LOCATION MAP:

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 RETAIL DISTRICT (C-2) ON 4.675 ACRES OF VACANT LAND OUT OF MARIA KEGANS LEAGUE, ABSTRACT NO. 28, AND ADJOINING THE NORTHEAST SIDE OF STATE HIGHWAY 30 BETWEEN WINDING CREEK ROAD (PRIVATE ROAD) AND COLE LANE, 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 4.675 acres of land out of Maria Kegans League, Abstract No. 28, and adjoining the northeast side of State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on October 1, 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 District (A-O) to Retail District (C-2) on 4.675 acres of land out of Maria Kegans League, Abstract No. 28, and adjoining the northeast side of State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas, said 4.675 acres being more specifically described by a metes-and-bounds description 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That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 10th 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 24th 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:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____
Janis K. Hampton, City Attorney

EXHIBIT "A":

METES AND BOUNDS DESCRIPTION
OF A
4.675 ACRE TRACT

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MARIA KEGANS LEAGUE, ABSTRACT NO. 28, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 5.486 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 1 AND ALL OF A CALLED 5.00 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 2 BY A DEED TO HOWARD C. NELSON RECORDED IN VOLUME 696, PAGE 737 OF THE DEED 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 ON THE NORTHEAST LINE OF SAID REMAINDER OF 5.486 ACRE TRACT MARKING THE SOUTH CORNER OF SAID 5.00 ACRE TRACT AND THE WEST CORNER OF SAID 5.26 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: S 27° 04' 58" E FOR A DISTANCE OF 0.27 FEET;

THENCE: S 48° 06' 09" E ALONG THE COMMON LINE OF SAID REMAINDER OF 5.486 ACRE TRACT AND SAID 5.26 ACRE TRACT FOR A DISTANCE OF 507.09 FEET (DEED CALL: S 43° 58' 06" E - 514.88 FEET, 696/737) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF COLE LANE (60' R.O.W.) MARKING THE EAST CORNER OF SAID REMAINDER OF 5.486 ACRE TRACT AND THE SOUTH CORNER OF SAID 5.26 ACRE TRACT. FOR REFERENCE, A 5/8 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID 5.26 ACRE TRACT BEARS: N 41° 59'26" E FOR A DISTANCE OF 437.76 FEET (DEED CALL: N 41° 59' 19" E - 437.83 FEET, 4658/165);

THENCE: S 41° 59' 26" W ALONG THE NORTHWEST LINE OF COLE LANE FOR A DISTANCE OF 199.77 FEET (CALCULATED DEED CALL: S 42° 38' 09" W - 200.37 FEET, 696/737) TO A 1/2 INCH IRON ROD SET ON THE NORTHEAST LINE OF STATE HIGHWAY 30 (R.O.W. VARIES);

THENCE: ALONG THE NORTHEAST LINE OF STATE HIGHWAY 30, BEING THE NORTHEAST LINE OF A CALLED 0.72 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE STATE OF TEXAS RECORDED IN VOLUME 959, PAGE 121 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR THE FOLLOWING CALLS:

> N 38° 54' 01" W FOR A DISTANCE OF 213.69 FEET (DEED CALL: N 35° 44' 56" W - 221.40 FEET, 959/121) TO A 1/2 INCH IRON ROD SET. FOR REFERENCE, A BROKEN CONCRETE RIGHT-OF-WAY MARKER FOUND BEARS: S 38° 54' 01" E FOR A DISTANCE OF 0.50 FEET;
>
> N 50° 46' 41" W FOR A DISTANCE OF 208.40 FEET (DEED CALL: N 47° 37' 36" W - 208.40 FEET, 959/121) TO A 1/2 INCH IRON ROD SET;
>
> N 56° 50' 06" W FOR A DISTANCE OF 594.82 FEET (DEED CALL: N 53° 41' 01" W - 595.00 FEET, 959/121) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF 'WINDING CREEK ROAD'. FOR REFERENCE, A CONCRETE RIGHT-OF-WAY MARKER FOUND BEARS: N 63° 44' 45" W FOR A DISTANCE OF 260.47 FEET;

THENCE: N 41° 57' 23" E ALONG THE NORTHWEST LINE OF SAID REMAINDER OF 5.486 ACRE TRACT AND SAID 5.00 ACRE TRACT FOR A DISTANCE OF 265.64 FEET (CALCULATED DEED CALL: N 43° 01' 54" E - 704.14 FEET, 696/737) TO 1/2 INCH IRON ROD SET;

THENCE: S 48° 06' 09" E FOR A DISTANCE OF 500.00 FEET TO THE **POINT OF BEGINNING** CONTAINING 4.675 ACRES OF LAND.

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF OCTOBER 1, 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).

a. Rezoning RZ15-18: SF Business Investments, LLC.
A request to change the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2) on 4.675 acres of land out of Maria Kegan Survey, adjoining the northeast side of the State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas. (M. Hilgemeier)

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

The public hearing was opened.

Ms. Jenna Anding, 705 Hasselt, College Station, Texas, Mr. Larry Dover, 4633 Winding Creek, Bryan, Texas, Ms. Marcetta Darensbourg, 5078 Cole Lane, Mr. Fred Fontana, 4968 Winding Creek, and Mr. Thomas Faubion, 4705 Winding Creek came forward to speak in opposition to the request. Stated concerns were:

- traffic, safety issues and noise
- whether or not a gas station is needed for the area
- light pollution
- whether there will be an access to the private road (and who will cover the damages to the road)
- several similar establishments are already nearby
- want to preserve wildlife, trees, and the general rural character of the area
- wanting something nicer since the property is next to the city limit sign

Mr. Glenn Jones, representing the applicant, came forward to speak and addressed concerns about the private road (no access proposed). Mr. Jones also stated that the development is similar to the land use in the surrounding area. Having the overlay district with stricter requirements and will make the development look better.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ15-18 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Chairperson Hickle seconded the motion.

Commissioners discussed:
- area along Highway 30 it is going to be growing.
- other C-2 zoned properties along the same corridor.

The motion passed with a vote of 3 in favor and 2 in opposition, with Commissioners Incardona and Swearingen casting their votes in opposition.

City of Bryan
City Secretary
300 South Texas Av.
Bryan, TX 77803

RECEIVED
OCT 2015
COUNCIL SERVICES
CITY OF BRYAN

Mary Lynne Stratta,

We formally protest the Planning and Zoning Boards recommendation to approve the rezoning of 4.675 acres of land out of Maria Kegan Survey, adjoining the northeast side of Hwy 30 between Winding Creek Rd and Cole Lane **(RZ15-18: SF Business Investments, LLC)** from Agricultural-Open (A-O) to Retail District (C-2).

State of Texas)
)ss.
County of Brazos)

This instrument was acknowledged before me on 10/8/15 (*date*) by

James (Jack) Anding

Jenna Anding

Owners of 5.26 acres on Cole Ln, Tax ID# 114085 northeast of subject property.

SUSAN YVONNE HILTON
MY COMMISSION EXPIRES
May 27, 2016

Notary Public

(Seal of Notary)

City of Bryan
City Secretary
300 South Texas Av.
Bryan, TX 77803

RECEIVED
OCT 2015
COUNCIL SERVICES
CITY OF BRYAN

Mary Lynne Stratta,

We formally protest the Planning and Zoning Boards recommendation to approve the rezoning of 4.675 acres of land out of Maria Kegan Survey, adjoining the northeast side of Hwy 30 between Winding Creek Rd and Cole Lane **(RZ15-18: SF Business Investments, LLC)** from Agricultural-Open (A-O) to Retail District (C-2).

State of Texas)
)ss.
County of Brazos)

This instrument was acknowledged before me on October 8, 2015 (*date*) by

Larry Dover

Christine Dover

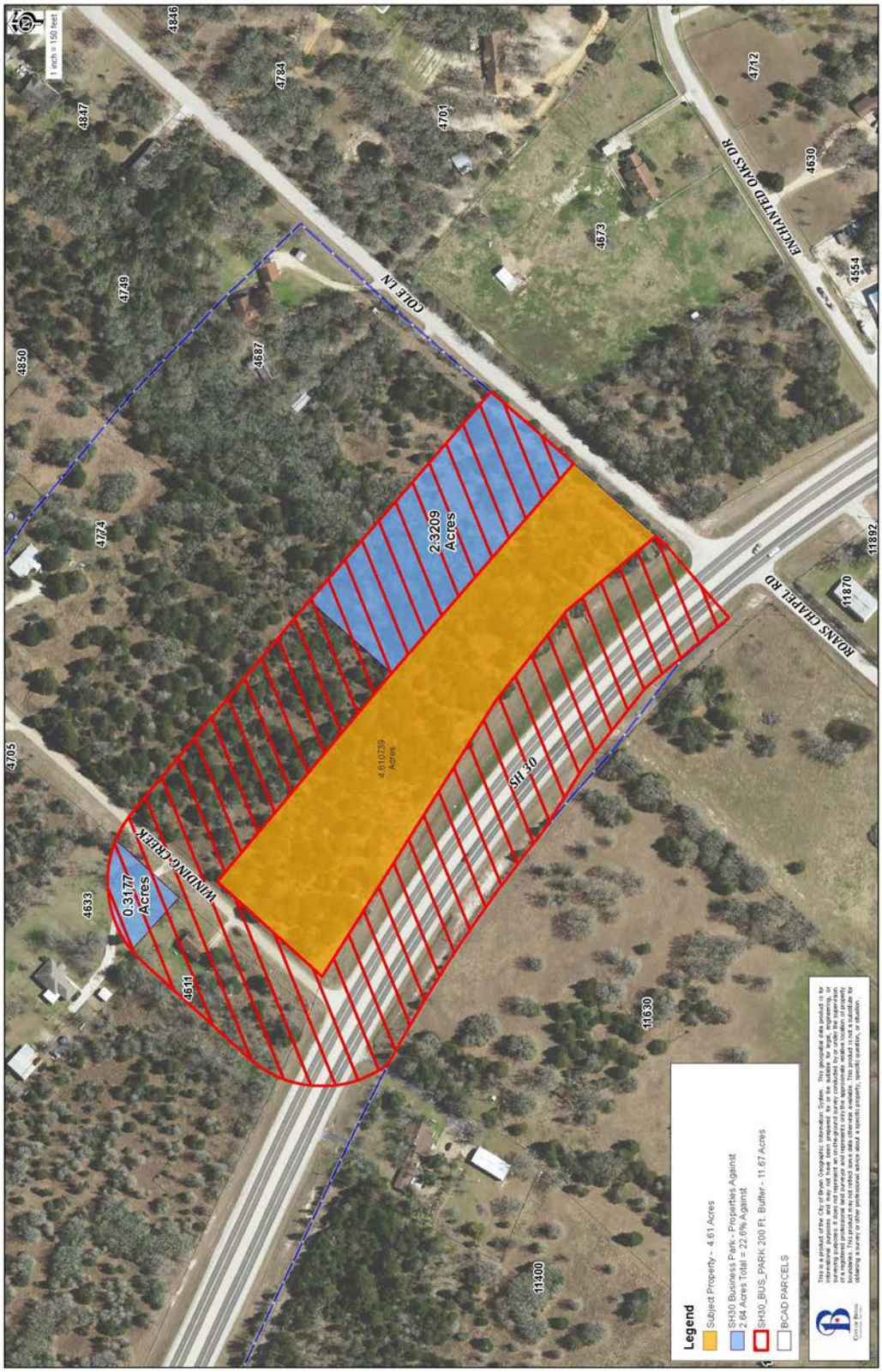
Owners of 4633 Winding Creek, Tax ID# 12217, north of subject property.

JENNIFER MICHOLE PRICE
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 7/11/19

Notary Public

(Seal of Notary)

MAP SHOWING PROTEST PROPERTIES:



PLANNING AND ZONING COMMISSION
STAFF REPORT

October 1, 2015

CITY OF BRYAN

Rezoning case no. RZ15-18: SF Business Investments, LLC.

CASE DESCRIPTION:	a request to change the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2)
LOCATION:	4.675 acres of land out of Maria Kegan Survey, and adjoining the northeast side of State Highway 30 between Winding Creek Road (private road) and Cole Lane
EXISTING LAND USE:	vacant acreage
APPLICANT(S):	SF Business Investments, LLC
STAFF CONTACT:	Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.

BACKGROUND:

The subject property is 4.67 acres in size and is located on the north side of State Highway 30, east of Winding Creek Road and west of Cole Lane. The subject property is currently zoned Agricultural – Open District (A-O) and undeveloped. Adjacent properties to the southeast are also zoned A-O District and also are undeveloped. A single-family home exists on adjacent property to the northeast, which is also zoned A-O District. Land to the south, across State Highway 30, to the southeast, across Cole Lane, and north of the subject property are located outside of Bryan's city limits and are either located in the City of College Station's or the City of Bryan's extraterritorial jurisdiction (ETJ). Those properties are therefore not regulated by Bryan's zoning regulations.

Several properties along State Highway 30 have developed with commercial businesses in recent years in the City of Bryan as well as in the City of College Station's ETJ. Across State Highway 30 from the subject property current land uses include, commercial businesses such as R.M. Dudley Construction Company, Honig's Whistle Stop (Retail – Custom Athletic Apparel), undeveloped land and one single-family home. Further west along State Highway 30 in the College Station's ETJ there are multiple properties lining the road that are occupied by commercial businesses such as flooring and engineering companies, feed and furniture stores.

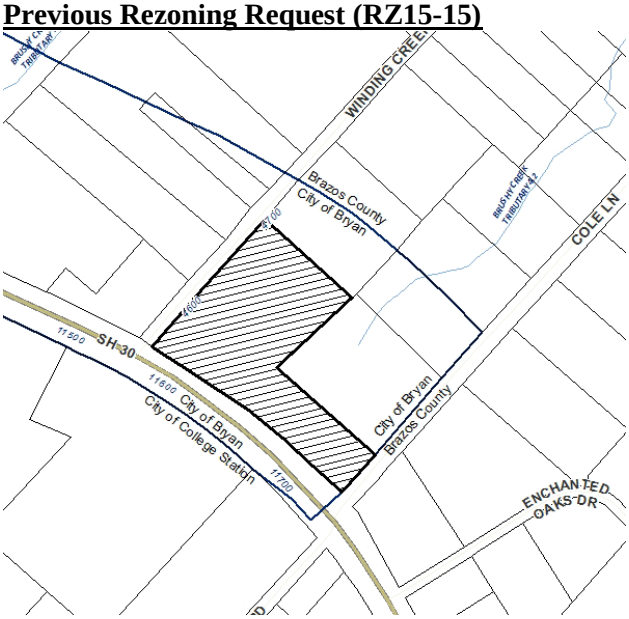
The subject property has been zoned A-O District since its annexation into the City of Bryan in July 1999. A portion of the subject property is located in the FM 158 Corridor Overlay District which was adopted in 2004. The overlay district requires higher development standards such as 75% non-metallic structures, the screening of utility equipment, and open storage is prohibited. The purpose of the district is to exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop. The district is also located along one of the corridors where the City's building design guidelines and commercial color palette apply.

The applicant, Frank Rajan of SF Business Investments, LLC, has requested to change the zoning of these 4.675 acres to Retail District (C-2), to accommodate planned development of a convenience store, with diesel fueling facilities, at this location. The request to rezone the property from A-O District to C-2 District, if approved, would not affect the property's FM 158 Corridor Overlay District designation.

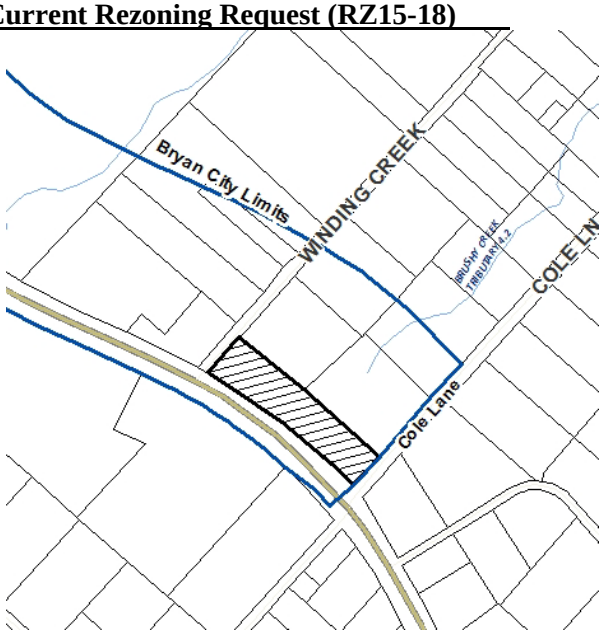
A previous request to change the zoning classification on 9.76 acres from A-O District to Commercial District (C-3) was considered by the Planning and Zoning Commission at its August 6, 2015 regular meeting (case no. RZ15-15). The Commission voted unanimously to recommend denying that zoning change due to concerns about increased traffic in the area surrounding the subject property and loss of natural habitat on the property. An excerpt from the meeting minutes of that meeting are attached to the end of this staff report.

The applicant did not request that that rezoning request be forwarded to City Council with a negative recommendation from the Planning and Zoning Commission. On September 9, 2015 the applicant submitted a new application to change the zoning on only 4.67 acres adjoining State Highway 30, a little more than half the acreage of the previous request. Instead of C-3 zoning, the applicant has now requested to change the zoning to C-2 District.

Previous Rezoning Request (RZ15-15)



Current Rezoning Request (RZ15-18)



The A-O zoning district is intended to provide a location for principally undeveloped or vacant land situated on the fringe of an urban area and used primarily for agricultural purposes, but may become an urban area in the future. The C-2 zoning classification is intended provide locations for various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods. The C-2 District should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes.

COMPREHENSIVE PLAN:

The City of Bryan's Comprehensive Plan 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. Among the goals supported by the policies are the development of attractive entrances and corridors by encouraging and promoting compatible infill and development in areas where these activities will benefit the city as a whole and the area specifically. One of the plan's objectives is to encourage a sustainable mix of land use types in suitable locations, densities and patterns and to identify areas for commercial development and preserve them with appropriate zoning. The Comprehensive Plan also suggests that commercial uses are appropriate at points of high visibility along arterial and major collector streets and at intersection of major streets.

CURRENT CONDITIONS STREET VIEW:

looking southeast from Winding Creek Road onto subject property

looking northwest from Cole Lane at subject property;
State Highway 30 is to the left

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors in accordance with Zoning Ordinance Section 130-42(g).

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

   Staff believes that rezoning the property to C-2 District will be compatible with anticipated future and current development in this vicinity and in conformance with the land use recommendations of the Comprehensive Plan. The subject property is located along both a super arterial street (State Highway 30) and major collector street (Cole Lane), and is at the entrance of the City of Bryan's current city limits. Rezoning the subject property to C-2 District will support the orderly urban growth in this vicinity by encouraging future commercial development along one of the City's major entrance corridors.

   The subject property is located within the FM 158 Corridor Overlay District, an area intended for commercial businesses to develop vacant land located on the edge of urban development. To

the northeast, the subject property borders a property zoned A-O District with an existing single-family home. With the previous request to change the zoning classification, this residential home was located approximately 190+ feet from the subject property. With this revised, smaller area requested to be rezoning, the residential home is located approximately 460 feet from the subject property. This structure will be separated from any future commercial development on the subject property by brush and trees on that property. The remaining surrounding properties are either vacant land or are separated from the subject property by roadways, including a private road (Winding Creek Road), Cole Lane, and State Highway 30.

Staff believes that the proposed rezoning from A-O District to C-2 District on these 4.67 acres will allow for orderly urban growth at this particular location relative to its relationship with the surrounding area and adjacent properties.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

   Per Bryan's Thoroughfare Plan, the subject property adjoins State Highway 30, which is classified as a super arterial street. The subject property also adjoins Cole Lane, which is classified as major collector street but only currently improved as a rural roadway (28-foot pavement width, bar ditches on either side). State Highway 30 (85-feet wide with 165-foot Right of Way) can reasonably be expected to be capable of accommodating traffic loads typically associated with commercial development, including a truck stop, at this location. Cole Lane will most likely require additional improvements to handle traffic loads associated with commercial traffic. Transportation capacity is generally addressed during the site plan approval process. Water services for any development at this location will be provided by the Wickson Creek Special Utility District. The property is proposed to be subdivided into lots capable of utilizing private aerobic (on-site septic) sewer systems.

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.

   During the July 16, 2015 Planning and Zoning Commission meeting, Commissioners recommended to the City Council approval a similar request to change 10.58 acres of land from A-O District to C-2 District, which is located 1.7 miles northwest of the subject property along State Highway 30. This rezoning request was approved by the City Council during at the August 25, 2015 City Council meeting (case no RZ15-13).

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 commercial developments are developing at an average to slow pace in this vicinity and elsewhere in the City. A cluster of C-3 and C-2 zoning is located approximately 1.7 miles northwest of the subject property along the north side of State Highway 30 between Elmo Weedon and Hardy Weedon Roads. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

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.

Should the rezoning request be approved, staff contends that there will be few, if any, effects on other areas designated for commercial development. Many of the adjoining properties in the vicinity are currently vacant and available for future urban development.

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

   Staff contends that approving the rezoning request will allow for orderly development in accordance with the land use recommendations of the Comprehensive Plan, and provide for commercial development opportunities at an appropriate, highly-visible location, along one of the City's entrance corridors.

RECOMMENDATION:

Based on all of these considerations, staff recommends **approving** the proposed C-2 District, as requested, on these 4.675 acres of currently vacant land.

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF AUGUST 6, 2015:

b. Rezoning RZ15-15: SF Business Investments, LLC.
A request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 9.76 acres of land out of Maria Kegan Survey, and adjoining the northeast side of the State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas. (M. Hilgemeier)

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

In response to questions, Mr. Hilgemeier responded that two separate calls and two separate emails have been received by neighboring citizens, all of which were in opposition to the rezoning request.

The public hearing was opened.

Ms. Elizabeth Stuart, 4687 Cole Lane, Bryan, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her concerns about the intended land use, increased traffic, increased crime, child safety, and the long-term maintenance of the subject property.

Mr. Thomas W. Fabian, 4705 Winding Creek, Bryan, Texas, neighboring property owner, spoke in opposition to the rezoning request citing his concerns about the intended land use, increased traffic on their private road, and the safety of his grandchildren.

Ms. Pamela Preston, 4749 Cole Lane, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her concerns about the intended land use, increased traffic, crime and safety.

Ms. Marcella Darensburg, (street number not given) Cole Lane, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her concern for increased development in the area and lowering property value.

Mr. Larry Dover, 4633 Winding Creek, Bryan, Texas, neighboring property owner, spoke in opposition to the zoning request citing his concern for increased lighting from the proposed development as well as increased traffic on the private street adjacent to his property.

Mr. Jack Anding, 705 Hasselt Street, College Station, Texas, owner of property on Cole lane, spoke in opposition to the rezoning request citing his desire to build a future home on his Cole Lane property.

Ms. Kimberly Lytle, 4740 Winding Creak, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her desire to build a home on her property and the negative attributes of having commercially zoned land in near proximity.

Mr. Fred Fontana, 4968 Winding Creak, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing his concern for the type of proposed development and the increased traffic on the private road adjacent to his property.

In response to questions, Mr. Hilgemeier responded:

- the Comprehensive Plan calls for commercial development along major arterial gateways into the City of Bryan; and
- property intended for development are subject to land clearing permits prior to lot clearing.

In response to questions, Mr. Kaspar responded:

- it is his understanding that the property owner did not acquire the necessary permits prior to the clearing of his land.
- city staff is currently waiting for the property owner to submit an erosion prevention plan; and
- the city does not have a tree preservation ordinance, therefore the property owner has the right to clear trees and foliage from the property.

Mr. Haynes approached the podium and clarified the procedure for the annexation of new land into city limits and the assignment of a default zoning classification which is Agricultural-Open (A-O). Mr. Haynes then explained that following annexation, land zoned Agricultural-Open (A-O) should then follow good land use policy which would allow for the land to assume a zoning classification that is contiguous with the current surrounding land uses.

Chairperson Hickle asked staff to ensure that the destruction of natural habitat should not be allowed on property under the assumption that the property will receive the future permissions required to begin development.

In response to questions, Mr. Haynes stated that:

- the closest property zoned C-3 to the subject property is about a mile and a half away to the northwest on State Highway 30; and
- the FM 158 Corridor Overlay Zoning District that runs along the front 200 feet of the subject property was designed to rise the standard of development along the FM158 Corridor into the City of Bryan.

Commissioner Gutierrez thanked all the citizens in attendance for their input and concern with regards to this rezoning request.

The public hearing was closed.

Commissioner Incardona moved to recommend denial of Rezoning RZ15-15 to the Bryan City Council. Commissioner Hickle seconded the motion.

Commissioners discussed:

- significant citizen concerns.
- increased traffic in the area surrounding the subject property; and
- loss of natural habitat on the proposed property.

The motion passed unanimously.