

February 4, 2016

**Rezoning RZ 16-01: Laura and Felipe Vega**

**CASE DESCRIPTION:** a request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1)

**LOCATION:** 0.5015 acres of land located on the east side of the 1400 block of Woodland Drive between South Gordon Street and Bethel Lane

**LEGAL DESCRIPTION:** Lot 18-R4 in Block 1 of Cavitt’s Woodland Heights Subdivision – Phase 2

**EXISTING LAND USE:** vacant

**APPLICANT(S):** Laura and Felipe Vega

**STAFF CONTACT:** Randy Haynes, AICP, Senior Planner

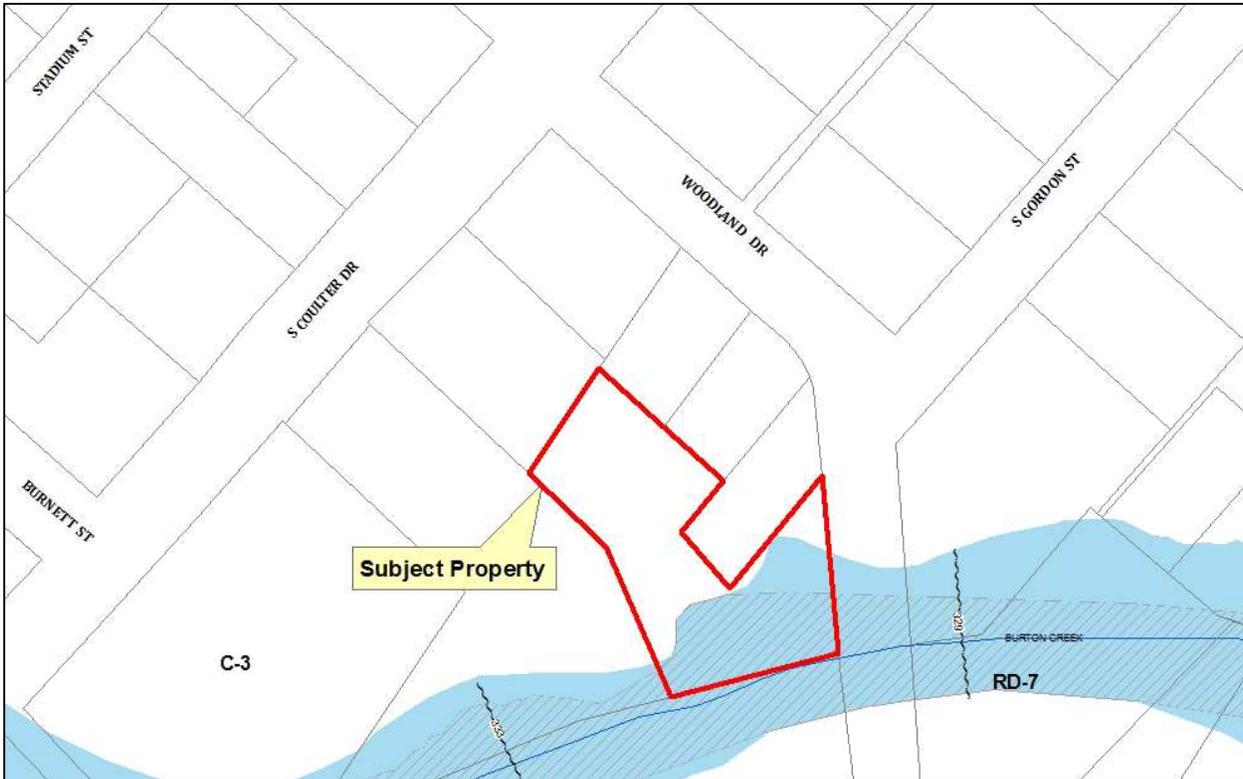
**SUMMARY RECOMMENDATION:** Staff recommends **approving** this request.



**AERIAL PHOTOGRAPH, 2015:**



**DEPICTION OF FEMA FLOODWAY IMPACT ON SUBJECT PROPERTY:**



## **BACKGROUND:**

The applicants, Laura and Felipe Vega, own the subject property, a vacant tract zoned Residential District – 5000 (RD-5) as well as the tract immediately to the northwest (fronting S. Coulter Drive). That adjoining property is zoned Commercial District (C-3) and is occupied by a 2,000 square-foot building in which the Vegas operate a restaurant. Both parcels were purchased from the same seller, Mr. George Lopez, in 2013.

Upon the adoption of zoning in Bryan December 11, 1989 the subject property and all the surrounding land was assigned the C-3 zoning classification. Mr. Lopez acquired the subject property and the land surrounding it in 1998 and in 2005 he successfully requested that 0.9 acres of his total holdings of 1.2 acres be rezoned from C-3 District to RD-5 District.

Subsequent to the rezoning Mr. Lopez subdivided that 0.9 acres into four residential lots and built and sold houses on three of the new lots. The subject property, Lot 18-R4 has remained undeveloped. With the subject property being directly adjacent to the rear of their business at 1005 S. Coulter Drive, the applicants wish to expand the restaurant parking area onto a portion of the subject property. Since nonresidential off-street parking use is not allowed in RD-5 Districts, the Vega's are requesting that the zoning classification be changed from RD-5 District to C-1 (Office) District.

Except for the four lots rezoned to RD-5 District in 2005, all of the land bound by Texas Avenue, South Coulter Drive, Woodland Drive and Bethel Lane is zoned C-3 District. The three lots immediately northwest of the subject tract are zoned RD-5 District. East of Woodland Drive all of the land for approximately a mile is zoned for various types of residential use.

The RD-5 District is intended to provide for development of detached dwelling units on lots of not less than 5,000 square feet. The C-1 District is intended to provide development opportunities for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted.

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

### **Citywide Land Use Policies**

All land uses should be located such that:

- Appropriate buffers separate dissimilar uses. Buffers include, but may not be limited to transitional land uses, floodplain areas, parks, landscaping or natural and man-made features;
- Where incompatible land uses must be adjacent, zoning boundaries should be drawn along rear property lines such that activities face away from each other to avoid potential negative impacts;

### **Use-Specific Land Use Policies**

Office uses should be located in areas that:

- Provide a transition between residential uses and higher intensity commercial land uses

## 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 and their relationship to general area and the City as a whole.

**The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in Retail Districts (C-2) and other nonresidential zoning classifications.**

**Staff contends that a change of the zoning designation to C-1 is appropriate for the subject tract and consistent with land use recommendations of Bryan's Comprehensive Plan which suggests that office uses should be located in areas that provide a transition between residential uses and higher intensity commercial uses. The C-1 zoning district allows only low-intensity uses which must observe minimum 15-25-foot wide buffer areas adjacent to residentially-zoned properties. Given the arrangement of the lot boundaries in this particular case, as well as the presence of FEMA floodway between the buildable area on this lot and Woodland Drive, conditions appear to have evolved to the point where a single-family residence on the subject property does not appear to be a feasible or desirable land use at this location.**

**Staff believes that the office classification and the potentially accompanying uses are appropriate in this particular environment. Staff further contends that if the proposed zoning change were approved, it would have no impact on orderly development in the City as a whole.**

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

**The subject property has direct access to water and wastewater services. South Coulter Drive is classified as a major collector street on Bryan's Thoroughfare Plan. Woodland Drive, directly in front of the subject property is a local street with a 50-foot wide right-of-way and 32+ feet of pavement. Both streets can reasonably be expected to handle additional traffic loads typically associated with low-intensity uses allowed in C-1 Districts.**

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.

**In Bryan permitted commercial land uses are arranged in a cumulative fashion from low to highest intensity. All of the land uses permitted by right in C-1 Districts are permitted by right in C-2 and C-3 Districts.**

**There is very little available land specifically classified for office use in the area of the subject property. The nearest C-1 District is a small cluster at the intersection of S. Coulter Drive and East 29<sup>th</sup> Street, approximately 2,200 feet northeast from the subject property. Staff is unaware of circumstances that would make a substantial part of that land or any other nearby land zoned for office use unavailable for development. Staff contends that this zone change request, if approved, will not make such 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.

**Property in the area of the subject tract is largely developed. Land in Bryan specifically zoned for office use is uncommon. Less than 1% of the land in Bryan is classified C-1 District. Development of land in Bryan for specifically office uses is typically unhurried.**

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.

**Other properties zoned for office use in this area are unlikely to be affected by this zoning change.**

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Staff has identified no factors resulting from this requested zoning change that will affect health, safety, morals, or general welfare.**

#### **RECOMMENDATION:**

Staff recommends **approving** C-1 zoning, as requested.