

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: July 8, 2014		DATE SUBMITTED: June 19, 2014	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Maggie Dalton	
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 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, by changing the zoning classification from Industrial District (I) to Commercial District (C-3) on 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818), being Lot 1 in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: The subject properties are a combined 8.37 acres in size and located at the intersection of North Harvey Mitchell Parkway (FM 2818) and North Earl Rudder Freeway (State Highway 6). The northern property is currently occupied by truck stop and the southern property is currently vacant. The applicant, Mr. Nasir Veerani, has requested to change the zoning of the subject properties to Commercial District (C-3), to allow for the potential development of a retail center on the currently vacant southern property. C-3 zoning on the property currently occupied by a truck stop will create a more orderly zoning pattern and continue to allow the existing truck stop and accessory retail uses at this location.			
The Industrial District is intended primarily for the conduct of heavy manufacturing, assembling and fabrication, and for large scale warehousing, wholesaling and service operations. The C-3 District is intended predominantly for heavy retail and commercial uses of a service nature that typically have operating characteristics or traffic service requirements generally compatible with typical retail for shopping, but generally not with residential environments.			
STAFF ANALYSIS AND RECOMMENDATION: During its meeting on June 19, 2014, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this rezoning request.			
<ul style="list-style-type: none"> • In this particular case, C-3 zoning on the subject property will be consistent with land use recommendations of Bryan's Comprehensive Plan, which suggests that commercial uses are appropriate at locations located at or near major intersections and along major corridors. The proposed zoning change will apply a compatible zoning district to land already developed and currently occupied by a truck stop. • The proposed zoning change will have no immediate impact on infrastructure needs in the area. 			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. approve the requested zone change; 2. deny the requested zone change. 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. location map; 2. draft ordinance; 3. excerpt from Planning and Zoning Commission meeting minutes of June 19, 2014; and 			

4. staff report to the Planning and Zoning Commission.

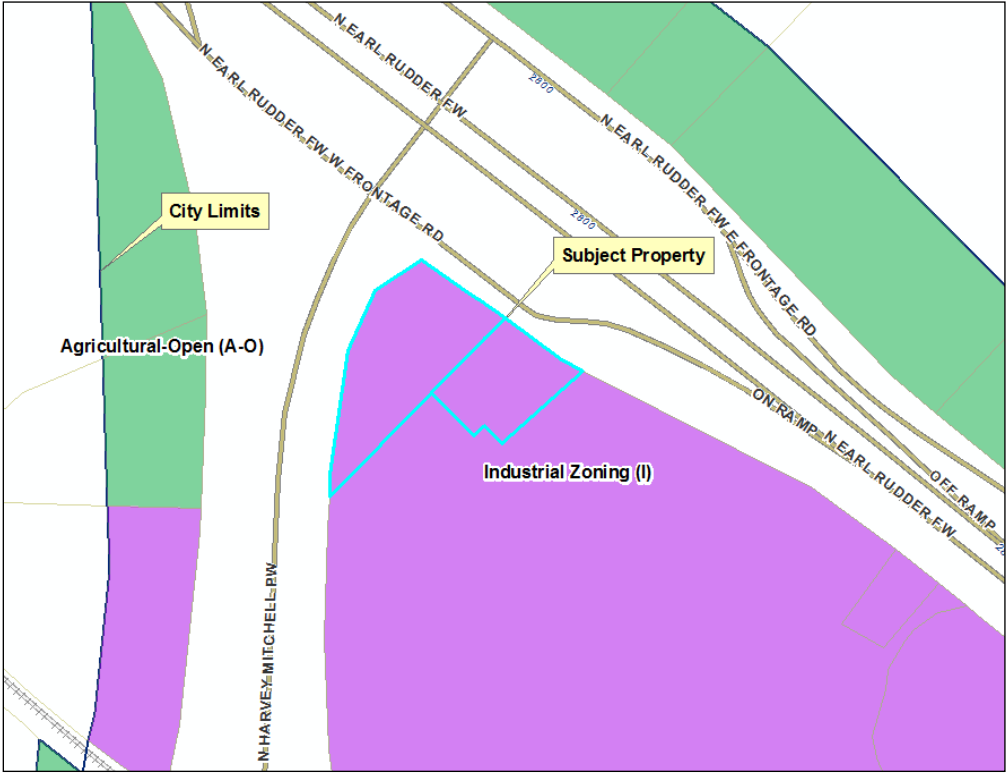
FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 6-19-14; Joey Dunn, 6-24-14; Hugh R. Walker, 06/25/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 06/30/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 07/01/2014

Revised 04/2013



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 INDUSTRIAL DISTRICT (I) TO COMMERCIAL DISTRICT (C-3) ON 8.37 ACRES OF LAND LOCATED AT THE SOUTH CORNER OF NORTH EARL RUDDER FREEWAY (STATE HIGHWAY 6) AND NORTH HARVEY MITCHELL PARKWAY (F.M. 2818), BEING LOT 1 IN BLOCK 1 OF BIG GAS TRUCK STOP SUBDIVISION AND LOT 1 IN BLOCK 1 OF NORTH POINT BUSINESS PARK SUBDIVISION 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, changing the zoning classification from Industrial District (I) to Commercial District (C-3) on 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818), being Lot 1 in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a regular meeting on June 19, 2014;

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 Industrial District (I) to Commercial District (C-3) on 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818), being Lot 1 in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision 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 8th day of July, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 12th day of August, 2014 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 JUNE 19, 2014:**

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 RZ14-13: Nasir Veerani

A request to change the zoning classification from Industrial District (I) to Commercial District (C-3) on 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818), being Lot 1 in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision in Bryan, Brazos County, Texas. (M. Dalton)

Ms. Dalton presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Madison moved to recommend approval of Rezoning RZ14-13 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Commissioners discussed that the proposed zoning change fit the location of the property.

The motion passed unanimously.

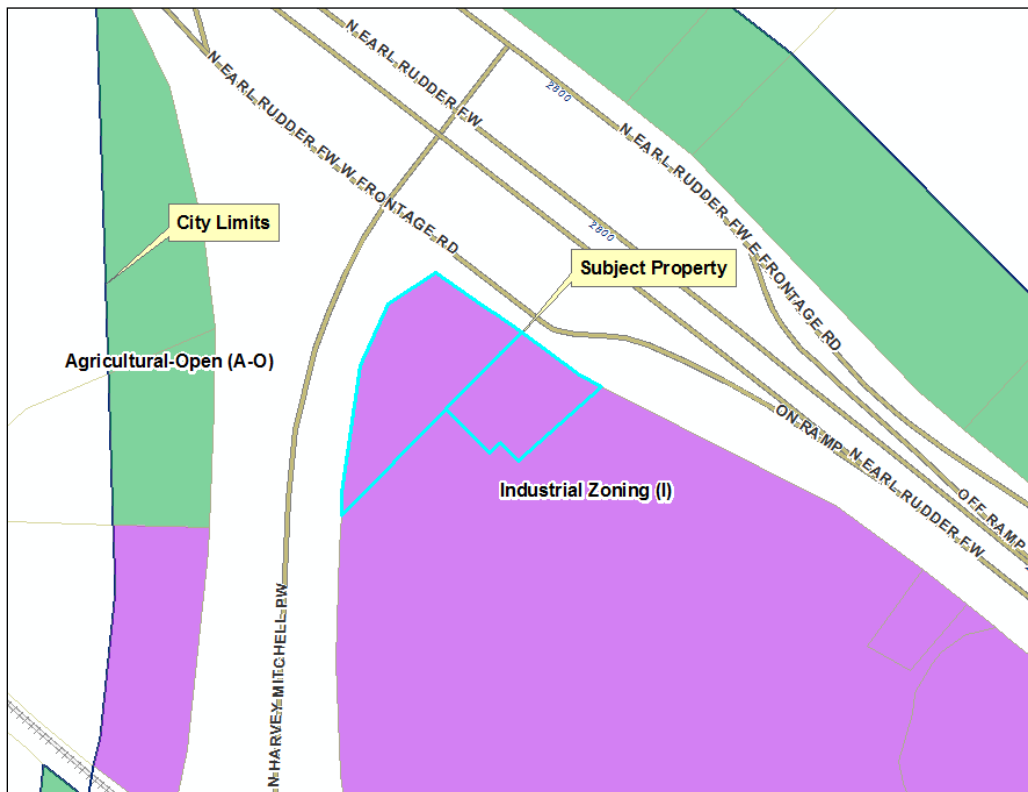
**PLANNING AND ZONING COMMISSION
STAFF REPORT**



June 19, 2014

Rezoning case no. RZ14-13: Nasir Veerani

- CASE DESCRIPTION:** a request to change the zoning classification from Industrial District (I) to Commercial District (C-3)
- LOCATION:** 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818)
- LEGAL DESCRIPTION:** Lot 1 in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision
- EXISTING LAND USE:** truck stop and vacant lot
- APPLICANT(S):** Nasir Veerani
- STAFF CONTACT:** Maggie Dalton, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



AERIAL PHOTOGRAPH (2013):



BACKGROUND:

The subject properties are a combined 8.37 acres in size and located at the intersection of North Harvey Mitchell Parkway (FM 2818) and North Earl Rudder Freeway (State Highway 6). The northern property is currently occupied by truck stop and the southern property is currently vacant. The applicant, Mr. Nasir Veerani, has requested to change the zoning of the subject properties to Commercial District (C-3), to allow for the potential development of a retail center on the currently vacant southern property. C-3 zoning on the property that is currently occupied by a truck stop would create a more orderly zoning pattern and continue to allow the existing truck stop and accessory retail uses at this location.

The Industrial District is intended primarily for the conduct of heavy manufacturing, assembling and fabrication, and for large scale warehousing, wholesaling and service operations. The C-3 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 for shopping, but generally not with residential environments.

East of the subject property across N. Earl Rudder Freeway (State Highway 6) and west across North Harvey Mitchell Parkway is land zoned Agricultural-Open District (A-O). Land to the south for approximately two miles is zoned Industrial District and Planned Development – Industrial District (PD-I). The nearest property zoned for commercial use is located approximately 1.2 miles to the southeast located on North Texas Avenue.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The 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-3 are appropriate at this particular location. The C-3 zoning classification is intended to provide opportunities for development of heavy retail and commercial uses that are not generally associated with residential environments. The character of commercial development allowed in C-3 Districts is purposefully intended to be of relatively high intensity with retail activity, in comparison with the permitted manufacturing and fabrication operation type activities allowed in Industrial zoning (I).

In this particular case, C-3 zoning on the subject property will be consistent with land use recommendations of Bryan's Comprehensive Plan which suggests that commercial uses are appropriate at locations that are located at or near major intersections and along major corridors. The proposed zoning change will apply a compatible zoning district to land that is already developed and currently occupied by a truck stop.

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 existing development on the subject property. Staff finds that the proposed change will have no immediate impact on infrastructure needs in the area. Any issues regarding utility availability will be addressed at the time of development.

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 commercial development is occurring at a slow pace in this vicinity and moderately 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 commercial development will be unaffected by the proposed amendment.

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-3 District on the subject properties.