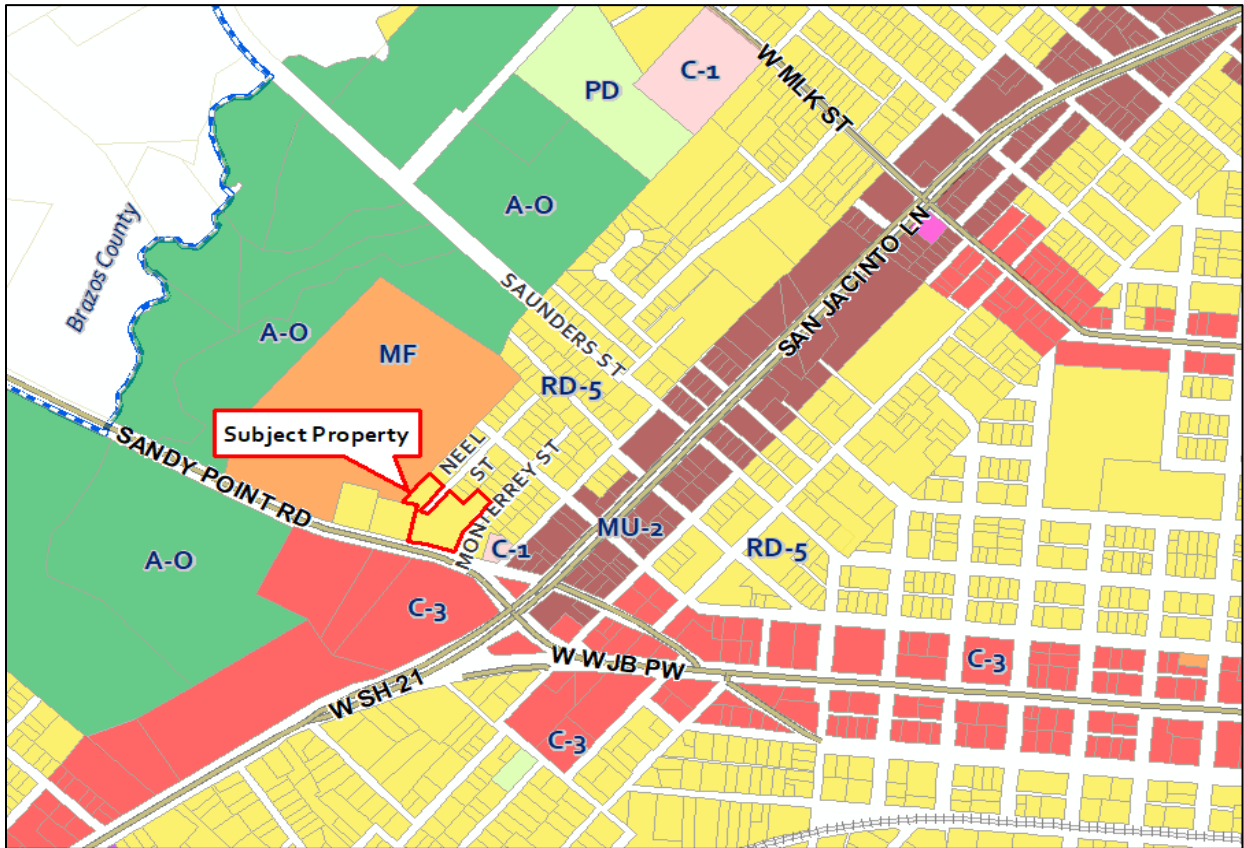
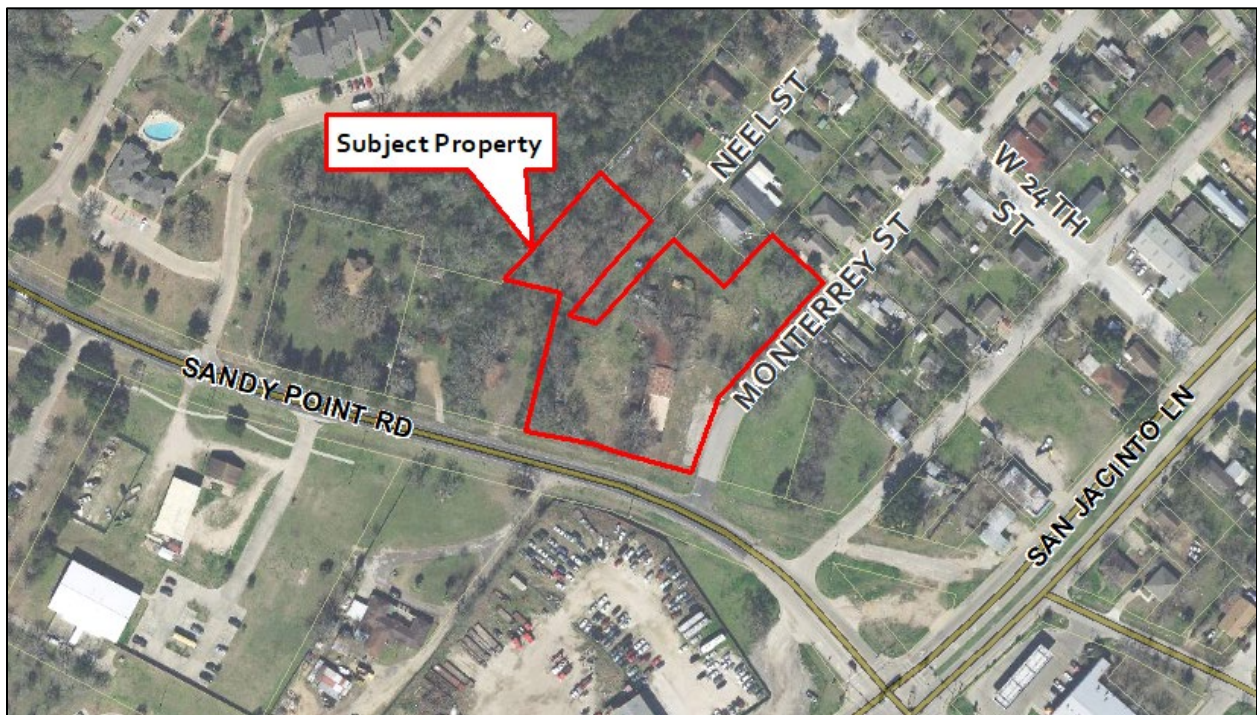


LOCATION MAP:



AERIAL PHOTOGRAPH, 2019:



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 RETAIL DISTRICT (C-2), ON 2.37 ACRES OF LAND ADJOINING THE NORTH CORNER OF SANDY POINT ROAD AND MONTERREY STREET, BEING LOTS 1 THROUGH 7 AND LOTS 20 THROUGH 22 IN BLOCK 4 AND LOTS 1 THROUGH 4 IN BLOCK 5 OF DANSBY HEIGHTS SUBDIVISION AND 0.5 ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN LEAGUE ABSTRACT NO. 9, CURRENTLY ADDRESSED AS 1800 SANDY POINT ROAD 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 MEETING AT WHICH SAID ORDINANCE IS PASSED IS 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 amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Retail District (C-2), on 2.37 acres of land adjoining the north corner of Sandy Point Road and Monterrey Street, being Lots 1 through 7 and Lots 20 through 22 in Block 4 and Lots 1 through 4 in Block 5 of Dansby Heights Subdivision and 0.5 acres of land out of the Stephen F. Austin League Abstract No. 9, currently addressed as 1800 Sandy Point Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 3, 2021 (case no. RZ21-13).

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 Retail District (C-2), on 2.37 acres of land adjoining the north corner of Sandy Point Road and Monterrey Street, being Lots 1 through 7 and Lots 20 through 22 in Block 4 and Lots 1 through 4 in Block 5 of Dansby Heights Subdivision and 0.5 acres of land out of the Stephen F. Austin League Abstract No. 9, currently addressed as 1800 Sandy Point Road in Bryan, Brazos County, Texas, said 2.37 acres being depicted on a survey attached as Exhibit “A”.

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 meeting at which this ordinance was passed was 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 meeting was given.

6.

This ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED AND APPROVED the 13th day of July 2021, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ___ yeses and ___ noes.

ATTEST:

CITY OF BRYAN:

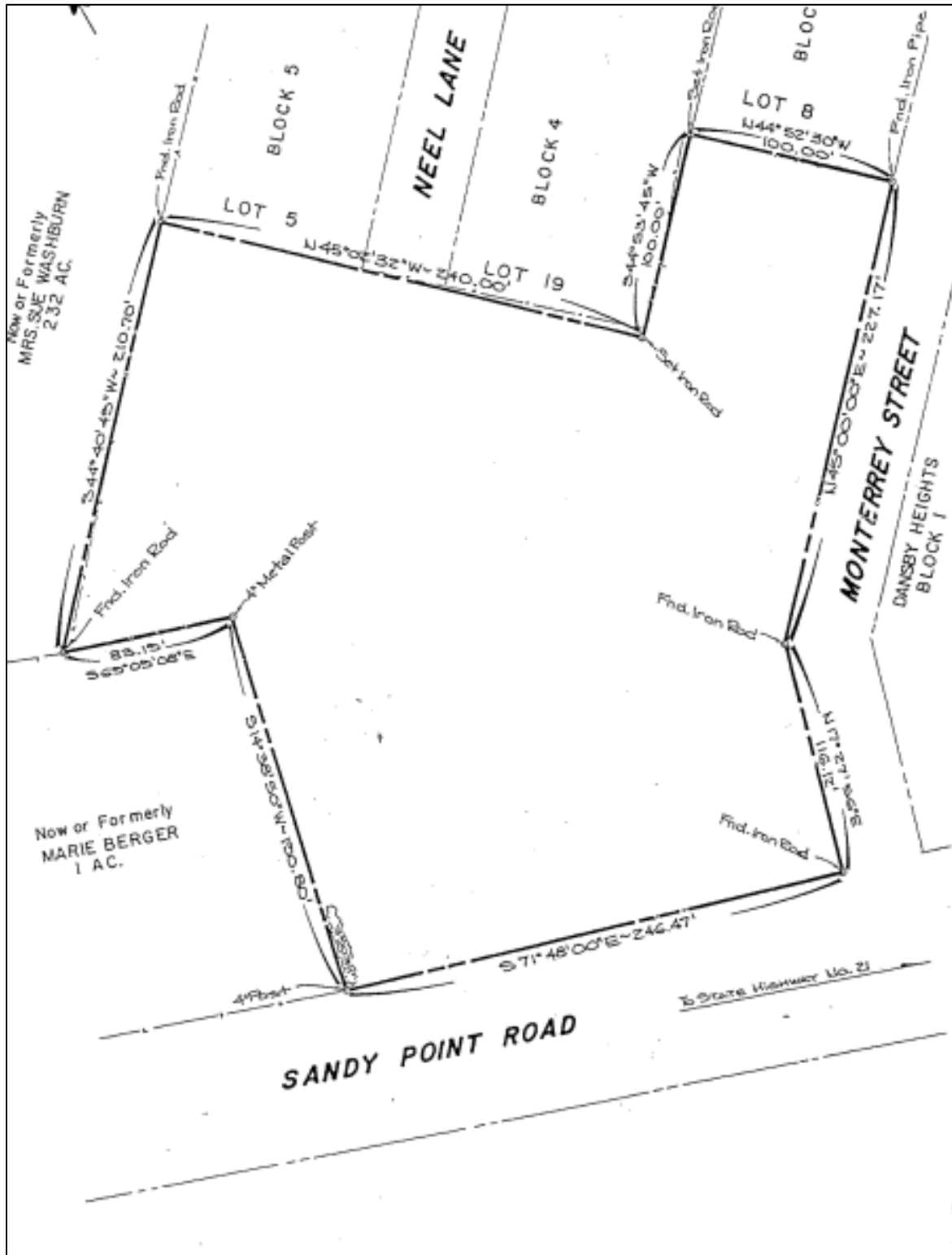
Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT "A":



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF JUNE 3, 2021:**

3. REQUESTS RELATING TO POSSIBLE REZONING – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).

b. Rezoning RZ21-13: Lester Perry

A request to change the zoning classification from Residential District -5000 (RD-5) to Retail District (C-2) on 2.37 acres of land adjoining the north corner of Sandy Point Road and Monterrey Street, being Lots 1 through 7 and 20 through 22 in Block 4 and Lots 1 through 4 in Block 5 of the Dansby Heights Subdivision and being part of the Stephen F. Austin Abstract No. 9, and currently addressed as 1800 Sandy point Road in Bryan, Brazos County, Texas. (K. Williams)

Ms. Williams 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 Conlee moved to recommend approval of Rezoning RZ21-13 to the Bryan City Council, as requested, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Bush seconded the motion.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT



June 3, 2021

Rezoning case no. RZ21-13: Wayne E. Perry & Lester Perry

CASE DESCRIPTION: a request to change the zoning classification from Residential District – 5000 to Retail District (C-2)

LOCATION: 2.37 acres of land adjoining the north corner of Sandy Point Road and Monterrey Street, being Lot 1-7 & 20-22 in Block 4 and Lot 1-4 in Block 5 of Dansby Heights subdivision and being part of Stephen F. Austin Abstract No. 9, and currently addressed as 1800 Sandy Point Road

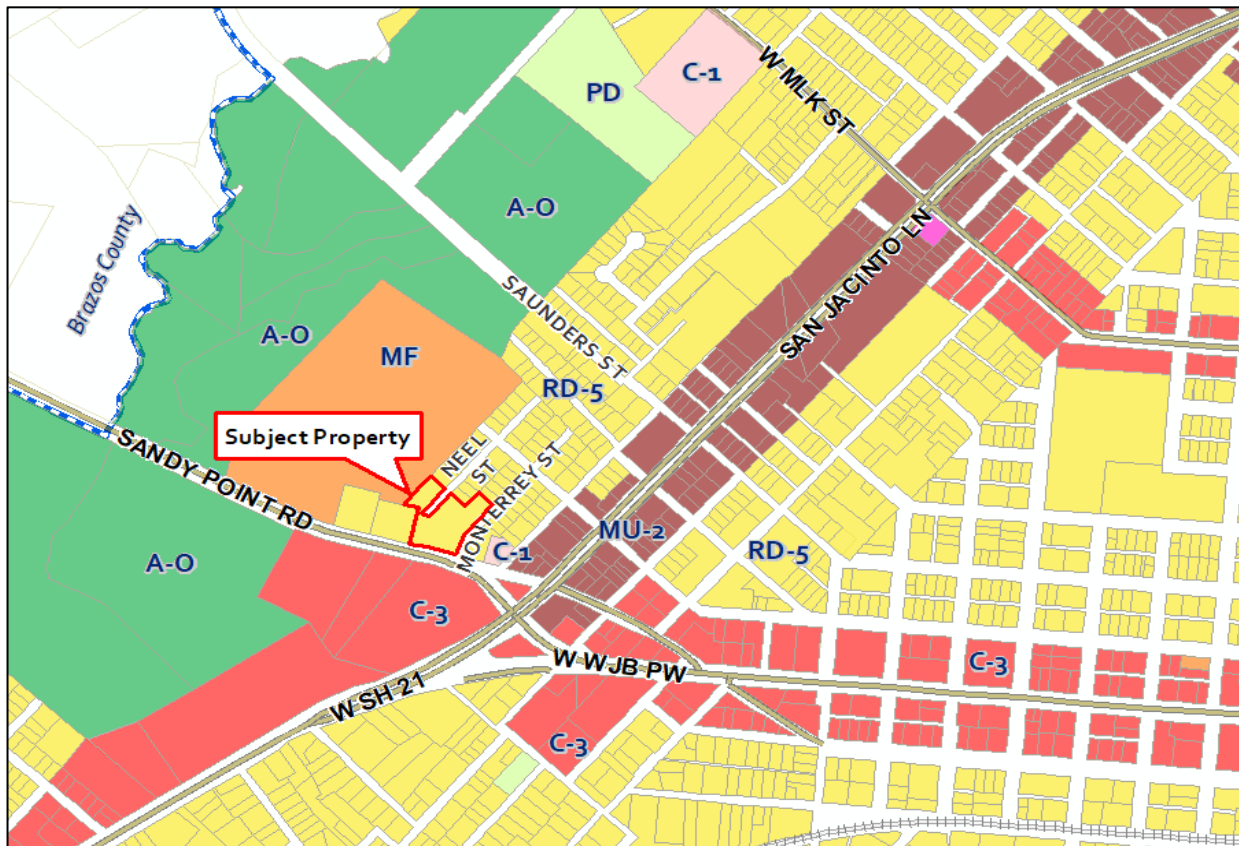
EXISTING LAND USE: Vacant commercial structures, including a wireless telecommunications facility

PROPERTY OWNER: Wayne E. Perry & Lester Perry

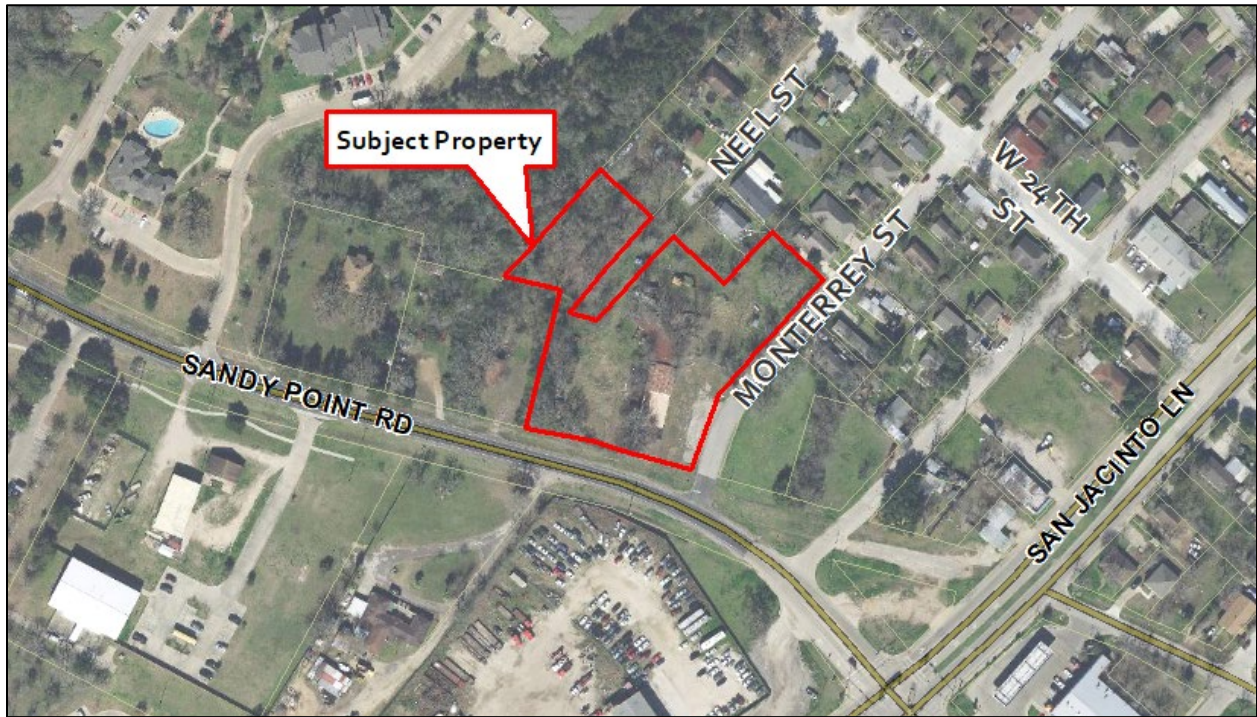
APPLICANT: Lester Perry

STAFF CONTACT: Katie Williams, AICP, Staff Planner

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



AERIAL VIEW (2019):



BACKGROUND:

The applicant, Mr. Lester Perry, is requesting to change the zoning classification on 2.3 acres of land from Residential District – 5000 (RD-5) to Retail District (C-2).

Adjacent property located to the north, west, and east is zoned Multiple-Family District (MF) and RD-5, property to the south, across Sandy Point Road, is zoned Commercial District (C-3) and is the location of a tow yard.

The existing structures on the property, including a warehouse, storage building, and wireless transmission facility antenna, have been located on the property since 1983, prior to the adoption of zoning in the City of Bryan. There are no effective claims to legally non-conforming (grandfathered) land uses as the property has been vacant since 1999. Due to their condition, the Building Standards Commission ordered the demolition of the structures on the subject property unless a repair plan approved by the City of Bryan Chief Building Official was submitted. On April 19, 2021, the property owner submitted a repair plan, which included the requirement to rezone the property to a zoning district that would allow for commercial structures and uses. If this requested rezoning is approved, the property owner will still be required to remove the wireless antennae and the warehouse, but the storage building might be able to remain. Any new development at this location will require the submittal of a site plan, which will be reviewed by the Site Development Review Committee for conformance with the Land and Site Development Ordinance.

EXISTING SITE CONDITIONS:



EXCERPT FROM REZONING APPLICATION:

Minimum Requirements:

- Metes and Bounds description of property
- For Planned Development zoning, include a PDF copy of the development site plan

Please list the reasons for this rezoning request:

REZONING THIS TRACT FROM RDS TO C-2 WOULD ENHANCE THE FEASIBILITY OF DEVELOPING THIS TRACT TO AN OFFICE AND RETAIL CENTER.

List the changed or changing conditions in the area or City which make this zone change necessary:

THE EXISTENCE OF THE BRAZOS COUNTY JAIL AND CURRENT COMMERCIAL BUSINESSES BORDERING SANDY PT. RD ENTICES A COMMERCIAL CORRIDOR TO BE DEVELOPED. TWO LOTS IN DANDY HEIGHTS BLOCK 1 HAVE BEEN REZONED TO OFFICE DEVELOPMENT.

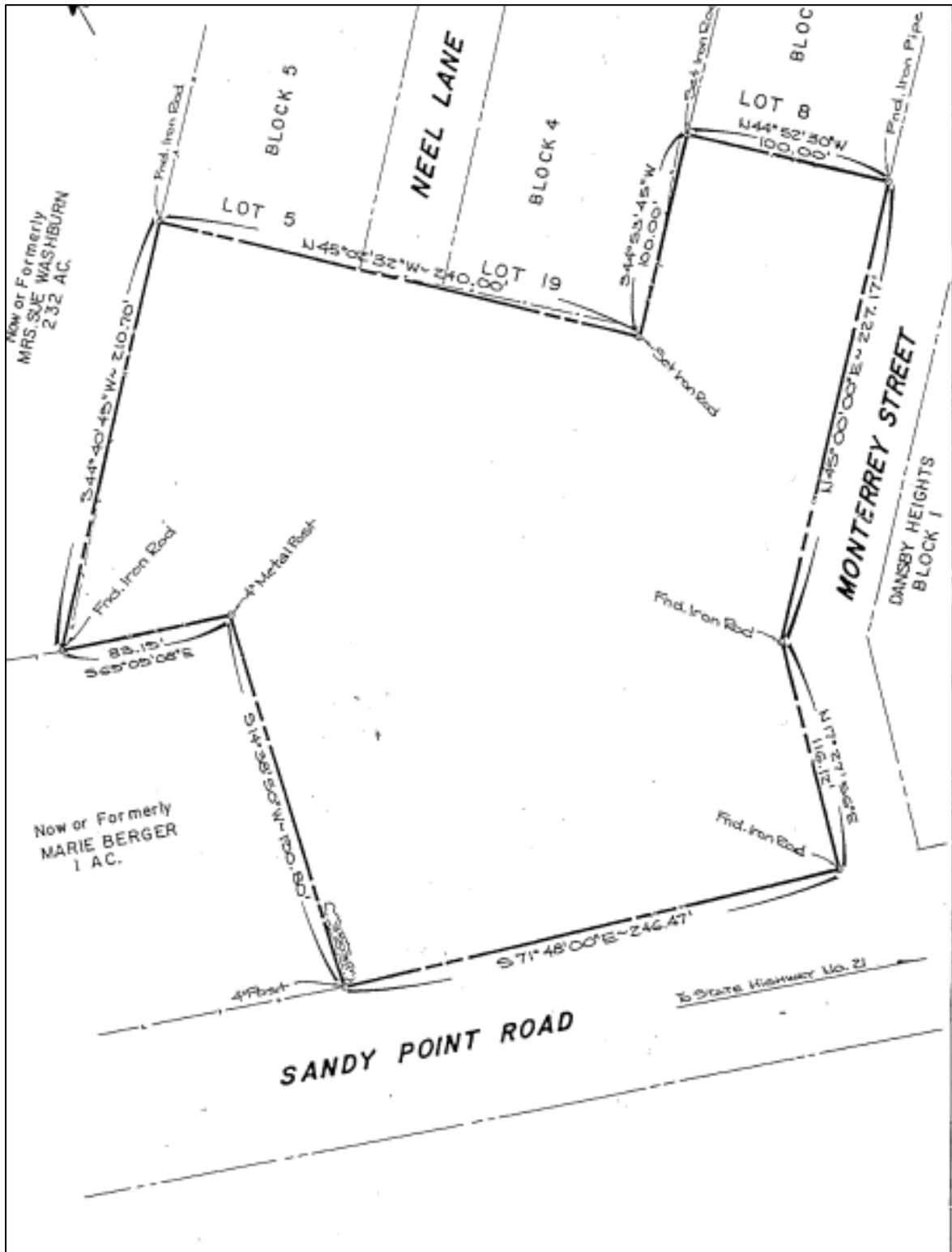
Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

THIS TRACT IS CLASSIFIED AS A NEIGHBOR HOOD CENTER. DEVELOPING THIS TRACT INTO RETAIL AND OFFICE WOULD ENHANCE THE QUALITY AND VALUE OF THIS TRACT.

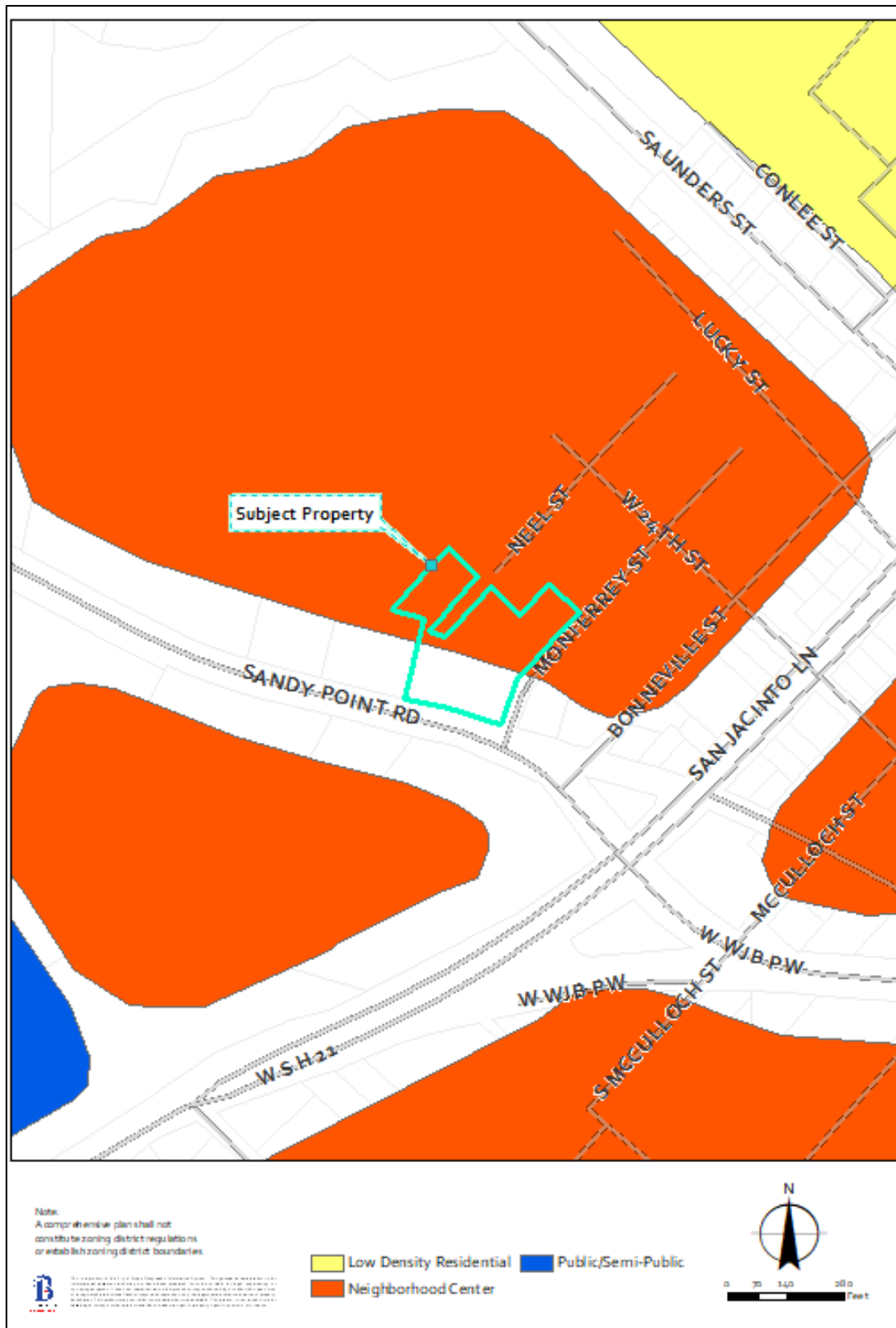
List any other reasons to support this zone change:

THIS IS NOT AN ECONOMICALLY ADVANTAGED AREA. THE TERRAIN CORRECTION NEEDED TO DEVELOP THIS TRACT INTO RESIDENTIAL LOTS WOULD NOT BE ECONOMICALLY RECOVERABLE.

REZONING EXHIBIT:



EXCERPT FROM THE FUTURE LAND USE PLAN MAP:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Blueprint 2040, adopted October 25, 2016, serves as the framework for the establishment of zoning and other regulatory tools. The plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives.

The Future Land Use Plan (as shown on previous page) identifies the subject property is located in an area of the city reserved for neighborhood center uses. Staff submits that given the present circumstances and existing pattern of development, the Planning and Zoning Commission should consider the following when making a decision regarding this particular request:

Neighborhood centers contain a mixture of uses but are generally lower intensity in nature due to their proximity to lower density neighborhoods. Neighborhood centers would include small scale retail at the most visible locations, such as directly adjacent to the roadway itself, and areas for small office spaces. Medium or high density residential options may be incorporated as a transition to adjacent low density neighborhoods. The following are policies to guide neighborhood center areas:

Chapter 5: Land Use

- They are convenient and accessible from residential areas.
- They are located at higher traffic intersections to leverage traffic counts and visibility.
- They ensure adequate transition from retail and parking areas to adjacent residential areas through the use of a combination of increased landscaping, rear setbacks and screening.
- When possible, pedestrian connections should be provided between adjacent residential areas and neighborhood retail centers.
- They are located at the convergence of arterial roadways in predominantly residential areas.
- They should be organized at intersection nodes rather than strip-fashion along corridors.
- They may be of a mixed use nature or include medium density residential options as a transition between the retail core and nearby lower density residential areas.
- They are generally less than 10 acres per project.

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.

The proposed change, if approved, will allow for retail uses, and the property owner might be able to renovate the existing storage building and avoid demolition. At over two acres, the property is of sufficient size to accommodate additional development as well. Future retail development at this location would be able to serve the adjacent low-density and multifamily residential developments.

Staff further contends that a change to the C-2 zoning district is appropriate within the adopted goals and land use policies set out in BluePrint 2040. While BluePrint 2040 specifically designates the property as a location for slightly higher intensity retail uses, staff believes that the size of the property and its proximity to a major intersection make it the ideal location for retail zoning.

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.

Staff contends that Sandy Point Road and nearby San Jacinto Lane, major arterial roadways, are capable of accommodating traffic loads typically associated with retail development. The property is currently served by City sanitary sewer and water, and there are no concerns regarding capacity.

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.

Many properties in the area are zoned for commercial and retail development, however nearly all of it has been previously developed. Staff believes that this rezoning 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.

Few properties in the area are zoned C-2 District, but commercial and retail development is generally proceeding at a moderate pace citywide.

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 rezoning is approved, staff believes there to be few, if any, effects on other areas designated for similar developments. The requested rezoning is being sought so that the property owner can take the steps to renovate an existing commercial structure and avoid demolition. However, the retail zoning district being proposed would allow for a number of uses, which could serve the surrounding neighborhoods and multifamily housing developments.

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

Staff contends that changing the zoning of the subject properties from Residential District – 5000 to Retail District will have no effect on the health, safety, morals, or general welfare of the public.

RECOMMENDATION:

Staff recommends **approving** the proposed C-2 zoning, as requested.