

Chairperson Michael Beckendorf  
Vice-Chairperson Leo Gonzalez



Commissioners  
Pete Bienski  
Bobby Gutierrez  
Nancy Hardeman  
Scott Hickle  
G.H. Jones  
Kevin Krolczyk  
Prentiss Madison

**MINUTES**

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, JUNE 6, 2013 – 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

**1. CALL TO ORDER.**

Chairperson Beckendorf called the meeting to order at 6:00 pm.

<b>Commissioners</b>	<b>Present</b>	<b>2013 Regular Meetings Held</b>	<b>2013 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
Michael Beckendorf	Yes	10	10	11	11
Pete Bienski	Yes	10	9	11	10
Leo Gonzalez	Yes	10	9	11	10
Bobby Gutierrez	Yes	10	9	11	10
Nancy Hardeman	Yes	10	8	*	*
Scott Hickle	Yes	10	9	11	10
G. H. Jones	Yes	10	10	11	10
Kevin Krolczyk	Yes	10	9	11	10
Prentiss Madison	Yes	10	8	11	9

\*Commissioner Hardeman appointed for 2013.

Staff Members Present: Mr. Martin Zimmermann, Planning Administrator, Ms. Maggie Dalton, Staff Planner, Mr. Matthew Hilgemeier, Staff Planner, and Ms. Annette Denton, Planning Intern.

## 2. HEAR CITIZENS.

Ms. Jacqueline Hodge, 4202 Belsay Avenue, College Station, Texas, asked the Commission to consider a tax increment financing district near Poplar Court.

## 3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

## 4. CONSENT AGENDA.

**A. Approval of minutes from the joint workshop meeting with the City of College Station Planning and Zoning Commission on May 6, 2013 and the minutes from the workshop and regular meetings on May 16, 2013.**

**B. Right-of-Way Abandonment RA13-05: 400 Block of East 26<sup>th</sup> Street** **M. Dalton**  
*A request to abandon a 34-foot wide and 250-foot long portion of East 26<sup>th</sup> Street right-of-way between South Texas and South Houston Avenues adjacent to Lots 6-10 in Block 40 of the Bryan Original Townsite in Bryan, Brazos County, Texas.*

**C. Final Plat FP13-03: The Traditions Subdivision – Phase 20B** **R. Haynes**  
*Proposed Final Plat of The Traditions Subdivision – Phase 20B, being 8.940 acres of land out of the Thomas J. Wooten League, A-59 and generally located southeast of the 3000 block of West Villa Maria Road in Bryan, Brazos County, Texas.*

**Commissioner Jones moved to approve the Consent Agenda. Commissioner Hickle seconded the motion. The motion passed unanimously.**

**REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).**

**5. Conditional Use Permit CU13-04: J.C. Wall III** **M. Hilgemeier**  
*A request to allow a townhouse development on property zoned South College – Business District (SC-B), specifically on property located at 3500 South College Avenue, being 2 acres of vacant land out of the J.E. Scott Survey at the south corner of South College Avenue and Watson Lane in Bryan, Brazos County, Texas.*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approving the request subject to conditions relating to conformity with SC-B District standards and the submission of a site plan for SDRC review.

The public hearing was opened.

Mr. Joe Gattis, 2010 Moses Creek Court, College Station, Texas, the applicant's engineer, came forward to speak in favor of the request. He stated that he would be happy to answer any questions.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak in opposition to the request, informing the Commission that the development did not have enough parking and that neighboring properties were noisy and received many noise complaints from residents.

Mr. Barry Ivans, 3410 South College Avenue, Bryan, Texas, came forward to speak in opposition to the request. He informed the Commission that he was the current owner of the neighboring Carney's pub. He stated that he has greatly improved the pub and only received one noise violation. He informed the Commission that he was concerned about the noise impact of the proposed development.

The public hearing was closed.

**Commissioner Hickle moved to approve Conditional Use Permit CU13-04 subject to the following conditions:**

- **That the apartment development shall generally conform to standards and limitations that generally apply to properties zoned South College-Business (SC-B) specifically pertaining to townhome developments, including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening, landscaping, accessory buildings, signs and lighting.**
- **That a site plan fulfilling all the technical requirements for development of a townhome complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**

**and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.**

Commissioners discussed:

- Whether the townhomes would be screened for noise
- What type of windows were proposed
- What type of fencing would be around the development
- Whether the noise of nearby properties should affect this request
- Thanking the applicant for returning

The public hearing was reopened only for the applicant's engineer.

Mr. Joe Gattis, 2010 Moses Creek Court, College Station, Texas, came forward to respond to questions about the location and types of fencing around the proposed development.

The public hearing was closed.

The public hearing was reopened only for the applicant.

Mr. J.C. Wall III, applicant, came forward to respond to questions about the location and types of fencing around the proposed development. In response to a question, he stated that the proposed development did not include soundproof windows.

The public hearing was closed.

**The motion passed by a vote of 8 in favor and 1 in opposition. Commissioner Krolczyk cast the vote in opposition.**

**REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**6. Rezoning RZ13-05: Grant Carrabba**

**M. Dalton**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 12.82 acres of land located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas.*

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

The public hearing was opened.

None came forward.

The public hearing was closed.

**Commissioner Jones moved to recommend approval of Rezoning RZ13-05 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion.**

**The motion passed unanimously.**

**7. Rezoning RZ13-06: Lingyu He and John Fu**

**M. Dalton**

*A request to change the zoning classification from Residential District – 5000 (RD-5) to Multiple-Family District (MF) on 0.466 acres of land adjoining the southeast side of Jefferson Street between College Main and Aspen Streets, being Lots 5, 9, 10, and the northwestern 12.5 feet of Lot 4 in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas.*

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

In response to a question, Ms. Dalton responded that the density of development allowed in multi-family districts is 25 units per acre.

The public hearing was opened.

Mr. Ryan Strickland, 318 Borderbrook Drive, Bryan, Texas, developer of a neighboring townhouse development, came forward in opposition to request. He informed the Commission that part of his planned development is creating additional public parking to alleviate a neighborhood parking problem. He expressed concern that this development would only make the parking problem worse.

Mr. Roy Mundy, 4209 College Main, Bryan, Texas, developer of a neighboring townhouse development, came forward in opposition to request. He informed the Commission that he was pro-development, but also shared concern that this development would only make the parking problem worse.

In response to a question, Ms. Dalton stated that the standards require one parking space per bedroom.

In response to a question, Mr. Zimmermann stated that the City could not require more parking than the ordinance requires in the current request.

Mr. Constantin Barbu, the architect for the applicant, came forward to speak in favor of the proposed request. He informed the Commission that his developments and the future development would provide the required parking and not use other development's parking.

The public hearing was closed.

**Commissioner Gonzalez moved to recommend denial of Rezoning RZ13-06 to the Bryan City Council as parking in the area is a problem. Commissioner Gutierrez seconded the motion.**

Commissioners discussed:

- The perceived parking problem in the area
- A need to re-examine multifamily parking requirements
- Whether parking problems affected this request

In response to a question, Mr. Zimmermann stated that changing minimum requirements for parking in multi-family zoning districts would require a text amendment to the Land and Site Development Ordinance. In response to a question, Mr. Zimmermann explained that the proposed parallel parking along Jefferson Street that was part of a recently-approved Planned Development request would be for public use.

**The motion to recommend denial of the request failed by a vote of 3 in favor and 6 in opposition. Commissioners Gonzalez, Gutierrez, and Jones voted in favor of the motion.**

**Commissioner Hickle moved to recommend approval of Rezoning case no. RZ13-06 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion.**

**The motion passed by a vote of 7 in favor and 2 in opposition. Commissioners Gonzalez and Gutierrez cast the votes in opposition.**

**REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).**

**8. Replat RP13-05: Royal Oaks Gardens – Block One**

**M. Hilgemeier**

*Proposed Replat of Lot 1 and 3 and part of Lot 5 in Block One of the Royal Oaks Gardens Subdivision, being 1.78 acres of land adjoining the south side of Carter Creek Parkway between East 29<sup>th</sup> Street and Briar Oaks Drive in Bryan, Brazos County, Texas.*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approving the request.

The public hearing was opened.

None came forward.

The public hearing was closed.

**Commissioner Jones moved to approve Replat RP 13-05, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Bienski seconded the motion and the motion passed unanimously.**

*Commissioner Gonzalez left the dais at 6:50 and returned to the dais at 6:51.*

**9. Replat RP13-10: Carrabba Industrial Park – Blocks 4 and 5**

**M. Hilgemeier**

*Proposed Replat of Lots 11-14 in Block 5 and Lots 3 and 4 in Block 4 of the Carrabba Industrial Park Subdivision, being a total of 6.384 acres of land adjoining both sides of Gooseneck Drive, north from its intersection with Colson Road in Bryan, Brazos County, Texas.*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approving the request.

The public hearing was opened.

None came forward.

The public hearing was closed.

**Commissioner Madison moved to approve Replat RP 13-10, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Jones seconded the motion and the motion passed unanimously.**

**10. Replat RP13-12: Bryan Original Townsite – Block 40**

**M. Dalton**

*Proposed Replat of Lots 6 – 10 in Block 40 of the Bryan Original Townsite and the adjacent 34-foot wide and 250-foot long portion of East 26<sup>th</sup> Street right-of-way that has been requested to be abandoned, being a total of 0.855 acres of land adjoining the south side of the 400 block of East 26<sup>th</sup> Street between South Texas and South Houston Avenues in Bryan, Brazos County, Texas.*

Ms. Dalton presented the staff report (on file in the Development Services Department). Staff recommends approving the request, subject to City Council's approval of RA13-05.

The public hearing was opened.

None came forward.

The public hearing was closed.

**Commissioner Bienski moved to approve Replat RP 13-12, subject to City Council's approval of Right-of-way Abandonment case no. RA13-05, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Madison seconded the motion and the motion passed unanimously.**

**PROPOSED AMENDMENTS TO THE TEXT OF BRYAN'S CODE OF ORDINANCES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**11. Tattoo Studio Uses**

**M. Zimmermann**

*A recommendation to the Bryan City Council regarding an amendment to the text of Bryan Code of Ordinances Chapter 130, Zoning, to allow tattoo studio uses in the Downtown – South (DT-S) zoning district by right, or with prior approval of a Conditional Use Permit, and determining whether any use-specific conditions should be applied to such uses in the DT-S District and/or city-wide, and amending existing zoning district regulations accordingly.*

Mr. Zimmermann presented the findings of the subcommittee (on file in the Development Services Department). In response to a question, Mr. Zimmermann explained that the condition which prohibited the consumption of alcohol was already present in state law, but was suggested to clarify that alcohol consumption would not be allowed. In response to a question, Mr. Zimmermann listed the members of the subcommittee as Commissioners Hardeman, Hickle, Gonzalez, and Madison.

The public hearing was opened.

Ms. René Lawrence, 712 Banks Avenue, Bryan, Texas, spoke in favor of the proposed amendment, informing the Commission that the changes would allow professional artists who use skin as their medium to operate while preventing any negative consequences.

Ms. Becky Segrest, 7230 Oak Forest Drive, Bryan, Texas, came forward to commend the Commission for its dedication and work in making Downtown Bryan an enjoyable and safe place to spend time.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak in opposition to tattoo studio uses in the DT-S zoning district. She informed the Commission that if it were to consider allowing tattoo studio uses, it should be by Conditional Use Permit and add restrictions to the distances the tattoo studio uses are allowed from other uses and to the hours the studio is allowed to operate.

In response to a question, Mr. Zimmermann clarified that the proposed amendment did not include

stipulations on the hours tattoo studios would be allowed to operate city-wide, although conditional use permits could include conditions which limited the hours of operation.

Mr. Chris Lawrence, 712 Banks Avenue, Bryan, Texas, spoke in favor of the proposed amendment, informing the Commission that it allowed different business owners the opportunity to add cultural value to downtown.

Mr. Cliff Collard, 110 Marta Street, College Station, Texas, spoke in favor of the proposed amendment. He informed the Commission that he had operated near churches, schools, and daycares without a problem. He also stated that he has provided clients who do not want to wait for his services a listing of other tattoo studios in the area.

The public hearing was closed.

**Commissioner Hardeman moved to accept the subcommittee's recommendations and recommend to the Bryan City Council the following changes to the Zoning Ordinance:**

- 1. that tattoo studio uses be potentially allowed in the Downtown – South (DT-S) zoning district, with prior approval of a Conditional Use Permit; and**
- 2. that the following new use-specific standards shall apply to all tattoo studio uses city-wide:**
  - a. All structures housing a tattoo studio use shall be located at least 5,280 feet from another structure housing a tattoo studio use.**
  - b. All structures housing a tattoo studio use shall have a minimum of 3,000 square feet of floor area and a maximum of 5,000 square feet of floor area.**
  - c. Consumption of alcoholic beverages shall be prohibited in the tattoo studio (in accordance with 25 Texas Administrative Code, Chapter 229, Subchapter V, "Minimum Standards for Licensure of Tattoo and Certain Body Piercing Studios", Rule 229.404 (h), as may be amended from time to time).**

**Commissioner Gonzalez seconded the motion.**

Commissioners discussed:

- Their ability to make a city-wide impact
- Their ability to bring business to downtown
- The amount and nature of the citizen response
- Moving Bryan forward
- Commending the work of the subcommittee
- The improvements made in Downtown
- That this proposed amendment provided a good compromise

**The motion passed unanimously.**

## 12. ADJOURN.

Without objection, Chairperson Beckendorf adjourned the meeting at 7:18 pm.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **20<sup>th</sup> day of June, 2013.**

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Michael Beckendorf, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Martin Zimmermann, AICP  
Planning Administrator and Secretary to the  
Planning and Zoning Commission