

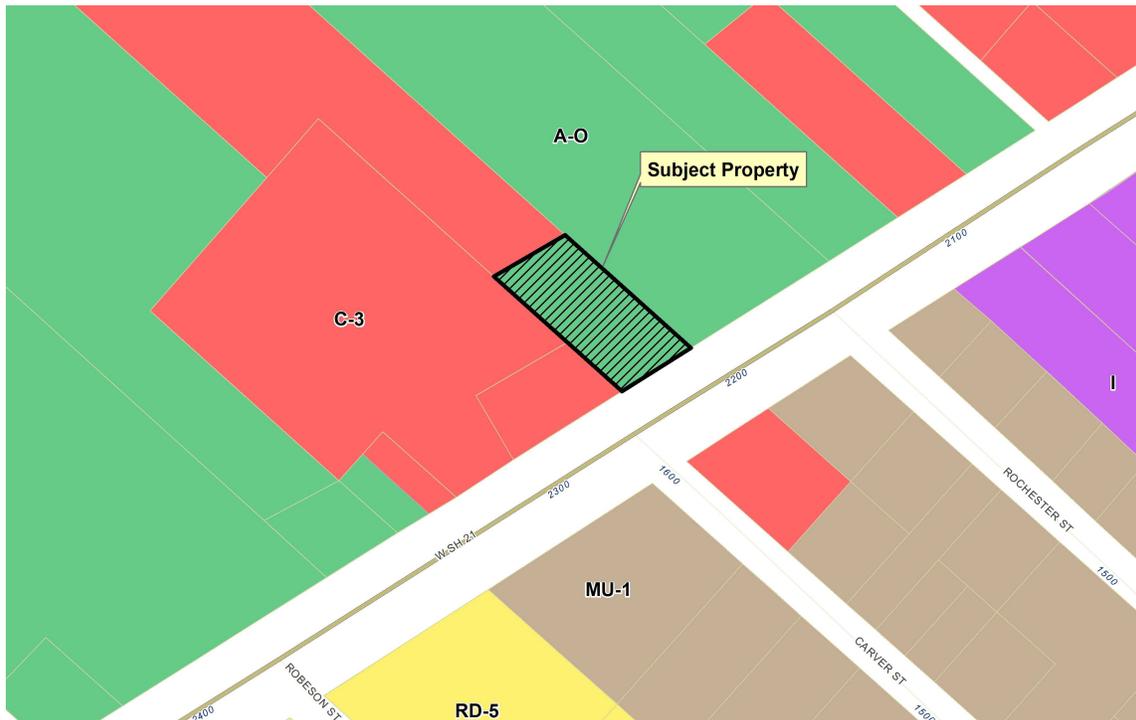


January 15, 2015

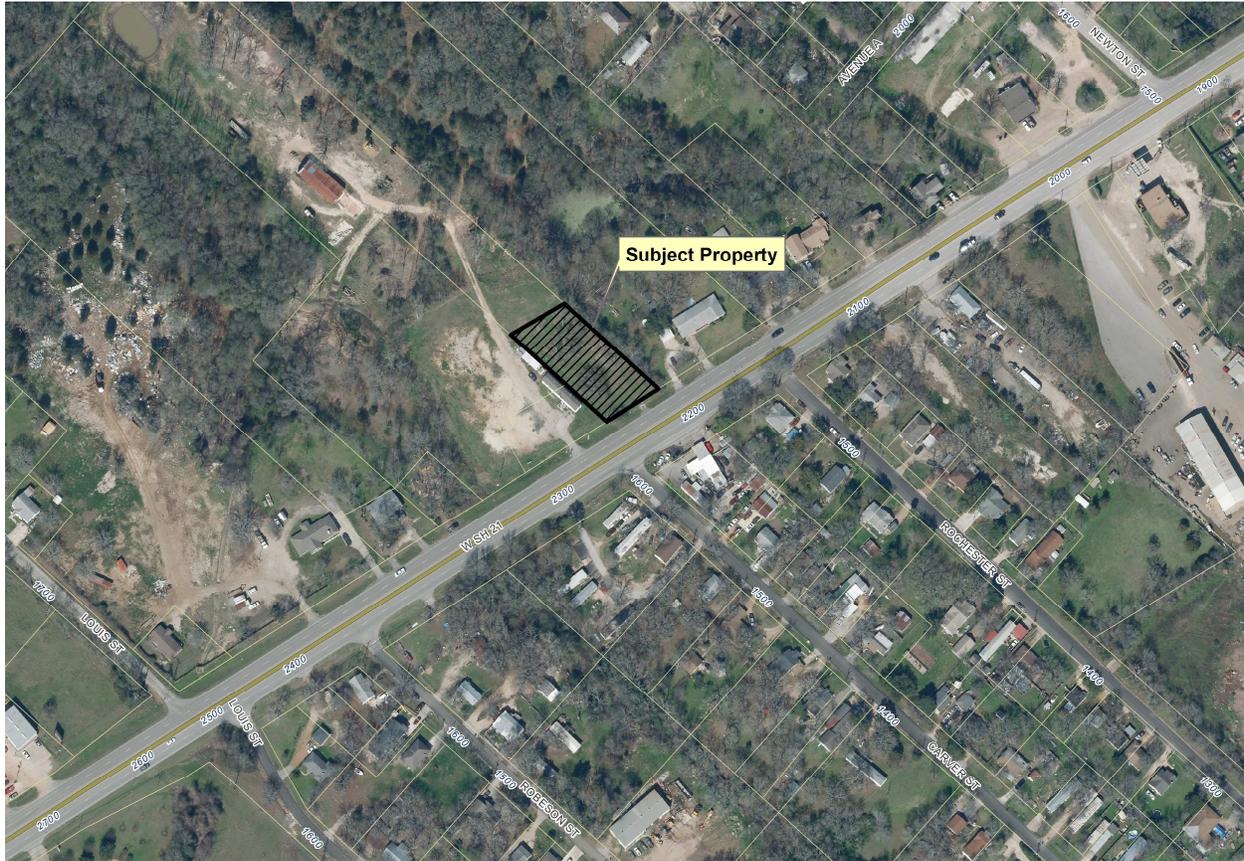
**Rezoning case no. RZ14-22: Miguel Nieto**

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3)
- LOCATION:** 0.52 acres of land adjoining the northwest side of West State Highway 21 currently addressed as 2210 West State Highway 21 and adjoining the northwest side of West State Highway 21, directly adjacent to the intersection of West State Highway 21 and Carver Street
- LEGAL DESCRIPTION:** 0.52 acres being parts of Lot 6 in the Park Heights Addition
- EXISTING LAND USE:** vacant land
- PROPERTY OWNER(S):** Miguel Nieto
- APPLICANT(S):** Same as owner
- STAFF CONTACT:** Matthew Hilgemeier, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.

**ZONING**



**AERIAL VIEW (2013):**



**BACKGROUND:**

The applicant, Mr. Miguel Nieto, is requesting to change the zoning classification on these 0.52 acres of land from Agricultural – Open District (A-O) to Commercial District (C-3). The subject property has been zoned A-O District since the City of Bryan adopted zoning regulations on December 11, 1989. The subject property, which is currently vacant land, abuts land to the west that is zoned for commercial use (C-3) but is currently occupied by a manufactured home. The adjacent property located to the northeast is zoned A-O District and is currently occupied and utilized for residential purposes. The rezoning is being requested in order to allow commercial development of the subject property in the future.

The A-O zoning district is intended to provide a location principally undeveloped or vacant land situated on the fringe of an urban area and used primarily for agricultural purposes, but may become an urban area in the future. Over the years, this portion of State Highway 21 (SH 21) has been developed and redeveloping as a mix of residential and commercial uses. It is staff’s opinion that this property would be better suited to allow commercial development thereby limiting the possibility of it developing for residential uses.

The C-3 zoning classification is intended for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements of retail or shopping, but generally not with residential environments. There are existing C-3-zoned properties located directly adjacent to the subject property across SH 21 which are occupied by commercial uses.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan adopted a new 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. Among the goals supported by the policies are the development of attractive entrances and corridors and encouraging and promoting compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically. One of the plan's objectives is to encourage a sustainable mix of land uses types in suitable locations, densities and patterns and to identify areas for commercial development and preserve them with appropriate zoning.

## **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.

**The proposed change will allow commercial development at a mid-block location along a super arterial street, W. State Highway 21. The area along the State Highway 21 corridor west of William J. Bryan Parkway has been slowly developing and redeveloping with commercial uses in recent years. Expanding C-3 zoning onto the subject property will support orderly urban growth in this vicinity where surrounding properties are being developed or are currently developed as commercial establishments. Staff contends that due to the location of the property and the surrounding uses, a change to the C-3 zoning district will allow this property to develop commercial uses that are appropriate for this area of town and would fit within the adopted goals and land use policies set out in the Comprehensive Plan.**

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.

**Highway 21 is capable of accommodating traffic loads typically associated with commercial development. The subject property has adequate access to public sewer and water facilities which are located along the property line along Highway 21. Staff finds that the proposed change will have no immediate impact on infrastructure needs in the area.**

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.

**Development pressure in the vicinity of the property has been light compared to other areas of the city mainly due to the current mix of commercial and residentially developed and zoned**

**properties. Staff contends that the requested change in zoning classification from A-O District to C-3 District could have the effect of promoting a more cohesive zoning pattern and offer more commercial development opportunities along this gateway corridor into 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.

**If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar developments. Many of the properties in the immediate vicinity are developed as commercial businesses, and several vacant parcels are available for future commercial development.**

6. Any other factors affecting health, safety, morals, or general welfare.

**In this case, staff believes that the requested rezoning to C-3 District should have no adverse effects on adjacent properties. Staff contends that allowing a commercial development at this location will encourage an orderly zoning pattern and orderly urban development in this vicinity.**

#### **RECOMMENDATION:**

Staff recommends **approving** the proposed C-3 zoning, as requested, on these 0.52 acres of land.