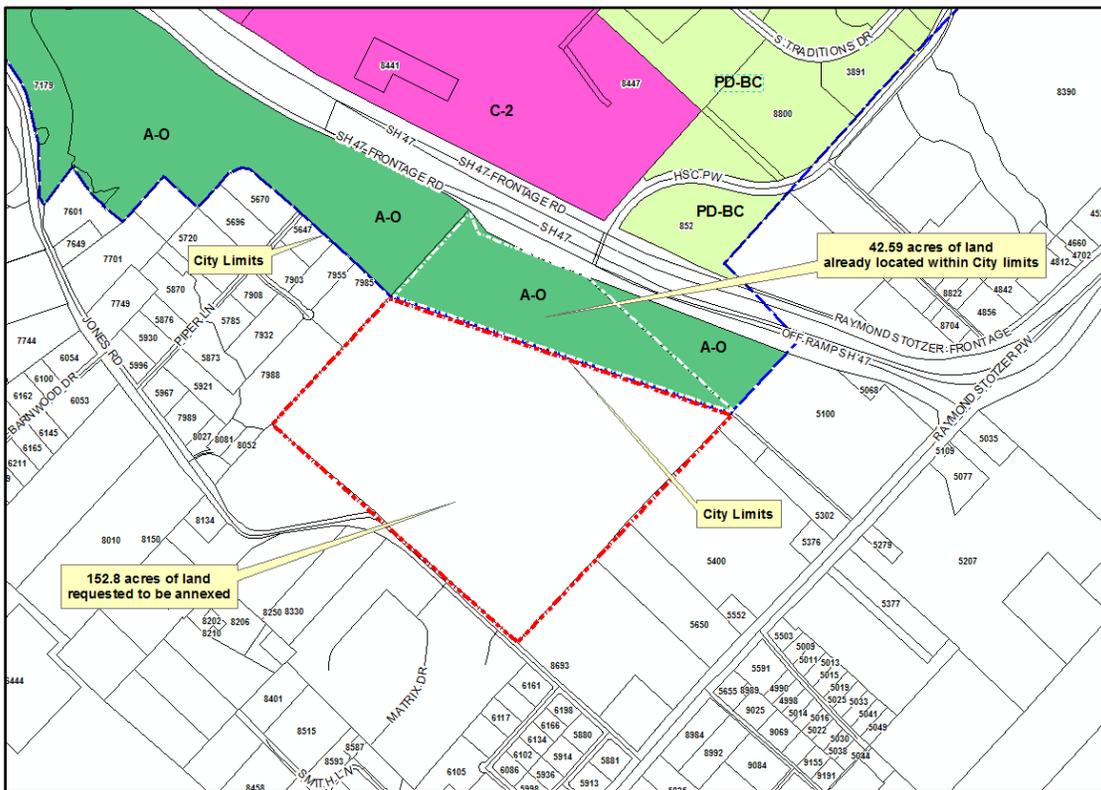
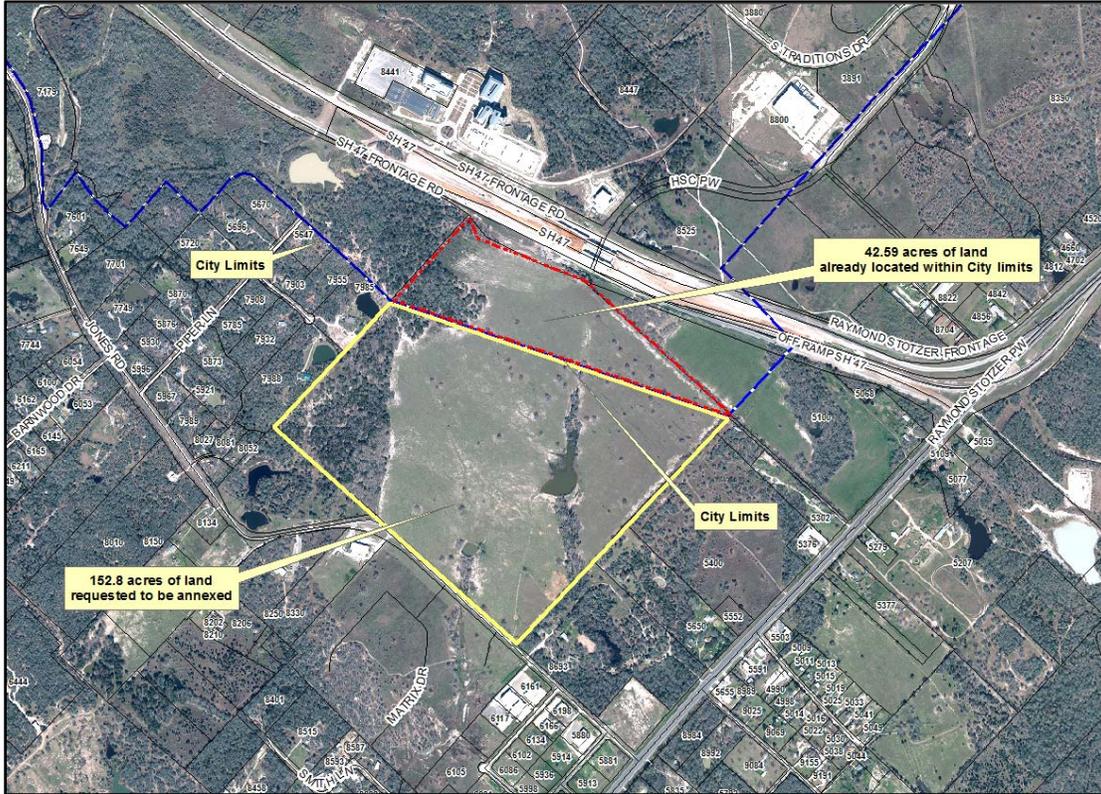


**Location Maps:**



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

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, ANNEXING 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 AND BEING ADJACENT AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF BRYAN, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; DESCRIBING THE TERRITORY ANNEXED AND PROVIDING A SERVICE PLAN THEREFOR; OBLIGATING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the owners of 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 petitioned the City of Bryan, Texas to include said territory as part of the City; and

**WHEREAS**, two public hearings have been held on October 27, 2015, as required by law, in the Council Chambers of Bryan's Municipal Office Building located at 300 South Texas Avenue, Bryan, Texas where all interested persons were provided an opportunity to be heard on the requested annexation of property and territory hereinafter described; and

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

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

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

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

1.

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

2.

That the property described in Exhibit "A" and depicted in Exhibit "A-1" which are attached hereto and incorporated herein for all purposes, said territory lying adjacent to and adjoining the present boundaries of the City of Bryan, Texas, be and is hereby added and annexed to the City of Bryan, and said territory hereinafter described shall hereafter be included within the corporate limits of the City of Bryan, and the present boundary lines of said City are altered and amended so as to include said area within the corporate limits of the City of Bryan.

3.

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

4.

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

5.

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

6.

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

7.

That Chapter 130 of the City of Bryan Code of Ordinances shall be and is hereby amended so as to zone the aforementioned territory Retail District (C-2) upon annexation.

8.

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

That 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 OF TERRITORY  
ANNEXED TO THE CITY OF BRYAN, TEXAS ON DECEMBER 15, 2015**

**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.



**Exhibit “B”:**

**MUNICIPAL SERVICE PLAN FOR TERRITORY  
ANNEXED TO THE CITY OF BRYAN, TEXAS ON DECEMBER 15, 2015**

**A. SERVICES PROVIDED UPON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City of Bryan, Texas and its Police Department will provide police protection to the newly annexed territory at the same or similar service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. The City’s adopted ordinances extend to the newly annexed area and are applied equally to all areas of the City based on the policy and wording of such ordinances. The 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.

**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 will support the businesses the city wants to attract
- there is an opportunity to grow in the southwesterly direction

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

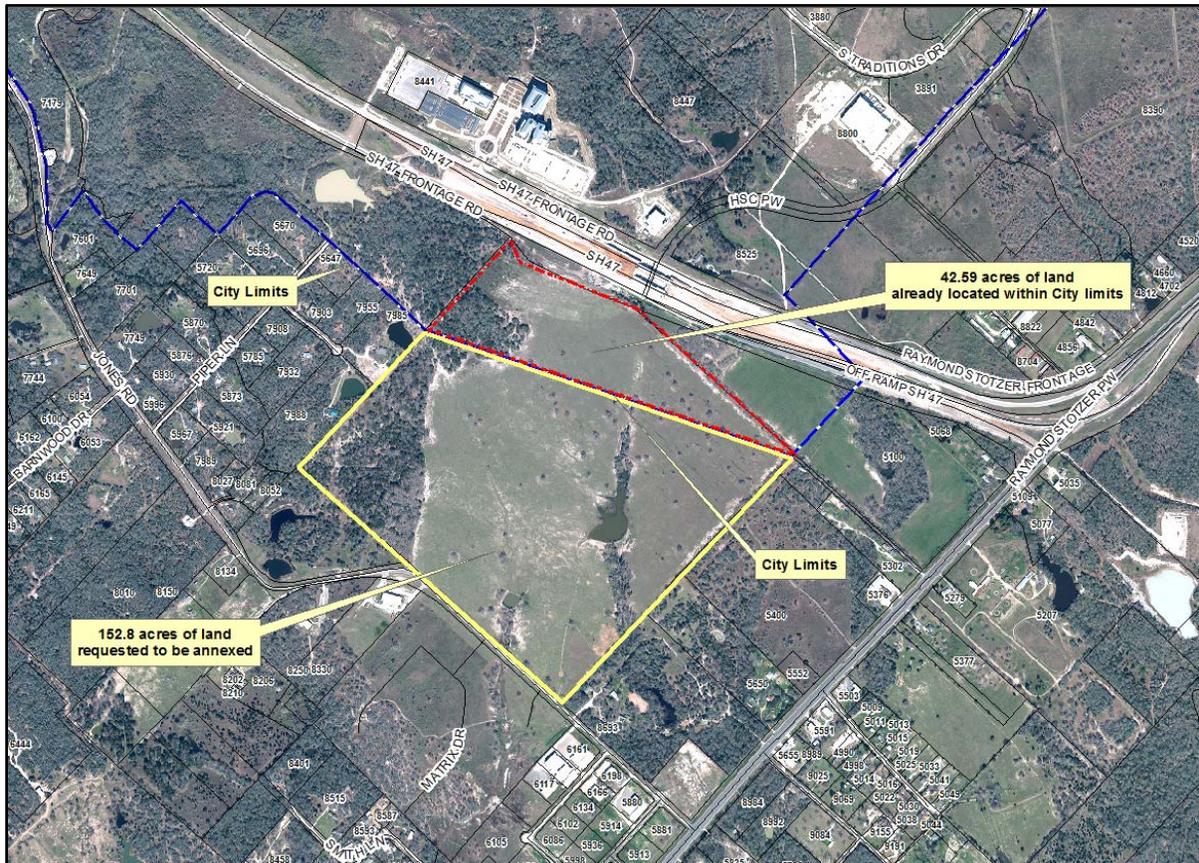
**LOCATION:** 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County

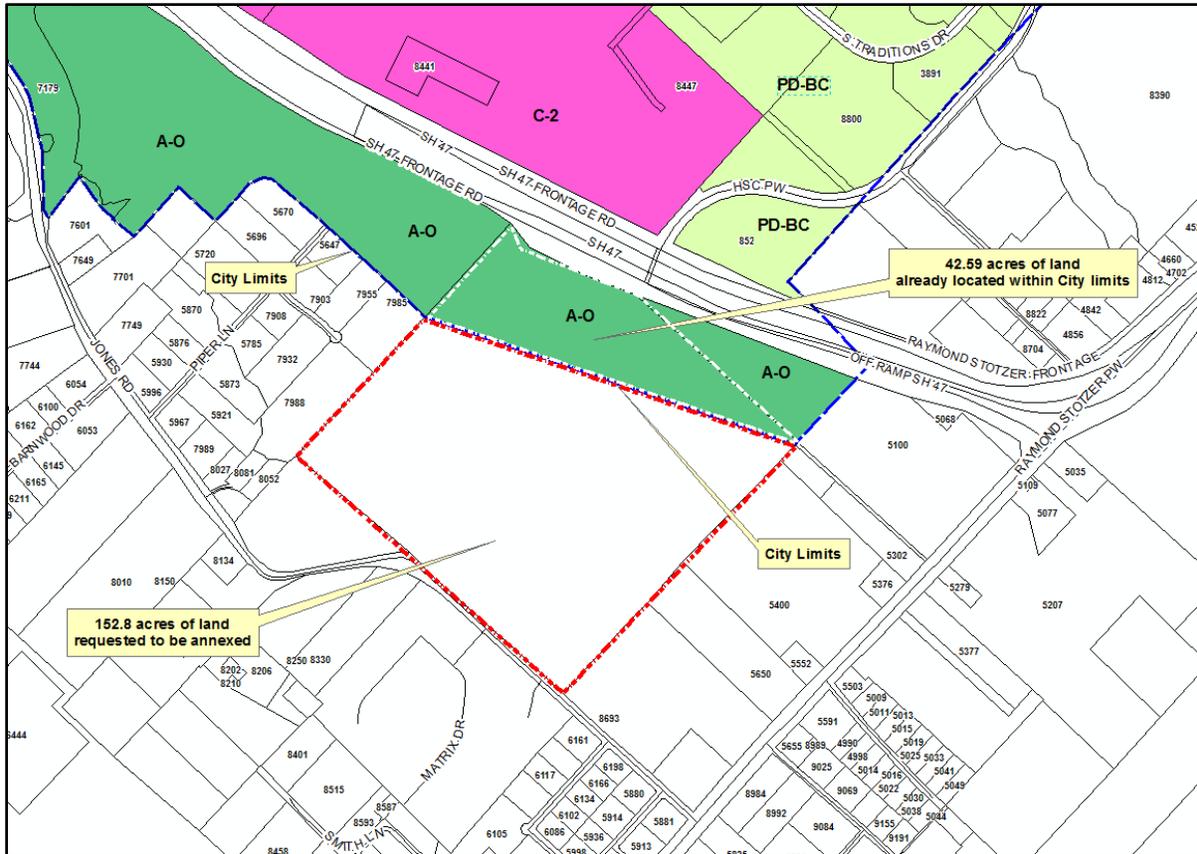
**APPLICANT(S):** Larry Wayne Armstrong and Rebekah O'Brien

**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