

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: October 27, 2015		DATE SUBMITTED: October 6, 2015	
DEPARTMENT OF ORIGIN: Development Serv.		SUBMITTED BY: Martin Zimmermann	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
			<input type="checkbox"/> PUBLIC SAFETY
AGENDA ITEM DESCRIPTION: Second public hearing to seek comment on an annexation requested by petition of area landowners for 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Brazos County, Texas.			
SUMMARY STATEMENT: Mr. Armstrong and Ms. O'Brien, the owners of a 195+ acre tract adjoining the south side of State Highway 47, have petitioned the City of Bryan to annex 152.8-acre portion of their property that is not currently located within the city limits. The remaining 42.59 acres of their tract has been part of the City of Bryan since its annexation on July 27, 1999. The property owners are proposing to establish Retail District (C-2) zoning on the subject property upon annexation. A separate rezoning request from A-O District to C-2 District for the 42.59 acres of land already in the city limits is scheduled for Planning and Zoning Commission consideration during its regular meeting on October 15, 2015 (case no. RZ15-17) and will be scheduled for consideration by City Council concurrently with the annexation ordinance for this request.			
<p>During its meeting on September 22, 2015, the City Council voted to accept the petition for annexation of this acreage, initiating a series of proceedings, which might eventually lead to the annexation of these 152+ acres. State law requires two public hearings be held to consider arguments for and against a proposed annexation. This agenda item is the second of two public hearings required for the annexation of this land. Following the public hearings, an annexation ordinance will be presented to City Council on November 24 and in December 2015, which, if approved, will complete the annexation of this acreage.</p> <p>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 152+ acres, which would bring this land under the full regulatory control of the City.</p> <p>Annexation and subsequent development of this tract with retail uses, or other land uses allowed or potentially allowed in the C-2 zoning district, may require the City to upgrade the capacity of the Thompson Creek Wastewater Treatment Plant sooner than originally anticipated when that plant was put in service about 2.5 years ago. Without knowing how and when properties in southwest Bryan, including this acreage, will specifically develop, plans to expand capacity of that plant may have to be made in the 2030's rather than the 2060's.</p> <p>The Planning and Zoning Commission considered the annexation request during its regular meeting on October 1,</p>			

2015, and unanimously recommended approving this owner-requested annexation.

STAFF'S RECOMMENDATION: Staff recommends holding this second 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 maps;
2. draft service plan;
3. petition requesting annexation;
4. survey showing acreage requested to be annexed;
5. excerpt from October 1, 2015, Planning and Zoning Commission regular meeting minutes; and
6. staff report to the Planning and Zoning Commission.

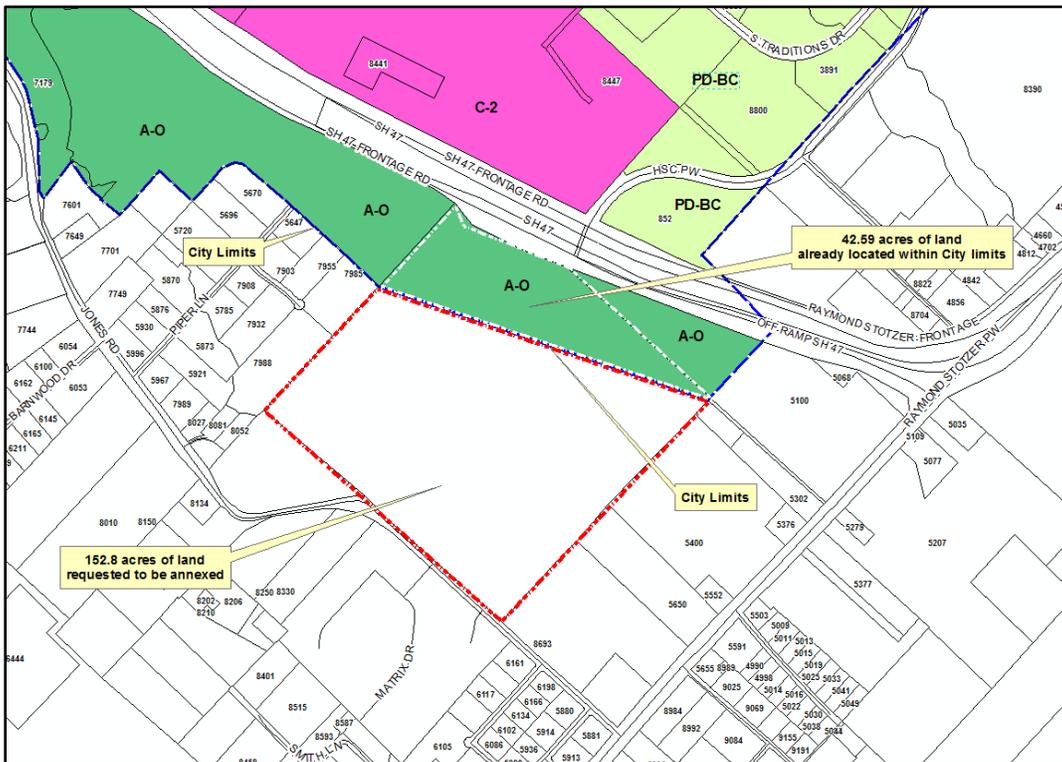
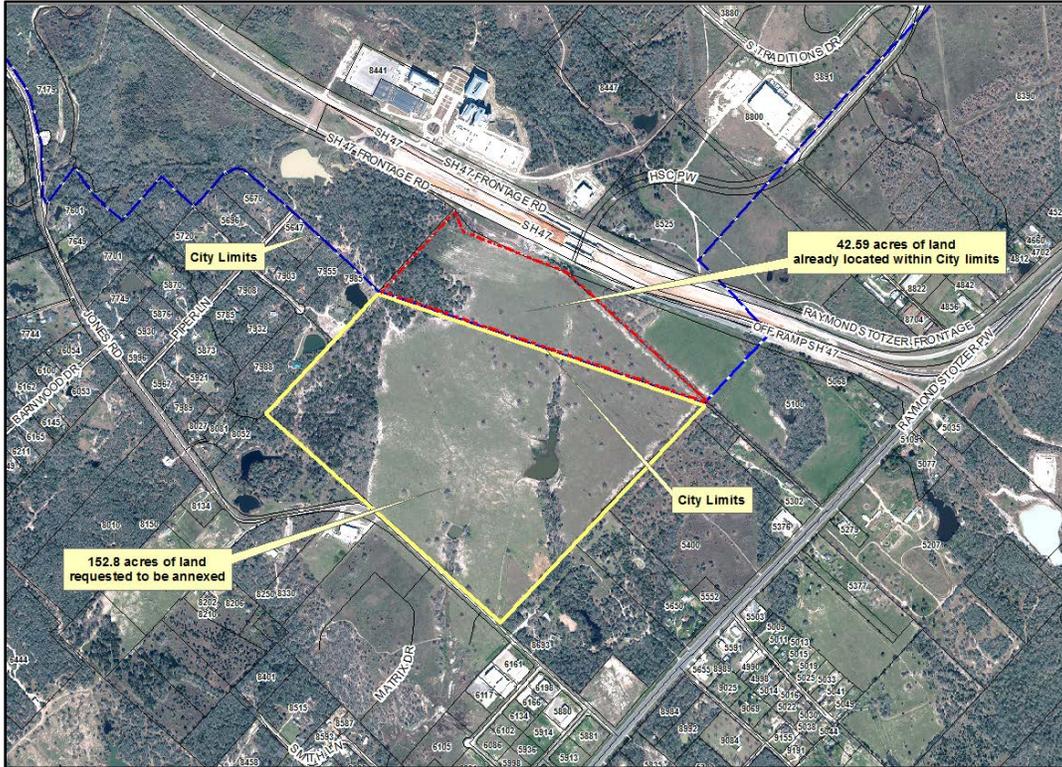
FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 10-7-15; Joey Dunn, 10-9-15; Hugh R. Walker, 10/12/2015

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY

Location Maps



DRAFT

**MUNICIPAL SERVICE PLAN FOR TERRITORY
ANNEXED TO THE CITY OF BRYAN, TEXAS**

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 dispatch and delivery time, equipment dedication to service areas, and staffing requirements will be comparable to that 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 comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

Fire protection and EMS will be provided 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 provide a response 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. Fire or EMS response may be provided by other area entities through an interlocal agreement with the City. The City's adopted Fire Code shall extend to the newly annexed area and is equally applicable to all areas of the City. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

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, unless the newly annexed area already receives solid waste collection service from a private vendor. 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 comparable area of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

4. WATER DISTRIBUTION SERVICE

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.

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, the owner(s) of the newly annexed property 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. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

5. WASTEWATER SERVICE

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. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

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 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. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

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. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

2. WATER AND WASTEWATER FACILITIES

Currently, the majority of the area to be annexed is in the City of Bryan's CCN (certificate of convenience and necessity) area. 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 facilities to the newly annexed area based on the characteristics of the newly annexed area on the date of the first public meeting for annexation of the newly annexed area. Future changes in the characteristics of the newly annexed territory are not considered in evaluating the need for capital improvements as future characteristics are not readily ascertainable. Extension of existing water mains to the property may be done at the developer's cost. In addition, a portion of the property adjacent to Jones Road is already in Wellborn Special Utility District's CCN, and thus cannot be provided with water service by the City of Bryan, even after annexation.

The area to be annexed is currently not under any specific wastewater CCN. Extension of existing wastewater mains to the property may be done at the developer's cost. The comparable nature of any areas are at the discretion of the City of Bryan.

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 such as 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 or the City may enter into development agreements or other contracts to accommodate growth based on City policies and procedures. Such amendments or additional agreements 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 on the date of annexation. 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 based on the characteristics of the newly annexed territory on the date of annexation.

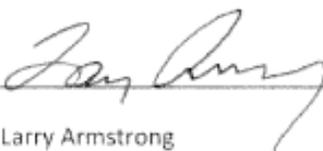
Armstrong Family Tract
c/o Larry and Brenda Armstrong
PO BOX 175
Wheelock, TX 7782
817.480.3219

City of Bryan
Planning Services
AUG 27 2015
RECEIVED

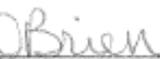
To Whom it May Concern:

The undersigned owners of the 195.39 acre tract of land as shown on the Annexation Petition Request Exhibit are requesting the annexation of the approximate 152.8 acre portion that is currently not in the City Limits of Bryan. The owners are requesting this annexation to bring the entire 195 acre property within the City Limits of Bryan with the intent to position this entire property for marketing and/or development. This future development would be in support of the Bio Corridor development across SH 47 from the subject property. To adequately support this future development in a manner similar to and in support of the Bio Corridor projected uses, the Owners are requesting the approximate 152.8 acres of annexed property to be granted a C-2 Retail District zoning.

Please note that the Owners are submitting a Re-Zoning Application concurrent with this annexation petition to re-zone the approximate 42.59 acres currently in the City of Bryan, zoned A-O, to C-2 Retail District to bring the entire 195.39 acre tract to a C-2 Retail District zoning in the City of Bryan.

Signed: 
Larry Armstrong

Title: OWNER

Signed: 
Rebekah O'Brien

Title: owner

Additional Owner Contact Information:

Rebekah O'Brien
3816 Capistrano Ct. NE
Albuquerque, NM 87111
505.296.2703

AUG 21 2015

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

RECEIVED

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:

STATE OF TEXAS §
COUNTY OF BRAZOS §

A METES & BOUNDS description of a certain 152.8 acre tract situated in the John H. Jones Survey, Abstract No. 26, in Brazos County, Texas, being a portion of a called 200 acre tract conveyed to Rebekah Armstrong Petrie and Larry Wayne Armstrong described in a Gift Deed recorded in Volume 3476, Page 183, of the Brazos County Official Public Records (BCOPR); said 152.8 acre tract being more particularly described as follows with all bearings being based on the northwest line of said 200 acre tract as described by metes and bounds in Volume 42, Page 489 of the Deed Records of Brazos County, having a record bearing of North 45° East;

BEGINNING at a point for corner being the east corner of said 200 acre tract, also being in the southwest line of a 47.31 acre tract conveyed to 47 Oaks, LLC, recorded in Volume 7828, Page 120, BCOPR, also being the north corner of a 1.304 acre tract conveyed to Texas Urban Properties, LTD, recorded in Volume 9586, Page 196 in the BCOPR;

THENCE, South 45°00'00" West, along the southeast line of said 200 acre tract, being common with the northwest line of said 1.304 acre tract and the northwest lines of a 2.181 acre tract conveyed to Texas Urban Properties, LTD, recorded in Volume 9586, Page 196, BCOPR, a 36.888 acre tract conveyed to Green Smith and Kathy Smith recorded in Volume 12050, Page 205, BCOPR, a 15 acre tract conveyed to Vicki Ann Heistand Weir recorded in Volume 3902, Page 158, BCOPR, and a 35.9004 acre tract conveyed to Martha Ann Williams recorded in Volume 464, Page 177 in the BCOPR, a distance of 2862.50 feet to a point for corner being in the southeast line of said 200 acre tract at the east corner of a 0.671 acre tract conveyed to Brazos County Road and Bridge Department for the improvement of Jones Road as recorded in Volume 1913, Page 210, BCOPR;

THENCE, North 45°03'18" West, along the northeast line of said 0.671 acre tract being the north east right-of-way of Jones Road, 1320.90 feet to a point for corner marking the beginning of a curve to the left;

THENCE, with the arc of said curve to the left, having a radius of 1004.93 feet, a central angle of 11°16'16" an arc distance of 197.69 feet, and a long chord bearing North 50°41'26" West, 197.37 feet, to a point for corner in the southwest line of said 200 acre tract being the east corner of a 0.242 acre tract quit claimed by Brazos County to Fred Jefferson and Ruby Lee Jefferson recorded in Volume 1231, Page 678, BCOPR;

THENCE, North 45°00'00" West, along the southwest line of said 200 acre tract, and along the northeast lines of said 0.242 acre tract, a five acre tract, and a 12.76 acre tract conveyed to Fred Jefferson and Ruby Lee Jefferson recorded in Volume 356, Page 659 and Volume 135, Page 159, BCOPR, respectively, a distance of 1502.15 feet to a point for corner at the west corner of said 200 acre tract, also being the north corner of said 12.76 acre tract, and being in the southeast line of Lot 9, Block 2, of Canyon Creek subdivision recorded in Volume 353, Page 109, BCDR;

THENCE, North 45°00'00" East, along the northwest line of said 200 acre tract and the southeast line of said Canyon Creek subdivision a distance of 1544.82 feet to a point for corner, being the east corner of said Canyon Creek subdivision, also being the south corner of a 94.685 acre tract conveyed to CC HWY 47, L.P., recorded in Volume 8580, Page 186, BCOPR, also being an angle point in the existing southwest city limits of the City of Bryan, Texas;

THENCE, South 68°54'27" East, with said city limit line and across said 200 acre tract a distance of 3302.83 feet to the **POINT OF BEGINNING, CONTAINING** 152.8 acres of land in Brazos County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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: Rebekah A. OBrien
Title: OWNER

THE STATE OF New Mexico
COUNTY OF Bernalillo

BEFORE ME, the undersigned authority, on this day personally appeared Rebekah OBrien, 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 31st day of July, 2015.



OFFICIAL SEAL
Dawna Doherty
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires: 12/23/2017

D D E
Notary Public in and for
Bernalillo County, New Mexico

Signed: Larry Armstrong
Title: OWNER

THE STATE OF Texas

COUNTY OF Brazos

BEFORE ME, the undersigned authority, on this day personally appeared Larry Armstrong, _____, 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 7 day of August, 2015.



Elizabeth Orler
Notary Public in and for
Brazos County, TX



1716 Briarcrest Drive, Suite 160
Bryan, Texas 77802-2776
Tel: 979.731.8000
Fax: 979.846.2893
www.jonescarter.com

August 20, 2015

Mr. Martin Zimmerman
City of Bryan
Planning & Development Services
300 S. Texas Ave.
Bryan, Tx 77803

Re: Request for Annexation - Armstrong Tract
Rebekah Armstrong Petrie and Larry Wayne Armstrong
Called 200 acres, Vol 3476/Page 183
JC No. 05514-0010

Community
Services
AUG 21 2015
RECEIVED

Mr. Zimmerman:

The City has requested Jones and Carter to provide a projection of water and wastewater demand in support of petition requesting annexation by area landowners. This letter supports Petition for annexation of 152.8 acres of the reference tract into C-2 Retail District Zoning. Jones and Carter projected water and wastewater demand using BCS Unified Design Guidelines, Domestic Water and Sanitary Sewer Method II – Land Use Determination.

Please find the following:

- Water and Sanitary Sewer Demand Calculations: (reference: BCS Unified Design Guidelines, Domestic Water and Sanitary Sewer)
 - 25 GPD/Capita for Commercial Retail (Table 1)
 - 30 persons per acre (Normal Flow, Method 2 – Land Use Determination)
 - 4 peak factor (Normal Flow)
 - Normal Flow
 $30 \text{ persons/acre} * 25 \text{ GPD/capita} * 152.8 \text{ acres}$
 $= 114,600 \text{ GPD}$
 - Peak Flow
 $114,600 \text{ GPD} * 4$
 $= 458,400 \text{ GPD}$

Sincerely,

Adam J. Brumbaugh, P.E.
Department Manager
Community Development

JHC/emo

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF OCTOBER 1, 2015:**

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

a. Annexation ANNEX15-03: Larry Wayne Armstrong and Rebekah O'Brien

An owner-requested annexation of 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road 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:

- there will be increased demand for services as the BioCorridor grows
- retail use will support the specialized bio-medical businesses the city wants to attract in the BioCorridor

The public hearing was opened.

Mr. Robert Marshall, 6165 Barnwood Drive, College Station, Texas, Mr. Steve Daniel, 7988 Drummer Circle, College Station, Texas, and Ms. Sheryl Daniel, 7988 Drummer Circle, College Station, Texas, came forward to speak in opposition to the request.

Stated concerns were:

- potential impacts to nearby residential areas outside the City limits
- lack of continuity with parcel ownership
- types of developments that may occur
- tree preservation
- lack of notification to more residential areas in the County
- delaying a decision so that more neighbors can get notified

In response to questions, Mr. Zimmermann stated:

- staff followed the state-mandated notification procedure for annexation
- currently, there are no land use controls in place as long as the property is not within City limits; if the property were annexed, the City will have regulatory control

The public hearing was closed.

Commissioner Gonzalez moved to recommend approving the owner-requested annexation of these 152.8 acres and that the property be assigned Retail District (C-2) 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 Swearingen seconded the motion.

Commissioners stated their faith in adopted regulation to make sure future development will be what the area needs and the desire for more regulatory control with annexation.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT



October 1, 2015

Annexation case no. ANNEX 15-03: Larry Wayne Armstrong and Rebekah O'Brien

CASE DESCRIPTIONS: an owner-requested annexation of 152.8 acres of vacant land

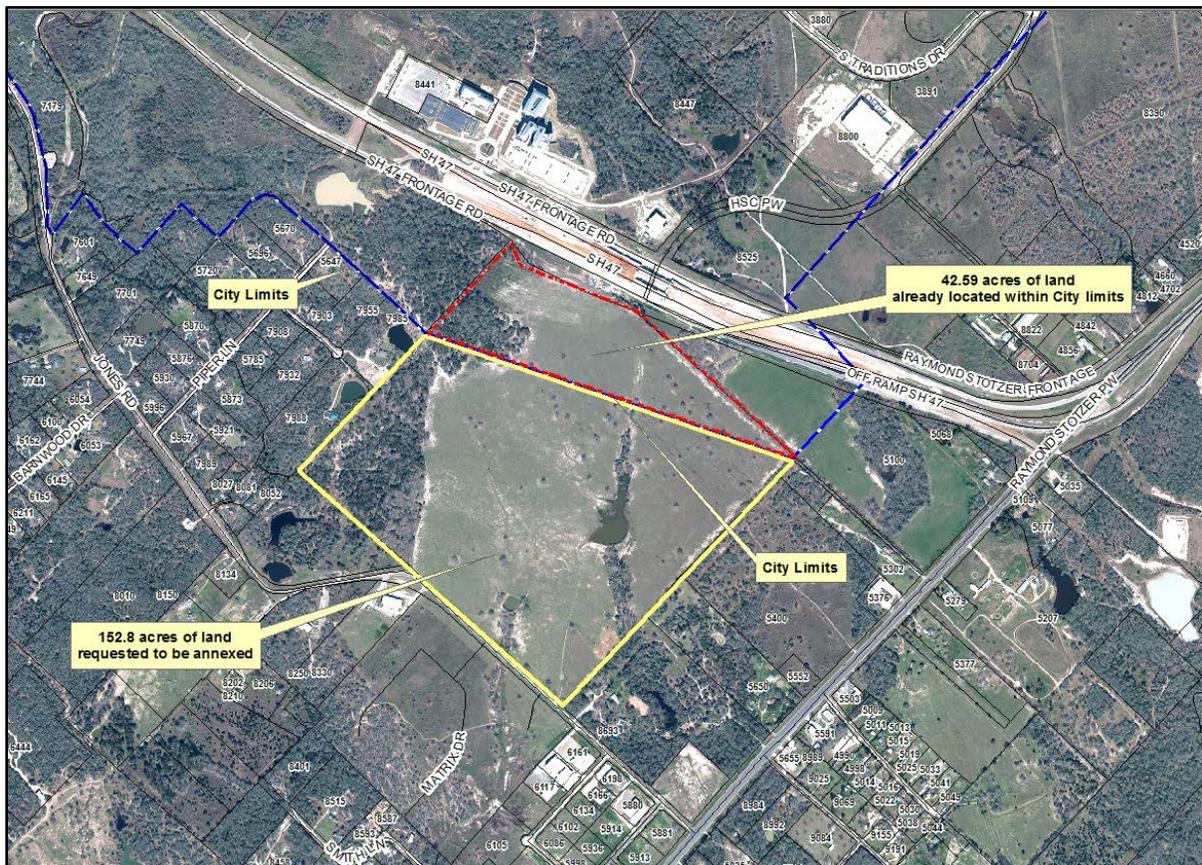
LOCATION: 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County

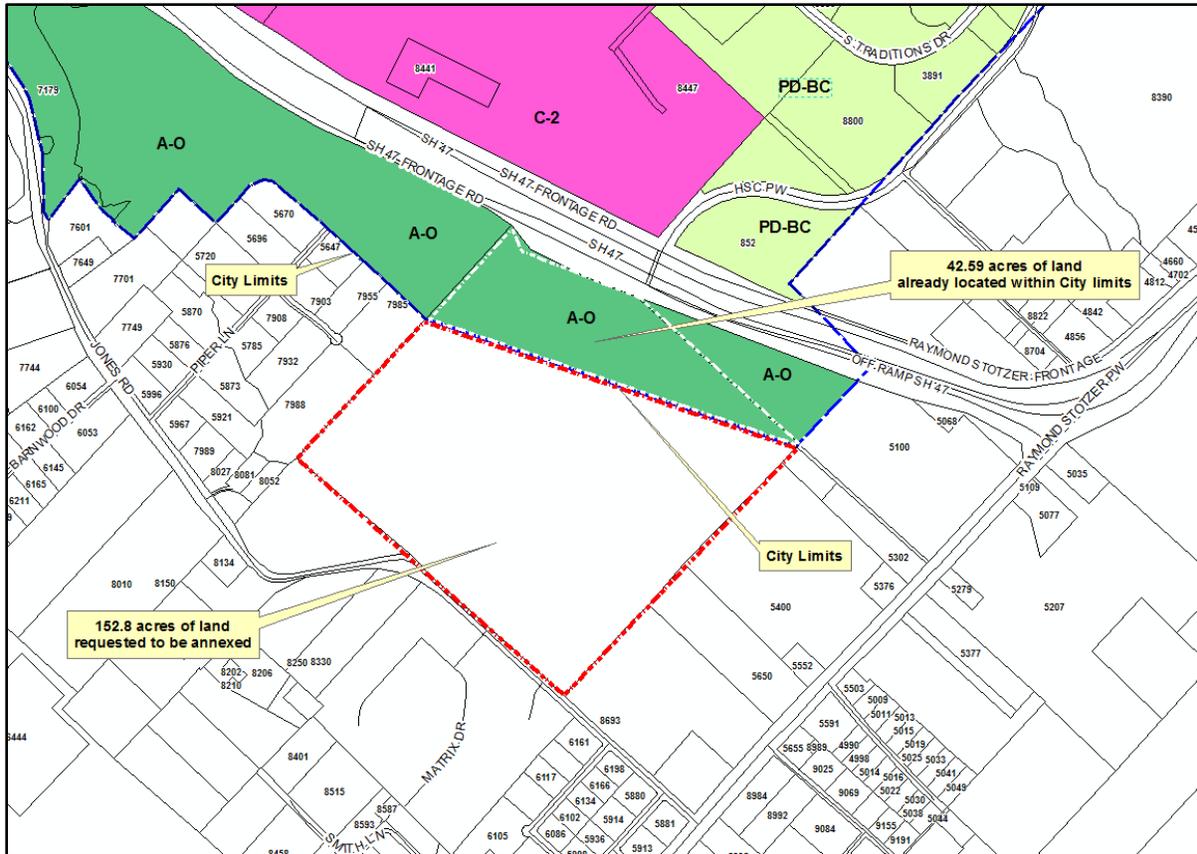
APPLICANT(S): Larry Wayne Armstrong and Rebekah O'Brien

AGENT(S): Adam J. Brumbaugh, P.E. of Jones & Carter, Inc.

STAFF CONTACT: Martin Zimmermann, Planning Manager

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





BACKGROUND:

The subject property is 152.8 acres in size and located in western Brazos County in the City of Bryan’s extraterritorial jurisdiction (ETJ), generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road. The subject property is owned by Larry Wayne Armstrong and Rebekah O’Brien. Mr. Armstrong and Ms. O’Brien own 195.39 of land that adjoins the south side of Texas State Highway 47, 42.59 acres of which area already in the city limits (annexed on July 27, 1999) and currently zoned Agricultural- Open (A-O) District.

Mr. Armstrong and Ms. O’Brien have petitioned that the City of Bryan annex the subject 152.8 acres, to bring the entirety of their 195+ acre tract into the city limits. They are proposing to establish Retail District (C-2) zoning on the subject property upon annexation. A separate rezoning request from A-O District to C-2 District for the 42.59 acres of land already in the city limits is scheduled for Planning and Zoning Commission consideration during its regular meeting on October 15, 2015 (case no. RZ15-17).

On September 22, 2015, the Bryan City Council granted the annexation petition and adopted a timetable for completing annexation of the 152+ acres by December 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 152.8 acres. Approving the requested annexation will bring 152+ 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 in southwest Bryan and along the State Highway 47/BioCorridor. 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 still being finalized as of the writing of this staff report. The draft service plan will be available for review during the October 1, 2015 Planning and Zoning Commission meeting.

PROPOSED C-2 ZONING:

Assigning C-2 zoning to the subject property upon annexation, and approval of rezoning request case no. RZ15-17 for the adjoining 42+ acre tract along State Highway 47, which is scheduled for Planning and Zoning Commission consideration on October 15, 2015, will create opportunity for development of general retail trade, business and service uses on almost 200 acres of vacant land.

Bryan's adopted Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The plan suggests that retail land uses should be located in areas that are at points of highest visibility and access and in close proximity to major intersections. The entire 195+ acre property currently under the ownership of Mr. Armstrong and Ms. O'Brien adjoins the south side of State Highway 47, across from the Texas A&M University Health Science Center and the BioCorridor with access to the recently grade-separated intersection of State Highway 47 and HSC Parkway, classified as urban freeway and arterial street on Bryan's Thoroughfare Plan. Few retail developments are currently being developed in this vicinity and staff contends that an increased demand for land zoned for retail development can be expected in this vicinity which is sparsely developed with scattered residences and some commercial uses. The Comprehensive Plan suggests that commercial uses are appropriate at points of high visibility of major streets. Staff believes that C-2 zoning on not just the subject property, but also the adjacent 42+ acres this will offer the exposure which most retail trade requires and will be compatible with anticipated surrounding land uses and existing development. In the future, there may be opportunity to extend the mixed-use BioCorridor concept along the south side of State Highway 47 onto the subject property. **Staff recommends that the 152.8 acre property be assigned C-2 zoning upon annexation.**

ATTACHMENTS:

1. property survey
2. petition requesting annexation