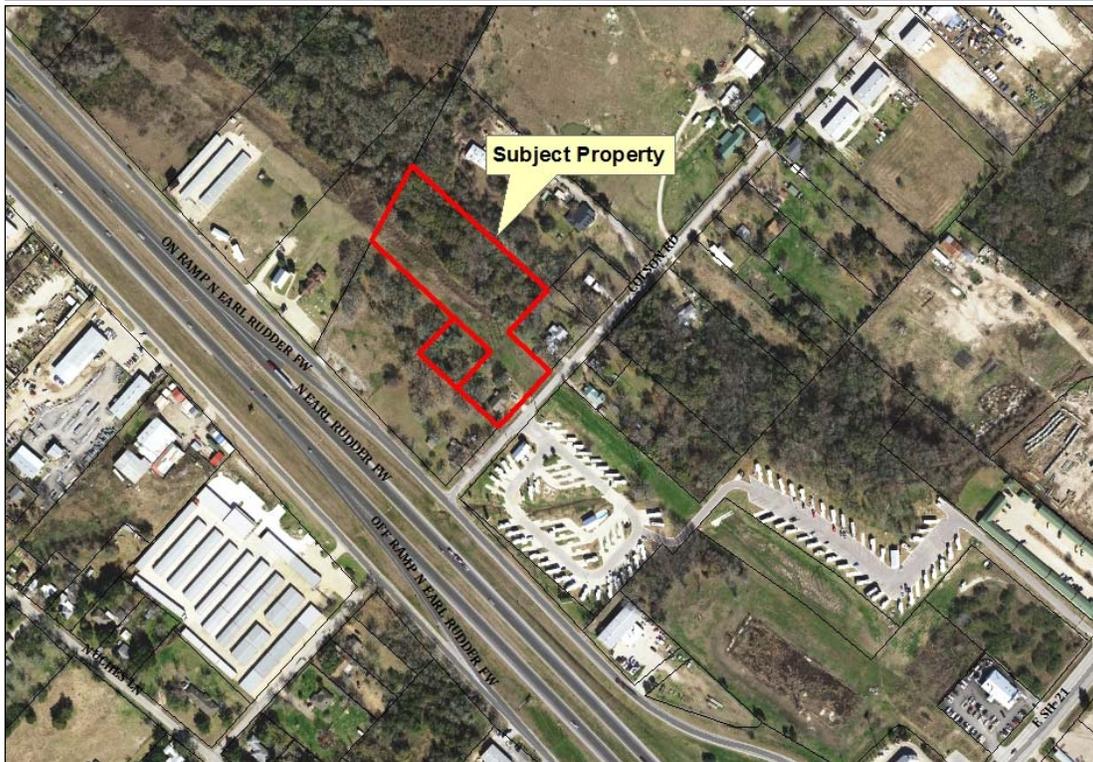
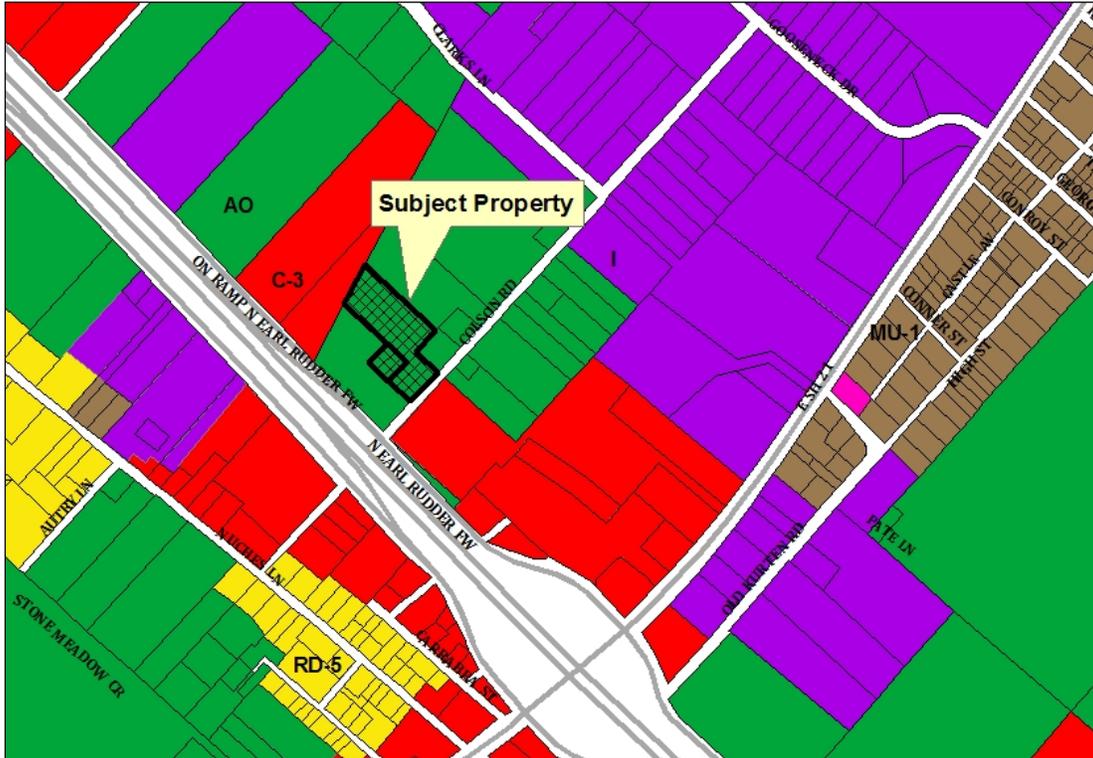


LOCATION MAP:



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 COMMERCIAL DISTRICT (C-3), ON 3.78 ACRES OF LAND LOCATED AT 3210 COLSON ROAD, BETWEEN 250 AND 450 FEET NORTH OF THE INTERSECTION OF COLSON ROAD AND THE NORTH EARL RUDDER FREEWAY EAST FRONTAGE ROAD, BEING PARTS OF LOTS 9 AND 10 IN COULTER'S SUBDIVISION OF THE MCGEE TRACT, 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 3.78 acres of land located at 3210 Colson Road, between 250 and 450 feet north of the intersection of Colson Road and the North Earl Rudder Freeway East Frontage Road, being parts of Lots 9 and 10 in Coulter's Subdivision of the McGee Tract, in Bryan, Brazos County, Texas; was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on January 7, 2016 (case no. RZ15-27);

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 3.78 acres of land located at 3210 Colson Road, between 250 and 450 feet north of the intersection of Colson Road and the North Earl Rudder Freeway East Frontage Road, being parts of Lots 9 and 10 in Coulter's Subdivision of the McGee Tract in Bryan, Brazos County, Texas, said 3.78 acres being described more particularly described 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 9th day of February, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 23rd day of February, 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":

**Metes-and-bounds description of parts of Lots 9 and 10
in the W.J. Coulter Subdivision of the McGee Tract**

TRACT 1 (3.29 ACRES):

Being all of that certain tract or parcel of land, lying and being situated in Bryan, Brazos County, Texas and being a part of lots 9 and 10 of Coulters' Subdivision of McGee Tract, plat recorded in Volume 92, page 421, Deed Records of Brazos County, Texas and being all of that 3.29 acre tract (called 3.284 acres) conveyed to Kenneth L. Neatherlin and Matney Neatherlin by Carolyn Ryan Ryden, et-al, deed recorded in Volume 1856, page 230, Official Records of Brazos County, Texas and being described as follows:

BEGINNING; at a 1/2" iron rod found at the most southerly common corner of this tract and the Ernest E. Freeman 3.4 acre tract (377/337), same being in the northwest right-of-way line of Colson Road;

THENCE: N 44° 58' 54" W - 157.00 feet along the common line between this tract and said Freeman tract to a 1/2" iron rod found at the most westerly common corner of this tract and the J.K. Development LLP 0.49 acre tract (3714/128);

THENCE: N 45° 05' 19" E - 140.22 feet along the common line between this tract and said LLP tract to a 1/2" iron rod found at a common ell corner of said tracts;

THENCE: N 45° 00' 00" W - 450.26 feet along the common line between this tract and said LLP tract and said Freeman tract to a 5/8" iron rod with cap set for the most northerly common corner of this tract and said Freeman tract, same being in the southeast line of the Neatherlin Homes, Inc. 3.00 acre tract (1240/374);

THENCE: N 30° 29' 31" E - 237.30 feet along the common line between this tract and said Neatherlin Homes tract to a 5/8" iron rod with cap set at the most northerly common corner of this tract and the Donna Vasser 3.78 acre tract (4777/195);

THENCE: S 45° 00' 00" E - 509.77 feet along the common line between this tract and said Vasser tract to a 1/2" iron rod found at the common corner of this tract, said Vasser tract and the Aline E. Scasta 0.65 acre tract (5705/212);

THENCE: S 45° 02' 30" W - 159.86 feet and S 44° 55' 00" E - 156.84 feet along the common line between this tract and said Scasta tract to a 1/2" iron rod with cap #4089 found at the most southerly common corner of said tracts, same being in said Colson Road line;

THENCE: S 45° 00' 00" W - 209.91 feet along said Colson Road line to the PLACE OF BEGINNING; and containing 3.29 acres of land, more or less, according to a survey made on the ground under the supervision of Donald D. Garrett, Registered Professional Land Surveyor on November 8, 2004

TRACT 2 (0.49 ACRES):

Being all of that certain tract or parcel of land, lying and being situated in Brazos County, Texas and being out of plot #10 of the W. J. Coulter Subdivision of The McGee Tract as shown by plat duly recorded in Volume 92, page 421, Deed Records of Brazos County, Texas, to which reference is here made for all purposes; the tract of land herein conveyed being particularly described by metes and bounds as follows:

BEGINNING at a point on the East line of Plot #10, at the corner of the two O. C. Ryan tracts of land, same being the tract of land conveyed to Ollie Ryan by Earl O'Fallin by Deed dated April 1, 1946, and recorded in Volume 130, Page 400, Deed Records of Brazos County, Texas, and the tract of land conveyed to Ollie Ryan by A. W. Wilder, et ux by Deed dated April 25, 1944, and recorded in Volume 115, Page 638, Deed Records of Brazos County, Texas;

THENCE in a Southwesterly direction along the boundary line of the two Ryan tracts, 69 feet for the beginning corner of this tract;

THENCE continuing the same course, a distance of 141 feet;

THENCE at right angles in a Northwesterly direction 150 feet, and corner;

THENCE in a Northeasterly direction 141 feet and corner, on the W. line of the tract of land conveyed to Ollie Ryan by A. W. Wilder, et ux;

THENCE with the said Ollie Ryan line in a Southeasterly direction 150 feet to the PLACE OF BEGINNING.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF JANUARY 7, 2016:**

8. 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 RZ15-27: Jason S. LaFollette

A request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 3.78 acres of land located at 3210 Colson Road, between 250 and 450 feet north of the intersection of Colson Road and the North Earl Rudder Freeway East Frontage Road, being parts of Lots 9 and 10 in Coulter’s Subdivision of the McGee Tract, in Bryan, Brazos County, Texas. (R. Haynes)

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

Commissioners directed questions to staff including whether or not there had been any indication as to what kind of development would be going on the property. Mr. Haynes responded that there was no indication to staff’s knowledge, but it could be any of the uses permitted in Commercial District (C-3) in the City of Bryan Code of Ordinances.

The public hearing was opened.

Mr. Randell Cutburth, 3314 Colson Road, Bryan, Texas spoke with regards to the request. Stated concerns included whether or not the development would affect the value of his property.

Mr. Jason LaFollette, 1723 Ball Circle, College Station, Texas, owner and applicant in the case, spoke regarding the request. Mr. LaFollette stated that the existing house on the property is aging and needs to be removed. Mr. LaFollette is requesting a rezoning in order to open up possibilities for development in the future.

The public hearing was closed.

Commissioner Incardona moved to recommend approval of Rezoning RZ15-27 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion.

Commissioners commented that the buffer provided by the floodplain on the property will help shield neighboring properties from any detrimental effects from this rezoning.

The motion passed unanimously.

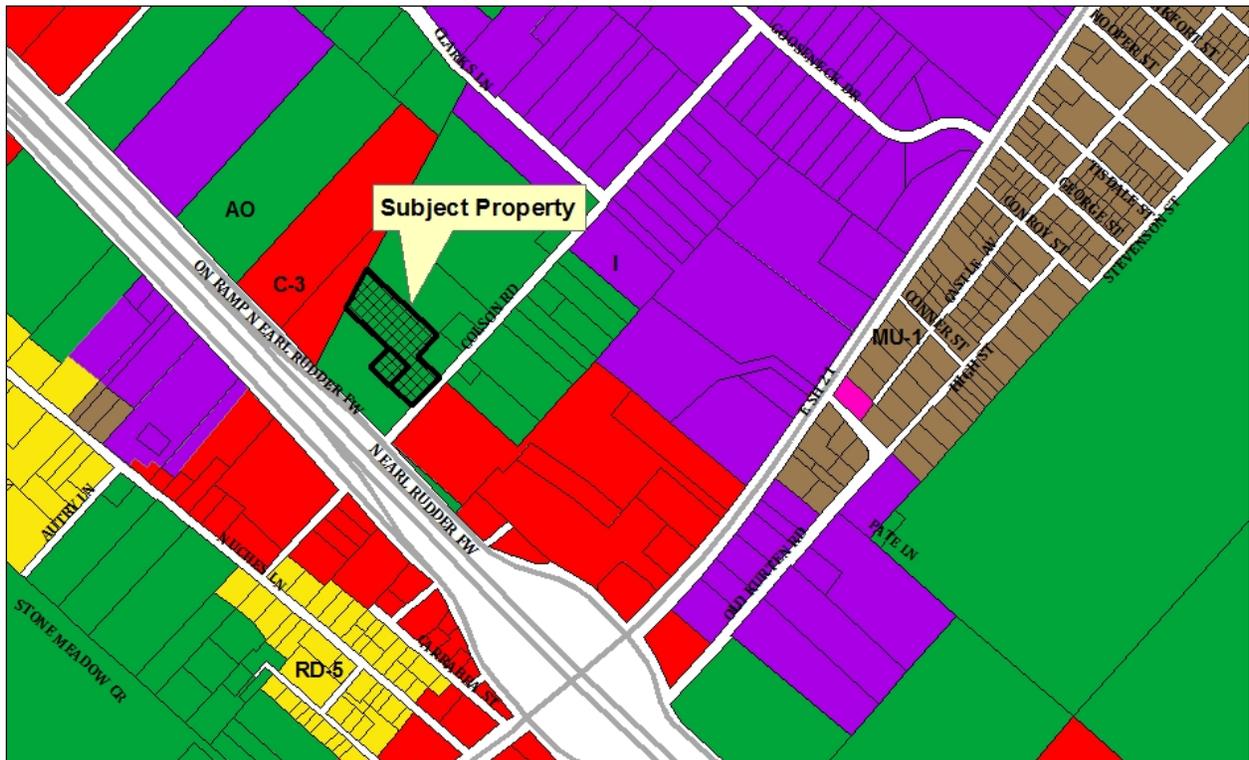
PLANNING AND ZONING COMMISSION
STAFF REPORT



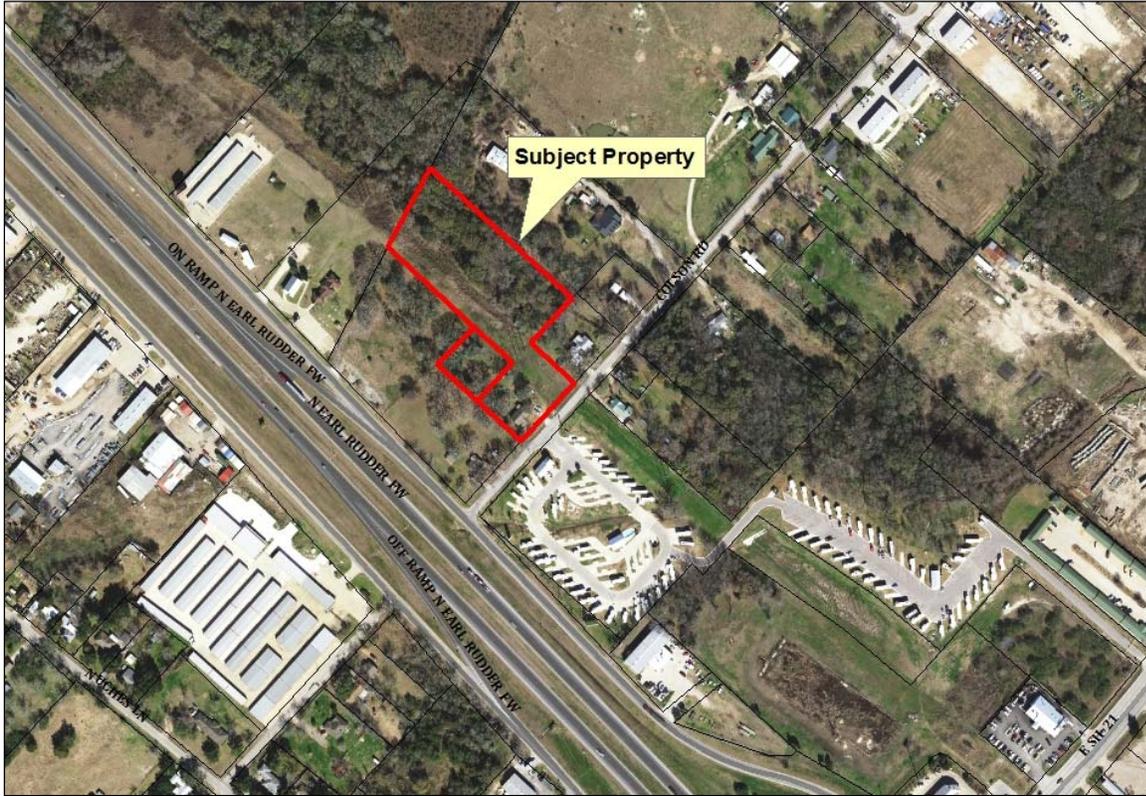
January 7, 2016

Rezoning case no. RZ15-27: Jason S. LaFollette

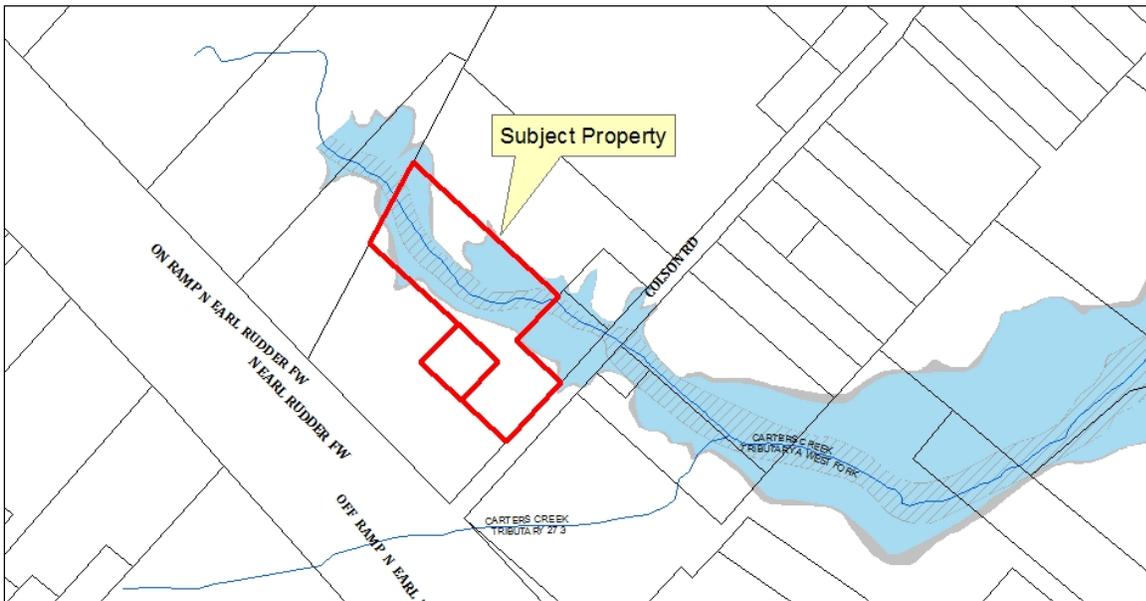
- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3)
- LOCATION:** 3.78 acres of land located at 3210 Colson Road, between 250 and 450 feet north of the intersection of Colson Road and the North Earl Rudder Freeway East Frontage Road
- LEGAL DESCRIPTION:** parts of Lots 9 and 10 in Coulter’s Subdivision of the McGee Tract
- EXISTING LAND USE:** residential and vacant land
- PROPERTY OWNER(S):** Jason S. LaFollette
- APPLICANT(S):** Jason S. LaFollette
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



AERIAL VIEW (2013):



POTENTIAL FLOOD HAZARD IMPACT IN THE VICINITY OF THE SUBJECT PROPERTY:



BACKGROUND:

The applicant, Mr. Jason S. LaFollette is requesting to change the zoning classification on these 3.78 acres of land from Agricultural – Open District (A-O) to Commercial District (C-3). The subject property has been zoned A-O District since its annexation to the City of Bryan on July 27, 1999. The parcel is mainly vacant land with a single-family residential structure.

The subject property is 3.78 acres in size and located along the northwest side of Colson Road near its intersection with the northbound State Highway 6 frontage road, north of Highway 21 East. The subject property is currently occupied by a residential structure. Properties to the north and northeast along Colson Road are either vacant or in residential use and located in the same Agricultural-Open District (A-O) as the subject property. Land to the southeast along the freeway frontage road is in commercial use and zoned Commercial District (C-3). More intense commercial and industrial uses are located further north at and near the intersection of Colson Road and Clarks Lane in an Industrial (I) zoning district.

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.

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.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The Comprehensive 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.

Staff observes that the subject property appears to be suitable for commercial zoning. The property adjoins a collector street (Colson Road) and is located in close proximity to a freeway frontage road. A large C-3 zoning district lies south of the subject property extending from Colson Road to the intersection of Highways 6 and 21, where several commercial uses are located.

The subject property is one of about a dozen properties along Colson Road that have remained in residential use and are zoned A-O District. Considering existing conditions surrounding the subject property, staff recognizes that changing the zoning of this property to C-3 District may

negatively impact the adjoining properties that remain in residential use. Staff finds however that the existence of a flood hazard area between the subject tract and the majority of the remaining residential uses will serve as a natural buffer to some of the potential negative effects.

In 2008 a similar request was considered by the Planning and Zoning Commission for the property southeast of the subject tract. In that case the Commissioners found that;

- **based on the land use policies defined in the Comprehensive Plan, the area should be considered a commercial and suitable for commercial development; and,**

- **additional commercial development would not negatively impact traffic on Colson Road due to the fact that Colson is already subject to truck traffic from the nearby Carrabba Industrial Park;**

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.

Although Colson Road is classified as a collector street on Bryan's Thoroughfare Plan, this city street is currently improved with only an 18-foot wide pavement section located within a 50-foot wide right-of-way. Sewer and water infrastructure is adequate for commercial development of the subject property.

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 nearest vacant land zoned C-3 District is located north of the subject property along the North Earl Rudder Freeway East Frontage Road. 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.

Staff contends that commercial developments are developing at an average pace in this vicinity and elsewhere in 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 while the requested rezoning to C-3 District may produce some adverse effects on adjacent residential properties, based on the adopted land use policies defined in the Comprehensive Plan, allowing commercial development at this location will sustain an orderly zoning pattern and allow for a useful diversification in land use intensities and orderly urban development in this vicinity.

RECOMMENDATION:

Based on the considerations outlined above, staff recommends **approving** the requested zone change.