

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 COMMERCIAL DISTRICT (C-3), ON 2.547 ACRES OF LAND ADJOINING THE NORTHWEST SIDE OF STATE HIGHWAY 21 EAST BETWEEN CROSS WIND DRIVE AND MARINO ROAD BEING LOT 14 AND PART OF LOT 15 IN THE CHARLES (CAL) MARINO LAND PARTITION AND CURRENTLY ADDRESSED AS 6083 EAST STATE HIGHWAY 21 IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 2.547 acres of land adjoining the northwest side of East State Highway 21 between Cross Wind Drive and Marino Road, being Lot 14 and part of Lot 15 in the Charles (CAL) Marino Land Partition and currently addressed as 6083 E. State Highway 21 in Bryan, Brazos County, Texas (case no. RZ15-23), was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on November 19, 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 Commercial District (C-3) on 2.547 acres of land adjoining the northwest side of East State Highway 21 between Cross Wind Drive and Marino Road, being Lot 14 and part of Lot 15 in the Charles (CAL) Marino Land Partition and currently addressed as 6083 E. State Highway 21 in Bryan, Brazos County, Texas, said 2.547 acres being described more particularly 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That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 7th day of January, 2016 at a special meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 12th day of January, 2016 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":

Tract One:

Lot Fourteen (14), Charles (CAL) Marino Land Partition, City of Bryan, according to plat thereof recorded in Volume 179, Page 445 of the Deed Records of Brazos County, Texas.

Tract Two:

Being a tract of land containing 1.007 acres, being part of Lot 15, of the Charles (CAL) Marino Land Partition in the City of Bryan, as recorded in Vol. 179, Page 445, of the Brazos County Deed Records(B.C.D.R.) and being in the Stephen F. Austin League, No. 10, A-63, in Brazos County, Texas. Being the same tract of land as recorded in Vol. 1184, Page 698, of the Brazos County Official Records(B.C.O.R.), All bearings of this survey are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83, and boundary based on found 1/2" iron rods found referred to in said previous deed. This description is also referred to the plat prepared by ATM Surveying, Project No. 2012-0031-Hwy21-LEGAL, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in concrete for the west corner of this tract, also being the south corner of the T. Hugh Thompson tract, being in said Marino Partition, and being the 0.923 acre remainder of said Lot 15, as recorded in Vol. 1142, Page 371, of the B.C.O.R., also being a point on the northwest line of E. State Highway 21(approx. 100' R.O.W.);

THENCE North 88°45'54" West, a distance of 2.15 feet along the common line between this tract and said northwest line of E. State Highway 21 to a 1/2" iron rod found for the south corner of this tract, also being the east corner of Lot 14 of said Marino Partition;

THENCE North 5°06'32" West, a distance of 369.47 feet along the common line between this tract and said Lot 14 to a 1/2" iron rod found for the west corner of this tract, also being a point on the southeast line of the Douglass H. Garrett Etal tract, in said Marino Partition, Lot 1, Block 2, being 9.43 acres, as recorded in Vol. 1237, Page 512, of the B.C.O.R.;

THENCE North 89°51'23" East, a distance of 265.92 feet along the common line between this tract and said 9.43 acre tract to a 1/2" iron rod found in concrete for the north corner of this tract, also being the east corner of said 9.43 acre tract, also being the south corner of the Australian Shepherd Club Of America Inc., being 0.1451 acres, as recorded in Vol. 1597, Page 321, of the B.C.O.R., also being the west corner of the Australian Shepherd Club Of America Inc., being 1.999 acres, as recorded in Vol. 1597, Page 321, of the B.C.O.R.;

THENCE South 6°34'34" West, a distance of 163.30 feet along the common line between this tract and said 1.999 acre tract to a 1/2" iron rod found in concrete for an east corner of this tract, also being the north corner of said 0.923 acres;

THENCE South 34°22'05" West, a distance of 200.87 feet to a 1/2" iron rod found in concrete for an interior corner of this tract, also being the west corner of said 0.923 acre tract;

THENCE South 52°34'34" East, a distance of 207.05 feet along the common line between this tract and said 0.923 acre tract to the PLACE OF BEGINNING containing 1.007 acres.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF NOVEMBER 19, 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 RZ15-23: Walthall Holdings, LLC

A request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 2.547 acres of land adjoining the northwest side of East State Highway 21 between Cross Wind Drive and Marino Road and currently addressed as 6083 E. State Highway 21 Bryan, Brazos County, Texas. (S. Doland)

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 one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-23 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Madison seconded the motion.

Commissioners discussed that they would like to see this property developed.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 19, 2015



Rezoning case no. RZ15-23: Walthall Holdings, LLC

CASE DESCRIPTION: a request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3)

LOCATION: 2.547 acres of land adjoining the northwest side of East State Highway 21 between Cross Wind Drive and Marino Road and currently addressed as 6083 E. State Highway 21

EXISTING LAND USE: Catholic Diocese of Austin

PROPERTY OWNER(S): Ron Walker

APPLICANT(S): Walthall Holdings, LLC – Carl Walthall

STAFF CONTACT: Stephanie Doland, Staff Planner

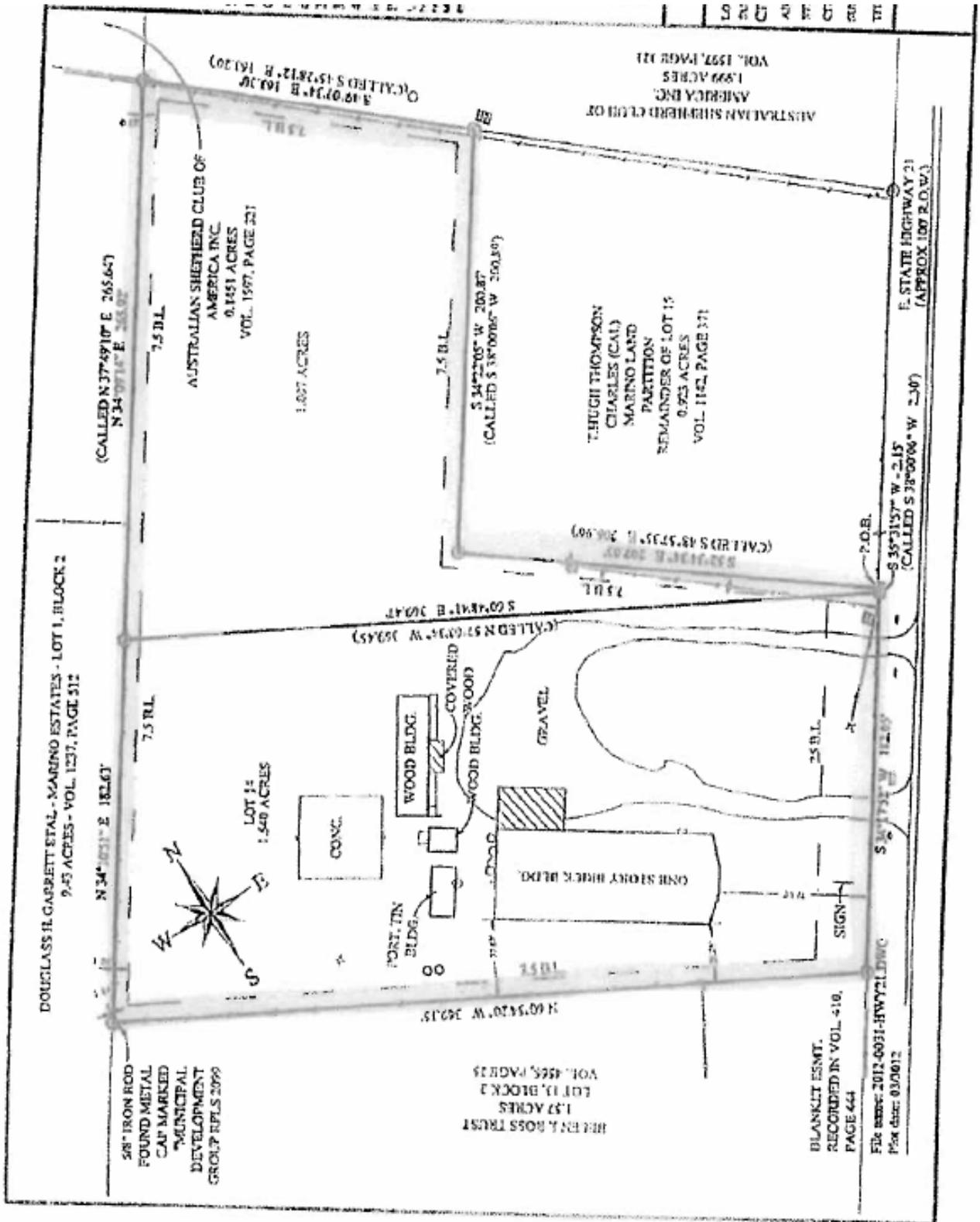
SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



AERIAL VIEW (2015)



PROPERTY SURVEY:



BACKGROUND:

The applicant, Carl Walthall of Walthall Holdings, LLC, is requesting to change the zoning classification on these 2.547 acres of land from Agricultural – Open District (A-O) to Commercial District (C-3). The subject property has been zoned A-O District since the City of Bryan adopted zoning regulations on December 11, 1989. The subject property is currently developed with approximately 6,100-square foot church building, a 1,200-square foot home, two small accessory structures, and a parking pad capable of accommodating approximately 35 vehicles.

The adjacent property located to the northeast is zoned A-O District and is currently utilized for real estate purposes. The adjacent property to the south is also zoned A-O District and is currently utilized as an insulation contractor business. Properties located across State Highway 21, southeast from the subject property, include a veterinary clinic and single-family homes. The request was made to facilitate the proposed sale of the long-vacant church property to an HVAC contractor business.

The A-O zoning district is intended to provide a location 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. Over the years, this portion of State Highway 21 (SH 21) has been developing and redeveloping with a mix of residential and commercial uses.

The C-3 zoning classification is intended for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements of retail or shopping, but generally not with residential environments. There are existing C-3-zoned properties located directly adjacent to the subject property across SH 21 which are occupied by commercial uses.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development 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 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.

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.

The proposed change will allow commercial development at a mid-block location along a super arterial street, State Highway 21. The area along the State Highway 21 corridor west of Coulter Airfield has been developing and redeveloping with commercial uses in recent years. The

adjacent property to the west is occupied as Shanco Insulation, INC. Similarly the properties to the east are occupied as real estate office, Australian Shepard Club of America and Brazos Valley Livestock. Properties located across State Highway 21 are occupied by a single-family home and North Bryan Veterinary Clinic, and Kenworth Trucking.

Expanding C-3 zoning onto the subject property will support orderly urban growth in this vicinity where surrounding properties are being developed or are currently developed as commercial establishments. Staff contends that due to the location of the property and the surrounding uses, a change to the C-3 zoning district will allow this property to develop commercial uses that are appropriate for this area of town and would fit within the adopted goals and land use policies set out in the Comprehensive Plan. An existing cluster of C-3 zoning already exists at the intersection of State Highway 21 and Mario Road, southwest of 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.

Staff contends that adjacent Highway 21 is capable of accommodating traffic loads typically associated with commercial development. The subject property has adequate access to water facilities through the Wickson Creek Special Utility District and an existing on-site sanitary sewer service. Staff finds that the proposed change will have no immediate impact on infrastructure needs in the area.

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.

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.

Development pressure in the vicinity of the property has been light compared to other areas of the city mainly due to the current mix of commercial, industrial, and residentially developed and zoned properties here. Staff contends that the requested change in zoning classification from A-O District to C-3 District could have the effect of promoting a more cohesive zoning pattern along State Highway 21 and offer more commercial development opportunities along this gateway corridor into the City.

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. Many of the properties in the immediate vicinity are developed as commercial businesses, and several vacant parcels are available for future commercial development.

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

In this case, staff believes that the requested rezoning to C-3 District should have no adverse effects on adjacent properties. Staff contends that allowing a commercial development at this location will encourage an orderly zoning pattern and orderly urban development in this vicinity.

RECOMMENDATION:

Staff recommends **approving** the proposed C-3 zoning, as requested, on these 2.547 acres of land.