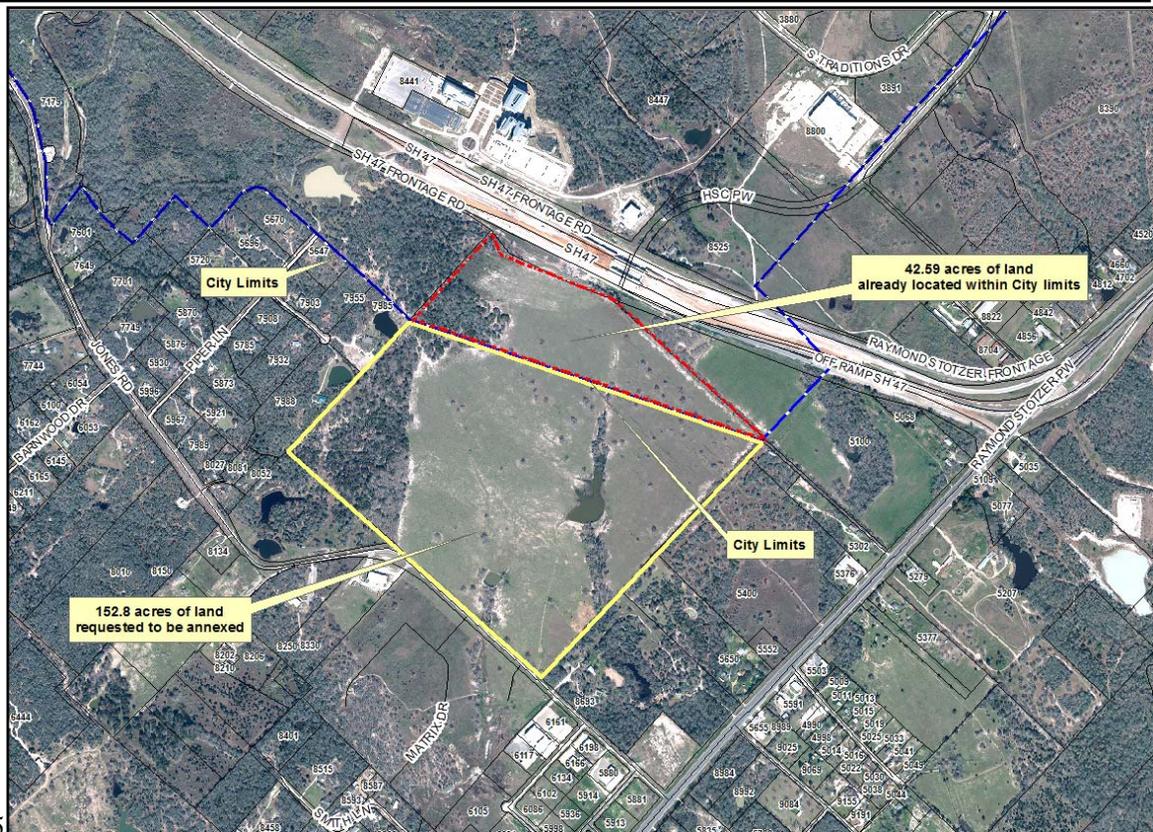
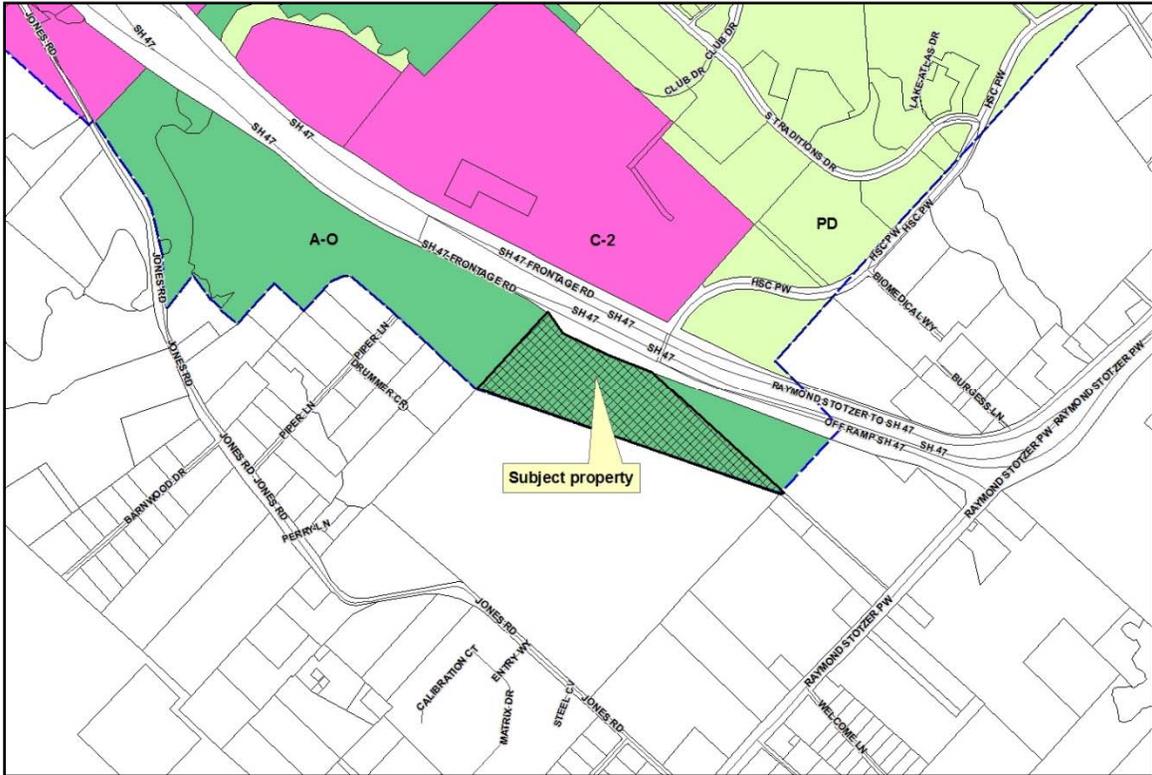


**LOCATION MAPS:**



**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 RETAIL DISTRICT (C-2) ON 42.59 ACRES OF LAND OUT OF JOHN H. JONES SURVEY, ABSTRACT NO. 26, AND ADJOINING THE SOUTHEAST SIDE OF STATE HIGHWAY 47 NORTH FROM RAYMOND STOTZER PARKWAY 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 42.59 acres of land out of John H. Jones Survey, Abstract No. 26, and adjoining the southeast side of State Highway 47 north from Raymond Stotzer Parkway 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 District (A-O) to Retail District (C-2) on 42.59 acres of land out of John H. Jones Survey, Abstract No. 26, and adjoining the southeast side of State Highway 47 north from Raymond Stotzer Parkway in Bryan, Brazos County, Texas, said 42.59 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 24<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 15<sup>th</sup> day of December, 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**

Rebekah Armstrong Petrie and  
Larry Wayne Armstrong  
42.59 Acres

John H. Jones Survey  
Abstract No. 26

STATE OF TEXAS                   §

COUNTY OF BRAZOS               §

**A METES & BOUNDS** description of a certain 42.59 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 42.59 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 the current most southern corner of the city limits of the City of Bryan, Texas, 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**, North 68°54'27" West, with said city limit line and across said 200 acre tract a distance of 3302.83 feet to a point for corner in the northwest line of said 200 acre tract, being the south corner of a 94.685 acre tract conveyed to CC HWY 47, L.P., recorded in Volume 8580, Page 186, BCOPR, being the east corner of Lot 10, Block 2, of Canyon Creek subdivision recorded in Volume 353, Page 109, BCDR, and also being an angle point in the southwest line of said city limits;

**THENCE**, North 45°00'00" East, along the northwest line of said 200 acre tract and the southeast line of said 94.685 acre tract a distance of 1069.32 feet to a point for corner in the southwest line of State Highway No. 47 at the east corner of a 3.929 acre tract conveyed to Texas A&M University recorded in Volume 1516, Page 297, BCOPR;

**THENCE**, along the southwest line of State Highway No. 47 and said 3.929 acre tract the following three (3) courses and distances:

1. South 52°04'47" East, 272.68 feet to a point for corner;
2. South 60°02'55" East, 500.00 feet to a point for corner;
3. South 65°42'56" East, 299.00 feet to a point for corner at the southeast corner of said 3.929 acre tract and being in the northeast line of said 200 acre tract;

**THENCE**, South 45°00'00" East, along the northeast line of said 200 acre tract and the southwest line of aforementioned 47.31 acre tract a distance of 1986.32 feet to the **POINT OF BEGINNING, CONTAINING** 42.59 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.

551410010ISURVDOC\42.59 AC ZONING CHANGE

  
*D. S. Bramwell*  
6/29/2015

**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).**

**a. Rezoning RZ15-17: Larry Wayne Armstrong and Rebekah O’Brien**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2) on 42.59 acres of land out of John H Jones Survey, Abstract No. 26, and adjoining the southeast side of State Highway 47 north from Raymond Stotzer Parkway in Bryan, Brazos County, Texas. (M. Zimmermann)*

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

In response to questions, Mr. Haynes commented that to his knowledge they have received no complaints.

The public hearing was opened.

Mr. Michael Patranella, 1506 E. 31<sup>st</sup>, Bryan, TX came forward to ask what types of businesses would be allowed in C-2 zoning and if a long-term development plan had been submitted.

In response to Mr. Patranella’s questions, Mr. Haynes explained that retail businesses, restaurants, offices, and banks would be allowed and that no development plan has been submitted to City staff.

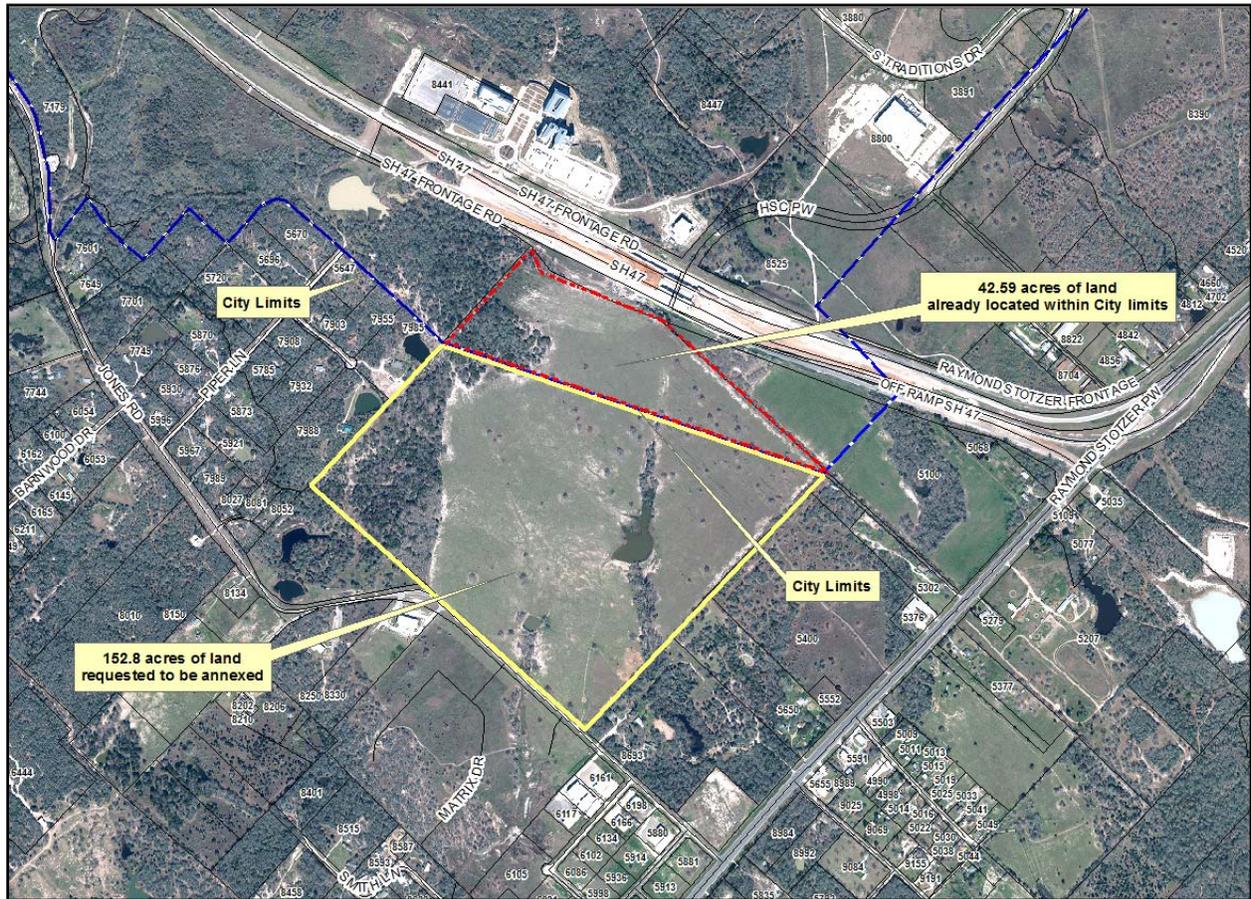
The public hearing was closed.

**Commissioner Gutierrez moved to approve Rezoning RZ15-17 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Chairperson Hickie seconded the motion.**

Commissioners discussed being pleased to see the current bridge in the area now leading to development. The area is growing and Commissioners are pleased to see development in that part of town.

**The motion passed unanimously.**





## BACKGROUND:

Larry Wayne Armstrong and Rebekah O'Brien own 195.39 of land in southwest Bryan that adjoins the south side of Texas State Highway 47. The subject 42.59 acres have been in the city limits since July 27, 1999 and are currently zoned Agricultural – Open (A-O) District. Mr. Armstrong and Ms. O'Brien have requested that the zoning of these 42+ acres be changed to Retail District (C-2).

Earlier this year, Mr. Armstrong and Ms. O'Brien petitioned the City of Bryan to annex the remaining 152.8 acres of their property, which is currently vacant, and to establish Retail District (C-2) zoning on that property upon annexation. That request (case no. ANNEX15-03) was considered and recommended for approval by the Planning and Zoning Commission during its regular meeting on October 1, 2015 and is currently pending City Council consideration.

Land on either side of the subject 42+ acres is currently vacant and zoned A-O District. The Texas A&M Health Science Center campus is located to the north, across Highway 47.

The subject property lies within the SH47 Corridor Overlay District, which imposes higher development standards such as 100% 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 Highway 47, which serves as a major entrance to the community

where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop.

**COMPREHENSIVE PLAN:**

The City of Bryan's Comprehensive Plan includes policy recommendations related to the various physical development aspects. Among the Plan's goals supported by the policies are the development of attractive entrances and corridors and encouraging and promoting compatible infill and redevelopment 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 uses 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.

**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.

**Approval of this rezoning request and the annexation of 152+ acres, as requested, will create opportunity for development of general retail trade, business, and service uses on almost 200 acres of vacant land. The subject property lies across from the Texas A&M Health Science Center campus 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, respectively.**

**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.**

**Few retail developments are currently being developed in this general vicinity and staff contends that an increased demand for land zoned for retail development can be expected in this area which is currently only sparsely developed with scattered residences and some commercial uses.**

**Staff believes that C-2 zoning on the subject property will offer the exposure which most retail trade desires and requires. 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.**

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

**The subject property adjoins State Highway 47 which can be expected to be capable of accommodating traffic loads typically associated with retail development on the subject property. 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.

**The entire 200+ acre Health Science Center campus to the north of the subject property, across State Highway 47 is zoned C-2 District and provides development opportunities for retail uses. 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.**

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.

**Few retail developments are currently being developed in this general vicinity and staff contends that an increased demand for land zoned for retail development can be expected in this area which is currently only sparsely developed with scattered residences and some commercial uses.**

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 which will substantially affect the health, safety, morals, or general welfare.

**Staff is not able to discern any other factors that will substantially affect the health, safety, morals or general welfare. Allowing retail development at this location will create an orderly zoning pattern and allow for a useful diversification in land use intensities and orderly urban development in this vicinity.**

#### **RECOMMENDATION:**

Based on all these considerations, staff recommends **approving** the requested zone change to C-2 District on the subject property.