

Chairperson Scott Hickle
 Vice-Chairperson Bobby Gutierrez
 Parliamentarian Nancy Hardeman



Commissioners
 Leo Gonzalez
 Kyle Incardona
 Kevin Krolczyk
 Prentiss Madison
 Robert Swearingen

AGENDA

**BRYAN PLANNING AND ZONING COMMISSION
 REGULAR MEETING
 THURSDAY, OCTOBER 1, 2015 – 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 Hickle called the meeting to order at 6:15 p.m.

| Commissioners | Present | 2015 Regular Meetings Held | 2015 Regular Meetings Attended | Regular Meetings Held During Last 6 Months | Regular Meetings Attended During Last 6 Months |
|----------------------|----------------|---|---|---|---|
| Leo Gonzalez | Y | 15 | 10 | 12 | 8 |
| Bobby Gutierrez | N | 15 | 14 | 12 | 11 |
| Nancy Hardeman | N | 15 | 11 | 12 | 8 |
| Scott Hickle | Y | 15 | 13 | 12 | 10 |
| Kyle Incardona | Y | 15 | 12 | 12 | 10 |
| Kevin Krolczyk | Y | 15 | 15 | 12 | 12 |
| Prentiss Madison | N | 15 | 12 | 12 | 11 |
| Robert Swearingen | Y | 15 | 13 | 12 | 10 |

Staff members present: Ms. Janis Hampton, City Attorney; Ms. Megan Hancock, Staff Assistant; Mr. Martin Zimmermann, Planning Manager; Mr. Matthew Hilgemeier, Staff Planner; Ms. Stephanie Doland, Staff Planner; Mr. Randy Haynes, Staff Planner; Mr. Cody Cravatt, Development Manager; and Ms. Maria Watson, Planning Intern.

2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.

Chairperson Hickle led the pledge.

3. HEAR CITIZENS.

No citizens came forward.

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

No affidavits were filed.

5. CONSENT AGENDA.

a. Approval of minutes from the workshop and regular meetings on September 17, 2015.

b. Final Plat FP15-14: Austin's Colony – Phases 14 and 15

Proposed Final Plat of Austin's Colony Subdivision, being 21.012 acres of land out of John Austin League, A-2 and located northeast of Thornberry Drive between Archer Circle and River Rock Drive in Bryan, Brazos County, Texas. (R. Haynes)

c. Final Plat FP15-27: Lantern Cove Subdivision

Proposed Final Plat of Lantern Cove Subdivision, being 12.058 acres of land out of S.F. Austin League, A-63 and located at the northeast corner of Wallis Road, approximately 505 feet northeast of its intersection with Old Reliance Road in the City of Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (M. Hilgemeier)

d. Final Plat FP15-29: The Traditions Subdivision – Phase 29

Proposed Final Plat of The Traditions Subdivision – Phase 29, being 10.760 acres of land out of J.H. Jones Survey, A-26 and located north of the northern terminus of Atlas Pear Drive, approximately 800 feet northwest of its intersection with HSC Parkway in Bryan, Brazos County, Texas. (R. Haynes)

e. Right-of-Way Abandonment RA15-03: portions of E. 23rd Street and N. Washington Ave.

A request to abandon approximately 0.105 acres (4,574 square feet) of public street rights-of-way for East 23rd Street and North Washington Avenue, adjoining the south and east sides, respectively, of Block 11 in the Bryan Original Townsite, at the northwest corner of East 23rd Street and North Washington Avenue in Bryan, Brazos County, Texas Brazos County, Texas. (M. Hilgemeier)

Commissioner Madison moved to approve the Consent Agenda. Commissioner Gonzalez seconded the motion and the motion passed unanimously.

DRAFT

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

a. Replat RP15-32: Bryan Original Townsite – Block 11

Proposed Replat of Lots 8 and 9 and portions of an abandoned public alley right-of-way in Block 11 of the Bryan Original Townsite, as well as portions of public street rights-of-way for East 23rd Street and North Washington Avenue that have been requested to be abandoned, being a total of 0.44 acres of land located at the northwest corner of East 23rd Street and North Washington Avenue in Bryan, Brazos County, Texas Brazos County, Texas. (M. Hilgemeier)

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

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Swearingen moved to approve Replat RP15-32, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Gonzalez seconded the motion and the motion passed unanimously.

Chairperson Hickle announced that consideration of rezoning case no. RZ15-17 has been postponed to October 15, 2015 due to an inadvertent notification error. Owners of property located within 200 feet of the property proposed to be rezoning will receive a written notification.

7. 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 RZ15-18: SF Business Investments, LLC.

A request to change the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2) on 4.675 acres of land out of Maria Kegan Survey, adjoining the northeast side of the State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

Ms. Jenna Anding, 705 Hasselt, College Station, Texas, Mr. Larry Dover, 4633 Winding Creek, Bryan, Texas, Ms. Marcetta Darensbourg, 5078 Cole Lane, Mr. Fred Fontana, 4968 Winding Creek, and Mr. Thomas Faubion, 4705 Winding Creek came forward to speak in opposition to the request. Stated concerns were:

- traffic, safety issues and noise
- whether or not a gas station is needed for the area
- light pollution
- whether there will be an access to the private road (and who will cover the damages to the road)
- several similar establishments are already nearby
- want to preserve wildlife, trees, and the general rural character of the area
- wanting something nicer since the property is next to the city limit sign

Mr. Glenn Jones, representing the applicant, came forward to speak and addressed concerns about the private road (no access proposed). Mr. Jones also stated that the development is similar to the land use in the surrounding area. Having the overlay district with stricter requirements and will make the development look better.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ15-18 to the Bryan City Council, 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:

- area along Highway 30 it is going to be growing.
- other C-2 zoned properties along the same corridor.

The motion passed with a vote of 3 in favor and 2 in opposition, with Commissioners Incardona and Swearingen casting their votes in opposition.

8. REQUESTS FOR ANNEXATION – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Annexation ANNEX15-03: Larry Wayne Armstrong and Rebekah O’Brien

An owner-requested annexation of 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Bryan’s extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (M. Zimmermann)

Mr. Zimmermann presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Zimmermann responded:

- There will be increased demand for services as the biocorridor grows
- Retail will support the businesses the city wants to attract
- There is an opportunity to grow in the southwesterly direction

The public hearing was opened.

Mr. Robert Marshall, 6165 Barnwood Drive, College Station, Texas, Mr. Steve Daniel, 7988 Drummer Circle, College Station, Texas, and Ms. Sheryl Daniel, 7988 Drummer Circle, College

Station, Texas, came forward to speak in opposition to the request. Stated concerns were:

- potential impacts to nearby residential areas outside the City limits
- lack of continuity with parcel ownership
- types of developments that may occur
- tree preservation
- lack of notification to more residential areas in the County
- delaying a decision so that more neighbors can get notified

In response to questions, Mr. Zimmermann stated:

- staff followed the state-mandated notification procedure for annexation
- currently, there are no land use controls in place as long as the property is not within City limits; if the property were annexed, the City will have regulatory control

The public hearing was closed.

Commissioner Gonzalez moved to recommend approving the owner-requested annexation of these 152.8 acres and that the property be assigned Retail District (C-2) zoning upon annexation to the Bryan City Council, and to adopt the written staff report and analysis as the report, findings and evaluation of this Commission. Commissioner Swearingen seconded the motion.

Commissioners stated their faith in adopted regulation to make sure future development will be what the area needs and the desire for more regulatory control with annexation.

The motion passed unanimously.

9. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING SETBACKS AND LOT STANDARDS) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).

a. Planning Variance PV15-11: Rick Rogers

A request for approval of a complete variance from the minimum 25-foot front building setback generally required on properties zoned Residential District – 5000 (RD-5), to legitimize previous installation of a carport that extends all the way to the front property line on property at 3803 Oak Hill Drive on the south side of Oak Hill Drive between Windridge and Woodmeadow Drives, being Lot 12 in Block 14 of The Oaks Phase 4 in Bryan, Brazos County, Texas. (S. Doland)

Ms. Doland presented the staff report (on file in the Development Service Department). Staff recommends denial of the request.

The public hearing was opened

Ms. Beth Williamson, 2804 Wood Meadow, Bryan, Texas and Mr. Nathan Winchester 3805 Oak

Hill Drive, Bryan, Texas came forward to speak in opposition to the request. Stated concerns were the unsightly appearance of the carport and its context in the neighborhood.

Mr. Rick Rogers, applicant, came forward to speak in favor of the request. He stated that he did not realize he was acting out of the city code and that denying the request would pose a hardship on himself and his family.

Commissioner Gonzalez moved to deny Planning Variance PV15-11, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Swearingen seconded the motion.

Commissioners stated:

- carport looks out of place
- do not want to open the door for similar variances
- thanked the applicant for his service in education
- the carport does not fit in the neighborhood context
- more enforcement for carport encroachments needed.

The motion passed unanimously.

10. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE VI (ACCESS AND OFF STREET PARKING) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).

a. Planning Variance PV15-12: Jeremy Richardson

A request for approval of a variance from the minimum 275-foot drive separation distance and 50-foot driveway throat depth generally required on properties along major arterial streets, to allow a new driveway with a driveway throat depth of 36 feet to be located within 132 feet of East 29th Street on property at 2305 East Villa Maria Road, at the southeast corner of the intersection of East Villa Maria Road and East 29th Street, being Lot 1 in Block 1 of the Villa Maria Gulf Service Subdivision in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approving the requested variance for the location of the proposed driveway, but denying the requested throat depth reduction.

In response to questions, Mr. Hilgemeier responded that according to the City's Engineering Department, there will be negligible effects on safety from moving the driveway towards the intersection with regards to turning movements.

The public hearing was opened.

Mr. Joe Schultz, project engineer, Mr. Matt Doss, attorney for the property owners and Mr. Jeremy Richmond of Oldham/Goodwin, listing agent, spoke in favor of the variances. They stated:

- There is a need for this property to be convenient to be successful
- Past developments have much smaller throat depths; 36 feet is enough for two or three vehicles to be in queue
- The city will have future turning restrictions with a median at this location.

The public hearing was closed.

In response to questions, Mr. Hilgemeier responded that eliminating one parking space in the design would still require a variance.

Ms. Janis Hampton, City Attorney reminded the Commissioners that per the Commission's bylaws, variance approvals require 5 affirmative votes and that since only 5 Commissioners were present and voting, the Commission's vote for any approvals would need to be unanimous.

Commissioner Gonzalez moved to approve the requested variance for the location of the proposed driveway, but to deny the requested throat depth reduction, as they have been requested with Planning Variance PV15-12, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Swearingen seconded the motion.

Commissioners discussed:

- do not want to hurt development but had faith in the planning staff's recommendation
- concerns about how difficult it is to get in and out of gas stations in the area.

The motion failed with a vote of 4 in favor and 1 in opposition, with Chairperson Hickle casting the vote in opposition.

11. ADJOURN.

Without objection, Chairperson Hickle adjourned the meeting at 7:52 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 15th day of **October, 2015**.

Scott Hickle, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

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