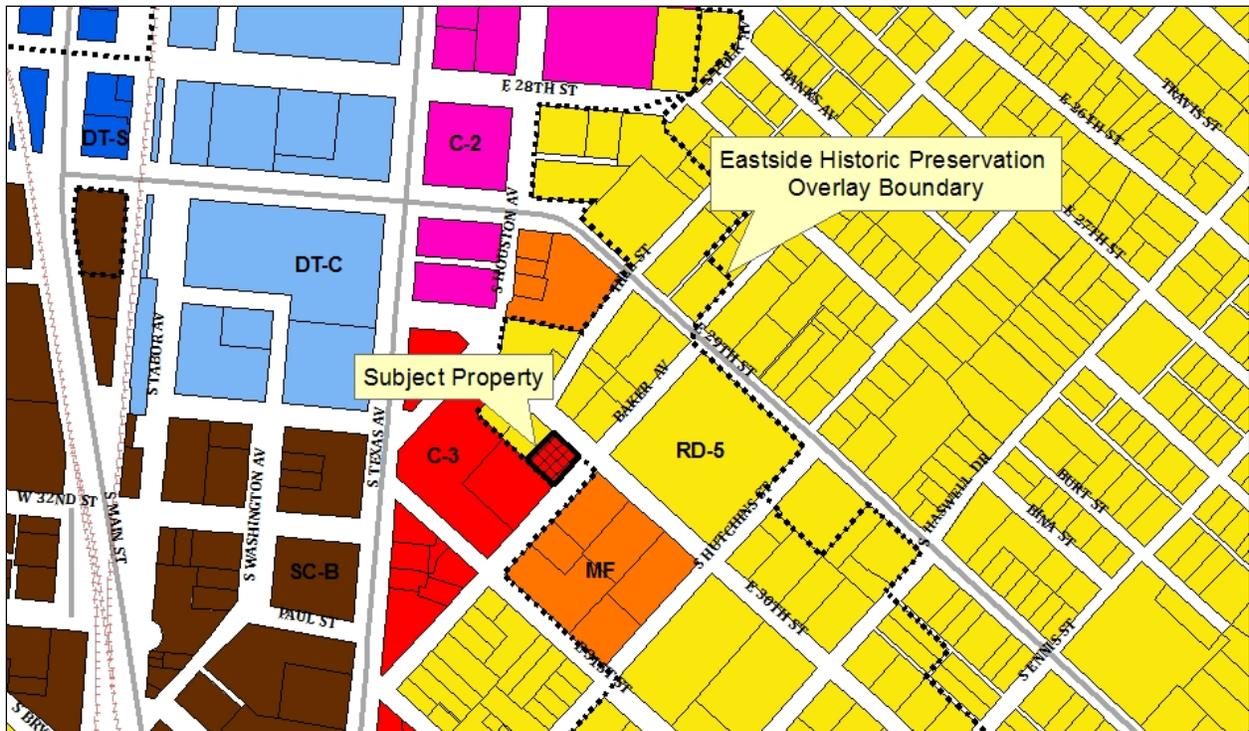
LEGAL DESCRIPTION: Lot 1 in Block 14 of the Phillips Addition

EXISTING LAND USE: Residential

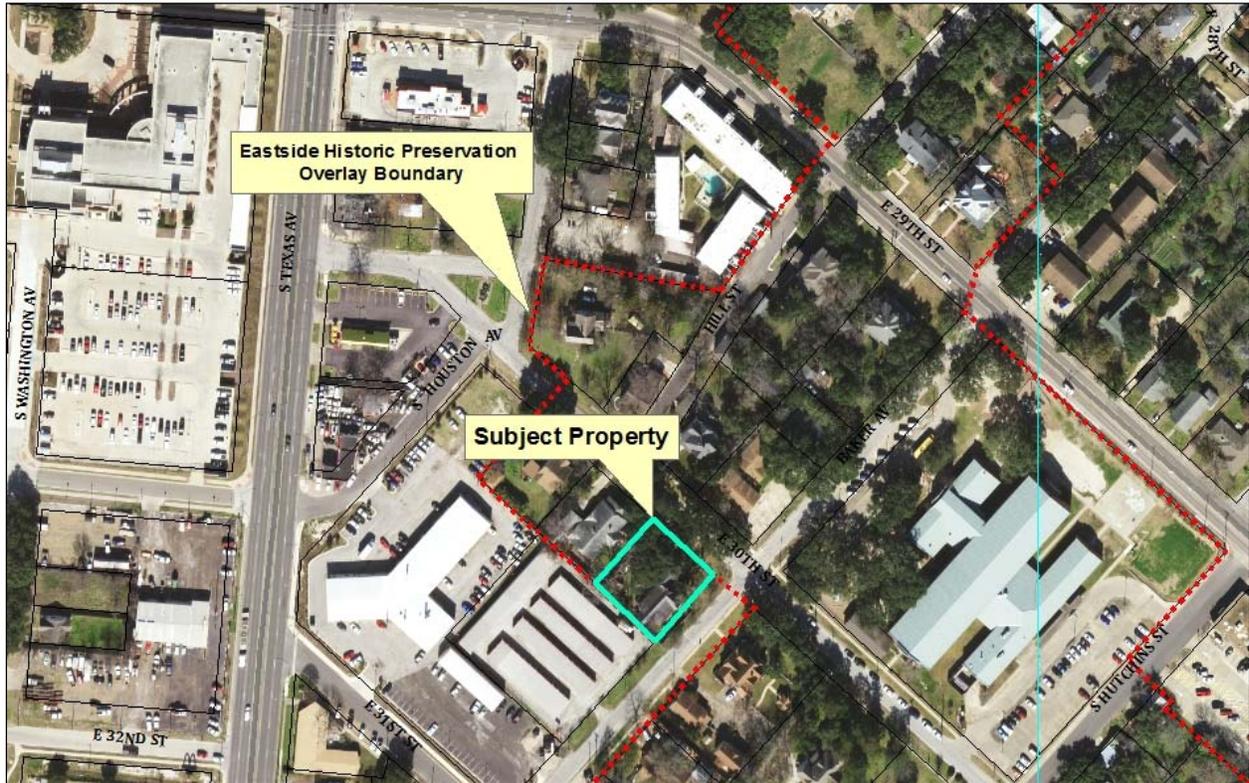
APPLICANT(S): George and Connie Hester

STAFF CONTACT: Randy Haynes, Senior Planner

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



AERIAL PHOTOGRAPH (2015):



BACKGROUND:

The subject property is 0.286 acres in size and is located at 515 East 30th Street, adjoining the west corner of Baker Avenue and East 30th Street. The property is currently occupied by a single detached residence. The subject property lies within the Eastside Historic Preservation Overlay District (HP) and has been assigned its current Commercial District (C-3) zoning classification since the initial Zoning Ordinance was passed and approved on December 11, 1989. The two residences west of the subject property are zoned Residential District-5000 (RD-5) and the majority of the block on which the subject property is located is classified C-3. The adjacent uses in the C-3 District located southwest of the subject property are a mini-storage facility and an auto body repair shop.

The applicants, George and Connie Hester have owned the subject property since 1979 and have resided there since that time. Until recently, the applicants were unaware of the fact that their home had been classified for commercial use. As it is not the intent of the Hesters to ever employ the subject property for anything other than as a residence, they have requested that the zoning be changed from C-3 to RD-5.

The C-3, Commercial District is intended predominantly for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical retail or shopping, but generally not with residential environments. Operating characteristics which may be typical of uses permitted in the Commercial District include service oriented businesses; they may sell used goods, may require warehouse storage and delivery areas, and have a greater service radius than retail stores.

The Residential District - 5000, is intended to provide for development of detached dwelling units on lots of not less than five thousand (5,000) square feet. Other uses, such as religious and educational facilities, and open spaces are provided to maintain a balanced, orderly, convenient, and attractive residential area.

The Historic Preservation Overlay District is intended to:

- (1) preserve, protect and enhance the properties which represent distinctive elements of Bryan's historic, architectural, and cultural heritage;
- (2) foster civic pride in the accomplishments of the past;
- (3) preserve, protect and enhance Bryan's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (4) insure the harmonious, orderly, and efficient growth and development of the City;
- (5) promote economic prosperity and welfare of the community;
- (6) encourage stabilization, restoration, and improvements of such properties and their values.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The Comprehensive Plan includes policy recommendations related to various use specific types of development. For example;

Use-Specific Land Use Policies

The land uses listed below should meet all of the specific policies below in addition to the Citywide Policies listed above.

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;

- Accessible to collector and arterial streets, but directly access only local streets; and
- Not adjacent to major arterials and freeways without adequate buffering and access management.

And;

5.6 Goals, Objectives and Action Statements

GOAL #2: Facilitate orderly, efficient and attractive development, redevelopment and infill.

Objective A: Provide for an efficient development process.

Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

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.

Although adjacent to commercial uses, staff believes that single-family residential use is appropriate at this location due to the proximity of other single-family detached residences in the immediate vicinity. Staff contends that the land uses allowed in the RD-5 district will be compatible in the immediate area surrounding the subject property and would fit within the adopted goals and land use policies set out in the Comprehensive Plan.

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.

Public infrastructure is adequate to support the residential use of subject property. It is currently served by an 8-inch sewer line and 6-inch water line located along E. 30th Street. Staff finds 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.

There is a very small amount of undeveloped land available for single-family detached residential construction in the vicinity of the subject property. 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 residential development is occurring at a moderate pace in this vicinity and elsewhere in the City.

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 single-family detached residential development will be unaffected by the proposed amendment.

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

Staff is unable to identify factors 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 RD-5 District on the subject property.