

**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.**