

Chairperson Bobby Gutierrez
 Vice-Chairperson Leo Gonzalez
 Parliamentarian Kevin Krolczyk

Commissioners
 John Bush
 Cathy Conlee
 Kyle Incardona
 Prentiss Madison
 Reuben Marin
 Robert Swearingen



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
 REGULAR MEETING
 THURSDAY, MARCH 3, 2016 – 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 Gutierrez called the meeting to order at 6:02p.m.

Commissioners	Present	2016 Regular Meetings Held	2016 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
John Bush*	Y	4	4	12	7
Cathy Conlee**	N	4	3	12	3
Leo Gonzalez	Y	4	4	12	9
Bobby Gutierrez	Y	4	4	12	12
Kyle Incardona	Y	4	4	12	12
Kevin Krolczyk	Y	4	4	12	12
Prentiss Madison	Y	4	3	12	11
Reuben Marin**	Y	4	4	12	4
Robert Swearingen	Y	4	2	12	10

* appointed to the Commission effective 11/5/2015

** appointed to the Commission effective 1/1/2016

Staff members present: Mr. Thomas Leeper, First Assistant City Attorney; Mr. Matthew Hilgemeier, Staff Planner; Ms. Stephanie Doland, Staff Planner; Mr. Martin Zimmermann, Planning Manager, and Ms. Maria Watson, Planning Intern.

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

Chairperson Gutierrez led the pledge.

3. HEAR CITIZENS.

Mr. Raul Santana, 1045 Sterling, Bryan, TX came forward to speak in opposition to the creation of a west side historic district.

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

Mr. Thomas Leeper, First Assistant City Attorney, advised that Chairperson Swearingen has filed an affidavit for regular agenda item 8.a. and will not participate in discussion and voting on that rezoning request.

5. CONSENT AGENDA.

a. Approval of minutes from the workshop and regular meetings on February 18, 2016.

Commissioner Madison moved to approve the Consent Agenda. Commissioner Krolczyk 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. Replat RP16-05: Highland Park Addition – Phase 2

Proposed Replat of Lots 4, 5, and 6 and part of Lots 3 and 7 in Block 9B of Highland Park Addition – Phase 2, being a 0.76 acres of land adjoining the southwest side of Oaklawn Street between Foch and Clay Streets and currently addressed as 4302, 4304, and 4308 Oaklawn Street in Bryan, Brazos County, Texas. (S. Doland)

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

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Madison moved to approve Replat RP16-05, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Gonzalez seconded the motion, and the motion passed unanimously.

7. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING SETBACKS 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 PV16-02: Omega Builders

Requests for approval of 16-inch and 18-inch variances from the minimum 7.5-foot side building setback that is generally required from side property lines on residential home sites, to legitimize the construction of a single-family home which extends within 6.1 feet and 5.9 feet from the north and south side property lines, respectively, on property located at 3004 Archer Circle, approximately 120 feet north from its intersection with Thornberry Drive, being Lot 40 in Block 3 of Austin's Colony Subdivision – Phase 13 in Bryan, Brazos County, Texas (M. Zimmermann)

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

Chairperson Gutierrez asked if staff had received any public input on this item during the week. Mr. Zimmermann responded that property owners within 200 feet had been notified and a courtesy letter had been sent to the Homeowner's Association. There had been one email which staff distributed to Commissioners during the workshop meeting.

The public hearing was opened.

Mr. Randall Corum, 3013 Archer Circle, Bryan, TX spoke in opposition of the request.

Ms. Janice Wilson, 4418 Crayke Place, College Station, TX, spoke as the future owner of this property regarding her concerns that this will cause trouble for her when they resell. Mr. Zimmermann responded that this variance, if approved, will run with the land forever and will prevent Ms. Wilson from having an issue in the future.

Mr. Ryan Waldron, 3004 Archer Circle, Bryan, TX spoke on behalf of Omega Builders and stated that the error was an honest mistake and that he would make the home on the now adjacent lot narrower to maintain a 15 foot separation between the houses.

The public hearing was closed.

Commissioner Gutierrez moved to approve Planning Variance PV16-02, as requested, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Madison seconded the motion.

Commissioners commented that they believe this was an honest and rare mistake and commended the builder for his willingness to make the adjacent house smaller in response.

The motion passed unanimously.

8. 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 RZ16-03: Paul Marvin

A request to change the zoning classification from Residential District – 5000 (RD-5) to Retail District (C-2) on 0.921 acres of land located at 2306 Sandy Lane, between Turkey Creek Road and Stuart Street, and being Lots 4, 5, and part of Lot 6 in Block 4 of Oak Glade Addition in Bryan, Brazos County, Texas. (R. Haynes)

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

In response to questions from the Commission, Mr. Zimmermann responded:

- Staff is unaware of any grandfathered use and the proof of grandfathering rests with the property owner
- Staff is not aware of anyone coming in with residential development plans.
- There is access from Turkey Creek Road but if the site were to be developed with access from Turkey Creek, the driveway would probably have to be more towards the center of the property to meet adopted standards.
- C-2 zoning would require 50 feet of buffering, which could be reduced to 30 feet with landscaping, and a screening fence
- If rezoned to C-2, the ordinance's language does not explicitly prohibit access from the residential area in favor of an access from Turkey Creek but it would be strongly discouraged.

The public hearing was opened.

Ms. Pam Herwald, 2312 Sandy Lane, Bryan, TX, Mr. James Herwald, 2314 Sandy Lane, Bryan, TX, and Ms. Sharon Anderson 2304 Cindy Lane, Bryan, TX spoke in opposition to the request. Stated concerns included:

- Noise
- The neighborhood is majority owner-occupied with long-term owners.
- Commercial development is not in accordance with the future land use plan.
- Blinn College will create demand for more housing.
- There has been a petition against commercial development.
- There is a history of houses selling well within the neighborhood with very few, if any, vacancies.
- Neighborhood integrity.

Ms. Alex Davis, 701 E. 32nd Street, Bryan, TX, Mr. Ed Hoff, 4003 Windowmere St., Bryan, TX, Mr. Oliver Davis, 414 Tee Dr., Bryan, TX, Mr. Francisco Navarro, 1107 Verde #78, Bryan, TX spoke in favor of the request:

- Commercial businesses have allowed Bryan to grow.
- Property values have increased consistently.
- Multiple businesses in the surrounding area.
- Residents could benefit from retail business including jobs and convenience to services.
- Noise will be reduced after construction.
- There are multiple benefits to small business including jobs, local revenue, and social benefits.

- The area could use development.
- There is no access from the residential area.

Mr. Paul Marvin, 302 N. Bryan Ave., Bryan, TX, 77803 spoke as the applicant to this request. Mr. Marvin commented that:

- Businesses will operate during normal business hours so limited noise during the night.
- He wants to put the access to Tukey Creek and provide a fence.
- The place has always been a business and is surrounded by businesses along Turkey Creek.
- He was unaware of the citizen opposition and would have liked to reach out to them.
- The building has been used as storage.
- He has only talked to interested businesses that appear to be shops.
- He wants to increase property values and provide services.

Commissioners asked whether the applicant knew what types of businesses might be going in there or if anyone had approached him about residential development. Mr. Marvin responded that businesses that appear to be shops, such as an air conditioning shop, and that no one had approached him regarding residential development.

Commissioners asked whether or not the types of uses described by Mr. Marvin would be allowed in a C-1 District. Mr. Zimmermann responded that they would not be allowed in a C-1 District.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ16-03 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion.

Commissioner Gonzalez discussed that he does not believe that the property being rezoned to commercial would not hurt the neighboring properties and would like to see the property stop being vacant. Commissioner Krolczyk discussed that the buffering requirements would be a benefit to the neighborhood.

Commissioners Incardona, Madison, Bush and Marin discussed that C-2 districts should not be adjacent to neighborhoods. Although the Commissioners are in favor of business, rezoning the property to C-2 would allow several uses they are not comfortable with and the citizens' feedback was important in the decision.

Commissioners Gonzalez and Krolczyk voted in favor of the request. Commissioners Incardona, Bush, Madison, and Marin voted in opposition with Commissioner Swearingen abstaining from voting. The motion to recommend approval failed, thereby effectively recommending denying the proposal.

9. ADJOURN.

Without objection, Chairperson Gutierrez adjourned the meeting at 6:40p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 7th day of **April, 2016**.

Bobby Gutierrez, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

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

DRAFT