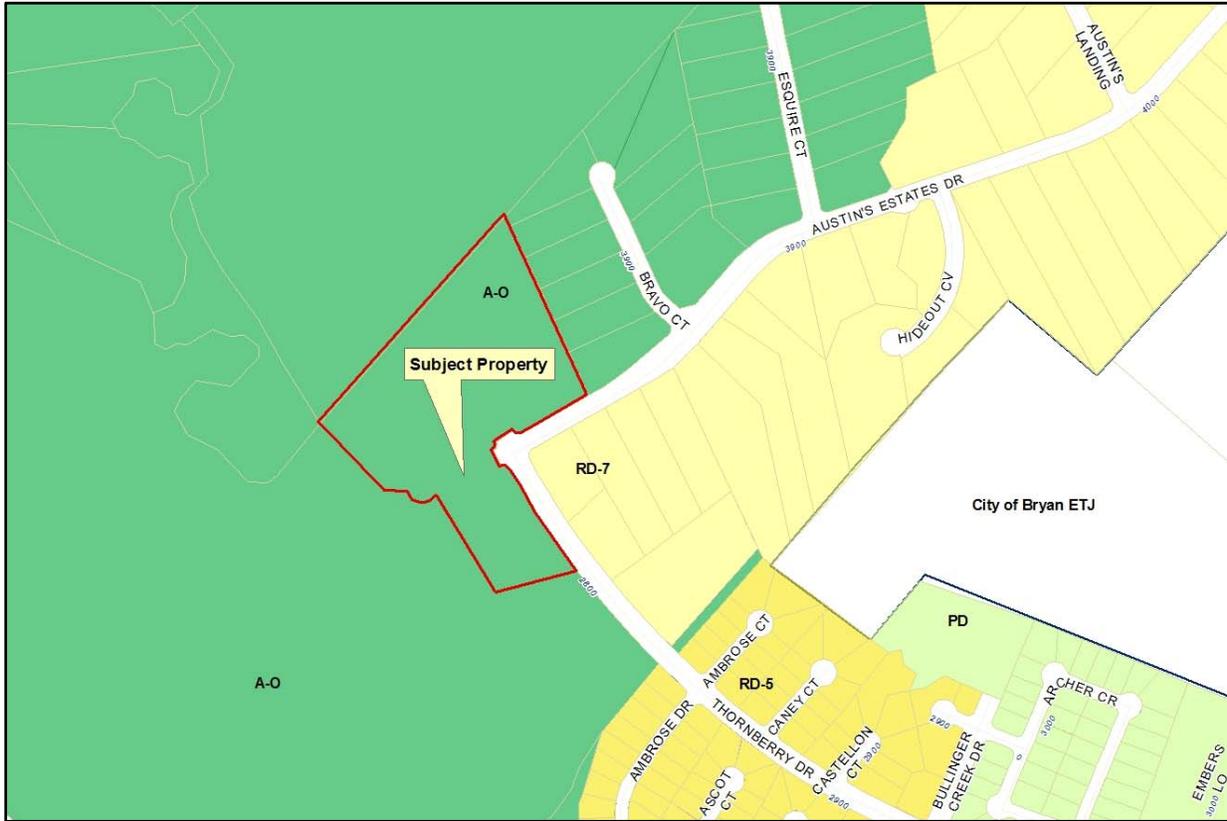


LOCATION MAPS:



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 RESIDENTIAL DISTRICT - 7000 (RD-7) ON 14.869 ACRES OF LAND OUT OF THE JOHN AUSTIN LEAGUE, A-2, WRAPPING AROUND THE NORTH AND WEST SIDE OF THE INTERSECTION OF THORNBERRY AND AUSTIN ESTATES DRIVES 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 14.869 acres of land out of the John Austin League, A-2, wrapping around the north and west side of the intersection of Thornberry and Austin's Estates Drives in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on April 21, 2016 (case no. RZ16-07);

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 Residential District - 7000 (RD-7) on 14.869 acres of land out of the John Austin League, A-2, wrapping around the north and west side of the intersection of Thornberry and Austin's Estates Drives in Bryan, Brazos County, Texas, said 14.869 acres being described more particularly by metes-and-bounds on attached Exhibit "A" and depicted on attached Exhibit "B".

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That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 May, 2016 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 May, 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 A
14.869 ACRE TRACT
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 8, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 405.010 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO 88 JOINT VENTURE RECORDED IN VOLUME 1029, PAGE 850 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF A CALLED 84.77 ACRE TRACT OF LAND AS DESCRIBED AS EXHIBIT 'A' BY A DEED TO DOROTHY B. RIZZO RECORDED IN VOLUME 6676, PAGE 195 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE WEST CORNER OF LOT 6, BLOCK 3, AUSTIN'S ESTATES PHASE 4B, ACCORDING TO THE PLAT RECORDED IN VOLUME 7912, PAGE 22 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, THE CITY OF BRYAN CONTROL MONUMENT SWG A-53-W BEARS: N 12° 25' 16" E FOR A DISTANCE OF 4354.91 FEET;

THENCE: S 24° 57' 09" E ALONG THE SOUTHWEST LINE OF SAID BLOCK 3 FOR A DISTANCE OF 743.22 FEET (PLAT CALL: S 22° 03' 04" E - 743.27 FEET, 7912/22) TO A POINT ON THE NORTHWEST LINE OF AUSTIN'S ESTATES DRIVE (70' R.O.W.) MARKING THE SOUTH CORNER OF SAID BLOCK 3. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: S 01° 48' 02" E FOR A DISTANCE OF 0.25 FEET;

THENCE: ALONG THE NORTHWEST LINE OF AUSTIN'S ESTATES DRIVE FOR THE FOLLOWING CALLS:

S 59° 51' 07" W FOR A DISTANCE OF 286.00 FEET (DEED CALL BEARING: S 62° 44' 10" E, 9740/187) TO A 1/2 INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 93° 37' 01" FOR AN ARC DISTANCE OF 40.85 FEET (CHORD BEARS: N 73° 20' 23" W - 36.45 FEET) (DEED CALL CHORD: N 70° 27' 20" W - 36.45 FEET, 9740/187) TO A 1/2 INCH IRON ROD FOUND MARKING THE END POINT OF SAID CURVE;

S 57° 39' 08" W FOR A DISTANCE OF 80.40 FEET (DEED CALL: S 60° 32' 11" W - 80.40 FEET, 9740/187) TO A 1/2 INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86° 32' 21" FOR AN ARC DISTANCE OF 37.76 FEET (CHORD BEARS: S 16° 34' 56" W - 34.27 FEET) (DEED CALL CHORD: S 19° 27' 59" W - 34.27 FEET, 9740/187) TO A 1/2 INCH IRON ROD FOUND MARKING THE END POINT OF SAID CURVE;

S 26° 10' 34" E FOR A DISTANCE OF 70.17 FEET (DEED CALL: S 23° 17' 31" E - 70.17 FEET, 9740/187) TO A 1/2 INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91° 10' 42" FOR AN ARC DISTANCE OF 39.78 FEET (CHORD BEARS: S 74° 33' 32" E - 35.72 FEET) (DEED CALL CHORD: S 71° 40' 29" E - 35.72 FEET, 9740/187) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF THORNBERRY DRIVE (80' R.O.W.) MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 3570.74 FEET;

THENCE: ALONG THE SOUTHWEST LINE OF THORNBERRY DRIVE FOR THE FOLLOWING CALLS:

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 32' 38" FOR AN ARC DISTANCE OF 283.19 FEET (CHORD BEARS: S 31° 41' 00" E - 283.11 FEET) TO A 1/2 INCH IRON ROD FOUND MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 3226.67 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 01' 44" FOR AN ARC DISTANCE OF 226.90 FEET (CHORD BEARS: S 36° 24' 41" E - 226.85 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: THROUGH SAID REMAINDER OF 405.010 ACRE TRACT FOR THE FOLLOWING CALLS:

S 81° 50' 53" W FOR A DISTANCE OF 314.64 FEET TO A 1/2 INCH IRON ROD SET;

N 26° 31' 08" W FOR A DISTANCE OF 417.01 FEET TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 52' 09" FOR AN ARC DISTANCE OF 16.09 FEET (CHORD BEARS: S 41° 25' 00" W - 15.81 FEET) TO A 1/2

INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 50.00 FEET;

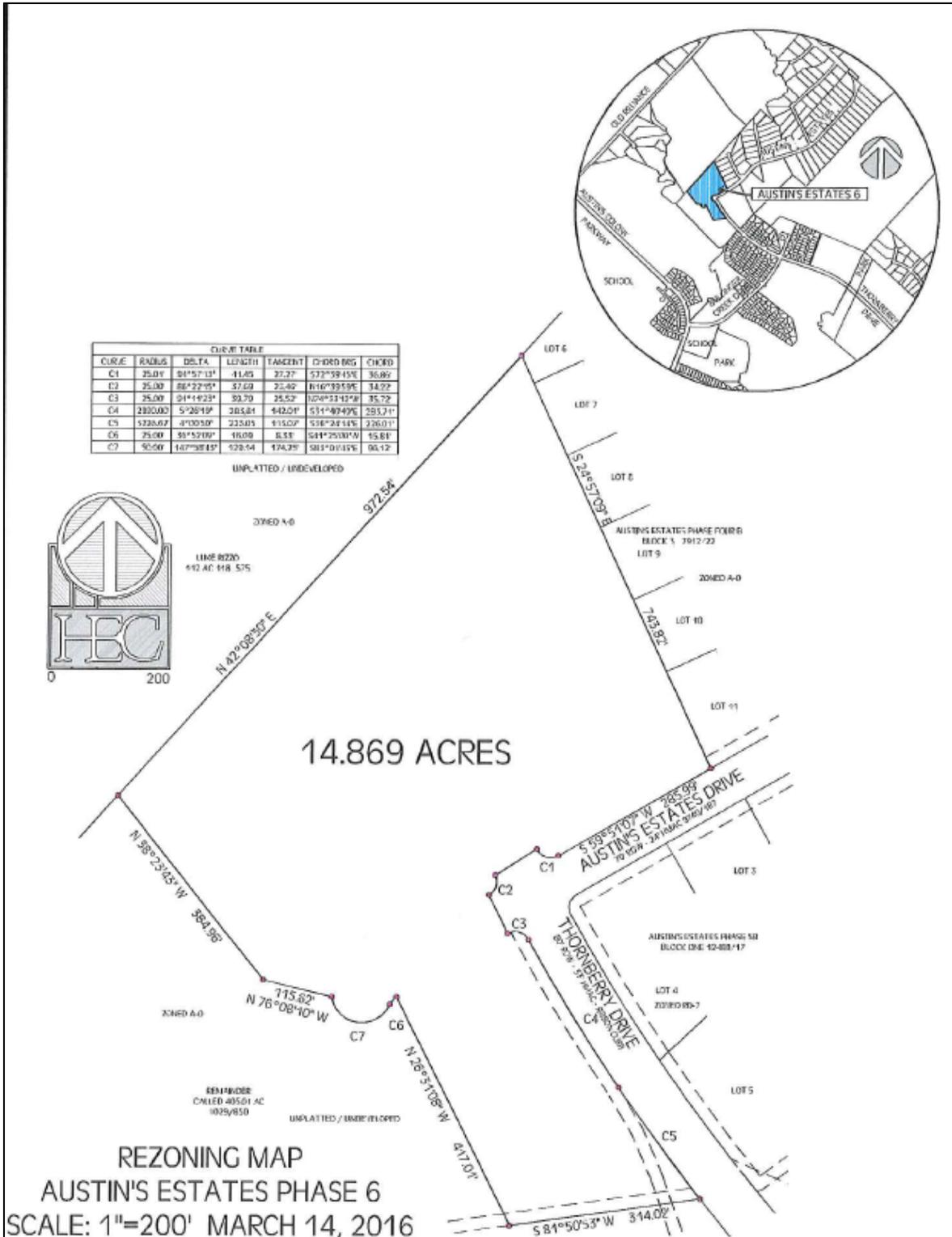
ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 147° 58' 43" FOR AN ARC DISTANCE OF 129.14 FEET (CHORD BEARS: N 83° 01' 43" W - 96.12 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

N 76° 08' 10" W FOR A DISTANCE OF 115.62 FEET TO A 1/2 INCH IRON ROD SET;

N 38° 23' 43" W FOR A DISTANCE OF 384.96 FEET TO A 1/2 INCH IRON ROD SET ON THE COMMON LINE OF SAID REMAINDER OF 405.010 ACRE TRACT AND SAID 84.77 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 84.77 ACRE TRACT BEARS: S 42° 08' 30" W FOR A DISTANCE OF 94.49 FEET;

THENCE: N 42° 08' 30" E ALONG SAID COMMON LINE FOR A DISTANCE OF 972.54 FEET TO THE **POINT OF BEGINNING** CONTAINING 14.869 ACRES OF LAND AS SURVEYED ON THE GROUND JUNE, 2015. SEE PLAT PREPARED APRIL, 2016, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS GRID NORTH BASED ON GPS OBSERVATION.

EXHIBIT "B":



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF APRIL 21, 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 RZ16-07: Highland Interests

A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 7000 (RD-7) on 14.869 acres of land out of John Austin League, A-2, wrapping around the north and west side of the intersection of Thornberry and Austin's Estates Drives in Bryan, Brazos County, Texas. (M. Zimmermann).

Mr. Zimmermann 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 to speak.

The public hearing was closed.

Commissioner Incardona moved to recommend approval of Rezoning RZ16-07 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gonzalez seconded the motion.

Commissioners commented that this is exactly what the master plan for this subdivision recommends and they are pleased with the quality of development thus far. They also appreciate the larger lots.

The motion passed unanimously.

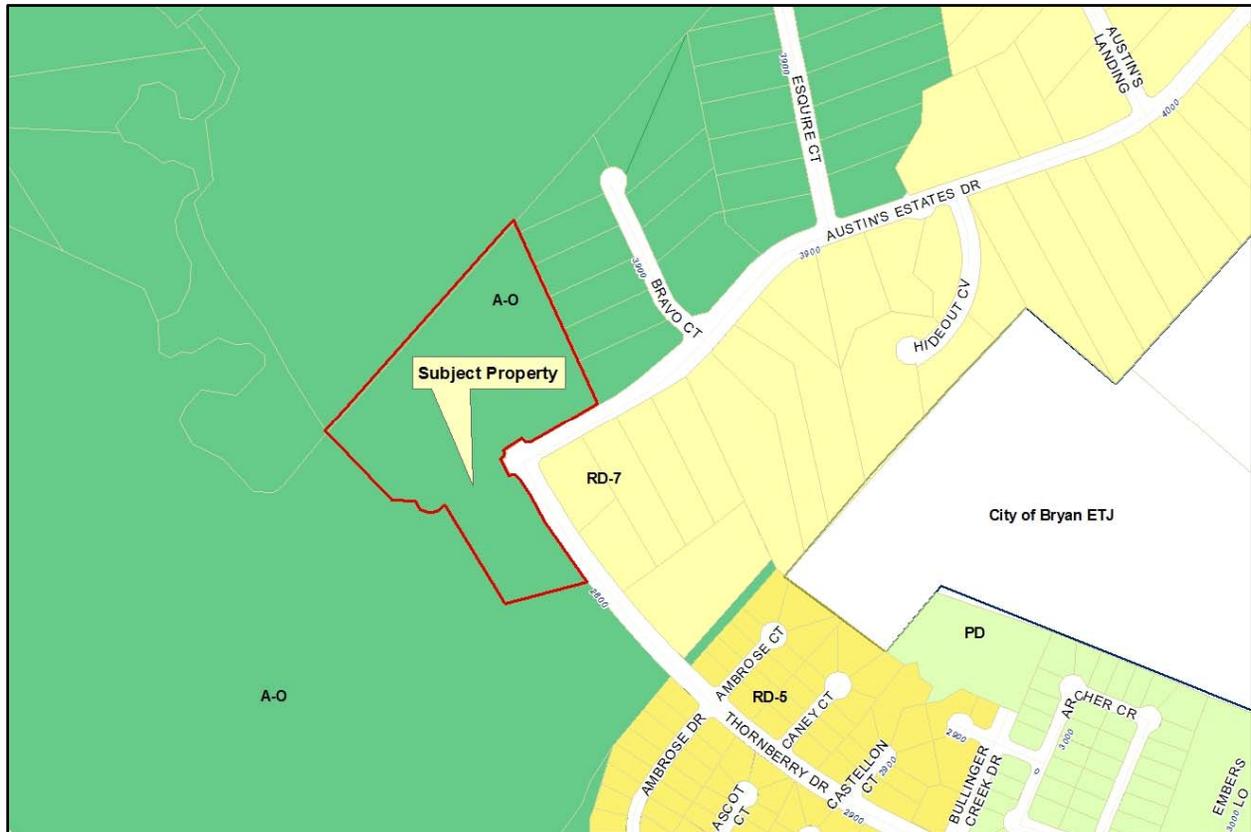
**PLANNING AND ZONING COMMISSION
STAFF REPORT**



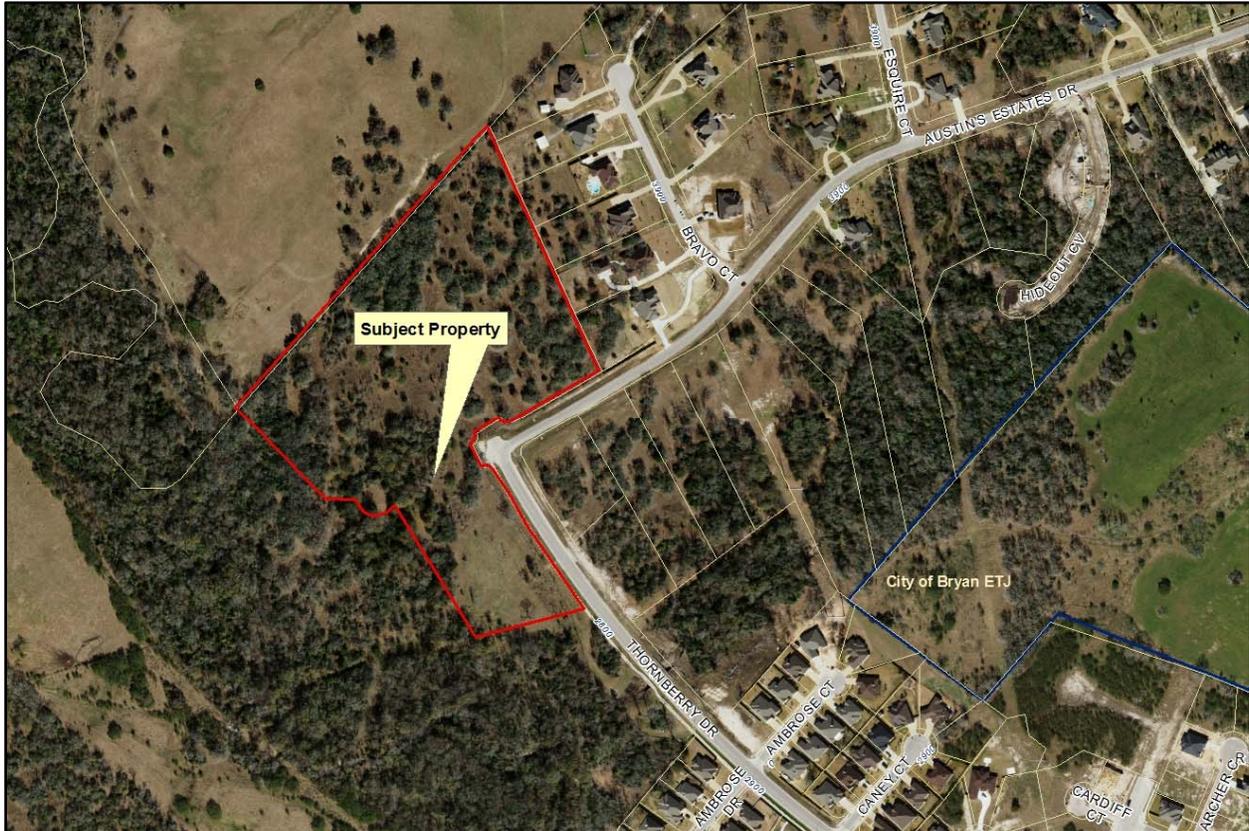
April 21, 2016

Rezoning case no. RZ16-07: Highland Interests

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural-Open (A-O) District to Residential District - 7000 (RD-7)
- LOCATION:** 14.869 acres of land out of John Austin League, A-2, wrapping around the north and west side of the intersection of Thornberry and Austin's Estates Drives
- EXISTING LAND USE:** vacant land
- APPLICANT(S):** Grant Carrabba of Highland Interests
- AGENT:** Michael Hester, P.E.
- STAFF CONTACT:** Martin Zimmermann, Planning Administrator
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



AERIAL PHOTOGRAPH (2015):



BACKGROUND:

The applicant/property owner, Mr. Grant Carrabba of Highland Interests, is requesting to change the zoning on the subject property from Agricultural-Open District (A-O) to Residential District – 7000 (RD-7), to permit the proposed development of these 14+ acres with single-family residences. The subject property adjoins both Austin's Estates and Thornberry Drives. A master plan for Austin's Estates Subdivision proposing a low-density residential development at this location – originally envisioned to be part of Phase 5 – was approved by the Planning and Zoning Commission on June 1, 2006.

The A-O zoning classification is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning classification is also intended to serve as a holding zone for vacant land areas annexed to the City as well as to protect areas that may be unsuitable for development and to preserve natural open space. The RD-7 zoning classification is intended to provide opportunities for development of detached dwellings on lots of at least 7,000 square feet in size.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan's Comprehensive Plan includes policy recommendations related to the various physical development aspects of the community. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns. Low-density residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. City-wide land use policies articulated in the Comprehensive Plan suggest that single-family residential land uses should be located in areas that are protected from, but accessible to the major roadway network, commercial establishments, work places and entertainment areas.

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 believes that RD-7 zoning on these 14.869 acres is appropriate at this particular location and is not only in accordance with land use recommendations of the Comprehensive Plan, but also with the approved master plan for the Austin's Estates Subdivision. Staff believes that single-family residences at this location will promote orderly urban growth in close proximity to Harvey Mitchell Elementary School. Most of the existing Austin's Estates Subdivision, located northeast of the subject property, is already zoned RD-7 District.

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.

Residential neighborhoods should be planned such that they form cohesive environments oriented toward elementary schools at their core. In this particular case, this proposed low-density residential subdivision is located near Harvey Mitchell Elementary School (approximately 0.5 mile southwest) and will have access to collector streets (Austin's Estates and Thornberry Drives). Any issues regarding utility capacity will be addressed at the time of development.

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 closest vacant land zoned for residential development is located southeast from the subject property in the subdivision known as Austin's Colony – Phase 14 and 15. 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 residential developments are developing at a fast pace in this vicinity and at a moderate pace 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.

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

Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.

RECOMMENDATION:

Based on all these considerations, staff recommends **approving** the requested zone change to Residential District – 7000 on the subject property. RD-7 zoning on this property appears to be consistent with the land use recommendations of the Bryan Comprehensive Plan and the adopted master plan for the Austin's Estates Subdivision.