CITY OF BRYAN
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ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 02/23/2016

Subject Matter* (?) RZ16-01 (Vega): RD-5 to C-1 on 0.5015 acres on west side of 1400 blk of Woodland Drive between S.
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 ☑ Economic Development ☑ Quality of Life ☐ Service ☐ Infrastructure

Agenda Item Description* Receive public comment regarding 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 Residential District – 5000 (RD-5) to Office District (C-1) on 0.5015 acres of land located on the west side of the 1400 block of Woodland Drive between South Gordon Street and Bethel Lane, being Lot 18-R4 in Block 1 of Cavitt's Woodland Heights Subdivision – Phase 2 in Bryan, Brazos County, Texas. (RZ16-01)

Summary Statement* The applicants, Laura and Felipe Vega, own the subject property, a vacant tract zoned Residential District – 5000 (RD-5) as well as the tract immediately to the northwest (fronting S. Coulter Drive). That adjoining property is zoned Commercial District (C-3) and is occupied by a 2,000 square-foot building in which the Vegas operate a restaurant. Both parcels were purchased from the same seller, Mr. George Lopez, in 2013.

Upon the adoption of zoning in Bryan December 11, 1989, the subject property and all the surrounding land was assigned the C-3 zoning classification. Mr. Lopez acquired the subject property and the land surrounding it in 1998 and, in 2005, he successfully requested that 0.9 acres of his total holdings of 1.2 acres be rezoned from C-3 District to RD-5 District. Subsequent to that rezoning, Mr. Lopez subdivided that 0.9 acres into four (4) residential lots and built and sold houses on three (3) of the new lots. The subject property that fronts Woodland Drive, Lot 18-R4, has remained undeveloped.

With the subject property being directly adjacent to the rear of their business at 1005 S. Coulter Drive, the applicants wish to expand the restaurant parking area onto a portion of the subject property. Since nonresidential off-street parking use is not allowed in RD-5 Districts, the Vegas are requesting the zoning classification be changed from RD-5 District to C-1 (Office) District.

Except for the four (4) lots rezoned to RD-5 District in 2005, the land bound by Texas Avenue, South Coulter Drive, Woodland Drive and Bethel Lane is zoned C-3 District. The three (3) lots immediately northwest of the subject tract are zoned RD-5 District. East of Woodland Drive, the land for approximately a mile is zoned for various types of residential use.

The RD-5 District is intended to provide for development of detached dwelling units on lots of not less than 5,000 square feet. The C-1 District is intended to provide development opportunities for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted.

Staff Analysis & Recommendation*

During its meeting on February 4, 2016, the Planning and Zoning Commission concurred with staff and, by a vote of 7-1, recommended approving this rezoning request.

• A change of the zoning designation to C-1 District is appropriate for the subject tract and consistent with land use recommendations of Bryan's Comprehensive Plan, which suggests that office uses should be located in areas that provide a transition between residential uses and higher intensity commercial uses.

• C-1 zoning allows only low-intensity commercial uses, which must observe a minimum of 15 to 25-foot wide buffer areas adjacent to properties zoned for residential use.

• Given the arrangement of the lot boundaries in this particular case, as well as the presence of FEMA-regulated floodway between the buildable area on this lot and Woodland Drive, conditions seem to have evolved to the point where a single-family residence on the subject property does not appear to be a feasible or desirable land use at this location.

At the February 4, 2016, Planning and Zoning Commission meeting, several citizens spoke in opposition of the rezoning. Example concerns expressed by citizens included flooding and drainage issues, lighting and light pollution issues, traffic concerns, noise concerns, and dust. Speaking in support of the rezoning was the president of the Upper Burton Creek Neighborhood Association who stated the Neighborhood Association voted in favor of the rezoning request. The applicant also addressed the Commission.

Options*

(In Suggested Order of Staff Preference)

1. approve the requested zone change;

2. approve the requested zone change with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda;

3. deny the requested zone change.

Funding Source*

N/A

Attachments

ATTACHMENTS CAF RZ16-01, Cavitt's Woodland Heights, Vega, RD-5 to C-1.docx 2.25MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:
(all documents are attached as a single Word file)

1. location maps;
2. draft ordinance;
3. excerpt from P&Z meeting minutes of February 4, 2016; and
4. staff report to the Planning & Zoning Commission.

Dept. Head Signature

Kevin Russell

Deputy City Manager Signature

Hugh R. Walker

City Manager Signature

City Attorney Signature

Janis K Hampton