

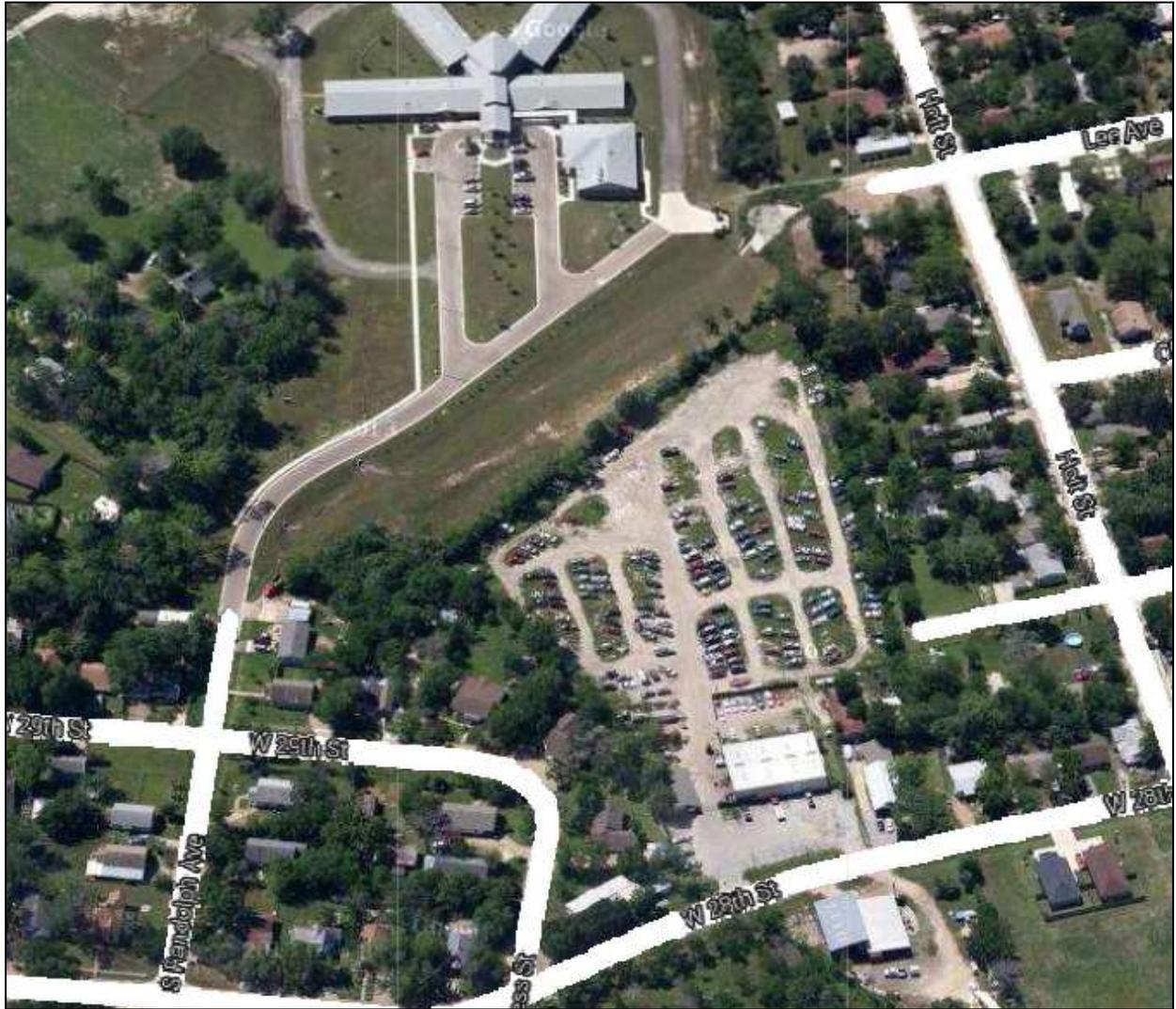
AERIAL PHOTOGRAPH (2013):



SUBJECT PROPERTY LOOKING SOUTHEAST:



AERIAL LOOKING SOUTH:



ACROSS WEST 28TH FROM SUBJECT PROPERTY:



AREA FORMERLY AUTO SALVAGE YARD:



BACKGROUND:

The subject property is about 4.5 acres in size and located at 909 West 28th Street between South Congress and Holt Streets . The subject property is currently occupied by buildings that served as auto repair garages at the time of the implementation of zoning in Bryan on December 11, 1989. Most recently the property was used as an auto salvage yard. Single-family residential uses adjoin the subject tract to the east and west, and a welding shop on property zoned RD-5 District is located on property across West 28th Street to the north. South of the subject property is a 16-acre property zoned Office District (C-1) which is currently occupied by a charitable use (Twin City Mission).

The applicants, Sandra and Ronald Davis, recently purchased the property and operate a retail establishment dealing primarily in merchandise liquidation. The Zoning Ordinance allows a nonconforming (grandfathered) use to be changed to another nonconforming use provided that adverse impacts (such as more traffic, noise, vibration, etc.) are not increased. Prior to the purchase, staff had determined that the new retail use is less intense than the previously grandfathered use of auto repair, and that the Zoning Ordinance would permit conversion to the retail establishment. Since the property is still zoned RD-5 District, the new retail use remains legally nonconforming. The nonconforming zoning status prevents the restoration of the retail use should the structure be destroyed and makes expansion of the existing facility difficult. In order to convert the zoning status from nonconforming to one that is permitted by right, the applicants have requested to change the zoning on the subject property Retail District (C-2).

The RD-5 zoning classification is intended provide space for detached dwelling units and is designed primarily for residential use and does not easily lend itself to other types of nonresidential uses. Typically residential districts should only access local streets.

The C-2 zoning classification is intended to provide opportunities for of various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods.

West 28th Street is identified as a major collector roadway in Bryan's Thoroughfare Plan. The complete reconstruction of West 28th Street has been in the planning phase for a number of years, and actual construction is scheduled to begin as early as later this year. The West 28th Street reconstruction, a City of Bryan capital improvement project, will address safety and utility capacity issues as well as provide an aesthetically enhanced gateway into Downtown Bryan from the west side of town.

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 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. West 28th Street is classified by City Thoroughfare Plan as a major collector roadway. Land use policies in the comprehensive plan suggest that low-density residential land uses should access only local 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 contends that a cluster of nonresidential zoning that will allow general retail trade, business and services uses along this portion of West 28th Street can support and complement adjacent residential uses along this major collector roadway. Currently no such cluster exists between the subject property and North Harvey Mitchell Parkway / FM 2818, a distance of 1.5 miles. Due to the 4.5 acre size of the subject property, C-2 zoning here would allow expansion of small-scale commercial uses potentially beneficial to, and within walking distance of, the adjacent residential neighborhood.

Staff believes that adopted development standards for C-2 zoning can make commercial development opportunities at this location compatible with nearby residences and convenient for residents in the vicinity. Future development on the vacant portion of the subject property will be required to comply with adopted buffer area requirements established in the Zoning Ordinance and help mitigate noise, lighting, and other possible adverse impacts.

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 West 28th Street Reconstruction project, a \$4.3million capital improvement project, is scheduled to begin later this year and will provide ample transportation, water, and sewer infrastructure to support urban redevelopment and increased activity along and around this corridor. Any issues regarding utility capacity will be addressed at the time of redevelopment.

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.

Currently, there is no other land zoned specifically for retail use along this portion of West 28th Street. Retail land uses are permitted 0.1 mile east of the subject property on land zoned Commercial District (C-3), and a small neighborhood grocery exists on one of those lots. Property zoned for commercial use also exists approximately 0.2 miles from the subject tract along West William Joel Bryan Parkway, but due to the lack of rail crossings in the vicinity, the travel distance is closer to 0.5 miles. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity or 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.

In the immediate area of the subject tract, residential development is at a moderate pace. A new single-family home was recently built immediately west of the subject property. To the northeast, reinvestment has been made in several single-family homes located in the area recently proposed as the Westside Historic District. The nearest boundary of that proposed district was on the east side of Congress Avenue. Development pressure for retail uses in the vicinity of the property has been light compared to other areas of 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.

Staff finds that other areas designated for retail use will be unaffected should the proposed zoning change be approved.

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-2 District on the subject property.