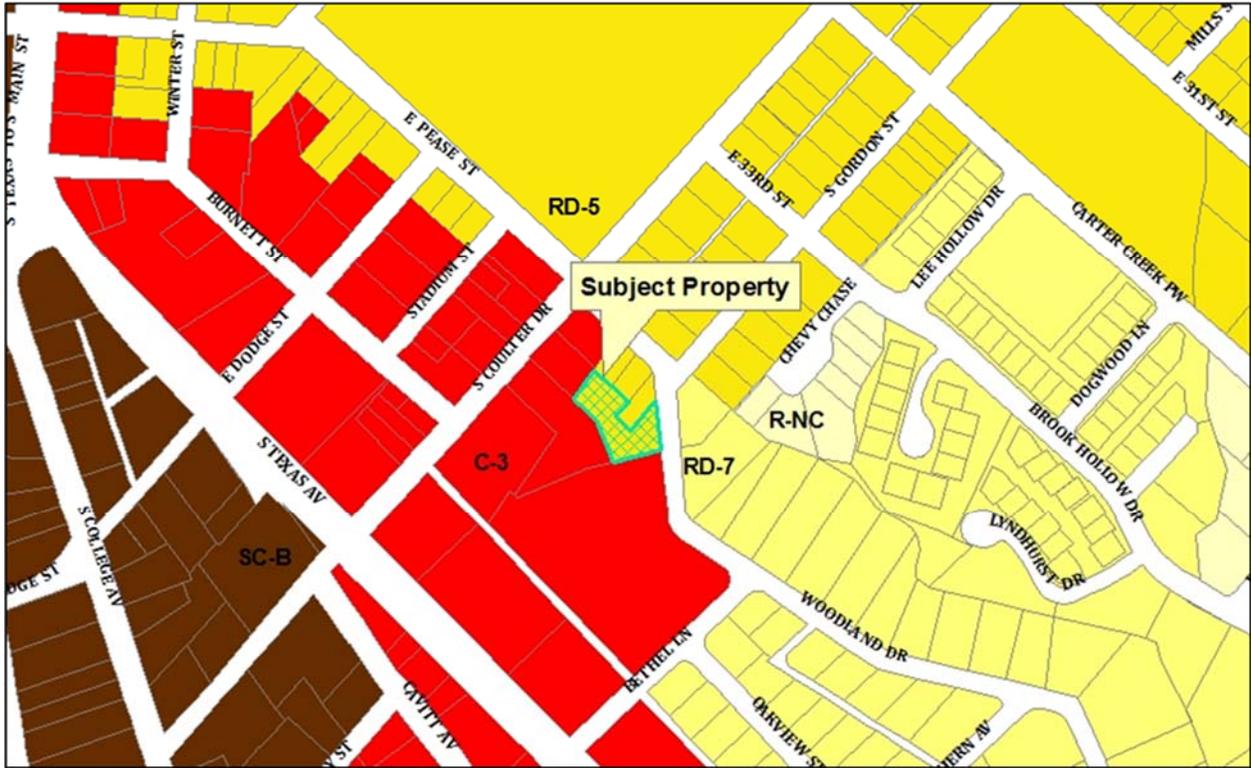


**LOCATION MAPS:**



**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 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; 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 0.5015 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, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on February 4, 2016 (case no. RZ16-01);

**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 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.

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That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 23<sup>rd</sup> 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 22<sup>nd</sup> day of March, 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 FEBRUARY 4, 2016:**

**6. 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 RZ16-01: Laura and Felipe Vega**

*A request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1) on 0.5015 acres of land located on the east 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. (R. Haynes)*

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

In response to questions from the Commission, Mr. Haynes stated that:

- There could be a driveway to Woodland Drive under the current residential zoning but it does not to be economically feasible and would require a lot of engineering due to the existing floodplain/floodway.
- Required buffers in C-1 District would affect the location of a potential driveway to Woodland Drive.
- A fence on the subject property is being used as the backyard of another lot and that the applicant is aware of the situation.
- Buffers are required adjacent to properties zoned residential districts.
- Development standards prohibits glare from on-site lighting onto adjacent properties

The public hearing was opened.

Ms. Amanda DeSantiago, 1404 Woodland Dr., Bryan, TX; Ms. Karen Kirby, 1402 Woodland Dr., Bryan, TX; Ms. Janice Robbins, 1407 Woodland Dr., Bryan, TX; and Mr. Erich Wimberly, 700 Chevy Chase, Bryan, TX; came forward to speak in opposition of the request. Cited concerns included:

- flooding and drainage issues
- lighting and light pollution issues
- traffic concerns
- perceived misuse of the property including having a taco truck and construction vehicles parked on the property
- construction noise
- the lot not being used only for restaurant parking but rather for other purposes
- dirt and sand on the property
- dust

Mr. Obed Matus, president of the Upper Burton Creek Neighborhood Association, 1906 Sharon Dr., Bryan, TX, came forward to speak in favor of the request on behalf of the association who reviewed and voted on the request earlier in the week.

Ms. Laura Vega, 1210 Antione, Bryan, TX, applicant, came forward to speak in favor of the

request. Ms. Vega stated that

- her only intention is to build a parking lot and has no intention to use the lot for any other purposes; and
- she has no intention to build a driveway out to Woodland Drive.

The public hearing was closed.

In response to questions from the Commission, Mr. Haynes stated that

- approving the request would allow the city to address the drainage issues when the parking lot construction is proposed.
- the development would require landscaping and a privacy fence to buffer from adjacent residences.

**Commissioner Gonzalez moved to recommend denial of Rezoning 16-01 to the Bryan City Council as he would like to see the property replatted into two separate lots. The motion failed due to a lack of second.**

**Commissioner Madison moved to recommend approval of Rezoning RZ16-01 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Chairperson Gutierrez seconded the motion.**

Commissioners commented that they were happy to hear of the support from the neighborhood Association. They were also in favor of the buffering requirements and the greater control over drainage that approving the request would allow.

**The motion passed by a vote of 7 to 1, with Commissioner Gonzalez casting the vote in opposition.**

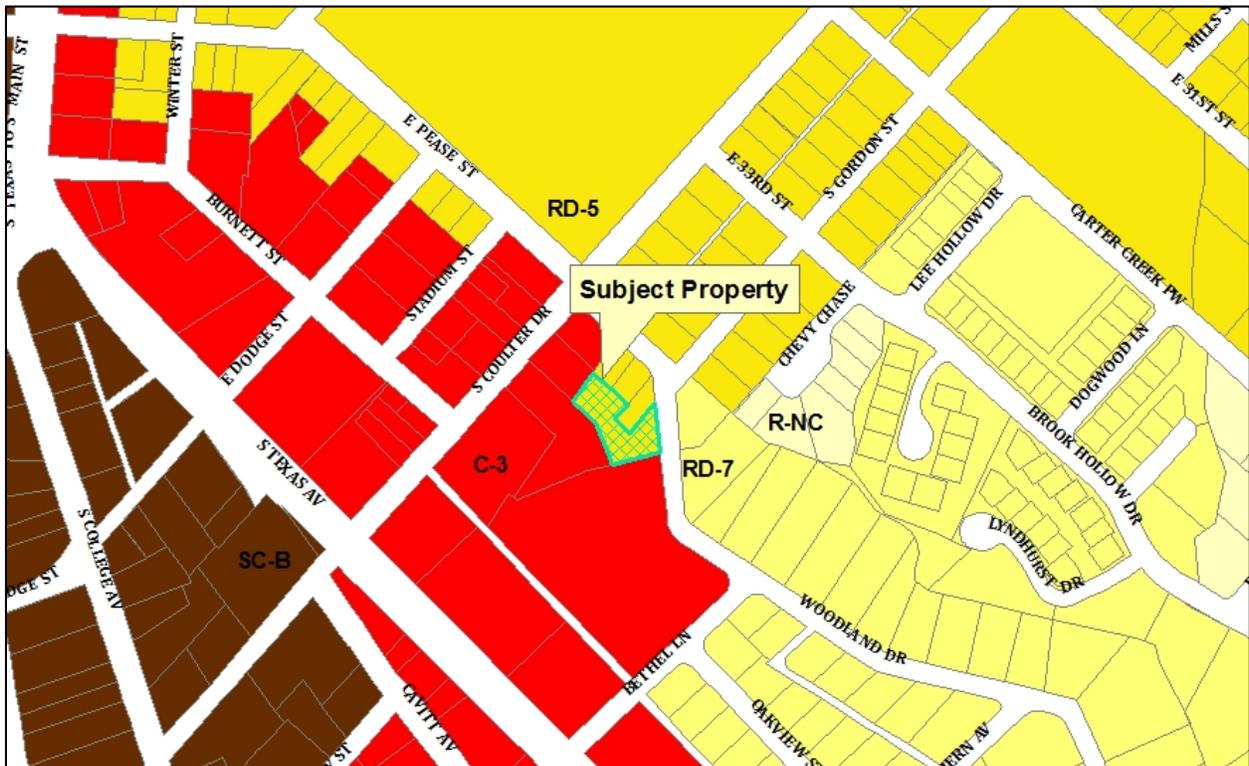
**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**February 4, 2016**



**Rezoning RZ 16-01: Laura and Felipe Vega**

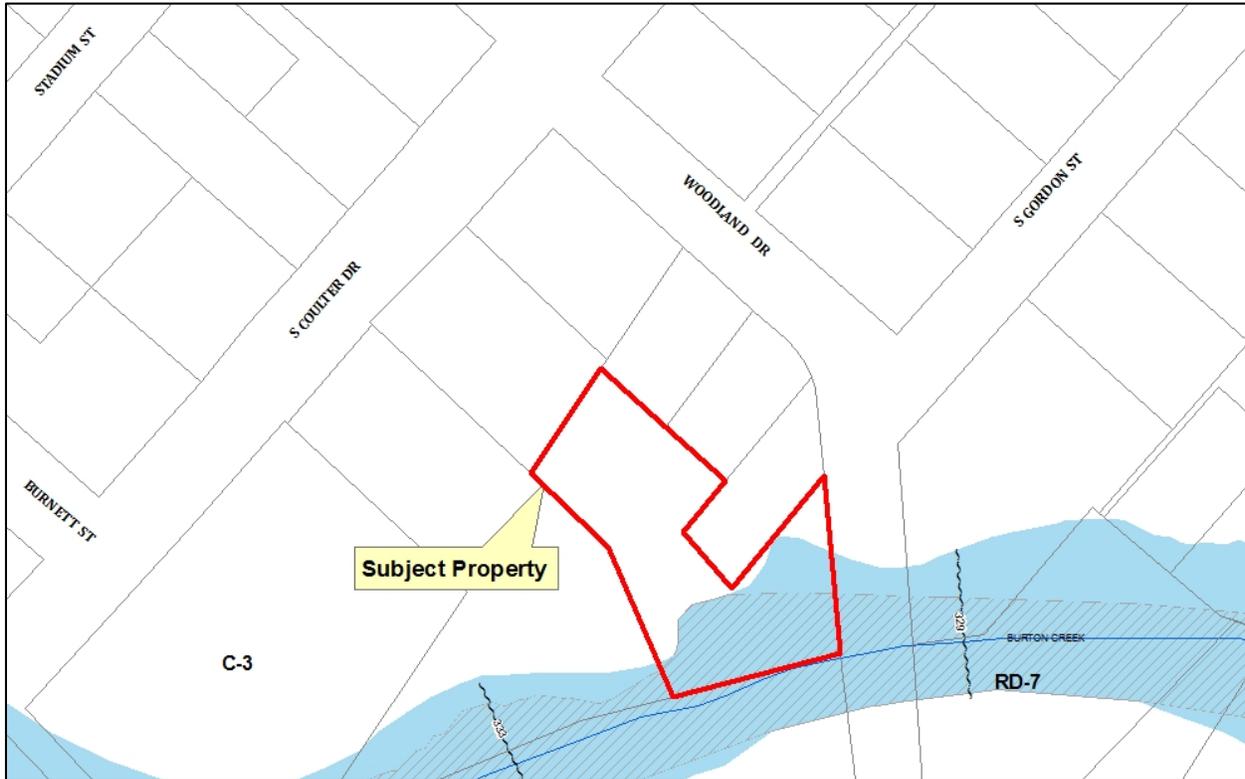
- CASE DESCRIPTION:** a request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1)
- LOCATION:** 0.5015 acres of land located on the west side of the 1400 block of Woodland Drive between South Gordon Street and Bethel Lane
- LEGAL DESCRIPTION:** Lot 18-R4 in Block 1 of Cavitt’s Woodland Heights Subdivision – Phase 2
- EXISTING LAND USE:** vacant
- APPLICANT(S):** Laura and Felipe Vega
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this request.



**AERIAL PHOTOGRAPH, 2015:**



**DEPICTION OF FEMA FLOODWAY IMPACT ON SUBJECT PROPERTY:**



## **BACKGROUND:**

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 the rezoning Mr. Lopez subdivided that 0.9 acres into four residential lots and built and sold houses on three of the new lots. The subject property, 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 Vega's are requesting that the zoning classification be changed from RD-5 District to C-1 (Office) District.

Except for the four lots rezoned to RD-5 District in 2005, all of the land bound by Texas Avenue, South Coulter Drive, Woodland Drive and Bethel Lane is zoned C-3 District. The three lots immediately northwest of the subject tract are zoned RD-5 District. East of Woodland Drive all of 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.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

### **Citywide Land Use Policies**

All land uses should be located such that:

- Appropriate buffers separate dissimilar uses. Buffers include, but may not be limited to transitional land uses, floodplain areas, parks, landscaping or natural and man-made features;
- Where incompatible land uses must be adjacent, zoning boundaries should be drawn along rear property lines such that activities face away from each other to avoid potential negative impacts;

### **Use-Specific Land Use Policies**

Office uses should be located in areas that:

- Provide a transition between residential uses and higher intensity commercial land uses

## 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 and their relationship to general area and the City as a whole.

**The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in Retail Districts (C-2) and other nonresidential zoning classifications.**

**Staff contends that a change of the zoning designation to C-1 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. The C-1 zoning district allows only low-intensity uses which must observe minimum 15-25-foot wide buffer areas adjacent to residentially-zoned properties. Given the arrangement of the lot boundaries in this particular case, as well as the presence of FEMA floodway between the buildable area on this lot and Woodland Drive, conditions appear 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.**

**Staff believes that the office classification and the potentially accompanying uses are appropriate in this particular environment. Staff further contends that if the proposed zoning change were approved, it would have no impact on orderly development in the City as a whole.**

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

**The subject property has direct access to water and wastewater services. South Coulter Drive is classified as a major collector street on Bryan's Thoroughfare Plan. Woodland Drive, directly in front of the subject property is a local street with a 50-foot wide right-of-way and 32+ feet of pavement. Both streets can reasonably be expected to handle additional traffic loads typically associated with low-intensity uses allowed in C-1 Districts.**

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.

**In Bryan permitted commercial land uses are arranged in a cumulative fashion from low to highest intensity. All of the land uses permitted by right in C-1 Districts are permitted by right in C-2 and C-3 Districts.**

**There is very little available land specifically classified for office use in the area of the subject property. The nearest C-1 District is a small cluster at the intersection of S. Coulter Drive and East 29<sup>th</sup> Street, approximately 2,200 feet northeast from the subject property. Staff is unaware of circumstances that would make a substantial part of that land or any other nearby land zoned for office use unavailable for development. Staff contends that this zone change request, if approved, will not make such 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.

**Property in the area of the subject tract is largely developed. Land in Bryan specifically zoned for office use is uncommon. Less than 1% of the land in Bryan is classified C-1 District. Development of land in Bryan for specifically office uses is typically unhurried.**

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 properties zoned for office use in this area are unlikely to be affected by this zoning change.**

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Staff has identified no factors resulting from this requested zoning change that will affect health, safety, morals, or general welfare.**

#### **RECOMMENDATION:**

Staff recommends **approving** C-1 zoning, as requested.