

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, AUGUST 7, 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 Hickle called the meeting to order at 6:02 pm.

<b>Commissioners</b>	<b>Present</b>	<b>2014 Regular Meetings Held</b>	<b>2014 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
Michael Beckendorf	N	11	8	9	7
Pete Bienski	Y	11	10	9	8
Leo Gonzalez	Y	11	9	9	7
Bobby Gutierrez	Y	11	11	9	9
Nancy Hardeman	Y	11	10	9	8
Scott Hickle	Y	11	10	9	8
Kevin Krolczyk	Y	11	11	9	9
Prentiss Madison	Y	11	11	9	9
Robert Swearingen	Y	11	10	9	8

Staff Members Present: Mr. Martin Zimmermann, Planning Administrator; Ms. Lauren Crawford, First Assistant City Attorney; Mr. Matthew Hilgemeier, Staff Planner; Mr. Cody Cravatt, Development Manager; Brett McCully, Assistant City Engineer; Mr. Marc McFeron, Fire Marshal; and Mr. Phillip Melton, Planning Intern.

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

Commissioners led the pledge.

**3. HEAR CITIZENS.**

*Chairperson Hickle announced that RZ14-14 was postponed no longer on the agenda today.*

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 July 17, 2014.**

**Commissioner Madison moved to approve the Consent Agenda. Commissioner Gutierrez 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. Conditional Use Permit CU14-06: Bristol Village Partners, LLC**

*A request for approval of a Conditional Use Permit, to allow an apartment development with up to 71 units on property in a Retail (C-2) zoning district, specifically on 2.984 acres of land located at 1401 Bristol Street between East 29<sup>th</sup> and Avon Streets, being part of Lot 2 in Block 1 of Patricia Place Subdivision 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 request, subject to all of the following conditions:

1. That the multi-family residential development shall generally conform to the site plan attached to this staff report.
2. That the multi-family residential development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, landscaping, and signage.
3. The design and architectural style of all buildings on the subject property shall generally conform to the building elevations attached to this staff report.
4. That outdoor lighting shall be directed away from lots in residential use located nearby.

5. That outdoor lighting shall not exceed the following levels:
  - a. 0.50 footcandle at the property line where the subject property abuts a residential zoning district or a lot containing a residential use; and
  - b. 1.00 footcandle at the property line where the subject property abuts a nonresidential zoning district or lot containing a nonresidential use or at the right-of-way line.
6. Outdoor lighting shall not exceed a maximum height of 12 feet.
7. That freestanding signage shall be limited to one low profile sign with a maximum height of 6 feet and a sign area of 60 square feet.
8. That a site plan fulfilling all the technical requirements for development of a multi-family residential development on the subject property shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued, as required by Bryan Code of Ordinances Chapter 62.

The public hearing was opened.

Mr. Jeff Brown, 3312 Willow Ridge, the applicant, stated that he had met with the homeowner's association. He discussed the history of the project and the type of development the applicant was proposing.

The following citizens came forward to speak in opposition to the request: Roger Smith, 2405 Kent St.; John Drescher, 1300 Bristol St.; Jay Anding, 2313 Avon St.; Don Coats, 2311 Avon St.; Conrad Dudek, 2301 Oxford Dr.; Raul Pendas, 3616 Tracy Ct.; Kerry Phillip, 2302 Oxford Dr.; Kate Mason, 2306 Devonshire St.; Karen Hiller, 2301 Bristol St.; Judy Winn, 2305 Bristol St.; Don Simpson, 5344 FM 50; Kyle Incardona, 3821 Holly Dr.; Hilda Cuthberston, 1005 Skrivanek Dr.; Obed Matus, 1906 Sharon Dr.; Bill Broome, 2307 Oxford St.; Bill Kahla, 2206 Sharon Dr.; Donna Graul, 1302 Bristol St.; Donna Chester, 1405 Skrivanek Dr.; Helen Chavarria, 2317 Oxford Dr.; Staci Weaver, 2315 Avon St.; Les Rice, 2313 Bristol St.; Dale Schafer, 2313 Morningside; Milissa Erskine, 1208 Esther Blvd.; Carolyn Browning, 2507 Carter Creek; and Sharon Anderson, 2304 Cindy Ln.

The concerns expressed by citizens were:

- existing infrastructure inadequate of handling the proposed development
- drainage problems causing flooding, additional development would exacerbate the issue
- proposed development out of context; all of the surrounding buildings are single story and the developer is proposing three story buildings
- inadequate buffer and screening
- light pollution
- decreasing property values (both residential and commercial)
- additional traffic and inadequate traffic analysis
- concerns about the development becoming student housing
- inadequate parking
- concerns about additional noise generated from the development
- the effect of the development on surrounding businesses
- intensified sewage back up issues
- pedestrian safety due to increased traffic

- concerns about parking in the street

The following requests were made by some addressing the Commission (three handouts were submitted to the Commission and are on file in the Development Services Department):

- drainage study
- traffic and parking studies
- larger buffer
- restrict residents to 2 unrelated people per unit
- updated sewage infrastructure
- sound and sight barriers

*Commissioner Madison left the meeting at 7:20pm, a quorum of the Commission still being present.*

Commissioners directed questions to staff about the development causing additional flooding. Mr. McCully indicated that the developer would be required to complete engineering studies that would mitigate flooding.

The public hearing was closed.

*Chairperson Hickle called a 10 minute recess at 7:25pm.*

*Chairperson Hickle called the meeting to order at 7:35pm.*

**Chairperson Hickle moved to approve CU14-06 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hardman seconded the motion.**

Commissioners discussed the uses allowed by right and the history of the project. Discussion was also held about how to address the residents' concerns through deed restrictions. Infrastructure problems were also discussed and questions were directed toward staff.

Mr. McCully indicated that it would be the developer's responsibility to address the effect of the development on the infrastructure.

Commissioners further discussed flood and traffic issues, discussed the practicality of vacant lots being good for the city and the marketability of the subject property. Uses allowed by right were further discussed as well as how this development was good for the city and better than another use.

**Commissioners voted four (4) in favor and three (3) in opposition to the motion with Commissioners Swearingen, Gutierrez and Krolczyk casting the votes in opposition. Since the motion failed to gain the affirmative vote of a majority vote (5 or more) of the members of the Commission, as per the Commission's bylaws, the request was denied.**

**b. Conditional Use Permit CU14-10: Johnny and Julia Ramirez**

*A request for approval of a Conditional Use Permit, to allow a single-family dwelling on property in a Commercial (C-3) zoning district, specifically on property at 1817 Sandy Point Road, located approximately 560 feet to 760 feet west of the intersection of State Highway 21 and Sandy Point Road, being Lot 1 in Block 1 of the Ramirez Addition Subdivision 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 request.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

**Commissioner Gutierrez moved to approve CU14-10 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion.**

Commissioners discussed that they did not see a reason to deny the conditional use permit.

**The motion passed unanimously.**

**7. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING 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 PV14-06: Gerry Broadhead**

*A request for approval of a 5-foot variance from the minimum 7.5-foot side building setback generally required on residential home sites, to legitimize the previous installation of a building addition that extends within 2 feet from the south side property line on property at 2102 Miana Court, being Lot 8 in Block 1 of Dominion Hill Subdivision - Phase 2, located north of West Villa Maria Road between Autumn Lake and Kimmy Drives in Bryan, Brazos County, Texas. (R. Haynes)*

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

The commission asked for the Fire Marshal's opinion. Mr. McFeron indicated the building could potentially cause a fire to spread from one house to the next and was therefore a fire hazard.

The public hearing was opened.

Claus Wagner, 2101 Miana Ct., came forward in opposition to the variance due to fire concerns.

The public hearing was closed.

**Commissioner Gonzalez moved to recommend denial of Planning Variance PV14-06 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hardeman seconded the motion.**

Commissioners discussed that it was a dangerous situation and a denial of a variance would not cause a hardship.

**The motion passed unanimously.**

**8. PROPOSED AMENDMENTS TO THE TEXT OF BRYAN'S CODE OF ORDINANCES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**a. Design Review Board Membership**

*A recommendation to the Bryan City Council concerning the City Council's proposed change regarding the membership of a Design Review Board, which would be authorized to hear appeals and grant variances to proposed building design standards, which were previously recommended by the Planning and Zoning Commission as part of proposed amendments to Bryan Code of Ordinances Chapter 62, Land and Site Development, and Chapter 2, Administration. (M. Zimmermann)*

Mr. Zimmermann presented the staff report (on file in the Development Services Department).

The public hearing was opened.

Sharon Anderson, 2304 Cindy Ln., came forward and expressed concerns about an even member board having a hard time with tie votes. Suggested that three was not enough members and five members would be better than four.

The public hearing was closed.

**Chairperson Hickle moved to recommend that the Design Review Board be composed of five (5) board members:**

- **1-2 registered architects**
- **2 Planning and Zoning Commission members**
- **1-2 Contractors, builders, or developers**

**Commissioner Krolczyk seconded the motion.**

Commissioners discussed the need for an odd number and more than four members on the board and five was not as hard to fill as seven.

**The motion passed with a vote of six (6) in favor and one (1) in opposition, with Commissioner Gonzalez casting a vote in opposition.**

**b. Hookah Lounges**

*A recommendation to the Bryan City Council regarding amendments to the text of Bryan Code of Ordinances Chapter 130, Zoning, concerning business establishments, referred to as “hookah lounges”, that offer the rental of hookah pipes for on-site use to smoke flavored tobacco products. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department).

Commissioners discussed the different options outlined in the staff report regarding hookah lounges.

Public hearing was opened.

No citizens came forward.

Public hearing was closed.

**Commissioner Gonzalez moved to recommend making no change to the Zoning Ordinance regarding hookah lounges. Commissioner Gutierrez seconded the motion.**

Commissioners discussed that the issue was not pressing enough to take action at this time.

**The motion passed unanimously.**

**9. ADJOURN.**

Without objection, Chairperson Hickle adjourned the meeting at 8:30 pm.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **21<sup>st</sup>** day of **August, 2014**.

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

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