

Chairperson Scott Hickle
 Vice-Chairperson Pete Bienski
 Parliamentarian Nancy Hardeman



Commissioners
 Michael Beckendorf
 Leo Gonzalez
 Bobby Gutierrez
 Kevin Krolczyk
 Prentiss Madison
 Robert Swearingen

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
 REGULAR MEETING
 THURSDAY, JANUARY 16, 2014 – 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 6:02 pm.

Commissioners	Present	2014 Regular Meetings Held	2014 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Y	1	1	7	6
Pete Bienski	Y	1	1	7	6
Leo Gonzalez	N	1	0	7	6
Bobby Gutierrez	Y	1	1	7	7
Nancy Hardeman	Y	1	1	7	6
Scott Hickle	Y	1	1	7	7
Kevin Krolczyk	Y	1	1	7	6
Prentiss Madison	Y	1	1	7	4
Robert Swearingen	Y	1	1	*	*

* appointed to the Commission effective 1/1/2014

Staff Members Present: Mr. Martin Zimmermann, Planning Administrator, Mr. Randy Haynes, Senior Planner, Ms. Maggie Dalton, Staff Planner, Mr. Matthew Hilgemeier, Staff Planner, Ms. Janis Hampton, City Attorney, and Ms. Annette Denton, Planning Intern.

2. ELECTION OF PARLIAMENTARIAN, VICE-CHAIRPERSON AND CHAIRPERSON FOR 2014.

Chairperson Beckendorf moved to nominate Commissioner Hickle for Chairperson, Commissioner Bienski for Vice-Chairperson, and Commissioner Hardeman for Parliamentarian. Commissioner Swearingen seconded the motion. The motion passed unanimously.

Chairperson Hickle thanked Commissioner Beckendorf for his service as Chairperson of the Commission.

3. HEAR CITIZENS.

No one came forward.

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

Ms. Hampton advised that Commissioner Madison had filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #8a (Rezoning RZ 13-19) and will not participate in deliberation or voting on the item.

5. CONSENT AGENDA – *This Consent Agenda consists of items that are considered routine by the Planning and Zoning Commission and will be enacted by one motion. All items approved by Consent are approved with any and all staff recommendations. There will not be separate discussion of these items. If the Commission desires to discuss an item on the Consent Agenda it will be moved (at the request of two Commissioners) to the Regular Agenda for further consideration.*

a. Approval of minutes from the special meeting on December 19, 2013.

b. Master Plan MP13-05: Carrabba Industrial Park – Phases 8, 9, 10A and 10B

Proposed Master Plan of Carrabba Industrial Park – Phases 8, 9, 10A and 10B, being 34.925 acres of land out of S.F. Austin Survey No. 10, A-63, and all of Lots 1 and 2 in Block 3 of Marino Estates Subdivision adjoining the southwest side of Marino Road, approximately 3,300 feet northwest from its intersection with East State Highway 21 in Bryan's eastern extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (M. Dalton)

Commissioner Beckendorf moved to approve the Consent Agenda. Commissioner Bienski seconded the motion and the motion passed unanimously.

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

a. Replat RP13-17: Block 7 of Oliver Addition

Proposed Replat of Lots 7 and 8 in Block 7 of Oliver Addition, being 0.2678 acres of land located at the northeast corner of Commerce Street and Lee Avenue in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed replat.

The public hearing was opened.

Mr. Ramiro Quintero, 3338 Sandy Point Road, Bryan, Texas, came forward to ask if the replat was combining two lots into one. He stated he did not have a problem but simply wanted clarification.

Chairperson Hickle clarified that the replat did combine two lots into one.

The public hearing was closed.

Commissioner Madison moved to approve Replat case no. RP 13-17, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Beckendorf seconded the motion and the motion passed unanimously.

b. Replat RP13-23: Block 4 of Reynolds Addition

Proposed Replat of Lots 10A, 10B, 11B and 12B in Block 4 of Reynolds Addition, being of 0.85 acres of land wrapping around the south corner of Allen and Weaver Streets in Bryan, Brazos County, Texas. (R. Haynes)

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

In response to a question from the Commission, Mr. Haynes responded that this replat combined lots so that a building would not be over lot lines.

The public hearing was opened.

Ms. Mary Bradfield, 1260 Weaver Street, came forward to state that the street has flooded and she is concerned about drainage in the area.

The public hearing was closed.

Commissioner Beckendorf moved to approve Replat case no. RP 13-23, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Gutierrez seconded the motion and the motion passed unanimously.

7. 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).

a. Conditional Use Permit CU13-10: Silverado Rodeo

A request for approval of a Conditional Use Permit to allow rodeo grounds on property in a Commercial (C-3) zoning district, specifically on property located at 3600 Sandy Point Road, being 5.57 acres of land out of J.M. Webb Survey, adjoining the north side of Sandy Point Road between Hilton Road and Lee Morrison Lane in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed conditional use permit, subject to certain conditions itemized in the staff report.

In response to questions from the Commission, Mr. Haynes stated that

- he did not know how much the recommended upgrades would cost;
- the dance hall may stay open later than 10 p.m.; and
- the applicant agrees to the conditions and proposed most of them.

The public hearing was opened.

Mr. Ramiro Quintero, 3338 Sandy Point Road, Bryan, Texas, came forward to speak in favor of the request. He stated that the conditions were realistic and that the community needed a nice facility for rodeo events.

Mr. Luis Pedroza, 105 N. Brazos Avenue, Bryan, Texas, the applicant, came forward to speak in favor of the request and make himself available for questions.

In response to questions from the Commission, Mr. Pedroza stated that

- the objecting neighbor no longer lived nearby and the new owner of the property supported the request;
- he was not a rodeo person, but that the community needed the facility since there were no facilities like this nearby; and
- the season for rodeo events was usually from March or April until November, and events may occur about once a month.

The public hearing was closed.

Commissioner Hardeman moved to approve Conditional Use Permit CU13-10, subject to the following conditions:

- **Rodeo events shall only be permitted between the hours of 5 p.m. Fridays through 10 p.m. Sundays and between the hours of 8 a.m. and 10pm on federal holidays.**
- **No outdoor activities shall be permitted between the hours of 10 p.m. and 8 a.m.**
- **All structures, including observation decks and bleachers, shall obtain certificates of occupancy prior to commencement of any outdoor event held on the subject property.**
- **All event parking shall be contained within the subject property. Off-site parking, including parking along any adjacent public right-of-way shall not be permitted.**

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 they wished the new business luck
- The nice appearance of the improvements that have been made

The motion passed unanimously.

b. Conditional Use Permit CU13-11: H. Brooks Enterprises, LLC

A request for approval of a Conditional Use Permit to allow a recreational vehicle (RV) park on property in an Agricultural-Open (A-O) zoning district, specifically on approximately 9.223 acres of land out of Stephen F. Austin League #9, Abstract No. 62, adjoining the northeast side of Harvey Mitchell Parkway (FM 2818), approximately 300 feet to 1,130 feet south from its intersection with Beck Street, in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed conditional use permit, subject to two conditions related to site plan approval and sign design, as itemized in the staff report.

In response to questions from the Commission, Mr. Hilgemeier

- clarified that the buyer was seeking approval of the Conditional Use Permit before purchasing the property; and
- stated that he had received feedback in the form of an objection from a citizen who was concerned about mobile home parks.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bienski moved to approve Conditional Use Permit CU13-11, subject to the following conditions:

- **that a site plan fulfilling all technical requirements for development of a commercial property on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan, and on-site circulation, in accordance with the City's Land and Site Development Ordinance (Bryan Code of Ordinance Chapter 62), shall be approved by the City of Bryan's Site Development Review Committee (SDRC) before any permits are issued for an RV park development at this location. Any such site plan shall substantially conform to the conceptual site and landscape plans attached to the staff report.**
- **That freestanding signage for the RV park development shall substantially conform to the conceptual signage drawing attached to the staff report.**

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Chairperson Hickle seconded the motion.

Commissioners discussed:

- That the project looked like a good development
- That an RV park would support travelling sports fans

The motion passed unanimously.

8. 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 RZ13-19: Ollie Elarms

A request to change the zoning classification from Mixed Use District (MU-2) to Commercial District (C-3) on property at 704 San Jacinto Lane, specifically occupying Lot 3 in Block 5 of Bryan's 3rd Addition and being 0.186 acres of land located approximately 155 feet to 200 feet southwest from its intersection with W. Martin Luther King Jr. Street in Bryan, Brazos County, Texas. (R. Haynes)

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

Mr. Haynes introduced Bryan Police Development Lieutenant David Johnson who came forward to speak against the proposed rezoning for the Police Department. Lt. Johnson presented crime statistics and violence trends in the area around the subject property and at bars of a similar size with both the current hours and the proposed hours (on file in the Development Services Department). He stated that he is concerned that increasing the hours of operation would increase service calls during an already busy service time.

The public hearing was opened.

Mr. and Mrs. Milton and Ollie Elarms, 2914 Old Hearne Road, Bryan, the applicants, came forward to speak in favor of the proposed rezoning. They stated that they were only open for a small amount of hours and this small increase would provide a big benefit to them since this is Mrs. Elarms's source of income.

In response to questions from the Commission, Mrs. Elarms stated that

- she inherited the property from her father recently;
- the business was struggling without the hours and she hoped the additional hours would help her stay in business; and
- many of her patrons walk to the property, so parking is not as much of a problem.

Mr. Lawrence Hicks, 1228 W Martin Luther King Jr Drive, pastor of Greater Tabernacle Baptist church, came forward to inquire about the process and ask if citizens would have another opportunity to speak about this item at a public hearing.

Mr. Haynes clarified that if recommended for approval by the Planning and Zoning Commission, then the item would be scheduled for Council consideration and citizens would be able to speak there. If denied, the applicant could request their case come before City Council and citizens

would also have a chance to speak at that meeting.

The public hearing was closed.

Commissioner Hardeman moved to recommend denial of Rezoning RZ13-19, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Chairperson Hickle seconded the motion.

Commissioners discussed:

- The police activity at the subject property
- That it is not reasonable to add more hours
- The police recommendation is convincing
- Many problems already occur at this location

The motion to deny the request passed by a vote of 7-0. Commissioner Madison abstained from deliberation and voting on the item due to a conflict of interest.

b. Rezoning RZ13-20: Grant Carrabba

A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 7000 (RD-7) on 30.3 acres of land out of John Austin League, A-2, located at the east corner of Thornberry and Austin’s Estates Drives in Bryan, Brazos County, Texas.(M. Zimmermann)

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

In response to a question from the Commission, Mr. Zimmermann stated that this is a continuation of the current Austin’s Estates Subdivision development.

The public hearing was opened.

Mr. Elton Johnson, 3905 Ambrose Ct, Bryan, Texas, came forward to express concern about drainage and the creek behind his house. He wondered how development would affect the grading of the land.

The public hearing was closed.

Commissioner Gutierrez moved to recommend Rezoning case no. RZ13-20 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.

Commissioners discussed:

- appropriateness of the development

In response to a question, Mr. Zimmermann stated that any new development on the land would require Site Development Review Committee review and approval and that drainage is one of the items that are addressed through that process.

The motion passed unanimously.

c. Rezoning RZ13-21: 1179 Joint Venture 1, LP

A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 in Bryan, Brazos County, Texas. (M. Zimmermann)

Mr. Zimmermann presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed rezoning. Mr. Zimmermann stated that written comments from seven nearby property owners were received and distributed to the Commissioners during the workshop meeting.

In response to questions from the Commission, Mr. Zimmermann stated that

- RD-5 zoning requires minimum 5,000 square-foot lot sized and that RD-7 District zoning requires minimum 7,000 square-foot lots; and
- the average size of a home on a 5,000 square-foot lot could vary based on number of stories the home has.

The public hearing was opened.

Mr. Richard Hansen, 7268 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. He distributed his analysis and images of the proposed area (on file in the Development Services Department).

In response to a question from the Commission if TxDOT would put a light at the intersection of Riverstone Drive and FM 1179, Mr. Zimmermann responded that he had no information that there are any plans to alter the intersection at this time.

Mr. Trey Moore, 6884 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. He stated that the request would change the appearance of the neighborhood, affect property values, and inhibit the lifestyle current neighbors were seeking in the Riverstone Subdivision while increasing congestion and accidents in the area.

Mr. Tribble Carter, 4701 River Rock Drive, Brazos County, Texas, came forward to speak in opposition to the request. He opposed doubling the number of residents in the area; he moved there to be in a less dense area.

Ms. Ellen Hansen, 7268 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request.

Mr. Craig Potts, 4724 Riverwood Drive, Brazos County, Texas, came forward to speak in opposition to the request.

In response to a question, Mr. Zimmermann responded that the City did not enforce private deed restrictions, but that deed restrictions were enforced through the courts.

Mr. Mike Hester, 2900 Brothers Blvd, College Station, Texas, project engineer, came forward to speak in support of the rezoning. He stated that the subdivision plat for the Riverstone Subdivision only includes the road through the property in question, not the land itself.

In response to a question, Mr. Hester stated that there is a 6 or 8 ft. tall wooden fence separating the subject property from the larger lots in the County and that there is no subdivision sign near the entrance to the subdivision other than the signs near FM 1179.

In response to a question, Mr. Hester stated that there are only about 8 lots in the Riverstone Subdivision which have not yet been sold by the original developers.

Mr. Grant Carrabba, 3914 Esquire Court, Bryan, Texas, applicant, came forward to speak in favor of the request.

In response to a question, Mr. Carrabba stated that he had not planned for this land to be vacant, but instead had initially planned commercial uses for this property. To his knowledge, the realtor had this information when lots were sold in the Riverstone Subdivision.

In response to a question, Mr. Hester stated that local streets were designed to handle about 5,000 vehicle trips per day and met both City and TxDOT requirements.

In response to a question, Mr. Zimmermann explained minimum lots size requirements for lots in RD-5, RD-7, MU-1 and A-O zoning districts.

Commissioner Beckendorf asked Ms. Janis Hampton, City Attorney, if the item could be tabled or if the Commission could recommend a zoning other than what the applicant requested. Ms. Hampton advised that the Commission must act on the request that the applicant has made. The Commission could include other recommendations with that action.

In response to a question, Mr. Zimmermann stated that this request does not include patio homes or townhomes. If the property were to be rezoned, the applicant would have to apply for Conditional Use Permit approval from the Commission before patio homes or townhomes could be built. This request is only for the change to RD-5 zoning.

Ms. Rachel Moore, 6884 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. She stated that the subdivision was advertised as minimum 1 acre lots in phases one and two.

Ms. Sandra Moreno, 6836 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request.

The public hearing was closed.

Commissioner Beckendorf moved to recommend denial of Rezoning case no. RZ 13-21 to the Bryan City Council suggesting that applicant should compromise and consider rezoning to RD-7 District instead. Commissioner Bienski seconded the motion.

Commissioners discussed:

- whether the motion could be changed to not include the RD-7 recommendation

The motion did not pass with 4 votes in favor and 4 votes against it. Commissioners Madison, Beckendorf, Bienski, and Gutierrez voted in favor of the motion. Commissioners Hardeman, Hickle, Krolczyk, and Swearingen voted against the motion.

Commissioner Hardeman moved to recommend denial of Rezoning case no. RZ 13-21 to the Bryan City Council as the rezoning is not appropriate for the immediate area of concern. Commissioner Hickle seconded the motion.

Commissioners discussed:

- that the rezoning is not appropriate for the area
- an increase in traffic congestion
- the appropriateness of 48 lots
- the possibility of RD-7 zoning
- the possibility of a compromise
- the major investment of personal property
- the need for transitions between lot sizes
- the community's strong statement of opposition
- the importance of community input

The motion passed unanimously.

9. ADJOURN.

Without objection, Chairperson Hickle adjourned the meeting at 8:23 pm.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **6th** day of **February, 2014**.

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

A. S. Hickle, Chairperson
Planning and Zoning Commission
City of Bryan, Texas