

January 16, 2014



Conditional Use Permit case no. CU13-10: Silverado Rodeo

CASE DESCRIPTION: request for approval of a Conditional Use Permit to allow rodeo grounds on property in a Commercial (C-3) zoning district

LOCATION: 3600 Sandy Point Road between Hilton Road and Lee Morrison Lane

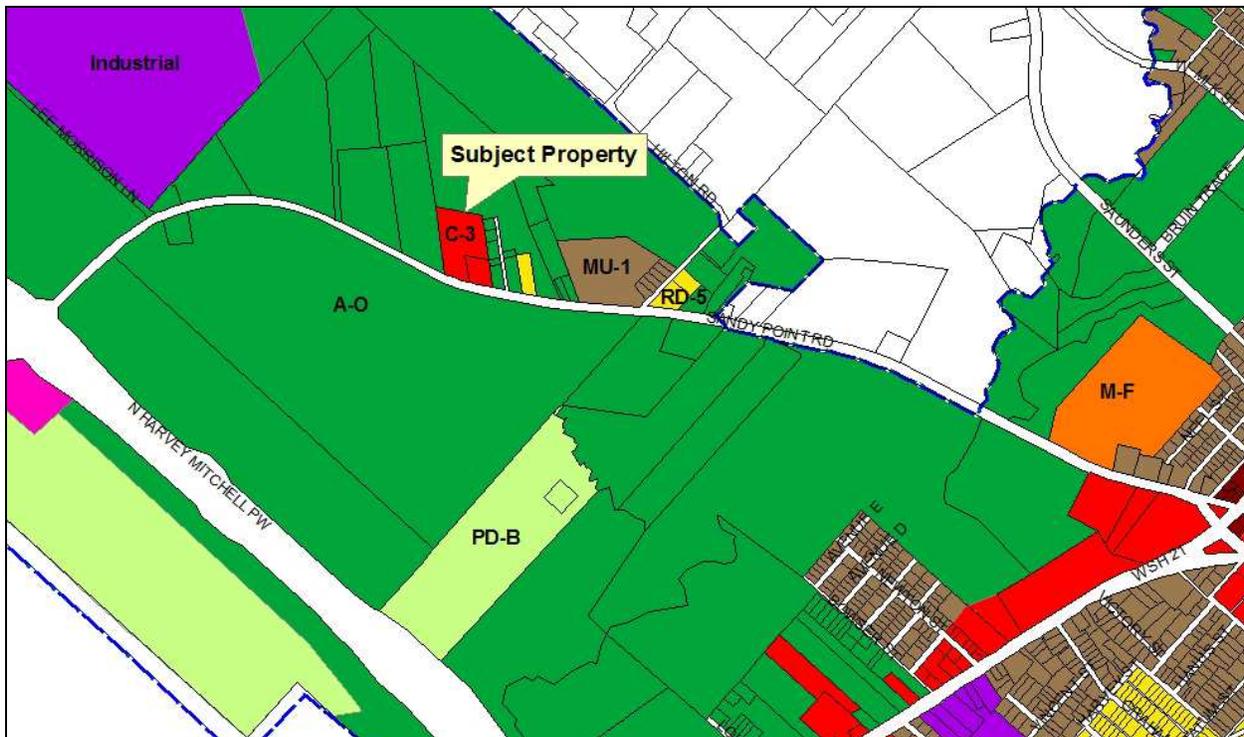
LEGAL DESCRIPTION: 5.57 acres of land out of J. M. Webb Survey

EXISTING LAND USE: night club and special event venue

APPLICANT(S): Luis Pedroza

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this request, **subject to certain conditions**. Please refer to pages seven and eight of this report for a more detailed description of staff's recommendation.



2013 AERIALS:



BACKGROUND:

The subject property is located on the north side of Sandy Point Road approximately midway between Stat Highway 21 and Harvey Mitchell Parkway (FM 2818) and is zoned Commercial District (C-3). The land surrounding the subject property on all sides is zoned Agricultural – Open District (A-O). The surrounding property is sparsely developed and remains rural in character. Several detached single-family residences are located immediately east of the subject property. One residence lies approximately 250 feet west of the subject property. Land to the north and south, across Sandy Point Road (FM 1687), has remained undeveloped.

The League of United Latin American Citizens (LULAC) purchased the subject property in 1954 for use as a dance hall and baseball field. In 1974 the existing ballroom was opened. LULAC sold the property in 1990 and since 2005 it has been owned by Jesus and Gloria Vega. In April 2000, the zoning of the subject property was changed from A-O District to C-3 District. Later that year, on September 21, 2000, the Planning and Zoning Commission approved a Conditional Use Permit for the operation of rodeo grounds on the subject property. The Commission’s approval was made subject to the condition that all requirements of the Site Development Review Committee (SDRC) be met prior to opening of the rodeo grounds. An excerpt of the meeting minutes from the Commission’s September 21, 2000 meeting is included in this staff report below.

During the following seven years, the necessary improvements were never made. In September 2008, after several occasions where the property was used without the required improvements in place, the Conditional Use Permit was declared invalid, the Certificate of Occupancy was revoked and the owners were directed to cease business operations. In 2010 the current applicant, Mr. Luis Pedroza, entered into an agreement with the property owners to renovate the dance hall and complete other site improvements required to operate a business on the subject property. On May 8, 2012, Mr. Pedroza received a certificate of occupancy and opened a night club and special event venue on the property. Both uses are allowed by right by the property’s C-3 zoning.

The applicant now wishes to also operate rodeo grounds on the subject property and utilize the existing the rodeo ring, bleachers and concession building, as shown on the attached site plan, for public rodeo competitions. Bryan’s Zoning Ordinance potentially allows rodeo grounds in C-3 and in A-O zoning districts, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. Below is an excerpt from the Conditional Use Permit application in which the applicant lists the reasons for his request.

Rodeo has been a tradition in the United States since the 19th century. Rodeo continues to be a tradition that provides entertainment to people. Unfortunately, Bryan, TX doesn't have many rodeo arenas that can host this kind of events for the public.

The Silverado Rodeo Arena is located inside the property located at 3600 Sandy Point Road. Currently, the City of Bryan has only given permission to use the dance hall in the mentioned address, but not to use the arena for rodeos. The purpose of this Conditional Use Permit (CUP) request is to be allowed to use the arena to organize rodeo events at the property to offer an alternative type of entertainment to the families in the community.

The Silverado Rodeo Arena is a unique facility in the area due to the fact that has a professional size rodeo ring and all the required amenities that are needed to organize rodeo events. The facility has loading and unloading areas for the bulls, corrals, bleaches, concession areas, bathrooms and an adjacent building where the event can continue at night. The facility also has a site plan that has been approved by the City of Bryan and is currently used when the dance hall is operating.

We, as the interested parties proposed to only use the arena under the following conditions:

- To only organize rodeo events on weekends and/or on Holidays
- Stop all outside activities by 10:00pm
- Certify bleachers and restroom/concession building before starting to operate the rodeo

The City of Bryan Planning & Zoning (P&Z) already approved a Conditional Use Permit (CUP) for the Silverado Rodeo Arena back in 2000, but the completion was delayed for lack of resources/funds. In 2012 the building and site plan were brought up to code as requested by the City of Bryan back in 2000.

The purpose of the conditional use permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate potentially adverse impacts. Consideration of a Conditional Use Permit allows the Commission to impose appropriate conditions that may be necessary to integrate the proposed rodeo grounds use in this particular environment.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission should consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

5.5. Land Use Policies

Policy Statements:

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.

5.6. Goals, Objectives and Action Statements

Goal #1: Achieve a balance of land uses within the city.

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES OF SEPTEMBER 21, 2000:

5. PUBLIC HEARING/CONSIDERATION – CONDITIONAL USE (CU 00-20)

Conditional Use Permit requesting to allow rodeo grounds within a 'C' Commercial District located at 3600 Sandy Point Road.

Brett Estes, Assistant City Planner, gave the staff report (on file in Planning Services).

The Commission discussed the following issues:

- SDRC requirements
- Landscape issues

- Current name of this facility.

The public hearing was opened.

Reverend James E. Williams of 907 Dunbar Drive noted that he was in favor of this request. He stated that this will enhance the community and give the children of the community a safe environment to participate in activities.

Ramiro V. Quintero of 3338 Sandy Point Road, applicant/owner, stated to the Commission how he planned on using this facility if this request was approved. He also pointed out the changes that would be made to the existing facility to facilitate this request. Mr. Quintero stated to the Commission what previous uses have been allowed and how many events he anticipated holding at the facility if this request was approved. The Commission asked to know what the current name of this facility was. The current name as stated by Mr. Quintero is Quintero Recreation Center.

Jimmy Matak of 3770 Sandy Point Road noted that he was against this request. He also stated that his parents have lived behind this facility for some 30 years and that they have had property destroyed and had to deal with improper behavior from visitors to the facility and felt that if this request was approved then Mr. Quintero would not be able to control his patrons.

Maricela Aguaristi of 1808 Cottonwood, who represented the Hispanic Forum of Bryan/College Station, stated that she approves of this request. Ms. Aguaristi read out loud a letter from the Hispanic Forum of Bryan/College Station and a letter from the Hispanic Business Student Association (both letters are on file in Planning Services).

The Commission discussed with staff the proposed use for this area on the Future Land Use Map.

The public hearing was closed.

Commissioner Parks made a motion to approve this request with SDRC requirements needing to be met, and it was seconded by Commissioner Flores.

A vote was taken, Commissioner Parks, Commissioner Flores, Commissioner Madison, Commissioner Conlee, Commissioner Nelson, Commissioner Rosas and Commissioner Haynes voted to approve.

Commissioner Benson voted to deny.

The motion was passed by a majority vote.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

If approved, the rodeo arena use at this location will conform to all applicable regulations and standards established by the Zoning Ordinance. Staff recommends that if the Commission is inclined to approve this request, to make that approval subject to the following proposed

conditions which may help mitigate potential harmful effects to area properties and the public at-large:

- **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.**
2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

As per the attached site plan, the applicants propose no structural changes to the buildings on the site and propose only the renovation of the existing concession stand and bleachers. Site modifications to permit safe ingress and egress of livestock in trailers are also depicted on the plan drawing near the property's eastern property. Facilities for handling storm water were previously installed and have been inspected and approved.

The surrounding property is sparsely developed and remains rural in character. Staff believes that the proposed rodeo grounds use on the property is appropriate in this particular environment so long as the above-recommended conditions are in effect.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff does not believe that the proposed use of the subject property for a rodeo arena creates greater unfavorable impacts on existing or permitted uses on abutting sites than, for example the existing nightclub / special event venue, or an outdoor amusement park which are all land uses that are permitted by right in the C-3 zoning district, without prior Conditional Use Permit approval.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Improved parking facilities have been added as previously required by site development standards. Prior to on-site parking improvements, parking along the Sandy Point Road right-of-way created safety hazards. It is for this reason that staff has recommended a specific condition prohibiting such a practice.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

No additional impact concerning erosion, flood or water damage, fire and other hazards are expected with the proposed use of this subject property as rodeo grounds. Since noise and glare are potential negative impacts, the applicant has suggested limiting hours of operation.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

The proposed site plan that will govern the requested conditional use permit depicts no additional lighting or signage. Staff contends that the recommended prohibition of off-site parking or parking within the right-of-way will mitigate adverse effects with regard to traffic.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

As mentioned above, improved parking facilities have been added to the subject site as previously required by site development standards. 142 parking spaces are required for the 14,000 square foot dance hall building. There are actually 144 spaces provided. No additional spaces are proposed. In addition, specific areas are defined on the site plan for loading/unloading of livestock and storage of trailers.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

The stated purpose of the C-3 zoning district is “predominantly for heavy retail and commercial uses” and Bryan’s Comprehensive Plan suggests that the City should “encourage and promote compatible infill and redevelopment”. Staff believes that rodeo grounds at this particular location, subject to the recommended conditions, appear to conform to these objectives.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes that even a very successful rodeo arena at this location, given the proposed limited hours of operation, will have no greater unfavorable impacts on properties or improvements in the vicinity than those that may reasonably result from land uses permitted by right in the C-3 District. The recommended conditions are intended to help ensure compatibility with surrounding residential land uses.

10. Whether the premises or structures are suitable for the proposed conditional use.

As a condition for approval of this request, staff recommends that all structures, including observation areas and bleachers, receive certificates of occupancy prior to their use in conjunction with the proposed rodeo grounds. Staff believes that the existing buildings on the site are suitable for the proposed conditional use, so long as the recommended conditions are established and observed.

RECOMMENDATION:

Staff recommends **approving** a Conditional Use Permit to allow a rodeo arena at this location, **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.**

A rodeo area at this particular location, subject to the recommended conditions, appears to conform to the objectives of the C-3 zoning district and land use recommendations of Bryan's Comprehensive Plan. Even a very successful rodeo arena at this location, given the proposed limited hours of operation, will have no greater unfavorable impacts on properties or improvements in the vicinity than those that may reasonably result from land uses permitted by right in the C-3 District.