ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	September 8, 2015	**DATE SUBMITTED:**	August 4, 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: Consideration of an ordinance annexing 8.259 acres of land out of Zeno Phillips League, A-45, adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop in Brazos County, Texas (ANNEX15-02).

SUMMARY STATEMENT: Ms. Karen Frances Snowden, the owner of a 8.259-acre tract adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop, has formally requested the City of Bryan annex said acreage and to assign Residential District – 5000 (RD-5) zoning to this property upon annexation, for the proposed development of a single-family residential subdivision of about 39 to 42 lots.

As required by State law, two public hearings regarding this requested annexation were held on July 28, 2015. No one came forward to speak for or against this owner-requested annexation at those public hearings. In order for the City of Bryan to annex this property, an annexation ordinance must be adopted by City Council. 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. The attached draft ordinance has been prepared in accordance with State law.

STAFF'S RECOMMENDATION: During its meeting on June 18, 2015, the Planning and Zoning Commission concurred with staff and **unanimously recommends approving** the owner-requested annexation of this land and to assign Residential District – 5000 (RD-5) zoning to this property upon annexation.

- Approving the requested annexation will bring 8+ acres of mostly vacant, undeveloped land under the full regulatory control of the City. Annexation of this acreage can therefore help promote orderly urban growth and development adjacent to an existing Bryan neighborhood (Autumn Lake Subdivision).
- The area requested to be annexed adjoins the current city limits, has regular, logical boundaries and is proposed for urban development. The area requested to be annexed therefore meets annexation criteria, adopted by the City Council with Resolution No. 3128 on November 13, 2007, which were established to provide guidance on annexation decisions.
- No extraordinary new services, facilities or expenses as a result of annexing these 8.259 acres are anticipated. The City is able to provide municipal services upon annexation, in accordance with State law, without negatively impacting service provisions within the City.
- Assigning RD-5 zoning to the subject property upon annexation will create opportunity for development of a single-family residential subdivision at this location, which would appear to conform to the land use recommendations of the Comprehensive Plan: a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns.
- A low density single-family residential subdivision in this location also would be consistent with land use recommendations of the 2009 Southwest Bryan Highest and Best Use Study.
- Development of a 39 to 42 lot single-family residential subdivision on this property will increase traffic in this

vicinity, north of the intersection of West Villa Maria Road (FM 1179) and Autumn Lake Drive. However, existing roadway infrastructure may reasonably be expected to accommodate additional traffic by a new subdivision in this area. A 2013 traffic signal/turn lane analysis for the intersections of FM 1179 and Autumn Lake Drive, commissioned for the proposed Edgewater Subdivision that is currently under construction further north on Autumn Lake Drive, concluded that 560+ lots may be developed north of West Villa Maria Road before that intersection would meet signal warrants and a turn lanes. No new lots have been developed since that study was conducted.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the requested annexation; or
2. deny the requested annexation.

ATTACHMENTS:

1. location map;
2. draft annexation ordinance with service plan;
3. petition requesting annexation;
4. excerpt from June 18, 2015, Planning and Zoning Commission regular meeting minutes; and
5. staff report to the Planning and Zoning Commission.

FUNDING SOURCE: N/A

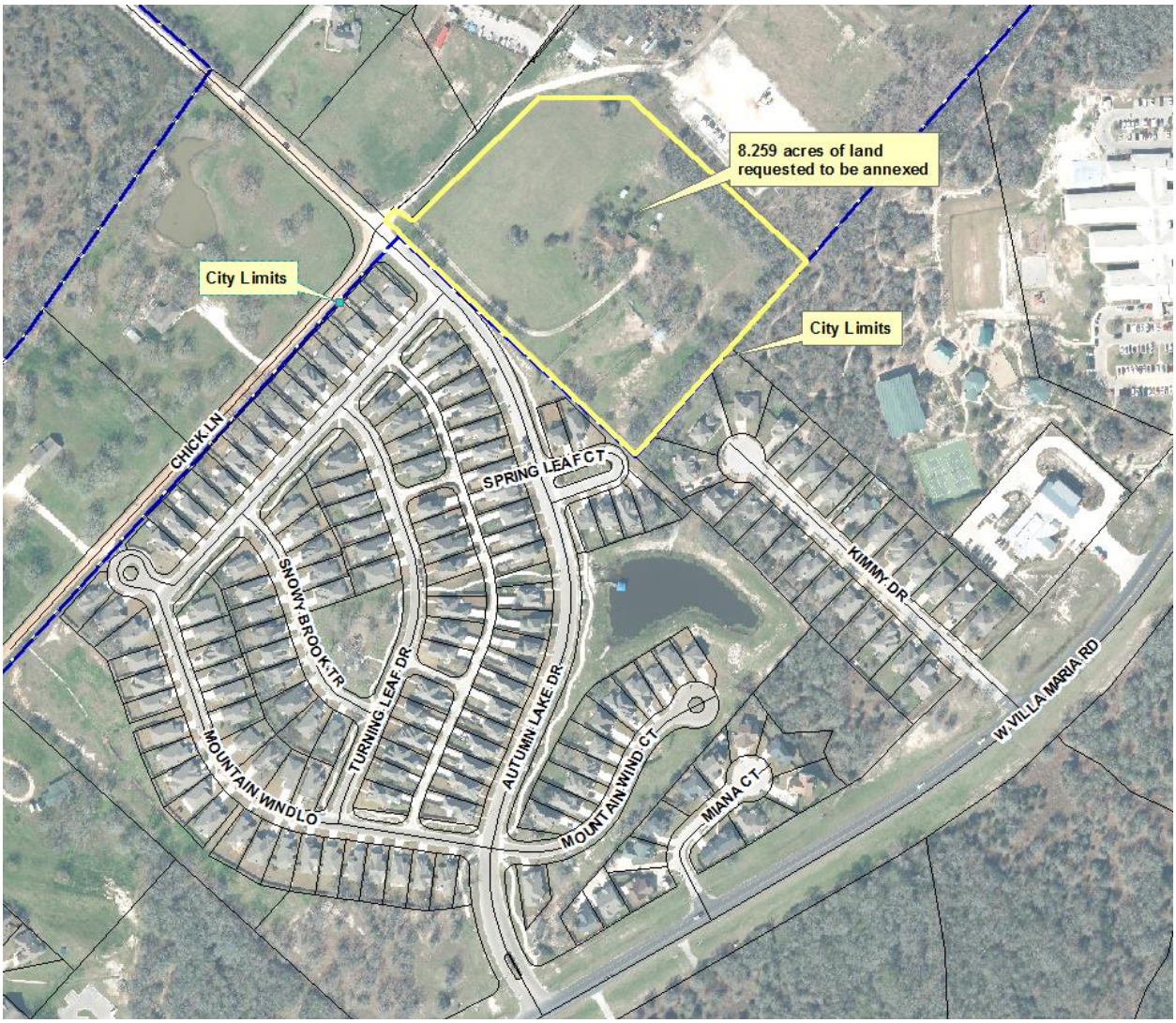
APPROVALS: Kevin Russell, 8-6-15; Joey Dunn, 8-11-15; Hugh R. Walker, 08/12/2015

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY

Revised 05/2013

Location Map



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, ANNEXING 8.259 ACRES OF LAND OUT OF ZENO PHILLIPS LEAGUE, A-45, ADJOINING THE NORTHEAST SIDE OF AUTUMN LAKE DRIVE, GENERALLY EAST FROM ITS INTERSECTION WITH MOUNTAIN WIND LOOP IN BRAZOS COUNTY, TEXAS AND BEING ADJACENT AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF BRYAN, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; DESCRIBING THE TERRITORY ANNEXED AND PROVIDING A SERVICE PLAN THEREFOR; OBLIGATING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan, Texas is a home-rule municipality authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the corporate limits of said City of Bryan, Texas; and

WHEREAS, the owners of 8.259 acres of land out of Zeno Phillips League, A-45, adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop in Brazos County, Texas petitioned the City of Bryan, Texas to include said territory as part of the City; and

WHEREAS, two public hearings have been held on July 28, 2015, as required by law, in the Council Chambers of Bryan's Municipal Office Building located at 300 South Texas Avenue, Bryan, Texas where all interested persons were provided an opportunity to be heard on the requested annexation of property and territory hereinafter described; and

WHEREAS, all notices of such public hearings have been issued as required by law and all hearings held within the time required by law; and

WHEREAS, a service plan has been prepared that provides for the extension of appropriate municipal services into the area hereinafter described, which plan is attached hereto, and the City of Bryan is able to provide such services; and

WHEREAS, the hereinafter described property and territory is not within the boundaries of any other municipality, lies within the extraterritorial jurisdiction of the City of Bryan, Texas, and lies adjacent to and adjoins the present boundaries of said City of Bryan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

2.

That the property described in Exhibit "A" and depicted in Exhibit "A-1" which are attached hereto and incorporated herein for all purposes, said territory lying adjacent to and adjoining the present

boundaries of the City of Bryan, Texas, be and is hereby added and annexed to the City of Bryan, and said territory hereinafter described shall hereafter be included within the corporate limits of the City of Bryan, and the present boundary lines of said City are altered and amended so as to include said area within the corporate limits of the City of Bryan.

3.

That the service plan attached hereto as Exhibit "B" is hereby approved and is incorporated into this ordinance as if it were recited herein.

4.

That the annexed territory described above is a part of the City of Bryan for all purposes, and the property situated therein shall bear its pro rata part of taxes levied by the City of Bryan, and shall be entitled to the same rights and privileges, bound by the same duties and responsibilities as other property within the corporate limits.

5.

That the inhabitants residing and owners of property within the confines of the annexed territory shall be entitled to all the rights and privileges of all the other citizens and property owners of Bryan and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City of Bryan.

6.

That the official map and boundaries of the City of Bryan, Texas, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned territory as part of the City of Bryan, Texas.

7.

That Chapter 130 of the City of Bryan Code of Ordinances shall be and is hereby amended so as to zone the aforementioned territory Residential District – 5000 (RD-5) District upon annexation.

8.

That if any portion, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

9.

That this ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 25th day of August, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 8th day of September, 2015 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

_____

Mary Lynne Stratta, City Secretary

_____

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____

Janis K. Hampton, City Attorney

Exhibit "A":

METES AND BOUNDS DESCRIPTION OF TERRITORY ANNEXED TO THE CITY OF BRYAN, TEXAS ON SEPTEMBER 8, 2015

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 8.302 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO KAREN F. SNOWDEN RECORDED IN VOLUME 7636, PAGE 272 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 3/8 INCH IRON ROD FOUND IN CONCRETE AT THE INTERSECTION OF THE NORTHEAST LINE OF AUTUMN LAKE DRIVE (60' R.O.W.) AND THE NORTHEAST LINE OF CHICK LANE;

THENCE: N 48° 37' 04" W ALONG THE NORTHEAST LINE OF CHICK LANE FOR A DISTANCE OF 51.81 FEET (DEED CALL: N 45° 00' 11" W - 48.25 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND BENT IN A GRAVEL DRIVE MARKING THE SOUTH CORNER OF A CALLED 1.99 ACRE TRACT OF LAND AS DESCRIBED BY A PARTITION DEED TO SUSAN MARIE HARTZOG RECORDED IN VOLUME 8752, PAGE 212 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 41° 02' 25" E ALONG THE SOUTHEAST LINE OF SAID 1.99 ACRE TRACT FOR A DISTANCE OF 29.99 FEET (DEED CALL: N 41° 12' 15" E - 29.96 FEET, 8752/212) (DEED CALL: N 44° 22' 14" E - 30.00 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND BENT IN A GRAVEL DRIVE;

THENCE: S 47° 36' 44" E PASS THE COMMON CORNER OF SAID 1.99 ACRE TRACT AND A CALLED 13.00 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 7 BY SAID PARTITION DEED, 8752/272), CONTINUE ON FOR A TOTAL DISTANCE OF 42.68 FEET (DEED CALL: S 47° 40' 03" E - 42.50 FEET, 8752/212) (DEED CALL: S 43° 55' 04" E - 39.48 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

THENCE: ALONG THE SOUTH LINE OF SAID 13.00 ACRE TRACT FOR THE FOLLOWING CALLS:

N 46° 26' 54" E FOR A DISTANCE OF 385.13 FEET (DEED CALL: N 46° 27' 23" E - 385.11 FEET, 8752/212) (DEED CALL: N 50° 13' 42" E - 385.15 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

S 89° 07' 26" E FOR A DISTANCE OF 189.41 FEET (DEED CALL: S 89° 07' 51" E - 189.57 FEET, 8752/212) (DEED CALL: S 85° 21' 41" E - 189.52 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

S 47° 41' 57" E FOR A DISTANCE OF 516.61 FEET (DEED CALL: S 47° 42' 06" E - 516.57 FEET, 8752/212) (DEED CALL: S 45° 55' 04" E - 516.51 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF LOT 1A, BLOCK 1, VILLA MARIA WEST, ACCORDING TO THE PLAT RECORDED IN VOLUME 7859, PAGE 97 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID 13.00 ACRE TRACT;

THENCE: S 41° 06' 11" W ALONG THE NORTHWEST LINE OF SAID LOT 1A FOR A DISTANCE OF 244.47 FEET (TOTAL DEED CALL: S 44° 44' 02" W - 566.76 FEET, 7636/272) TO A 5/8 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 1A AND THE NORTH CORNER OF LOT 14, BLOCK 1, DOMINION HILL SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 3674, PAGE 311 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 40° 50' 08" W ALONG THE NORTHWEST LINE OF SAID DOMINION HILL SUBDIVISION FOR A DISTANCE OF 303.80 FEET (PLAT CALL: S 40° 52' 19" W - 304.29 FEET, 3674/311) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF COMMON AREA NO. 19, AUTUMN LAKE SUBDIVISION, PHASE 3, ACCORDING TO THE PLAT RECORDED IN VOLUME 9260, PAGE 210 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 12, BLOCK 1 OF SAID DOMINION HILL SUBDIVISION. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 72 BEARS: S 64° 27' 29" E FOR A DISTANCE OF 911.64 FEET;

THENCE: N 46° 54' 08" W ALONG THE NORTHEAST LINE OF SAID AUTUMN LAKE SUBDIVISION FOR A DISTANCE OF 689.65 FEET (PLAT CALL: N 46° 54' 30" W - 689.65 FEET, 9260/210) TO THE **POINT OF BEGINNING** CONTAINING 8.259 ACRES OF LAND, AS SURVEYED ON THE GROUND FEBRUARY, 2015. SEE PLAT PREPARED FEBRUARY, 2015, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

E:\WORK\MAB\15-051

STATE OF TEXAS
REGISTERED
BRAD KERR
4502
PROFESSIONAL
LAND SURVEYOR

Exhibit "A-1":

DEPICTION OF TERRITORY
ANNEXED TO THE CITY OF BRYAN, TEXAS ON SEPTEMBER 8, 2015

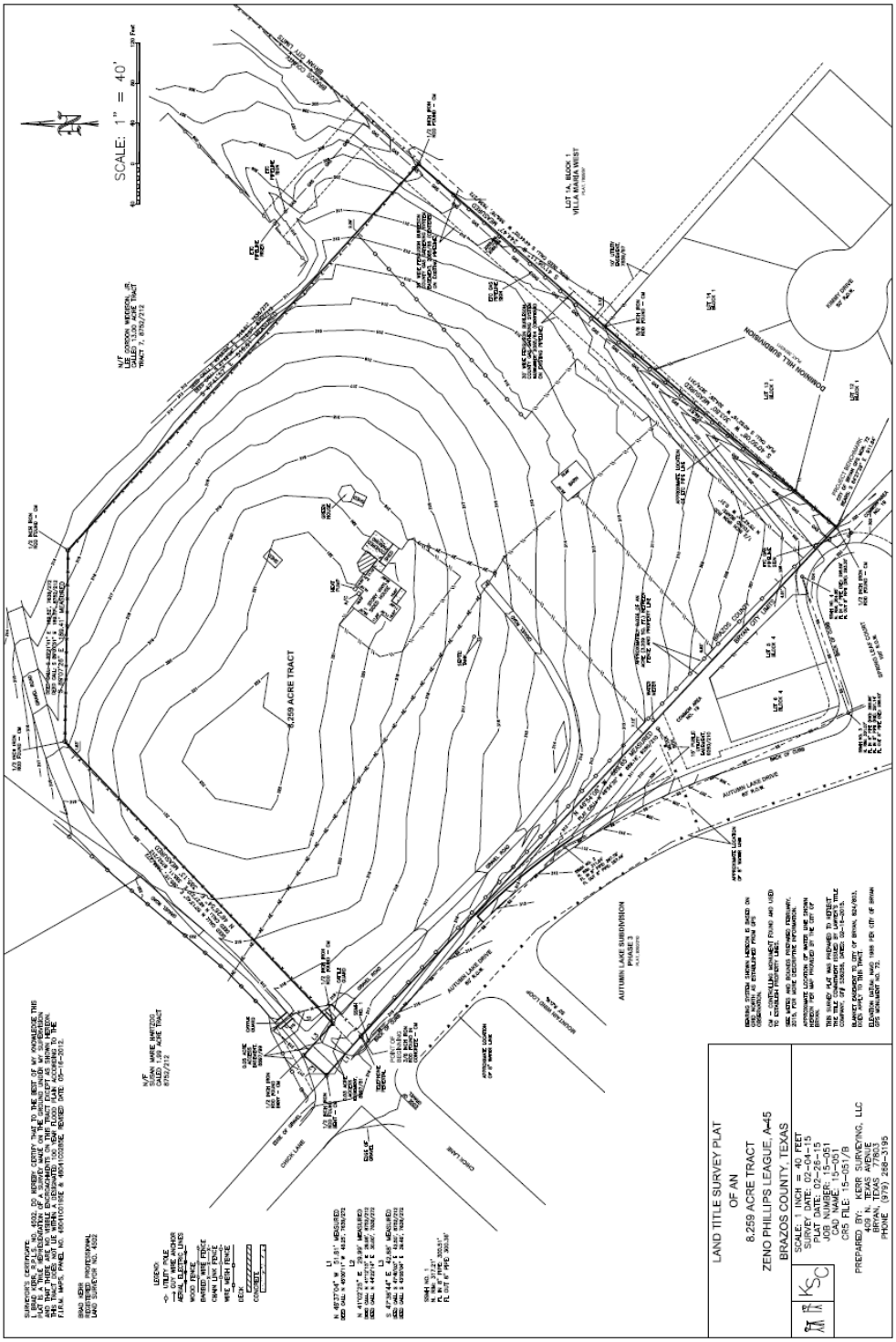


Exhibit "B":

MUNICIPAL SERVICE PLAN FOR TERRITORY
ANNEXED TO THE CITY OF BRYAN, TEXAS ON SEPTEMBER 8, 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

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. Such extensions are subject to the regulations which apply to the City's CCN area of service. Such service is a fee–or-service system. 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 and/or connect 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.

Subject to the above noted polices and/or ordinances, the City of Bryan, Texas and its Water Services Department will provide water distribution 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.

5. WASTEWATER SERVICE

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. Such extensions are subject to the regulations which apply to the City's CCN area of service. Such service is a fee–or-service system. 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 and/or connect sewer service to their property.

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.

Subject to such policies and/or ordinances, the City of Bryan, Texas and its Water Services Department will provide wastewater 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.

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.

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. 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. 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 adequate capacity and 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. 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.

As applied to all properties within the City, residents and/or developers will be responsible for costs to install and/or connect 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.

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:

INSERT METES-AND BOUNDS DESCRIPTION HERE AND ATTACH SURVEY

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: Karen Francis Snowden

Title: property owner

THE STATE OF Texas

COUNTY OF Brazos

BEFORE ME, the undersigned authority, on this day personally appeared Karen Snowden, N/A, and N/A, 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 31 day of March, 2015.

Tracy R Corrier

Notary Public in and for Brazos County, TX

TRACY R CORRIER
NOTARY PUBLIC
State of Texas
Comm. Exp. 09/02/2018

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF JUNE 18, 2015:

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

a. Annexation ANNEX15-02: Karen Frances Snowden
An owner-requested annexation of 8.259 acres of land out of the Zeno Phillips League, Abstract No. 45 adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop in Bryan's extraterritorial jurisdiction (ETJ) 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:

- No citizen complaints have been received in response to this annexation request.
- According to a traffic study conducted in conjunction with the development of the Edgewater subdivision, no changes to the transportation infrastructure would be needed at the intersection of Villa Maria Road and Autumn Lake Drive at this time. However as the adjacent residential subdivisions begin to fill up, transportation infrastructure will be modified as needed.
- Transportation infrastructure improvements are the responsibility of either the city or the state depending on who owns the right-of-way.
- Recent proposed amendments to the thoroughfare plan have not yet been adopted by the City Council.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approving the owner-requested annexation of these 8.259 acres and that the property be assigned RD-5 (Residential Development - 5000) 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 Krolczyk seconded the motion.

Commissioners discussed their pleasure in seeing more rooftops in Bryan.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

June 18, 2015

Annexation case no. ANNEX 15-02: Karen Frances Snowden

CASE DESCRIPTIONS: an owner-requested annexation of 8.259 acres of land

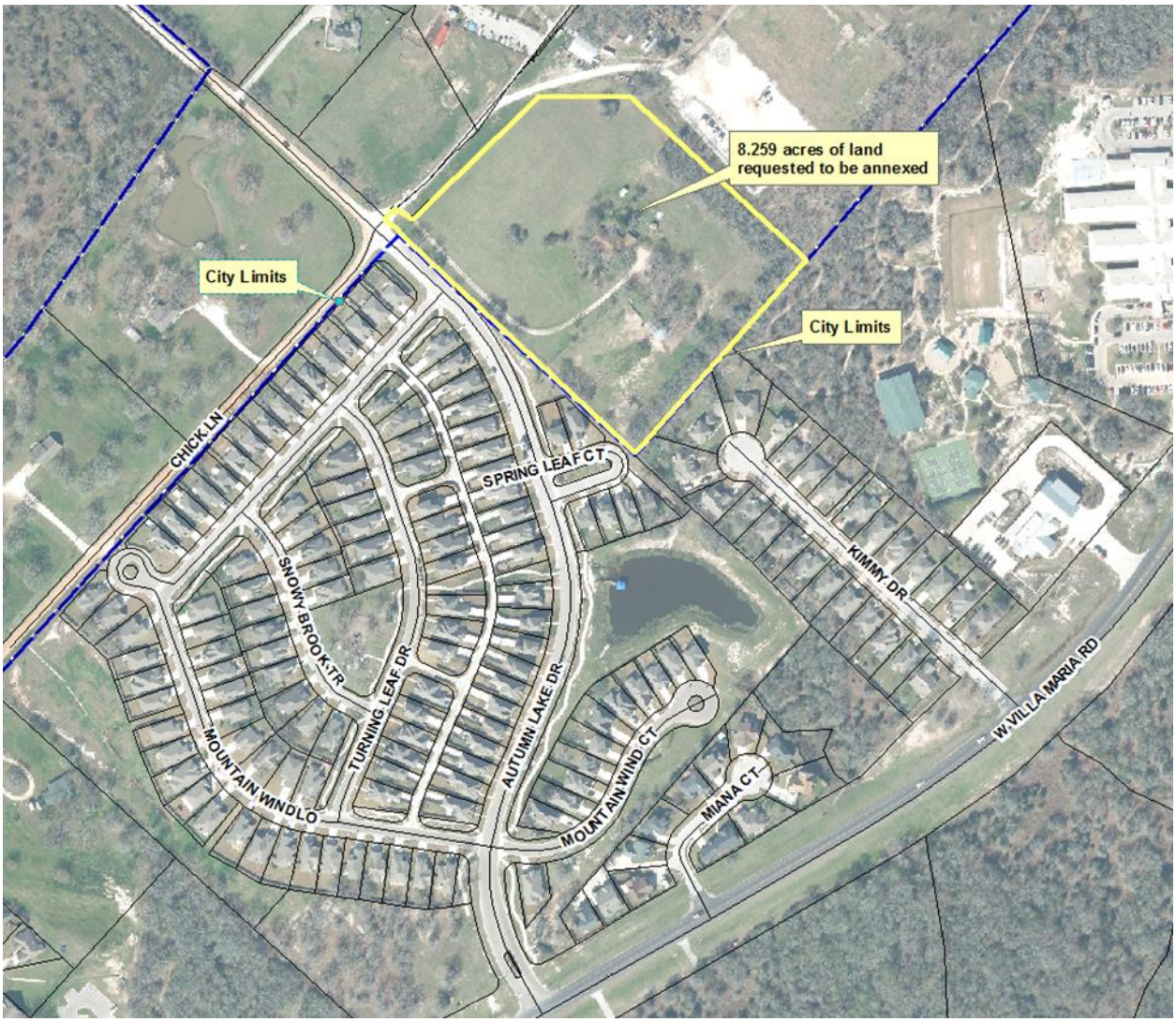
LOCATION: 8.259 acres of land out of the Zeno Phillips League, Abstract No. 45 adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County

APPLICANT(S): Ms. Karen Frances Snowden

AGENT(S): Michael G. Hester, P.E.

STAFF CONTACT: Martin Zimmermann, Planning Manager

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested annexation and recommend that the property be zoned Residential District - 5000 (RD-5) upon annexation.



BACKGROUND:

The subject property is 8.259 acres in size and located in western Brazos County in the City of Bryan's extraterritorial jurisdiction (ETJ), adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop. The subject property is owned by Ms. Karen Frances Snowden who has petitioned that the City of Bryan annex the subject property to bring the tract into the city limits. Ms. Snowden is requesting to establish Residential District – 5000 (RD-5) zoning on these 8.259 acres upon annexation, to be able to pursue the proposed development of a single-family residential subdivision of about 39 to 42 lots here.

On May 26, 2015, the Bryan City Council granted the annexation petition and adopted a timetable for completing annexation by September 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.

PROPOSED ANNEXATION:

Staff recommends approving the requested annexation of these 8.259 acres. Approving the requested annexation will bring 8+ acres of mostly vacant, undeveloped land under the full regulatory control of the City. Annexation of this acreage can therefore help promote orderly urban growth and development adjacent to an existing Bryan neighborhood (Autumn Lake Subdivision). The area requested to be annexed adjoins the current city limits, has regular, logical boundaries and is proposed for urban development. The area requested to be annexed therefore meets annexation criteria, adopted by Council with Resolution No. 3128 on November 13, 2007, which were established to provide guidance on annexation decisions.

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 8.259 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 RD-5 ZONING:

Assigning RD-5 zoning to the subject property upon annexation will create opportunity for development of a single-family residential subdivision at this location. Staff contends that RD-5 zoning on the subject property is appropriate and in conformance with the land use recommendations of the Comprehensive Plan. The Comprehensive Plan suggests that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggest that single-family residential land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local streets; and (3.) not adjacent to major arterials or freeways without adequate buffering and access management. Staff believes that the subject property provides opportunity to meet these criteria. A low density single-family residential subdivision here would also be consistent with land use recommendations of the 2009 Southwest Bryan Highest and Best Use Study**. Therefore, staff recommends that the 8.259 acre property be assigned RD-5 zoning upon annexation.**

ATTACHMENTS:

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