

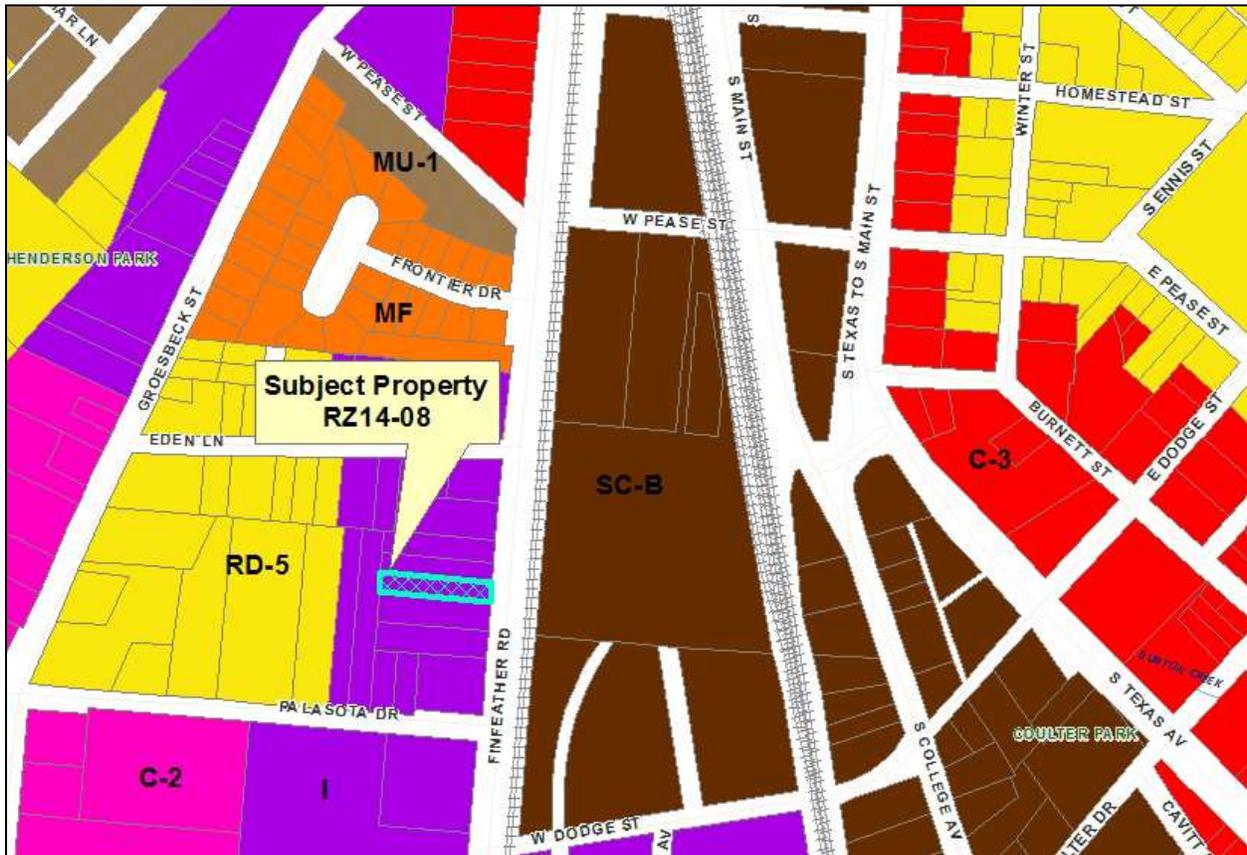
PLANNING AND ZONING COMMISSION
STAFF REPORT



April 17, 2014

Rezoning case no. RZ 14-08: Glen Conrad

- CASE DESCRIPTION:** a request to change the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5)
- LOCATION:** 1410 Finfeather Road, being 0.35 acres of land adjoining the west side of Finfeather Road between Eden Lane and Palasota Drive
- LEGAL DESCRIPTION:** Lot 15 of Coulter’s Subdivision of the Lobello Tract
- EXISTING LAND USE:** single-family home
- APPLICANT(S):** Glen Conrad
- STAFF CONTACT:** Randy Haynes, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



SPATIAL RELATIONSHIP OF SUBJECT PROPERTIES, RZ14-08 AND RZ14-10:



AERIAL PHOTOGRAPH (2013):



BACKGROUND:

The subject property is a single 0.35-acre lot located at 1410 Finfeather Road, midway between Eden Lane and Palasota Drive. The property is currently occupied by a single-family residence. The land surrounding the subject tract is similarly developed with single-family residences, but zoned Industrial District (I). Further to the west, land is zoned Residential District – 5000 (RD-5) all the way to Groesbeck Street and developed with single-family homes on 1-acre lots. Finfeather Road, classified as minor arterial street on Bryan’s Thoroughfare Plan, and a Union Pacific railroad right-of-way adjoin the subject property to the east.

The property owner, Mr. Glen Conrad, has requested to change the zoning of the subject property to RD-5 District. It is Mr. Conrad’s wish to enter into a real estate transaction involving his property, but that process has been thwarted due to the fact that the land is zoned Industrial District, which does not allow residential land uses. Even though the existing residential use is grandfathered, should the house be destroyed or substantially damaged (greater than 60% of the Brazos County Appraisal District’s assessed value), the reconstruction of a residence would not be allowed. The property has been zoned Industrial District since the initial implementation of zoning in Bryan on December 11, 1989.

The Industrial zoning district is intended primarily for the conduct of manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations which may depend upon frequent customer or client visits. Such uses do require accessibility to major highways, rail lines or other means of transportation requiring the distribution of goods.

The RD – 5000 District is intended primarily to provide development opportunities for detached dwelling units on lots of not less than 5,000 square feet in size and is designed primarily for residential use and does not easily lend itself to other types of nonresidential uses.

RELATION TO BRYAN’S COMPREHENSIVE PLAN:

The Comprehensive Plan includes policy recommendations related to various use specific types of development.

5.5 Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

- Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;
- Accessible to collector and arterial streets, but directly access only local streets; and
- Not adjacent to major arterials and freeways without adequate buffering and access management.

5.6 Goals, Objectives and Action Statements

GOAL #2: Facilitate orderly, efficient and attractive development, redevelopment and infill.

Objective A: Provide for an efficient development process.

Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

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.

Bryan’s Zoning Ordinance requires substantial no-development buffer areas along mutual side or rear property lines wherever development in an Industrial zoning district adjoins land zoned for residential use. Because of this, any request for change from or to Industrial District zoning should take into account the impact that such a change could have on the subject property as well as on surrounding property.

In this case, staff contends that a change to RD-5 District on only the subject property would have the future effect of rendering a significant amount of the surrounding land undevelopable for industrial use. Staff also believes, however, that Industrial zoning on the subject property, as well as on the adjacent properties may no longer be appropriate, as most properties surrounding Mr. Conrad’s property are, either also currently in residential use or vacant.

During a workshop meeting on March 20, 2014, City staff made the Planning and Zoning Commission aware of Mr. Conrad's request for RD-5 zoning and the discrepancy between how land in this vicinity is zoned, and how this land is actually being used. Commissioners were presented with different suggestions of how the zoning map could be amended to address this discrepancy, and thereby help protect existing residential land use in this area, and promote orderly urban growth in this part of Bryan. By consensus, Commissioners directed staff to initiate a rezoning of these adjacent properties to RD-5 District. That request, Rezoning case no. RZ14-10, is also scheduled for consideration by the Planning and Zoning Commission during its meeting on April 17, 2014.

Although adjacent to a minor arterial roadway, staff believes that single-family residential use is appropriate on the west side of Finfeather Road, between Eden Lane and Palasota Drive, to the proximity of other single-family residences, and the general absence of industrial development that has occurred here despite the properties' Industrial zoning. Staff contends that the land uses allowed in the RD-5 district will be compatible in the immediate area surrounding the subject property and would fit within the adopted goals and land use policies set out in the Comprehensive Plan. RD-5 zoning would furthermore protect established residential land use in this area, prevent the emergence of undesirable land uses in close proximity to established single-family home sites, and promote orderly urban growth in this part of Bryan.

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.

Public infrastructure is adequate to support the existing residential development on the subject property. Staff finds that the proposed change will have no immediate impact on infrastructure needs in the area. Any issues regarding utility availability will be addressed at the time of re-development.

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.

Staff believes that this zone change 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.

Staff contends that residential development is occurring at a moderate pace in this vicinity and elsewhere in 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.

Other areas of Bryan zoned for single-family detached residential development will be unaffected by the proposed amendment.

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 RD-5 District on the subject property.