

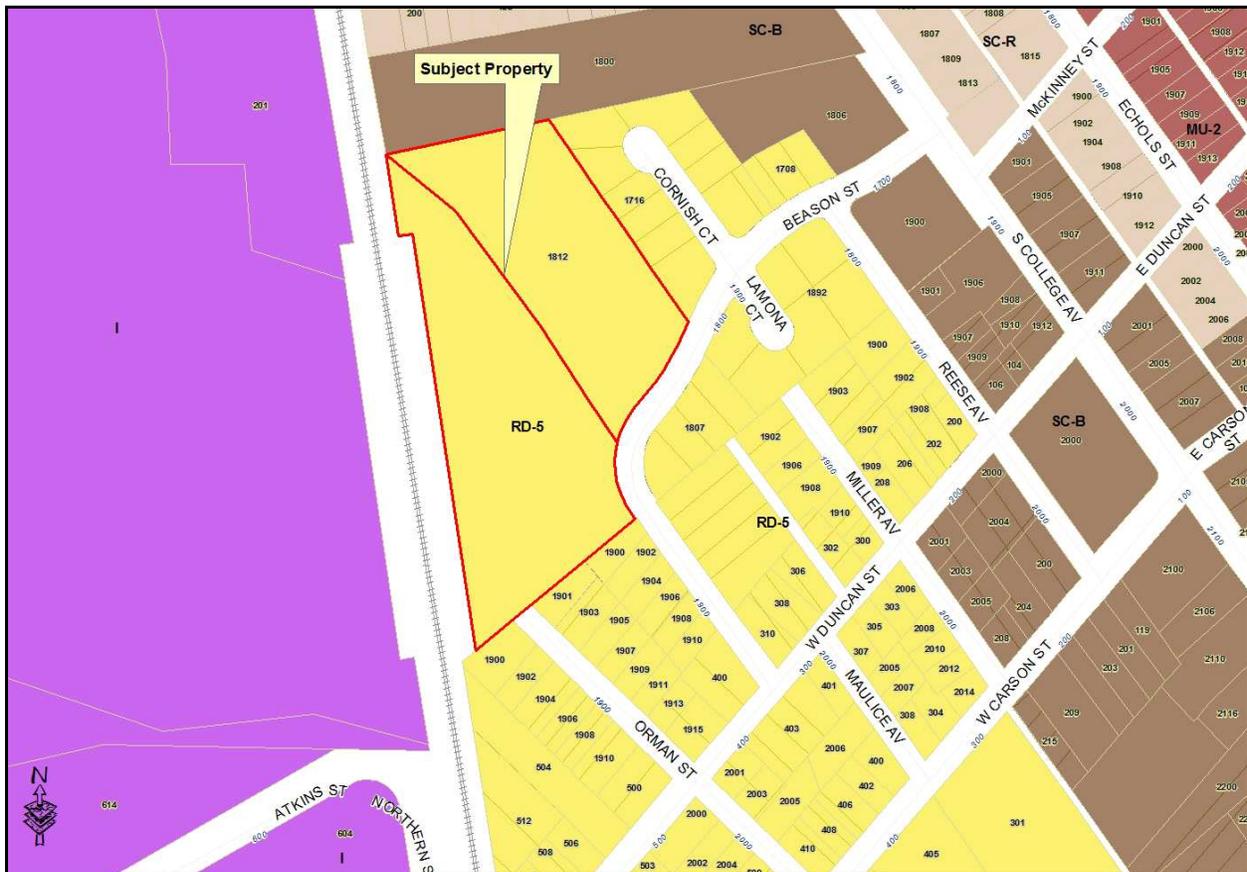
PLANNING AND ZONING COMMISSION  
STAFF REPORT

November 17, 2016



**Rezoning RZ16-11: Living Hope Baptist Church, Inc.**

- CASE DESCRIPTION:** a request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development – Housing (PD-H)
- LOCATION:** 9.28 acres of land adjoining the north side of Beason Street, approximately 600 feet to 1,000 feet west from its intersection with South College Avenue
- APPLICANT(S):** Eric Evje on behalf of Living Hope Baptist Church, Inc.
- AGENT:** Civil Engineering Consultants – Fred Paine
- STAFF CONTACT:** Stephanie Doland, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



**AERIAL PHOTOGRAPH (2015):**



**PHOTOGRAPHS OF SUBJECT PROPERTY:**





**BACKGROUND:**

The applicant, Eric Ejve on behalf of Living Hope Baptist Church, Inc., owns the subject property, a 9.28-acre tract of vacant land. Located to the east of the subject property is vacant land platted for single-family residential homes, west is the Union Pacific Railroad, north is vacant land part of a large tract developed with Mosqueda Heating and Cooling, and to the south are properties developed with single-family detached dwelling units.

The applicant is requesting that the subject property be rezoned from Residential District – 5000 (RD-5) to Planned Development – Housing (PD-H) district. The use of a place of worship is allowed in all zoning districts in Bryan, however, many of the proposed accessory uses are uses not allowed by right in the RD-5 zoning district. The church desires to develop the subject property with the primary use of a place of worship and various accessory uses including, accessory structures, charitable uses (excluding limited or emergency housing), Child Care (class B and class C), community garden, recreational/community center, office use, reception hall and all other uses as allowed in the Residential District – 5000 (RD-5) zoning district. The applicant intends to allow various proposed accessory uses such as the community garden, recreational areas and the community center to be open to the community. Therefore, the proposed PD-H, if approved, will allow the church to develop the land in a unique manner, with multiple accessory uses, without having to apply for multiple conditional use permits.

The proposed PD-H establishes a new land use not currently listed in the City of Bryan Zoning Ordinance. The PD-H proposes the use of a community garden and defines community garden as “the recreation or leisure activity of raising, cultivating, and processing of food for use and consumption by church members and neighbors.”

In addition to the planned uses, the proposed PD-H establishes guidelines for physical development on these 9.28 acres. The subject property is in close proximity to the South College – Business District (SC-B) and therefore proposes the same development standards as that overlay district.

**APPLICATION MATERIALS:**

<h1>Rezoning Supplement A</h1>  <p><b>Minimum Requirements:</b></p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Metes and Bounds description of property</li><li><input type="checkbox"/> If Planned Development required, then include 15 folded copies and a .pdf of the development site plan</li></ul> <p>Please list the reasons for this rezoning request:</p> <p>Living Hope Baptist Church proposes to develop facilities as an outreach to the local community immediately adjacent surrounding neighborhoods. These facilities will utilize differing events, activities and services as well as allow for public use of various site areas.</p> <hr/> <hr/> <p>List the changed or changing conditions in the area or City which make this zone change necessary:</p> <p>Kazmeier Gardens Subdivision is an approximate 20 acre residential subdivision developed in 1983 and replatted eliminating a portion of residential property in 1994. To date, the subdivision has a single residence and a single business (auto repair) fronting on College Avenue.</p> <p>With the 1994 replat, two large tracts were created totaling approximately 9 acres which are adjacent to the undeveloped residential portion of Kasmeier Gardens.</p> <hr/> <p>Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:</p> <p>Church facilities are allowed in all zoning districts. The rezoning to PD-H will allow for uses such as recreation/community center activities, charitable uses, accessory structures, prior to the construction of a main church building. The PD-H development plan is intended to stabilize and improve property utilization, strengthen the area economy, and promote the general welfare of the community while maintaining the integrity of the surrounding residential properties.</p> <p>List any other reasons to support this zone change:</p> <p>Development under PD-H will allow for flexibility of outreach opportunities. As specific uses are ready for utilization, any required site plan will be a requirement prior to the use or construction.</p> <p>A 25' landscaped buffer from the PD-H church development to the existing RD-5 zoning will be included as part of the overall site development. Proposed site development uses will conform to the permitted uses allowed by right in the Residential District-5000 (RD-5) per the City of Bryan Zoning Ordinance, Chapter 130 of the Bryan Code of Ordinances.</p> <p style="text-align: right;">Page 1 of 1</p>
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**PROPOSED PLANNED DEVELOPMENT – HOUSING (PD-H) DISTRICT:**

**Development Requirements for Planned Development – Housing (PD-H) for 9.28 acres of  
Vacant Land located within the Kazmeier Gardens Subdivision, Lot 1R, Block Four  
Bryan, Brazos County, Texas  
LIVING HOPE BAPTIST CHURCH, BRYAN**

**GENERAL PURPOSE AND DESCRIPTION:**

This development plan is intended to guide planning of land use and physical development on the subject property. The PD-H development plan is envisioned as a tool for the development of a place of worship and various accessory uses. The development plan is intended to help stabilize and improve property utilization, to facilitate appropriate use of the subject property, ensure protection of surrounding residential properties, to strengthen the area economy and to promote the general welfare of the community.

**DEFINITIONS:**

The land uses described in Section 1 of this development plan shall have the meanings ascribed to them as described in Chapter 130 – Zoning of the Bryan Code of Ordinances. The following words when used in this development plan are not listed in the Zoning Ordinance and shall adopt the following meaning:

*Community Garden shall mean the recreation or leisure activity of raising, cultivating, and processing of food for use and consumption by church members and neighbors.*

**SECTION 1: Land Use:**

The following uses shall be permitted by right within this PD-H District:

- Accessory structures
- Charitable uses (excluding limited or emergency housing)
- Child Care (Class B, Class C)
- Community Garden
- Recreational/community center
- Office use (as an accessory to the main use of a place of worship)
- Place of worship
- Reception hall

As well as all other uses allowed by right in the Residential District – 5000 (RD-5) per the City of Bryan Zoning Ordinance, Chapter 130 of the Bryan Code of Ordinances.

**SECTION 2: Physical Development:**

Physical Development within this PD-H District shall comply with the development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned South College Business District (SC-B) including subdivision of land and signage requirements, and subject to the following additional standards, limitations and/or allowances:

1. A site plan shall be required for any development occurring within this PD-H District.
2. A 25-foot landscape buffer between the existing RD-5 zoning and this PD-H District shall be placed along the east lot line between the subject tract and Lots 9-14, Block 3 Kazmeier Gardens Subdivision.
3. A 6-foot wooden screening fence shall be required except where a 100-foot buffer is observed.
4. No additional setback from property lines shall be required for buildings exceeding 35' in height.
5. Off-Street parking, maneuvering, and loading areas shall be allowed to be located at the front of the property, and in front of structures placed on the lot.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN – BLUEPRINT 2040:**

The City of Bryan Comprehensive Plan includes policy recommendations related to the various physical development aspects of the community. City-wide land use policies articulated in the Comprehensive Plan suggest that land uses should be located so that appropriate buffers separate dissimilar uses. The Comprehensive Plan recommends encouraging and promoting compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically. The Plan further suggests that the City should encourage flexibility when drafting special regulations or plans geared toward redevelopment and/or infill projects.

### **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 area surrounding the subject property is currently zoned for a range land uses, including single-family homes, retail and industrial uses. The subject property is adjacent to vacant land, land owned by a HVAC business, the Union Pacific Railroad, and single-family detached dwelling units. Staff believes that the proposed PD-H Districts which, if approved, would allow the development of this property into the primary use as a place of worship with various accessory uses which could be a significant benefit to the public and properties in the general vicinity. The applicant is proposing the development of public spaces similar to a neighborhood park, including, outdoor pavilion, splash pad, playground, community garden, and walking trails. Staff believes that these proposed accessory uses will not only be appropriate at this particular location but could also increase quality of life in the residential neighborhood.**

**To integrate the place of worship within the fabric of this particular neighborhood the PD-H proposes limitations on land use and physical development. Including, a 25-foot buffer along the single-family zoning district which border the subject property to the east, as well as a 6-foot screening fence wherever a 100-foot buffer is not observed. Therefore, staff contends that the proposed uses will be appropriate amongst the mixture of land uses in the general vicinity and the City as a whole.**

2. Whether the proposed change is in accordance 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.

**The subject property adjoins Beason Street which is a local street. Right-of-way for Beason Street in front of the subject property is currently 60 feet wide and is improved with a 30-foot wide pavement which is wider than the required road width for local streets. There is reasonable expectation that Beason Street will not need to be expanded as a result of this proposed zoning change, however, in the event that the traffic is significantly increased by a popular place of worship and accessory uses at this location, and the widening of the road becomes necessary in the future, there is sufficient right-of-way to accommodate an expansion of Beason Street within existing public right-of-way. Any issues regarding utility capacity will be addressed at the time of development.**

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 approving this zoning district at this location should not affect the developability of other properties in this vicinity or elsewhere in the city.**

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.

**There are multiple places of worship throughout the City of Bryan and many modern church developments offer services such as child care to the community. The proposed development is located on property currently zoned as Residential District – 5000 (RD-5) and is part of the Kazmeier Gardens subdivision. Kazmeier Gardens was originally platted for residential detached dwelling units first in 1983 and then replatted later in 1994. However, to date Kazmeier Gardens subdivision remains vacant and void of any single-family homes. Therefore, the development of the property in the immediate vicinity of the subject property is at best, slow for development. The applicant proposes various accessory uses that will be open to the public, such as a pavilion, splash pad, playground equipment, and walking trails. Staff believes that the proposed place of worship and various public recreational accessory uses could positively influence property in the immediate vicinity and perhaps spur build out of the Kazmeier Gardens Subdivision.**

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.

**The City of Bryan is home to multiple church developments, furthermore places of worship are allowed by right in all zoning districts in Bryan. Therefore, staff believes it is unlikely that if approved the proposed PD-H zoning district would affect other areas designated for similar development.**

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

**Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare.**

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not 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, within the standards established by this section.

**Staff believes that use and development proposed at this location, if limited to them main use as a place of worship and accessory uses such as child care services, recreation/community center, office use, and charitable uses, will generally be compatible with existing and anticipated uses surrounding this property. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties and the City as a whole.**

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

**Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-H District.**

3. Adversely 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.

**Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity.**

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**Staff contends that the proposed development will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.**

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.**

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

**Staff believes that the proposed use and development of this property with the primary use as a place of worship with various accessory uses will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.**

#### **RECOMMENDATION:**

Staff recommends **approving** the proposed rezoning to Planned Development – Housing (PD-H), as requested.