

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: November 12, 2013		DATE SUBMITTED: October 22, 2013	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Office District (C-1) to Downtown – South District (DT-S) on approximately 1.8 acres of land generally adjoining both sides of the 200 block of West 28 th Street between South Bryan and South Parker Avenues, being Lots 1 – 6 in Block 116 and parts of Lots 1 – 3 and parts of Lots 6 and 7 and Lot 8 in Block 117 of the Bryan Original Townsite in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: The applicants are requesting to change the zoning classification on approximately 1.8 acres of land from Office District (C-1) to Downtown – South District (DT-S). The subject property is comprised of six (6) separate parcels. Current land uses include a vacant synagogue (Temple Freda), two (2) vacant tracts, a vacant former residence currently for sale for commercial use, and two (2) metal buildings occupied by an auto repair shop and a warehouse. The property at 204 West 28 th is an owner-occupied residence, which is not part of this rezoning request. The subject properties lie south of the I&GN rail line, and are also bounded by South Parker Avenue, West 29 th Street and South Bryan Avenue. The 31 acres immediately north and east of the subject properties are already zoned DT-S District. For a distance of two blocks to the west, properties are zoned C-1 and Commercial District (C-3). The two blocks immediately south and southwest are zoned for residential use but are occupied by a parking lot and a multi-purpose building for a church (St. Anthony’s Catholic Church).			
STAFF ANALYSIS AND RECOMMENDATION: Staff believes that DT-S zoning on the subject properties as requested will be appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. Staff believes that opportunities exist to extend the development potential realized as part of the rebirth of downtown into this specific vicinity and doing so will promote orderly urban growth in this area. Staff also believes the subject properties’ current C-1 zoning will not allow development to the best and highest use.			
<p>The Downtown Master Plan recommends that the downtown zoning districts be extended from its current boundaries to create a cohesive urban fabric. The plan states that standard zoning classifications allow development that is strip-commercial and automobile-oriented that would not be appropriate for the downtown area. The downtown zoning districts allow a wide variety of office, retail, institutional and residential uses that are compatible with the traditional development patterns found in the area.</p> <p>During its regular meeting on October 17, 2013, the Planning and Zoning Commission unanimously recommended approving this rezoning request.</p>			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. approve the zone change as recommended by the Planning and Zoning Commission; 2. deny the requested zone change. 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. location map; 			

2. draft ordinance with exhibits;
3. minutes from P&Z meeting on October 17, 2013; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: N/A

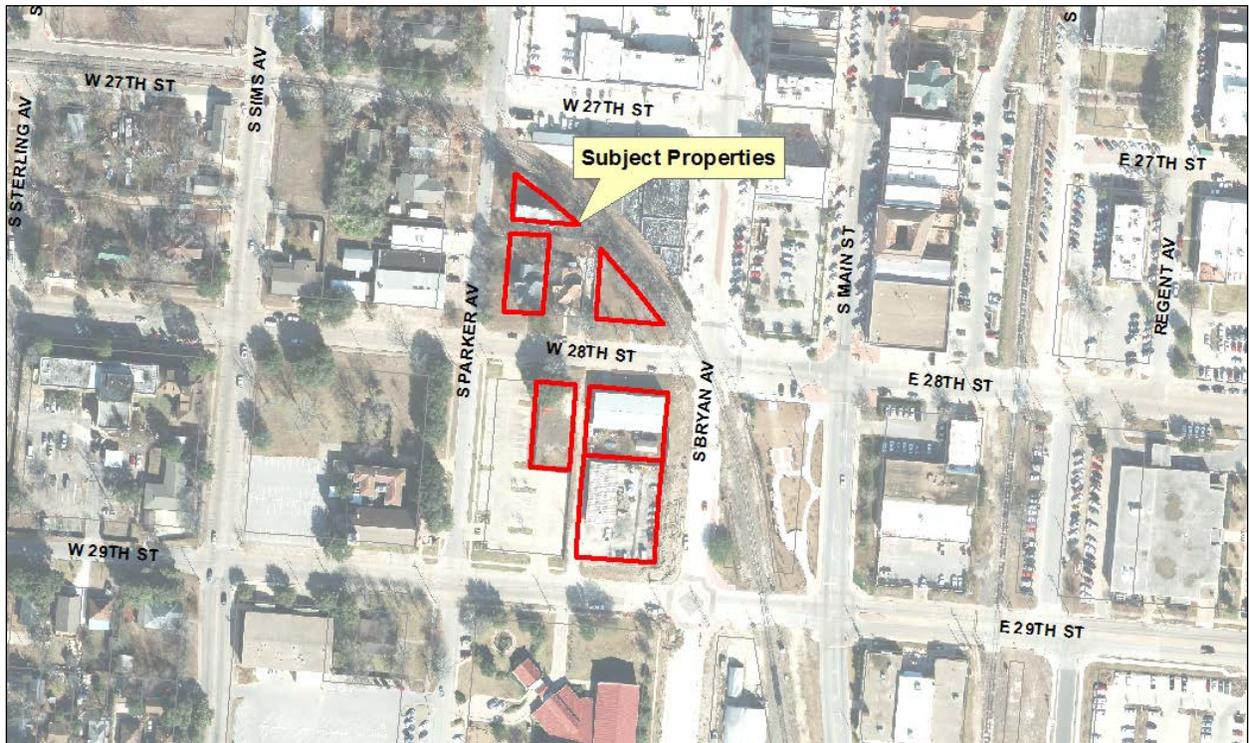
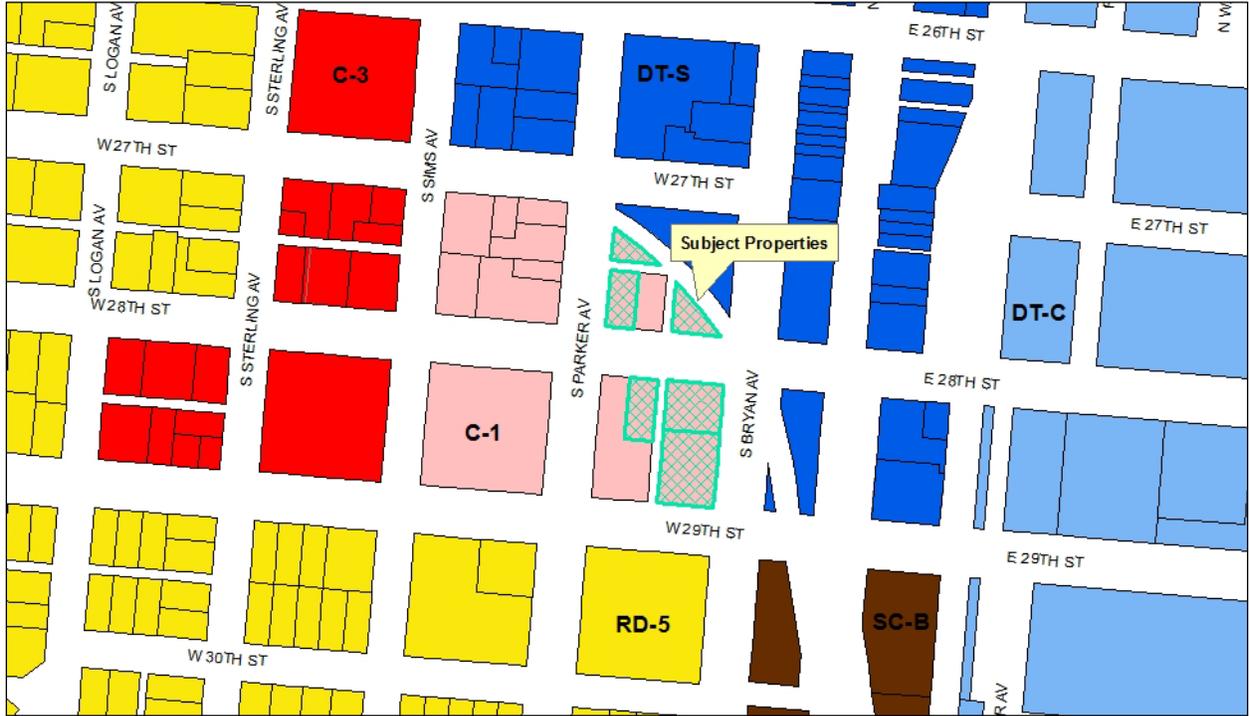
APPROVALS: Kevin Russell, 10-23-13, Joey Dunn, 10-23-13; Hugh R. Walker, 10/29/2013

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 10/28/2013

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 11/04/2013

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, TO CHANGE THE ZONING CLASSIFICATION FROM OFFICE DISTRICT (C-1) TO DOWNTOWN – SOUTH DISTRICT (DT-S) ON APPROXIMATELY 1.8 ACRES OF LAND GENERALLY ADJOINING BOTH SIDES OF THE 200 BLOCK OF WEST 28TH STREET BETWEEN SOUTH BRYAN AND SOUTH PARKER AVENUES, BEING LOTS 1 THRU 6 IN BLOCK 116 AND PARTS OF LOTS 1 THRU 3 AND PARTS OF LOTS 6 AND 7 AND LOT 8 IN BLOCK 117 OF THE BRYAN ORIGINAL TOWNSITE 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, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 on approximately 1.8 acres of land generally adjoining both sides of the 200 block of West 28th Street between South Bryan and South Parker Avenues, being Lots 1 thru 6 in Block 116 and parts of Lots 1 thru 3 and parts of Lots 6 and 7 and Lot 8 in Block 117 of the Bryan Original Townsite in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on October 17, 2013;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Office District (C-1) to Downtown – South District (DT-S) on approximately 1.8 acres of land generally adjoining both sides of the 200 block of West 28th Street between South Bryan and South Parker Avenues, being Lots 1 thru 6 in Block 116 and parts of Lots 1 thru 3 and parts of Lots 6 and 7 and Lot 8 in Block 117 of the Bryan Original Townsite in Bryan, Brazos County, Texas.

2.

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 12th day of November, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 18th day of November, 2013 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 OCTOBER 17, 2013:**

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 RZ13-16: William Bassichis, Kay Conlee, Syed Hyder and George Jezisek

A request to change the zoning classification from Office District (C-1) to Downtown – South District (DT-S) on approximately 1.8 acres of land generally adjoining both sides of the 200 block of West 28th Street between South Bryan and South Parker Avenues, being Lots 1- 6, Block 116; and parts of Lots 1–3 and parts of Lots 6-7 and Lot 8, Block 117; Bryan Original Townsite in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends recommending approval of the proposed rezoning.

The public hearing was opened.

None came forward.

The public hearing was closed.

Commissioner Hickle moved to recommend approval of Rezoning RZ13-16 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 and the motion passed unanimously.

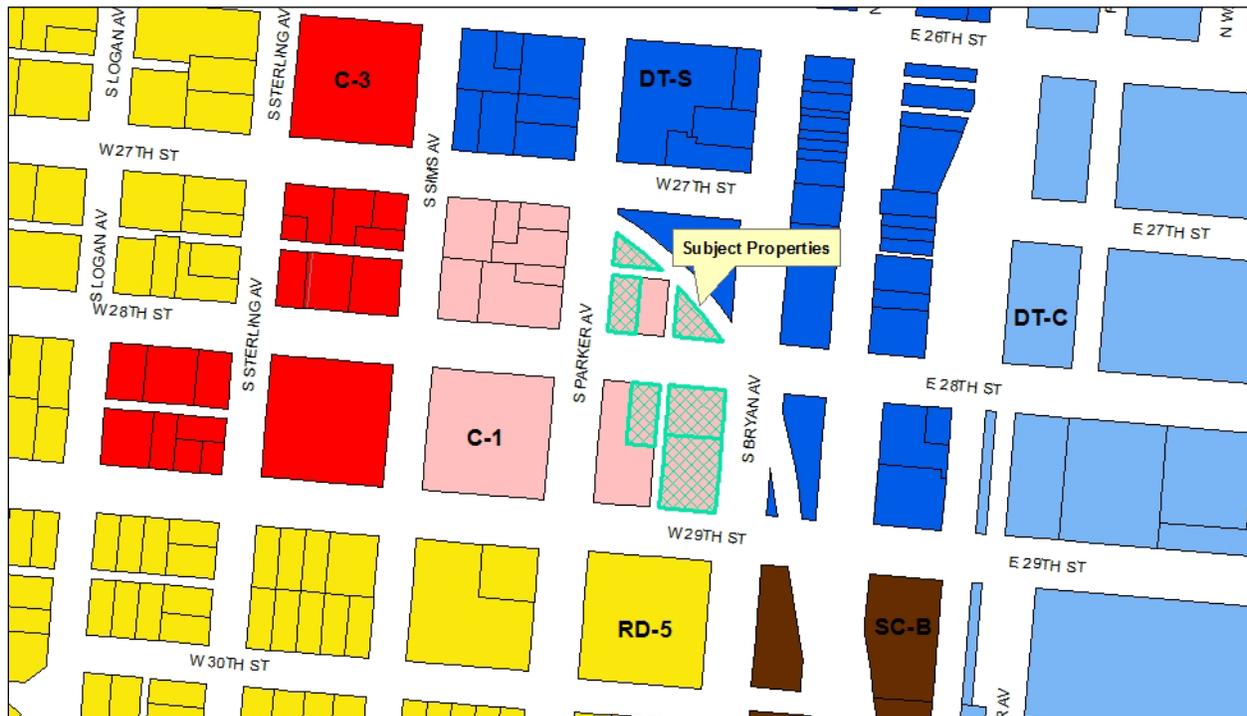
PLANNING AND ZONING COMMISSION
STAFF REPORT



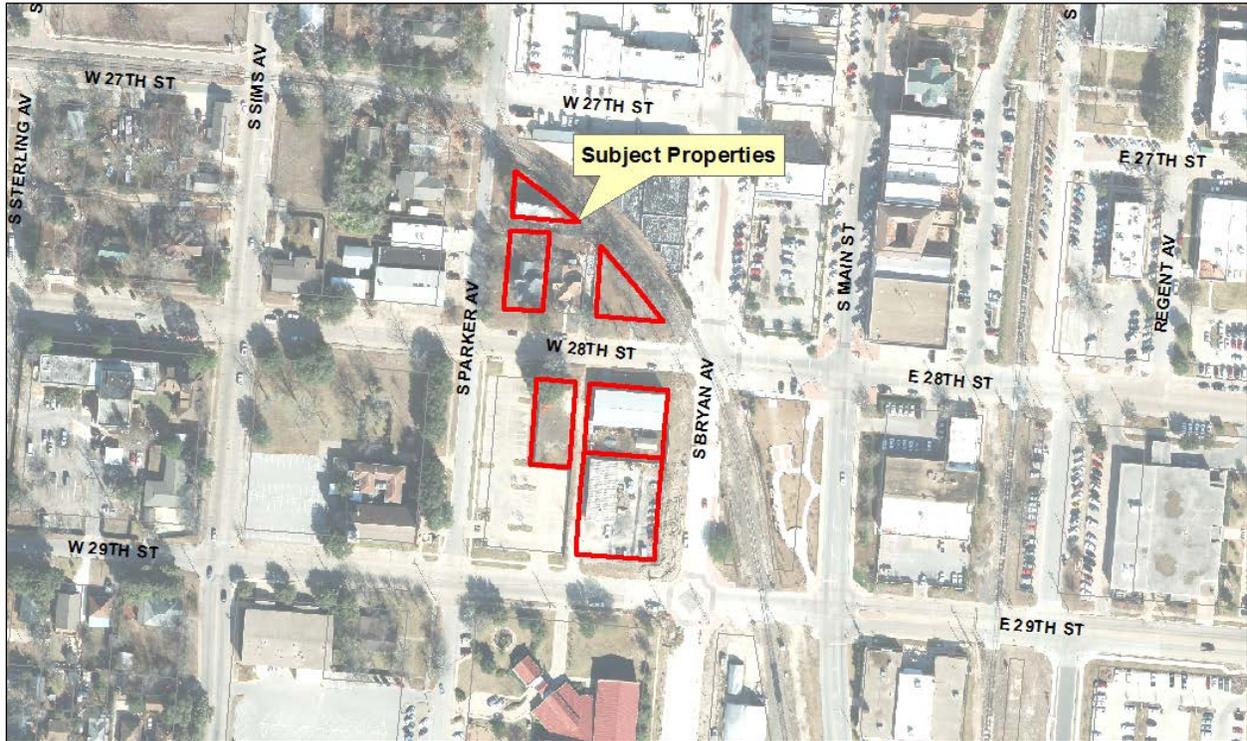
October 17, 2013

Rezoning case no. RZ13-16: K. Conlee, W. Bassichis, S. Hyder, and G. Jezisek

- CASE DESCRIPTION:** a request to change the zoning classification from Office District (C-1) to Downtown - South District (DT-S)
- LOCATION:** 1.8 acres of land generally adjoining both sides of the 200 Block of West 28th Street
- LEGAL DESCRIPTION:** Lots 1- 6, Block 116; and parts of Lots 1–3 and parts of Lots 6-7 and Lot 8, Block 117; Bryan Original Townsite
- EXISTING LAND USE:** Commercial, residential and vacant land
- APPLICANT(S):** Kay Conlee, William Bassichis, Syed Hyder, George Jezisek
- STAFF CONTACT:** Randy Haynes, Project Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning, as requested.



AERIAL PHOTOGRAPH – 2011:



BACKGROUND:

The applicants are requesting to change the zoning classification on approximately 1.8 acres of land from Office District (C-1) to Downtown – South District (DT-S). The subject property is comprised of six separate parcels. Current land uses include a vacant synagogue (Temple Freda), two vacant tracts, a vacant former residence currently for sale for commercial use, and two metal buildings occupied by an auto repair shop and a warehouse. The property at 204 West 28th is an owner-occupied residence which is not part of this rezoning request.

The subject properties lie south of the I&GN rail line, and are also bounded by South Parker Avenue, West 29th Street and South Bryan Avenue. The 31 acres immediately north and east of the subject properties are already zoned DT-S District. For a distance of two blocks to the west, properties are zoned C-1 and Commercial District (C-3). The two blocks immediately south and southwest are zoned for residential use but are occupied by a parking lot and a multi-purpose building for a church (St. Anthony's Catholic Church).

The C-1 zoning classification is intended to provide locations for various types of general office or business and service uses. Offices and professional uses are permitted by right in the C-1 zoning district while a few neighborhood retail uses such as restaurants and retail establishments are allowed with approval of a Conditional Use Permit from the Planning and Zoning Commission.

The downtown zoning districts were established a decade ago to accommodate existing development and to promote future development in the central area of the city, and to protect the character of the downtown area. The districts recognize the unique characteristics of each section of downtown and its space

limitations. The DT-S District is intended to provide development opportunities for general retail, office, business and service uses while encouraging secondary residential uses on the upper floors of buildings.

Land uses permitted by right in C-1 Districts, but not in DT-S Districts

- Accessory structure (refer to section 130-34(a));
- Charitable uses
- Recreational/community center;
- Fraternal/service organization;
- Laboratory (scientific, research, medical, optical);
- Police station;
- Nursing home (retirement home);

Land uses permitted by right in DT-S Districts but not C-1 Districts

- Commercial amusement (indoor);
- Condominiums;
- Dance studio;
- Department store (discount/variety);
- Fitness center;
- Laundromats (self-service washateria);
- Loft apartments;
- Motel/hotel;
- Nightclub or tavern (5,000 square feet. or less);
- Outdoor theater (amphitheater);
- Package liquor store;
- Restaurant, cafeteria;
- Retail--General;
- Studio;
- Theater (indoor);

Other features of DT-S District zoning

- Establishments selling alcoholic beverages within the DT-S District (or any other downtown zoning district) are exempt from any regulations regarding their proximity to a public school, church, or a public hospital.
- There are no minimum building setback requirements; a minimum of 75 percent of all facades must be built up to the property line.
- There are no minimum off-street parking or landscaping requirements. All landscaping and streetscapes shall be in accordance with the Downtown Master Plan.

RELATION TO BRYAN'S DOWNTOWN MASTER PLAN AND COMPREHENSIVE PLAN:

The City of Bryan adopted a Downtown Master in October 2001 and an updated Comprehensive Plan in January 2007. Both plans include policy recommendations related to the various physical development aspects of the community.

The Downtown Master Plan recommends that the downtown zoning districts be extended from its current boundaries to create a cohesive urban fabric. The plan states that standard zoning classifications allow

development that is strip-commercial and automobile-oriented that would not be appropriate for the downtown area. The downtown zoning districts allow a wide variety of office, retail, institutional and residential uses that are compatible with the traditional development patterns found in the area.

The Comprehensive Plan addresses Downtown redevelopment specifically:

A number of older commercial areas along major corridors contain vacant or underutilized buildings. The best local examples of redevelopment are Downtown Bryan and the Tejas Center at the corner of Texas Avenue and Villa Maria. The adaptive reuse of buildings and redevelopment of existing commercial structures supplements the tax base and beautifies the area. Residents sought to translate Bryan's success in Downtown and with the Tejas Center for other areas in need of redevelopment. Because of the number of areas in need of redevelopment, this effort was viewed by most as a top priority for Bryan.

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.

Staff believes that DT-S zoning on the subject properties as proposed will be appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. Staff believes that opportunities exist to extend the development potential realized as part of the rebirth of downtown into this specific vicinity and doing so will promote orderly urban growth in this area. Staff also believes the subject properties current C-1 zoning will not allow development to the best and highest use.

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.

The area transportation infrastructure is in the process of undergoing renovation and expansion. Parker and South Bryan Avenues adjacent to the subject properties have recently been recently rebuilt. The planning phase of a project to renovate West 28th Street as part of a city capital improvement project is nearing completion. The scope of each of these street rebuild projects includes replacement of water, sewer and storm drainage infrastructure. The area surrounding the subject properties is development-ready.

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.

No substantial amount of land zoned DT-S remains vacant at this time. Opportunities do exist however and staff is unaware of barriers to redevelopment.

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.

Redevelopment pressure is moderate in the area.

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.

If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar development.

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

Staff is unable to identify factors otherwise unmitigated by required development standards 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, finding that the proposed DT-S zoning on these properties would be consistent with the land use and development standard recommendations of the Downtown Master Plan and the Bryan Comprehensive Plan.