

Chairperson Scott Hickle  
Vice-Chairperson Bobby Gutierrez  
Parliamentarian Nancy Hardeman



Commissioners  
Leo Gonzalez  
Kyle Incardona  
Kevin Krolczyk  
Prentiss Madison  
Robert Swearingen

## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, SEPTEMBER 3, 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 6:10 p.m.

| <b>Commissioners</b> | <b>Present</b> | <b>2015<br/>Regular<br/>Meetings<br/>Held</b> | <b>2015<br/>Regular<br/>Meetings<br/>Attended</b> | <b>Regular<br/>Meetings<br/>Held<br/>During<br/>Last 6<br/>Months</b> | <b>Regular<br/>Meetings<br/>Attended<br/>During<br/>Last 6<br/>Months</b> |
|----------------------|----------------|---|---|---|---|
| Leo Gonzalez         | N              | 13  | 9   | 10  | 7   |
| Bobby Gutierrez      | Y              | 13  | 13  | 10  | 10  |
| Nancy Hardeman       | Y              | 13  | 10  | 10  | 7   |
| Scott Hickle         | Y              | 13  | 11  | 10  | 8   |
| Kyle Incardona       | Y              | 13  | 10  | 10  | 8   |
| Kevin Krolczyk       | Y              | 13  | 13  | 10  | 10  |
| Prentiss Madison     | Y              | 13  | 11  | 10  | 9   |
| Robert Swearingen    | Y              | 13  | 11  | 10  | 8   |

Staff members present: Ms. Janis Hampton, City Attorney; Mr. Scott Perkes, Planning Intern; Mr. Matthew Hilgemeier, Staff Planner; Mr. Johnnie Price, Assistant City Engineer; Mr. Cody Cravatt, Development Manager; Mr. Martin Zimmermann, Planning Manager; and Mr. Solomon Nyanhongo, Graduate Civil Engineer.

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

Chairperson Hickle led the pledge.

**3. RECOGNITION OF FORMER COMMISSIONER PETE BIENSKI FOR HIS SERVICE ON THE PLANNING AND ZONING COMMISSION.**

The Commission recognized and thanked former Vice-Chairperson Pete Bienski and presented Mr. Bienski with a plaque to commemorate his service to the Planning and Zoning Commission that spanned four and a half years between 2011 and 2015.

**4. HEAR CITIZENS.**

No citizens came forward.

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

Ms. Janis Hampton, City Attorney, advised that Commissioner Krolczyk had filed an affidavit for regular agenda item 8.a. and that Commissioner Krolczyk will not participate in discussion and voting on the conditional use request.

**6. CONSENT AGENDA.**

**a. Approval of minutes from the workshop and regular meetings on August 20, 2015.**

**b. Master Plan MP15-02: Heritage Lakes Estates**

*Proposed Second Revised Master Plan of Heritage Lakes Estates Subdivision, being 83.92 acres of land out of Richardson Perry League, located at the north corner of Steep Hollow and Elmo Weedon Roads in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (S. Killam)*

**c. Final Plat FP15-18: The Traditions Subdivision – Phase 20C-1**

*Proposed Final Plat of The Traditions Subdivision – Phase 20C-1, being 4.426 acres of land out of the Thomas J. Wooten League A-59 and southeast of the 3000 block of West Villa Maria Road, and at the easternmost end of Blue Belle Drive in Bryan, Brazos County, Texas (R. Haynes)*

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

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

**a. Replat RP15-26: Green Branch Ridge Subdivision – Phase 4**

*Proposed Replat of Lots 6 and 7 in Green Branch Ridge Subdivision – Phase 4, being at total of 3.37 acres of land adjoining the north side of Green Branch Loop, northwest from its southernmost intersection with Steep Hollow Road in Bryan's extraterritorial jurisdiction (ETJ), Brazos County, Texas. (S. Killam)*

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

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Gutierrez moved to approve Replat RP15-26, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Madison seconded the motion.**

Commissioners discussed

- this replat meets all requirements; and
- plat shows accommodation for the floodplain

**The motion passed unanimously.**

**8. REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).**

**a. Conditional Use Permit CU15-08: Hill Country Tabacalera**

*A request for approval of a Conditional Use Permit, to allow a nightclub with a floor area of less than 5,000 square feet (“cigar bar”) on property in a Retail District (C-2), specifically on property at 3700 South Texas Avenue, Suite 650, in the North Park Plaza Shopping Center adjoining the southwest side of South Texas Avenue between Dunn Street and East North Avenue, being Lot 1R-A in Block 2 of the Ramsey Place Subdivision - Phase 3, in Bryan, Brazos County, Texas. (S. Killam)*

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

In response to questions Mr. Hilgemeier responded:

- the proposed cigar bar use is intended to be a low-key environment.
- no negative responses from citizens have been received.
- should the Commission approve this conditional use permit, the allowed use of a night club will pass on to future tenants of the proposed location; and
- the Commission can impose additional conditions on the conditional use permit should they desire.

Mr. Zimmermann clarified that the city once allowed an “after hours club” in an adjacent suite of the shopping center, however, this use is no longer allowed.

The public hearing was opened.

Ms. Virginia Smith, 203 College View Drive, Bryan, Texas, nearby property owner, spoke in opposition to the conditional use request, citing her concerns for increased traffic and noise in the area.

Mr. Raymond Warren, 1015 Winding Road, College Station, Texas, Applicant, spoke in favor of the conditional use request and made himself available for questions.

In response to question, Mr. Hilgemeier responded that the proposed hours of operation for the cigar bar will be 11:00 am till 11:00 pm.

The public hearing was closed.

**Commissioner Gutierrez moved to approve Conditional Use Permit CU15-08, to allow the operation of a nightclub of less than 5,000 square feet in the manner proposed; specifically to supplement the offerings of a tobacco specialty shop, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission; with the added condition that the majority of sales at any nightclub use at this location will be from the sales tobacco products, specifically cigars and cigar related products. Commissioner Hickle seconded the motion.**

Commissioners discussed

- the proposed use will not be a traditional night club.
- this cigar bar will be an up-scale and nice atmosphere.
- the proposed use is only considered a “night club” due to the lack of a clear definition in the city ordinances for a “cigar bar” and therefore the proposed cigar bar must use the guise of a night club under a conditional use permit to allow the sale and consumption of alcohol.

**Commissioner Hardeman made a motion to amend the previous motion and add an additional condition that the conditional use permit would limit the cigar bar’s operational hours to 11:00 am. through 11:00 pm.**

**The motion failed due to the lack of a second.**

**The original motion to approve Conditional Use Permit CU15-08, to allow the operation of a nightclub of less than 5,000 square feet in the manner proposed; specifically to supplement the offerings of a tobacco specialty shop, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission; with the added condition that the majority of sales at any nightclub use at this location will be from the sales tobacco products, specifically cigars and cigar related products, passed with a vote of 6 in favor and 0 in opposition with Commissioner Krolczyk abstaining from deliberation and voting on this item.**

**b. Conditional Use Permit CU15-11: Fred and Carol Anderson**

*A request for approval of a Conditional Use Permit, to allow the combined square footage of two detached accessory structures to be up to 2,384 square feet on property in a Residential - Neighborhood Conservation District (R-NC), specifically on property located at 2504 River Forest Drive, being Lot 11 in Block 7 of The Memorial Forest Subdivision – Phase 3 on 0.7954 acres of land adjoining the east side of River Forest Drive, south from its intersection with Rustling Oaks Drive 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.

Mr. John McKemie, 2509 Memorial Drive, Bryan, Texas, Neighboring Citizen, spoke in opposition to the conditional use request citing his concerns of having a large structure along his back property line that would remove trees and block his back yard view.

Mr. Hilgemeier advised the commission that notification letters were mailed out to neighboring citizens.

Mr. Wessley Scott, 406 W. 26<sup>th</sup> Street, Bryan, Texas, spoke in opposition to the condition placed on the conditional use request to prohibit the proposed accessory structure from becoming a dwelling unit.

Mr. Fred Anderson, 204 River Forest Drive, Bryan, Texas, Applicant, spoke in favor of the conditional use request stating that no trees will be removed in the process and the proposed structure would be between 10 and 12 feet tall and occupy the same location as the previously permitted temporary car port structure.

In response to questions, Mr. Hilgemeier advised the Commission:

- there was a previously permitted car port that had been removed six weeks ago, and that the proposed structure will occupy the same location as the old car port.
- the proposed structure will be 1 story tall and therefore shorter than the existing garage; and
- the rear setback will not be encroached upon by the proposed structure.

The public hearing was closed.

**Commissioner Hardeman moved to approve Conditional Use Permit CU15-11, as requested, subject to the condition that the new 800 square foot accessory structure may not be used as an accessory dwelling unit, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Gutierrez seconded the motion.**

Commissioners discussed

- the applicant is only replacing an old temporary structure with a new enclosed structure.
- the proposed structure will house antique cars and will not be a dwelling.
- the proposed structure is not unreasonable for the neighborhood and will not be blocking neighbors views any more than the previously permitted temporary structure.

**The motion passed unanimously.**

**9. 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 RZ15-09: Leo 60 L.P.**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development – Mixed Use District (PD-M), to allow a mixed use development consisting of commercial, residential and manufactured home land lease community uses on 61.59 acres of vacant land located on the northwest side of the 2300 Block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas. (R. Haynes)*

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

The public hearing was opened.

Ms. Nora Rabe, 2703 Leonard Road, Bryan, Texas, Neighboring Citizen, spoke in opposition to the rezoning request citing her concerns about drainage, infrastructure, streets, and noise.

*Commissioner Madison stepped out of the meeting at 7:03 pm.*

*Commissioner Madison re-entered the meeting at 7:06 pm.*

Mr. Mike Stafford, 3009 Westwood Main Drive, Bryan, Texas, Neighboring Citizen, spoke in opposition to the rezoning request citing his concerns about increased traffic.

Mr. Dwight Rabe, 2703 Leonard Road, Bryan, Texas, spoke in in opposition to the rezoning request citing his concern for drainage in the area, increase in traffic, and general safety. Mr. also requested that the Commission defer this item to a later agenda to allow for more research to be conducted on this matter.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, Attorney, representing the developer, spoke in favor of the rezoning request citing the quality of the proposed manufactured homes and decreased densities. Mr. Peterson also mentioned that issues such as drainage and parkland dedication would be addressed during the platting phase of the development project.

Mr. Stafford returned to the podium to re-emphasize his desire to see this item moved to future agenda to allow for additional research.

Mr. Zimmermann clarified that all the facts such as proposed densities for this rezoning request can be found in the staff report.

The public hearing was closed.

**Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-09 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Madison seconded the motion.**

Commissioners discussed:

- the applicant's has property rights to be considered.
- the proposed planned development will ensure high quality.
- the applicant is proposing lower densities than what other zoning classifications would allow by right; and
- the more controversial platting issues will be addressed in due course during the platting phase of development.

Commissioner Hickle stated his belief that the proposed development will not be compatible with current or future uses in this area of town and that he would prefer to see multi-family or retail zoning in the area. Commissioner Hickle also requested that should this rezoning request be denied by the City Council, that the applicant look into developing multi-family or retail on their

property.

**The motion passed with a vote of 4 in favor and 3 in opposition, with Commissioners Hickle, Krolczyk, and Swearingen casting their votes in opposition.**

*Commissioner Madison left the meeting at 7:59pm.*

**b. Rezoning RZ15-16: RBA Investments**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 1.487 acres of land adjoining the northwest side of State Highway 21 East, southwest from its intersection with Marino Road in Bryan, Brazos County, Texas. (S. Killam)*

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

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-16 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.**

**The motion passed unanimously.**

**10. ADJOURN.**

Without objection, Chairperson Hickle adjourned the meeting at 8:02 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 17<sup>th</sup> day of **September, 2015**.

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

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