ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	April 14, 2015	**DATE SUBMITTED:**	March 17, 2015
DEPARTMENT OF ORIGIN:	Development Serv.	**SUBMITTED BY:**	Martin Zimmermann

MEETING TYPE:	**CLASSIFICATION:**	**ORDINANCE:**	**STRATEGIC INITIATIVE:**
☐ **BCD**	☒ **PUBLIC HEARING**	☐ **1ST READING**	☐ **PUBLIC SAFETY**
☐ **SPECIAL**	☐ **CONSENT**	☐ **2ND READING**	☐ **SERVICE**
☒ **REGULAR**	☐ **STATUTORY**		☒ **ECONOMIC DEVELOP.**
☐ **WORKSHOP**	☐ **REGULAR**		☒ **INFRASTRUCTURE**
			☒ **QUALITY OF LIFE**
			☐ **PUBLIC SAFETY**

AGENDA ITEM DESCRIPTION: First public hearing to seek comment on a petition of an area landowner requesting annexation of 2.032 acres of vacant land out of Maria Kegans Survey, Abstract No. 28, adjoining the southeast side of Elmo Weedon Road approximately 825 feet to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas.

SUMMARY STATEMENT: Mr. Sam Trinh of Texas KJ Investments, LLC, the owner of a 2.032-acre tract located on the southeast side of Elmo Weedon Road, north from its intersection with State Highway 30/F.M.158, has formally requested that the City of Bryan annex said acreage. The property is part of a 13+ acre tract Mr. Trinh owns at the intersection of State Highway 30 and Elmo Weedon Road. The remaining 11+ acres of this tract are already located within Bryan's city limits and zoned C-2 (Retail) District.

During its meeting on January 27, 2015, the City Council voted to accept the petition for annexation (Council Resolution No. 3591), initiating a series of proceedings, which might eventually lead to the annexation of these 2+ acres. State law requires that two public hearings be held to consider arguments for and against a proposed annexation. This is the first of these two public hearings required for the annexation of these 2.032 acres. The second public hearing is scheduled to be held during a special City Council meeting on April 21, 2014 at 5:30pm. Following these public hearings, an annexation ordinance will be presented to City Council on May 12 and May 26, 2015, which, if approved, would complete the annexation of this acreage.

State law requires the annexation ordinance include a municipal service plan that details the specific municipal services to be provided to the area after it has been annexed. A draft service plan is attached to this Council Action Form. Staff anticipates no extraordinary new services, facilities or expenses as a result of annexing these 2.032 acres, which would bring this undeveloped land under the full regulatory control of the City

The Planning and Zoning Commission considered the annexation request and a concurrent zoning proposal during its regular meeting on February 19, 2015 and, by a vote of 6 to 2, recommended approving the requests.

STAFF'S RECOMMENDATION: Staff recommends holding this first of two required public hearings to complete this owner-initiated annexation. This public hearing will allow interested persons to present arguments for or against the requested annexation of this property, as required by State law.

OPTIONS (In Suggested Order of Staff Preference):

1. hold public hearing on this owner-initiated annexation; or
2. postpone public hearing on this owner-initiated annexation (new notifications would have to be mailed and published in accordance with State law requirements).

ATTACHMENTS: 1. location map; 2. draft service plan (Exhibits A, B and C are attached as separate PDF documents); 3. petition requesting annexation; 4. survey showing acreage requested to be annexed; 5. excerpt from February 19, 2015 Planning and Zoning Commission regular meeting minutes; and 6. staff report to the Planning and Zoning Commission.
FUNDING SOURCE: N/A
APPROVALS: Kevin Russell, 3-18-15; Joey Dunn, 3-18-15; Hugh R. Walker, 03/30/2015
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 04-06-2015
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 04-06-2015

Revised 04/2013

Location Map

DRAFT

MUNICIPAL SERVICE PLAN FOR TERRITORY ANNEXED TO THE CITY OF BRYAN, TEXAS ON MAY 26, 2015

A. SERVICES PROVIDED UPON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Bryan, Texas and its Police Department will provide police protection to the newly annexed territory at the same or similar service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. The City's adopted ordinances extend to the newly annexed area and are applied equally to all areas of the City based on the policy and wording of such ordinances. The average dispatch and delivery time, equipment dedication to service areas, and staffing requirements are comparable to the average provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

The City of Bryan, Texas and its Fire Department will provide fire protection and ambulance service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. Furthermore, the City of Bryan Fire Department will respond to all dispatched calls (including emergency medical services) and other requests for service or assistance within the newly annexed area, the same as it would within other areas inside the City limits of Bryan. The City's adopted Fire Code shall extend to the newly annexed area and is equally applicable to all areas of the City.

3. SOLID WASTE COLLECTION

The City of Bryan, Texas and its Environmental Services Department will provide solid waste collection and disposal service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. As a fee-for-service the providing of this service shall be applied to the newly annexed area on an equal basis to that provided to the average and typical comparable area of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

4. WATER DISTRIBUTION SERVICE

The entirety of the area to be annexed is part of the Wickson Creek Special Utility District's CCN (Certificate of Convenience and Necessity) area, and therefore may not be provided with City water service, under the Texas Water Code. See Water CCN Map, attached as **Exhibit A**. The City of Bryan does not possess any authority or control over the policies, practices, and procedures of the Wickson Creek Special Utility District or the CCN. Areas to be annexed which are currently served by the Wickson Creek Special Utility District will continue to receive such service pursuant to the Wickson Special Utility District policies and procedures unless arrangements are made between the City and the Wickson Creek Special Utility District and are approved by the State of Texas, as required by the Texas Water Code. The City is under no obligation to enter into any such arrangements but may if it chooses. Residents and businesses in the newly annexed area will be subject to the same service policies and procedures as apply to other areas of the City of Bryan that are part of another entity's CCN. All water

service facilities under the City of Bryan's direct jurisdiction at any point in the future, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established policies and procedures.

5. WASTEWATER SERVICE

The area to be annexed is within College Station's sanitary sewer CCN, and is provided with sewer services by the City of College Station under both the CCN and an interlocal agreement executed by the cities of Bryan and College Station on December 15, 2011, attached as **Exhibit C.** See also Wastewater CCN Map, attached as **Exhibit B**. While no wastewater lines currently serve the portion of property to be annexed, there is an eight-inch sewer line owned by College Station currently providing wastewater service to another portion of the same property which is already within City limits, at the intersection of Highway 30 and Elmo Weedon Road.

Any and all wastewater service facilities in the newly annexed area owned or maintained by the City of College Station, Texas at the time of annexation shall continue to be maintained by the City of College Station pursuant to the City of College Station's policies, practices and procedures. Any and all wastewater service facilities which may be acquired subsequent to annexation of the subject territory shall be maintained by the City of College Station, to the extent of its ownership and the interlocal agreement attached as **Exhibit C**. Areas which are currently served by the City of College Station will continue to receive such service pursuant to the City of College Station's policies, practices and procedures unless arrangements are made between the City of Bryan and the City of College Station and approved by the State of Texas, as required by the Texas Water Code. The City is under no obligation to enter into any such arrangements but may if it chooses.

The City of Bryan does not possess any authority or control over the policies, practices, and procedures of the City of College Station. Existing City of College Station sewer mains at their present locations shall be available for point-of-use connections, based on applicable utility extension policies and/or ordinances of the City of College Station, now existing or as such policies and/or ordinances may be amended from time to time. The City of College Station is the entity responsible for assessing the adequacy of existing septic systems for accommodating raw sewage in less developed areas and is responsible for determining the need to provide centralized wastewater collection and treatment service to particular areas, along with lift stations or any other necessary capital improvements, pursuant to applicable policies and/or ordinances of the City of College Station, now existing or as such policies and/or ordinances may be amended.

All sewer service facilities that may come under the City of Bryan's direct jurisdiction in the future, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

6. STORM WATER MANAGEMENT

City of Bryan regulations concerning storm water management will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended, and in accordance with similarly situated properties within the City.

7. BUILDING SERVICES

The Development Services Department's responsibility for regulating building construction will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Bryan.

8. PLANNING AND DEVELOPMENT

The Development Services Department's responsibility for regulating development and land use through the administration of the City of Bryan Zoning Ordinance, Land and Site Development Ordinance and all other development-related ordinances will extend to the newly annexed territory. The newly annexed area will also continue to be regulated under the requirements of the City of Bryan Subdivision Ordinance.

9. ELECTRICITY SERVICE

Bryan Texas Utilities (BTU), a municipal electric utility, will provide electricity service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. As a fee-for-service the providing of this service shall be applied to the newly annexed area on an equal basis to that provided to the average and typical comparable area of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

10. ROADS, STREETS, ALLEYWAYS AND TRAFFIC ENGINEERING

Any and all roads, streets or alleyways in the newly annexed territory which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Bryan, Texas with similar land use, population density and topography. Construction of new roads and streets is the responsibility of the developer or property owner desiring them and must be designed and built in accordance with applicable City of Bryan codes and standards.

Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of Bryan to other roads, streets and alleyways in areas exhibiting land use, population densities and topography similar to that of the newly annexed area.

The City of Bryan Public Works Department will install traffic signs, street markings and other traffic control devices in the newly annexed area as the need is established by appropriate study, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

The City of Bryan Public Works Department will install street name signs in the newly annexed area. Under current City of Bryan ordinances, developers are responsible for the cost of street name signs for new public and private streets.

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Bryan Texas Utilities (BTU), a municipal electric utility, will install streetlights in accordance with the utility standards of BTU, pursuant to applicable policies and/or ordinances of the City of Bryan, now

existing or as such policies and/or ordinances may be amended. Under current City of Bryan ordinances, developers are responsible for the cost of streetlights in new subdivisions.

11. PARKS AND RECREATION

The newly annexed territory does not include any known existing public parks, playgrounds or swimming pools which would come under the City of Bryan's jurisdiction as a result of annexation. Residents of the newly annexed territory may use any and all existing City of Bryan parks, playgrounds and recreational facilities and participate in any and all programs, events, activities and services of the City of Bryan Parks and Recreation Department. Expansion of recreational facilities and programs to the newly annexed territory would be governed by applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

12. MAINTAINING OTHER PUBLICLY-OWNED FACILITIES OR BUILDINGS

The City of Bryan, Texas is not aware of the existence of any publicly-owned facility or building now located in the newly annexed territory. In the event any such publicly-owned facility or building does exist and are public facilities or buildings, the City of Bryan shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of Bryan, Texas.

13. LIBRARY SERVICES

Library use and privileges will be available to residents of the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

B. <u>CONSTRUCTION OF CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2½ YEARS FOLLOWING THE EFFECTIVE DATE OF ANNEXATION</u>

1. POLICE PROTECTION, FIRE PROTECTION AND SOLID WASTE COLLECTION

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing police and fire protection, emergency medical services and solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide comparable levels of protection and service to what is presently being provided to other areas already incorporated in the City of Bryan, Texas, having the same or similar land use, population density and topography as that of the newly annexed territory. The City of Bryan finds that the current level of services and facilities can sufficiently provide comparable services to the newly annexed area without reducing the fire, police, and emergency medical services currently provided to areas already within the municipal boundaries of the City of Bryan.

2. WATER AND WASTEWATER FACILITIES

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing water and wastewater service.

During the next 2½ years, the City Council of the City of Bryan, Texas believes that the area to be annexed will not be under the direct jurisdiction of the City of Bryan, Texas for the provision of either

water or wastewater services, as the area to be annexed is in the CCNs of Wickson Creek SUD and the City of College Station for water and wastewater, respectively. The development and expansion of facilities as the City grows are expected to use the City's Master Plan and/or Comprehensive Plan, as they are amended from time to time, as a guide to know when expansion facilities become necessary.

3. ROADS AND STREETS

Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of Bryan, and such street improvements shall comply with specifications required by the City of Bryan, for properly dedicated streets.

4. PARKS, PLAYGROUNDS AND SWIMMING POOLS, AS WELL AS OTHER PUBLIC FACILITIES OR BUILDINGS

To the extent that it becomes necessary because of development demands, population growth and bona fide needs, the City Council of the City of Bryan, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of citizens in the newly annexed territory, based upon standard considerations of land use, population density and topography.

C. SPECIFIC FINDINGS

The City Council of the City of Bryan, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the newly annexed territory, than were in existence at the time immediately preceding this territory's annexation to the City of Bryan, Texas.

As the development and growth of a municipality is not known but only anticipated conditions and subsequent occurrences may change making the current service plan unworkable or obsolete. In such a case, the City Council may amend the service plan to conform to the changed conditions and/or occurrences. Such amendments will be in conformity with state law.

Texas law does not require a uniform level of municipal services to an area if different characteristics of topography, land use, and population density constitute a sufficient basis for providing a different level of services. As a result, the levels of services provided in this plan are all linked to comparable services of areas similar in characteristic, topography, land use, and population density as the newly annexed area. For areas where no comparable location exists, the City Council finds that City staff utilized its best efforts to calculate a comparable level of serviced based on the known characteristics and incorporated such into this plan.

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE CITY OF BRYAN, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby waive the requirement to be offered a development agreement pursuant to Section 43.035, and petition your honorable Body to extend the present city limits so as to include as part of the City of Bryan, Texas, the following described territory, to wit:

METES AND BOUNDS DESCRIPTION
OF A
2.032 ACRE TRACT
MARIA KEGANS SURVEY, A-28
BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MARIA KEGANS SURVEY, ABSTRACT NO. 28, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER FO A CALLED 360.9 ACRE TRACT DESCRIBED AS TRACT I BY A DEED TO ALICE C. JOSEY RECORDED IN VOLUME 2774, PAGE 148 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID TRACT BEING THAT PORTION LYING OUTSIDE THE EXISTING CITY LIMITS OF BRYAN, BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF ELMO WEEDON ROAD (80' R.O.W.) MARKING THE NORTH CORNER OF SAID JOSEY TRACT AND THE WEST CORNER OF LOT 1, BLOCK 1, HUNTER'S CREEK, ACCORDING TO THE PLAT RECORDED IN VOLUME 4490, PAGE 38 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 44° 33' 02" E ALONG THE COMMON LINE OF SAID JOSEY TRACT AND HUNTER'S CREEK FOR A DISTANCE OF 692.38 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID JOSEY TRACT AND A NORTHERLY CORNER OF A CALLED 10.84 ACRE TRACT OWNED BY ALTA K. THANE ACCORDING TO BRAZOS COUNTY APPRAISAL DISTRICT, SAID THANE TRACT BEING A REMAINDER OF A CALLED 34 ACRE TRACT AS DESCRIBED IN VOLUME 37, PAGE 514 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 65° 25' 56" W THROUGH SAID JOSEY TRACT AND ALONG THE EXISTING CITY LIMITS OF BRYAN FOR A DISTANCE OF 575.13 FEET;

THENCE: N 64° 08' 31" W CONTINUING THROUGH SAID JOSEY TRACT AND ALONG THE BRYAN CITY LIMITS FOR A DISTANCE OF 138.89 FEET TO THE SOUTHEAST LINE OF ELMO WEEDON ROAD FOR THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT, FOR REFERENCE A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF ELMO WEEDON ROAD BEARS: S 37° 55' 46" W FOR A DISTANCE OF 796.40 FEET;

THENCE: N 37° 55' 46" E ALONG THE SOUTHEAST LINE OF ELMO WEEDON ROAD FOR A DISTANCE OF 28.07 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 2824.79 FEET (THIS LINE WAS USED FOR BEARING ORIENTATION HONORING THE RIGHT-OF-WAY CALL BEARING OF ELMO WEEDON ROAD AS DESCRIBED IN VOLUME 1095, PAGE 75 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS);

THENCE: CONTINUING ALONG THE SOUTHEAST LINE OF ELMO WEEDON ROAD AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 33' 30" FOR AN ARC DISTANCE OF 224.74 FEET (CHORD BEARS: N 40° 12' 55" E - 224.68 FEET) TO THE **POINT OF BEGINNING** CONTAINING 2.032 ACRES OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND FEBRUARY 2012.

We certify that the above described tract of land is contiguous and adjacent to the City of Bryan, Texas and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: _____

Title: MANAGER

THE STATE OF Texas

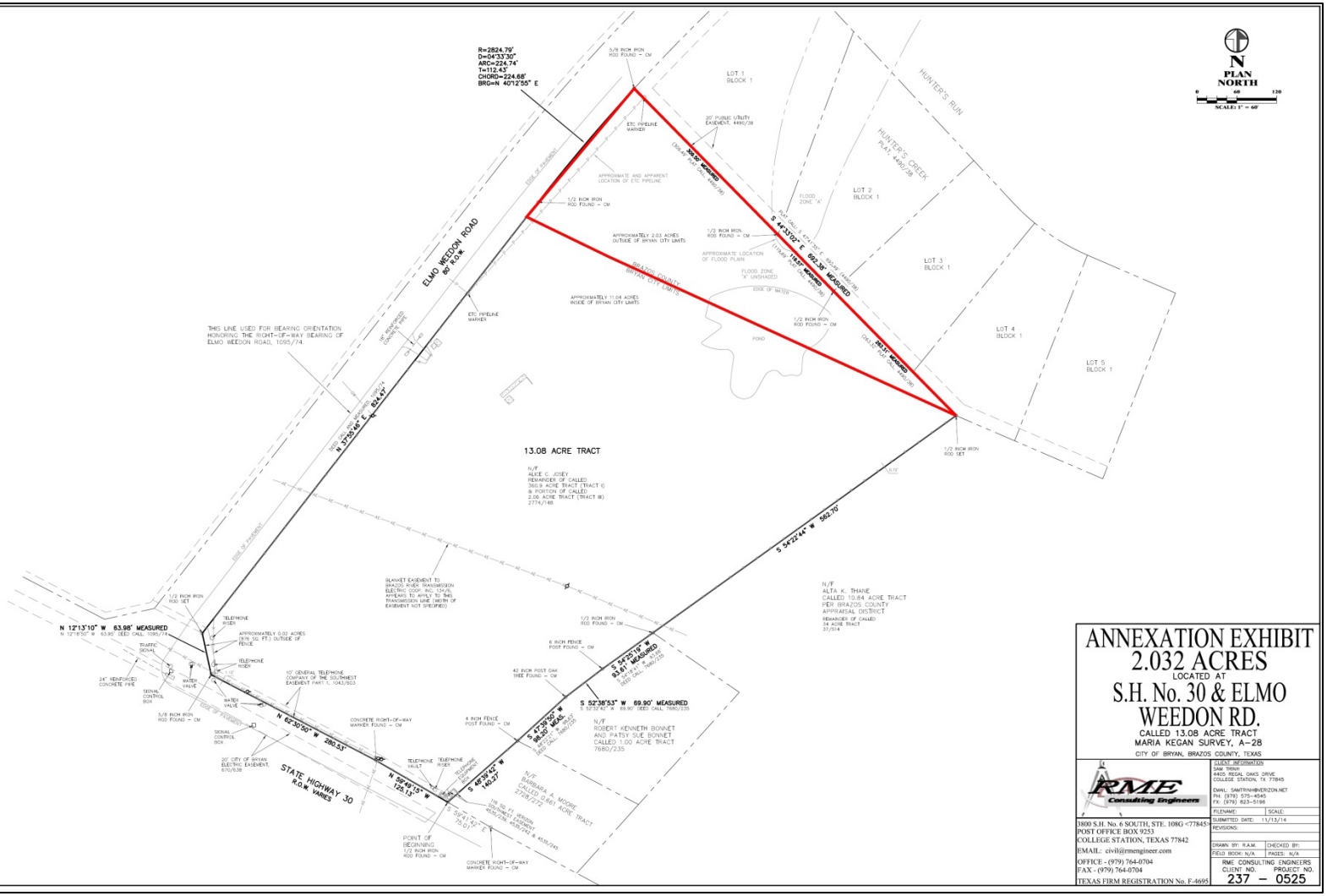
COUNTY OF Brazos

BEFORE ME, the undersigned authority, on this day personally appeared Sarah Trinh, _____, and _____, known to me to be the persons whose names are subscribed to the forgoing instrument and each acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 13 day of Nov, 2014.

GINGER JOHNSON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 11/29/15

_____
Notary Public in and for
Brazos County, _____



ANNEXATION EXHIBIT
2.032 ACRES
LOCATED AT
S.H. No. 30 & ELMO WEEDON RD.
CALLED 13.08 ACRE TRACT
MARIA KEGAN SURVEY, A-28
CITY OF BRYAN, BRAZOS COUNTY, TEXAS

RME Consulting Engineers
3900 S.H. No. 6 SOUTH, STE. 108G <77845
POST OFFICE BOX 9253
COLLEGE STATION, TEXAS 77842
EMAIL: civil@rmengineer.com
OFFICE - (979) 764-0704
FAX - (979) 764-0704
TEXAS FIRM REGISTRATION No. F-4695

CLIENT INFORMATION
SAM TRINH
8405 REGAL OAKS DRIVE
COLLEGE STATION, TX 77845
EMAIL: SAMTRINH@VERIZON.NET
PH: (979) 575-4945
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FILENAME:	SCALE:
SUBMITTED DATE: 11/13/14	
REVISIONS:	
DRAWN BY: R.A.M.	CHECKED BY:
FIELD BOOK: N/A	PAGES: N/A

RME CONSULTING ENGINEERS
CLIENT NO. PROJECT NO.
237 – 0525

DRAFT
MUNICIPAL SERVICE PLAN FOR TERRITORY
ANNEXED TO THE CITY OF BRYAN, TEXAS ON APRIL 24, 2012

D. SERVICES PROVIDED UPON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Bryan, Texas and its Police Department will provide police protection to the newly annexed territory at the same or similar service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

The City of Bryan, Texas and its Fire Department will provide fire protection and ambulance service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. Furthermore, the City of Bryan Fire Department will respond to all dispatched calls (including emergency medical services) and other requests for service or assistance within the newly annexed area, the same as it would within other areas inside the City limits of Bryan.

3. SOLID WASTE COLLECTION

The City of Bryan, Texas and its Environmental Services Department will provide solid waste collection and disposal service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

4. WATER DISTRIBUTION SERVICE

Areas outside the existing City which already receive water service from the City of Bryan will continue to receive such service. Areas to be annexed which are currently served by the Brushy Water Supply Corporation will continue to receive such service unless arrangements are made between the City and the Brushy Water Supply Corporation that is approved by the State of Texas, as required by the Texas Water Code.

Existing City of Bryan water mains will be available for point-of-use extension based on applicable utility extension polices and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. Residents and businesses in the newly annexed area will be subject to the same service policies and procedures as apply to other areas of the City of Bryan. As applied to all properties within the City, residents will be responsible for costs to install water service to their property. All such water service facilities under the City of Bryan's direct jurisdiction, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established policies and procedures.

5. WASTEWATER SERVICE

Any and all wastewater service facilities in the newly annexed area owned or maintained by the City of Bryan, Texas at the time of annexation shall continue to be maintained by the City of Bryan. Any and all wastewater service facilities which may be acquired subsequent to annexation of the subject territory shall be maintained by the City of Bryan, to the extent of its ownership. Areas which are currently served by an independent service provider will continue to receive such service unless arrangements are made between the City of Bryan and the entity and approved by the State of Texas, as required by the Texas Water Code.

Existing City of Bryan sewer mains at their present locations shall be available for point-of-use connections, based on applicable utility extension polices and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. The City of Bryan will assess the adequacy of existing septic systems for accommodating raw sewage in less developed areas and will determine the need to provide centralized wastewater collection and treatment service to particular areas, along with lift stations or any other necessary capital improvements, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. As applied to all properties within the City, residents and/or developers will be responsible for costs to install sewer service to their property.

All sewer service facilities under the City of Bryan's direct jurisdiction, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

It is currently the City of Bryan's policy to oversize wastewater collection system trunk lines in developing areas and to require developers or property owners desiring service to pay for wastewater line extensions to individual developments and properties. These standard service policies and procedures will also apply in the newly annexed territory in accordance with policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

6. STORM WATER MANAGEMENT

City of Bryan regulations concerning storm water management will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

7. BUILDING SERVICES

The Development Services Department's responsibility for regulating building construction will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Bryan.

8. PLANNING AND DEVELOPMENT

The Development Services Department's responsibility for regulating development and land use through the administration of the City of Bryan Zoning Ordinance, Land and Site Development Ordinance and all other development-related ordinances will extend to the newly annexed territory. The newly annexed area will also continue to be regulated under the requirements of the City of Bryan Subdivision Ordinance.

9. ELECTRICITY SERVICE

Bryan Texas Utilities (BTU), a municipal electric utility, will provide electricity service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

10. ROADS, STREETS, ALLEYWAYS AND TRAFFIC ENGINEERING

Any and all roads, streets or alleyways in the newly annexed territory which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Bryan, Texas with similar land use, population density and topography. Construction of new roads and streets is the responsibility of the developer or property owner desiring them and must be designed and built in accordance with applicable City of Bryan codes and standards.

Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of Bryan to other roads, streets and alleyways in areas exhibiting land use, population densities and topography similar to that of the newly annexed area.

The City of Bryan Public Works Department will install traffic signs, street markings and other traffic control devices in the newly annexed area as the need is established by appropriate study, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

The City of Bryan Public Works Department will install street name signs in the newly annexed area. Under current City of Bryan ordinances, developers are responsible for the cost of street name signs for new public and private streets.

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Bryan Texas Utilities (BTU), a municipal electric utility, will install streetlights in accordance with the utility standards of BTU, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. Under current City of Bryan ordinances, developers are responsible for the cost of streetlights in new subdivisions.

11. PARKS AND RECREATION

The newly annexed territory does not include any known existing public parks, playgrounds or swimming pools which would come under the City of Bryan's jurisdiction as a result of annexation. Residents of the newly annexed territory may use any and all existing City of Bryan parks, playgrounds and recreational facilities and participate in any and all programs, events, activities and services of the City of Bryan Parks and Recreation Department. Expansion of

recreational facilities and programs to the newly annexed territory would be governed by applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

12. MAINTAINING OTHER PUBLICLY-OWNED FACILITIES OR BUILDINGS

The City of Bryan, Texas is not aware of the existence of any publicly-owned facility or building now located in the newly annexed territory. In the event any such publicly-owned facility or building does exist and are public facilities or buildings, the City of Bryan shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of Bryan, Texas.

13. LIBRARY SERVICES

Library use and privileges will be available to residents of the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

E. CONSTRUCTION OF CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2½ YEARS FOLLOWING THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION, FIRE PROTECTION AND SOLID WASTE COLLECTION

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing police and fire protection, emergency medical services and solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide comparable levels of protection and service to what is presently being provided to other areas already incorporated in the City of Bryan, Texas, having the same or similar land use, population density and topography as that of the newly annexed territory.

2. WATER AND WASTEWATER FACILITIES

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing water and wastewater service.

During the next 2½ years, the City Council of the City of Bryan, Texas believes that adequate municipal water and sewer mains exist for point-of-use connections and serviceable extensions, to provide water and/or sewer service within the newly annexed territory, pursuant to applicable utility extension policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

As applied to all properties within the City, residents and/or developers will be responsible for costs to install water and/or sewer service to their property.

3. ROADS AND STREETS

Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of Bryan, and such street improvements shall comply with specifications required by the City of Bryan, for properly dedicated streets.

4. PARKS, PLAYGROUNDS AND SWIMMING POOLS, AS WELL AS OTHER PUBLIC FACILITIES OR BUILDINGS

To the extent that it becomes necessary because of development demands, population growth and bona fide needs, the City Council of the City of Bryan, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of citizens in the newly annexed territory, based upon standard considerations of land use, population density and topography.

F. SPECIFIC FINDINGS

The City Council of the City of Bryan, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the newly annexed territory, than were in existence at the time immediately preceding this territory's annexation to the City of Bryan, Texas.

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF FEBRUARY 19, 2015:

9. REQUESTS FOR ANNEXATION – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Annexation ANNEX15-01: Texas KJ Investments, LLC
An owner-requested annexation of 2.032 acres of land out of the Maria Kegan Survey, Abstract No. 28 adjoining the southeast side of Elmo Weedon Road approximately 825 to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas. (M. Zimmermann)

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

In response to questions, Mr. Zimmermann responded that

- no requests are pending to annex portions of the Hunters Creek Subdivision into the City of Bryan; and
- it is not known what the property owner has planned for the subject property or the associated land that is already within city limits; and
- all conditional use permits allowed within a C-1 zoning district are also allowed within a C-2 zoning district.

The public hearing was opened.

Mr. Dale White, 9936 Hunters Run, College Station, TX, came forward to speak in opposition to the request. He is concerned about decreasing his property value as well as open opportunity for tall apartment buildings to be constructed right behind his property.

In response to questions, Mr. Zimmermann clarified annexation procedure.

Mr. Rabon Metcalf, 1391 Seamist Lane, College Station, TX, project engineer, came forward to speak in favor of the request. Mr. Metcalf explained topographical features of the subject property, suggesting that most of the subject property would likely have to be the area where stormwater is detained upon development of the entire 13+ acre tract.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approving the owner-requested annexation (ANNEX 15-01) and that the property be assigned C-2 (Retail) zoning upon annexation to the Bryan City Council, and to adopt the written staff report and analysis as the report, findings and evaluation of this Commission. Commissioner Gonzalez seconded the motion.

Commissioners

- discussed the importance of the subject property's location to the future development of the city; and
- discussed the city's ability to better control future development here upon annexation.

The motion passed by a vote of 6 in favor and 2 in opposition with Commissioners Incardona and Swearingen casting votes in opposition.

PLANNING AND ZONING COMMISSION
STAFF REPORT

February 19, 2015

CITY OF BRYAN

Annexation case no. ANNEX 15-01: Texas KJ Investments, LLC

CASE DESCRIPTIONS: an owner-requested annexation of 2.032 acres of vacant land

LOCATION: 2.032 acres of land out of the Maria Kegan Survey, Abstract No. 28 adjoining the southeast side of Elmo Weedon Road approximately 825 to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas

APPLICANT(S): Texas KJ Investments, LLC

AGENT(S): RME Engineering

STAFF CONTACT: Martin Zimmermann, Planning Manager

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested annexation and recommend that the property be zoned Retail District (C-2) upon annexation.

BACKGROUND:

The subject property is 2.032 acres in size and located in eastern Brazos County in the City of Bryan's extraterritorial jurisdiction (ETJ) 825 to 1,050 feet north of the intersection of Elmo Weedon Road and FM 158/State Highway 30. The subject property is owned by Texas KJ Investments, LLC. They have petitioned that the City of Bryan annex the subject property to bring the entirety of their 13+ acre tract into the city limits. They are proposing to establish Retail District (C-2) zoning on these 2.032 acres.

On January 27, 2015, the Bryan City Council granted the annexation petition and adopted a timetable for completing annexation by May 2015. The City of Bryan Code of Ordinances requires the Planning and Zoning Commission to review and make recommendations to the City Council concerning annexations. Zoning Ordinance Section 130-7 prescribes that all territory brought within Bryan's corporate limits must be assigned a zoning classification upon annexation.

The portion of the 13+ acre property that Texas KJ Investments, LLC own that is already located within the city limits was partially rezoned to Retail District (C-2) by the Bryan City Council on August 7, 2014 (case no. RZ14-11; Ordinance No. 2053). The applicants are currently requesting that the remainder of the tract that is already within the city limits be rezoned C-2 District. That request is also scheduled for consideration during the regular Planning and Zoning Commission meeting on February 19, 2015 (case no. RZ14-21).

PROPOSED ANNEXATION:

Staff recommends approving the requested annexation of these 2.032 acres. Approving the requested annexation will bring 2.032 acres of vacant, undeveloped land under the full regulatory control of the City. Annexation of this acreage can therefore help promote orderly urban growth and development of commercial property along a major entry corridor into the City of Bryan. A draft municipal service plan that details the specific municipal services that will be provided to the area after it has been annexed is attached to this staff report. **Staff anticipates no extraordinary new services, facilities or expenses as a result of annexing these 2.032 acres.** The City is able to provide municipal services upon annexation in accordance with State law without negatively impacting service provisions within the City.

PROPOSED C-2 ZONING:

Assigning C-2 zoning to the subject property upon annexation, and approval of rezoning request case no. RZ14-21 for the adjoining 1+acre tract will create opportunity for development of general retail trade, business and service uses on 13+ acres at the northeast corner of State Highway 30 and Elmo Weedon Road. Staff contends that C-2 at this intersection of two major streets is appropriate and in conformance with the land use recommendations of the Comprehensive Plan. The Comprehensive Plan suggests that commercial uses are appropriate at points of high visibility along arterial and major collector streets and at intersection of major streets. Staff believes that C-2 zoning at this intersection this will offer the exposure which most retail trade requires and will be compatible with anticipated surrounding land uses and existing development. The remaining surrounding properties are either vacant land or are developed as office businesses. **Staff recommends that the 2.032 acre property be assigned C-2 zoning upon annexation.**

ATTACHMENTS:

1. property survey
2. petition requesting annexation
3. draft annexation service plan