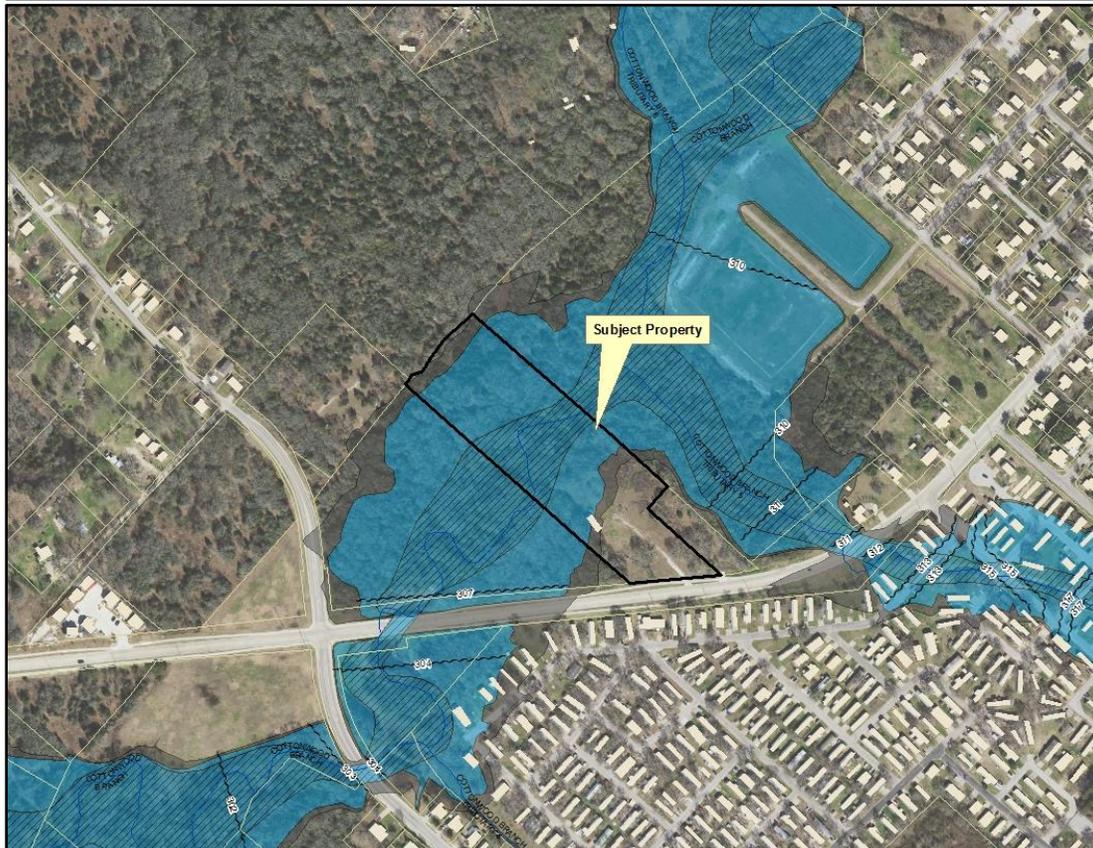
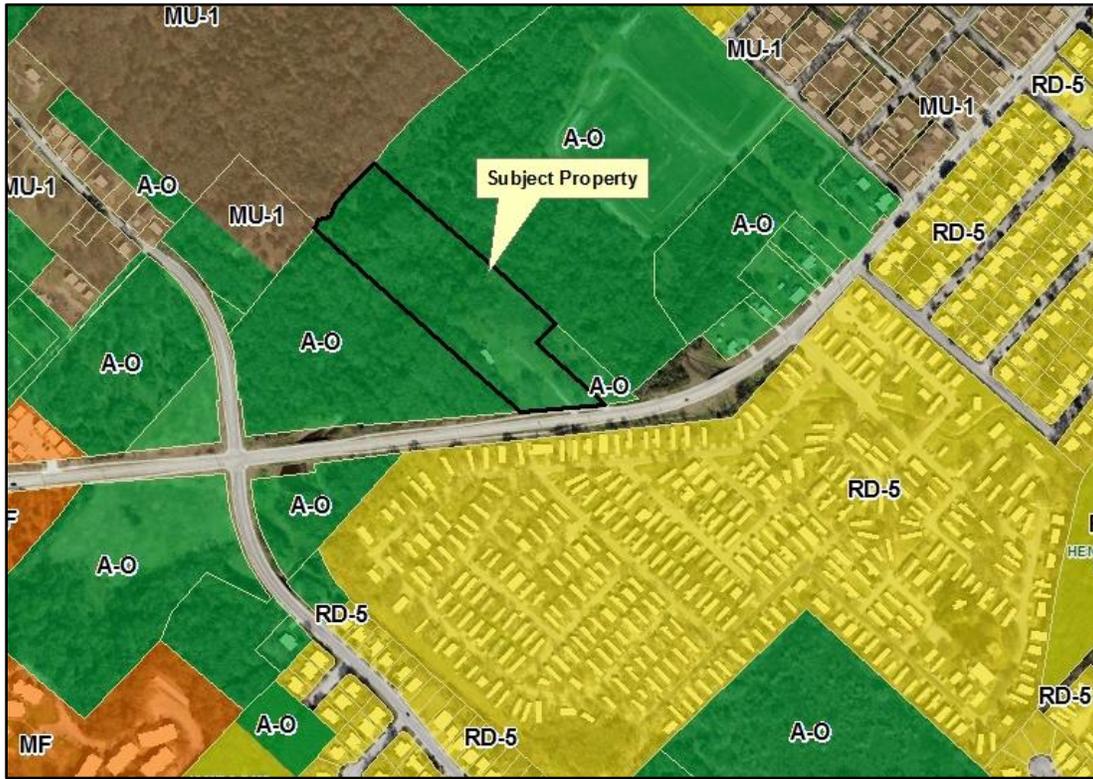


**LOCATION MAPS:**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL - OPEN DISTRICT (A-O) TO RESIDENTIAL DISTRICT - 5000 (RD-5) ON 7.75 ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NO. 62, AND ADJOINING THE NORTH SIDE OF THE 2500 BLOCK OF BECK STREET, APPROXIMATELY 1,000 FEET EAST FROM ITS INTERSECTION WITH SUNCREST STREET AND CURRENTLY ADDRESSED AS 2502 BECK STREET IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

**WHEREAS**, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

**WHEREAS**, this requested change to Chapter 130 for 7.75 acres of land out of the Stephen F. Austin Survey, Abstract No. 62, and adjoining the north side of the 2500 block of Beck Street, approximately 1,000 feet east of its intersection with Suncrest Street and currently addressed as 2502 Beck Street in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on October 15, 2015;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Agricultural – Open (A-O) to Residential District - 5000 (RD-5) on 7.75 acres of land out of the Stephen F. Austin Survey, Abstract No. 62, and adjoining the north side of the 2500 block of Beck Street, approximately 1,000 feet east of its intersection with Suncrest Street and currently addressed as 2502 Beck Street in Bryan, Brazos County, Texas, said 7.75 acres being described more particularly by metes-and-bounds on attached Exhibit “A”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

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

**PRESENTED AND GIVEN** first reading the 10<sup>th</sup> day of November, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 24<sup>th</sup> day of November, 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 A  
7.75 ACRE TRACT  
BRYAN, BRAZOS COUNTY, TEXAS**

Field Notes  
7.75 Acres

Being all of that certain tract or parcel of land lying and being situated in the STEPHEN F. AUSTIN SURVEY, A-62, Brazos County, Texas, and being all of that 7.75 acre tract (called 8.18 acres) conveyed to Felix Torres, Jr. by Felix Torres, Inc., deed recorded in Volume 3005, page 196, Official Records of Brazos County, Texas and being more particularly described as follows:

BEGINNING; at a 3/8" iron rod found at the most southerly common corner of said 7.75 acre tract and Doris Cooper .85 acre tract (3365/272), same being in the north right-of-way line of Beck Street;

THENCE: S 84° 56' 36" W – 300.84 feet along said Beck Street line to a 5/8" iron rod with cap set at the most southerly common corner of this tract and the Beverly Smith 22.96 acre tract (2464/95);

THENCE: N 46° 15' 00" W – 995.01 feet along the common line between this tract and said Smith tract to a 5/8" iron rod with cap set for the most northerly common corner of said tracts, same being in the southeast line of the Timothy Marsh, Sr. 4.336 acre tract (631/935);

THENCE: N 34° 01' 35" E – 37.01 feet, N 71° 23' 11" E – 38.71 feet, N 31° 36' 26" E – 49.98 feet, N 40° 37' 00" E – 82.42 feet and N 43° 10' 47" E – 125.96 feet along the common line between this tract and said Marsh tract and the Leonard Millsap 50.12 acre tract (3014/139) to a X-tie found at the most northerly common corner of this tract and the City of Bryan 33.91 acre tract (3697/311);

THENCE: S 46° 15' 00" E – 887.54 feet along the common line between this tract and said City of Bryan tract to a 1/2" iron rod found at the most northerly common corner of this tract and said Cooper tract;

THENCE: S 43° 45' 00" W – 101.50 feet and S 46° 15' 00" E – 310.17 feet along the common line between this tract and said Cooper tract to the PLACE OF BEGINNING; and containing 7.75 acres of land, more or less, according to a survey made on the ground under the supervision of Donald D. Garrett, Registered Professional Land Surveyor, No. 2972 on March 4, 2008.



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING  
MINUTES OF OCTOBER 15, 2015:**

**7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**b. Rezoning RZ15-19: Felix Torres**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 7.75 acres of land out of Stephen F. Austin League, A-62, currently addressed as 2502 Beck Street and adjoining the north side of the 2500 block of Beck Street, approximately 1,000 feet east of its intersection with Suncrest Street in Bryan, Brazos County, Texas. (M. Hilgemeier)*

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

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

**Commissioner Gutierrez moved to approve Rezoning RZ15-19 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Hardeman seconded the motion and the motion passed unanimously.**

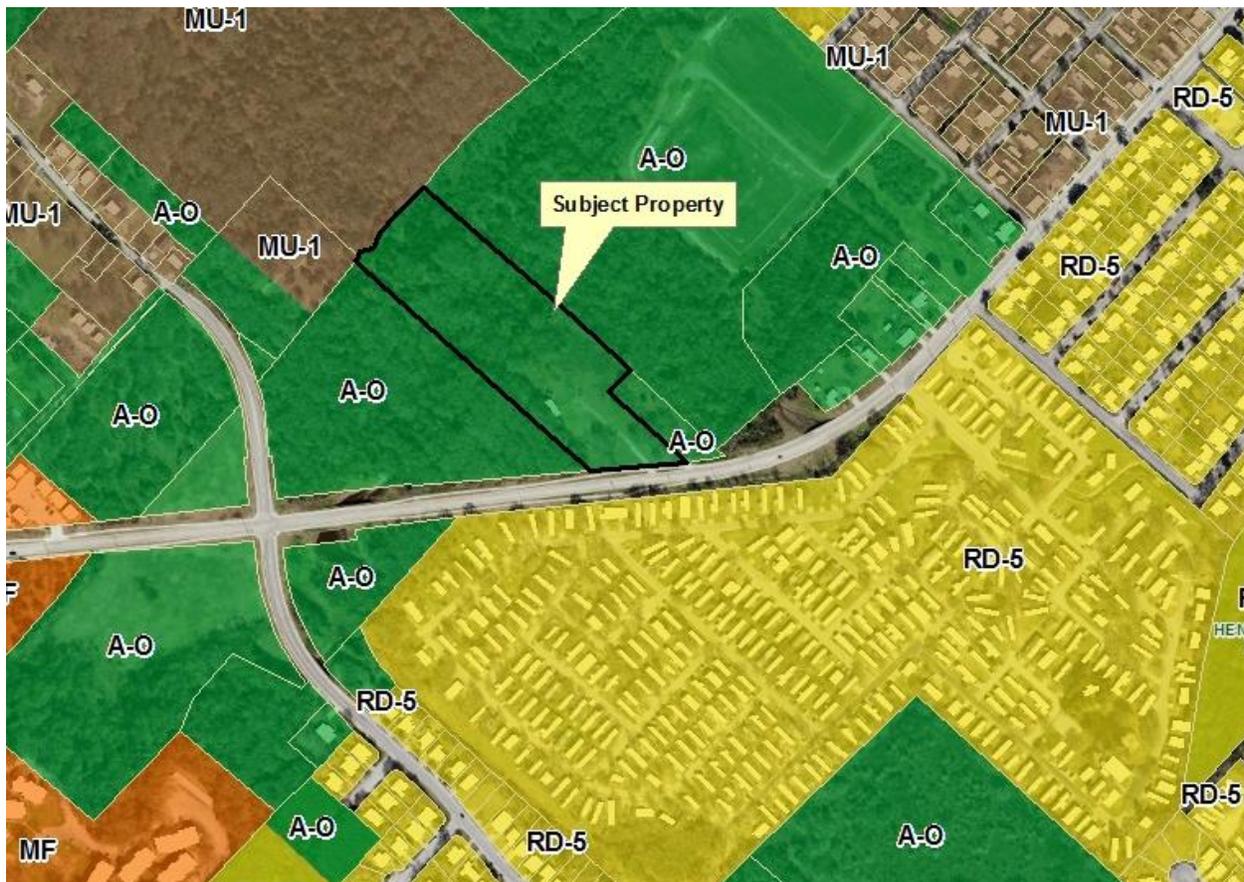
PLANNING AND ZONING COMMISSION  
STAFF REPORT



October 15, 2015

**Rezoning case no. RZ15-19 Felix Torres**

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural - Open District (A-O) to Residential District – 5000 (RD-5)
- LOCATION:** 7.75 acres of land adjoining the north side of the 2500 block of Beck Street, approximately 1,000 feet east of its intersection with Suncrest Street and currently addressed as 2502 Beck Street
- LEGAL DESCRIPTION:** 7.75 acres of land out of Stephen F. Austin League, A-62
- EXISTING LAND USE:** abandoned single-family structure, vacant land
- APPLICANT(S):** Felix Torres
- STAFF CONTACT:** Matthew Hilgemeier, AICP, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



**AERIAL PHOTOGRAPH (2015):**



**BACKGROUND:**

The applicant/property owner, Mr. Felix Torres, is requesting to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 7.75 acres of mostly vacant land located east of the intersection of Suncrest Drive and Beck Street. The subject property is located north from a large RD-5 zoning district (Oakwood Manufactured Home Park). To the east of the subject property is land owned by the City of Bryan and zoned A-O District that is almost completely encumbered by FEMA recognized floodplain. Property located to the northwest is zoned Mixed Use – Residential District (MU-1), but is undeveloped at this time. Property located west of the subject property is also zoned A-O District is undeveloped and also almost completely encumbered by FEMA recognized floodplain.

The applicant wishes to develop this land with a single-family residential subdivision. If the requested rezoning classification were approved, approval of a preliminary plan and final plat meeting all standards of the City of Bryan’s Subdivision Ordinance will be required before any building permits for a new subdivision may be issued.

The A-O zoning classification is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning

classification is also intended to serve as a holding zone for vacant land areas annexed to the City as well as to protect areas that may be unsuitable for development and to preserve natural open space. The RD-5 zoning classification is intended to provide opportunities for development of detached dwellings on lots of at least 5,000 square feet in size.

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

The City of Bryan’s Comprehensive Plan Update is the framework for the establishment of zoning and other regulatory tools. The Plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Comprehensive Plan suggests that low-density residential uses should be located in areas that are protected from (but accessible to) the major roadway network in close proximity to schools. The Planning and Zoning Commission should also consider the following when making its recommendation regarding this proposed zoning change:

### Chapter 5: Land Use

#### 5.5 Use-Specific Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

- Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;
- Accessible to collector and arterial streets, but directly access only local streets; and,
- Not adjacent to major arterials and freeways without adequate buffering and access management.

#### 5.6 Goals, Objectives and Action Statements

Goals, objectives and action statements were developed to address land use concerns facing Bryan in the next twenty years.

##### **GOAL #4: PROMOTE QUALITY AFFORDABLE HOUSING DEVELOPMENT.**

Objective: Encourage the development of affordable housing tailored to the particular needs of the community.

*Action Statement 2: Seek the dispersal and integration of low-income housing through infill and small subdivision development.*

## **ANALYSIS:**

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

**Staff believes that RD-5 zoning on these 7.75 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. Staff believes that single-family residences at this location will promote orderly urban growth in close proximity to Milam and Anson Jones Elementary Schools, which are located approximately 1,500 northeast from the subject property.**

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

**Residential neighborhoods should be planned such that they form cohesive environments oriented toward elementary schools at their core. In this particular case, this proposed residential subdivision is located near Milam and Anson Jones Elementary Schools and will have access to Beck Street, which is classified as minor arterial street on Bryan's Thoroughfare Plan. Existing City of Bryan water and wastewater mains will be available for point-of-use extension upon development, 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.**

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

**There currently exists no vacant land classified for similar development in the vicinity of the subject property. While there is other property located in the City of Bryan that is vacant and zoned for single-family residential use, there has been very little interest in developing new single-family residential property in this area of the City for some time. Staff contends that if the requested change in zoning classification were approved, it will not make similarly zoned properties in the City unavailable for development.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**Staff contends that residential developments are developing at a moderate pace in other part of the City, but there have not been any recent proposals for single-family residential developments in this general vicinity for some time.**

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

**If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar developments.**

6. Any other factors affecting health, safety, morals, or general welfare.

**Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.**

**RECOMMENDATION:**

Based on all these considerations, staff recommends **approving** the requested zone change to Residential District – 5000 on the subject property. RD-5 zoning on this property appears to be consistent with the land use recommendations of the Bryan Comprehensive Plan and will promote orderly urban growth in close proximity to existing elementary schools.