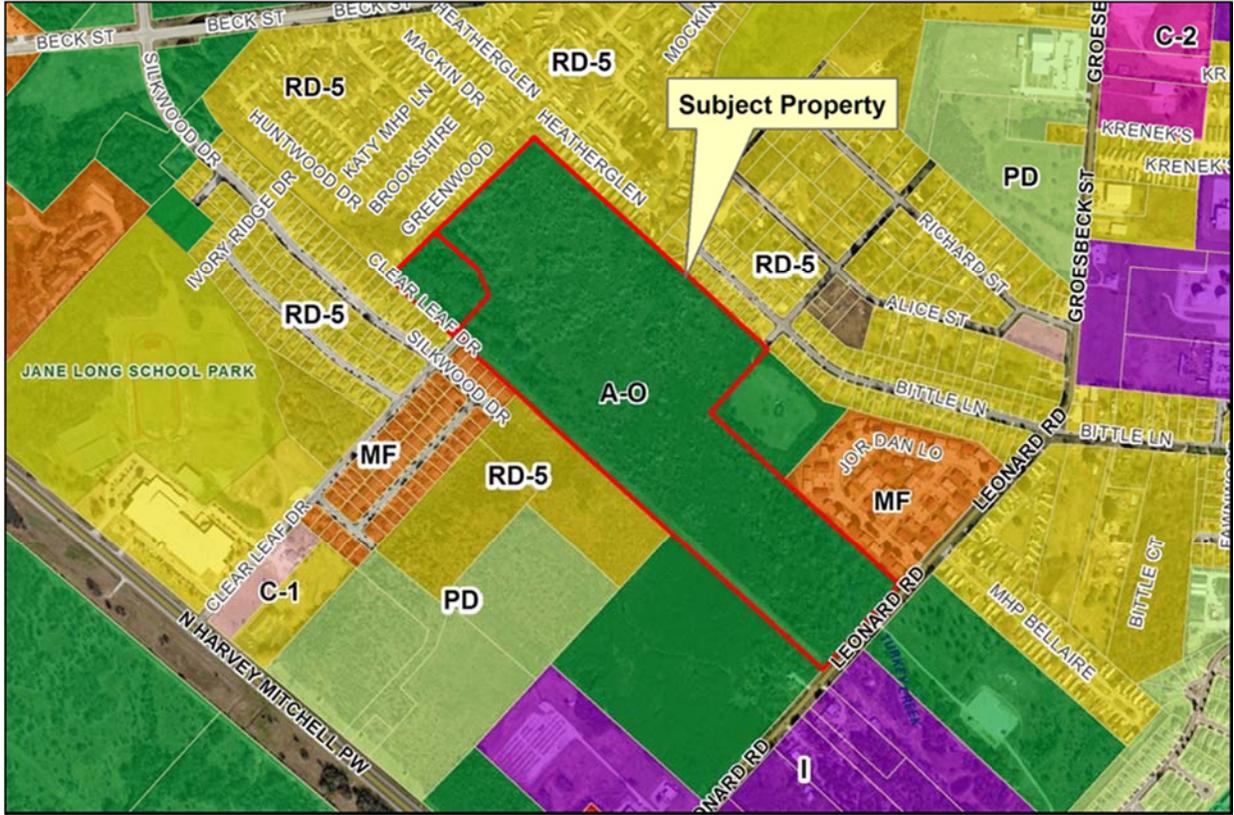


LOCATION MAPS:



**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 - 5000 (RD-5) ON 61.59 ACRES OF VACANT LAND LOCATED ON THE NORTHWEST SIDE OF THE 2300 BLOCK OF LEONARD ROAD, APPROXIMATELY 150 FEET TO 750 FEET SOUTHWEST FROM ITS INTERSECTION WITH JORDAN LOOP, BEING LOT 1 AND THE RESERVE TRACT OF THE FOLLETT SUBDIVISION 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 61.59 acres of vacant land located on the northwest side of the 2300 block of Leonard Road, approximately 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on July 7, 2016 (case no. RZ16-09);

**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 - 5000 (RD-5) on 61.59 acres of land being Lot 1 and the reserve tract of the Follett Subdivision, located on the northwest side of the 2300 block of Leonard Road, approximately 150 feet to 750 feet southwest from its intersection with Jordan Loop in Bryan, Brazos County, Texas, said 61.59 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 16<sup>th</sup> day of August, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 23<sup>rd</sup> day of August, 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**

**61.59 ACRE TRACT**

**ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45**

**STEPHEN F. AUSTIN LEAGUE, ABSTRACT NO. 62**

**BRYAN, BRAZOS COUNTY, TEXAS**

Metes and bounds description of all that certain 61.59 acre tract or parcel of land, lying and being situated in the Zeno Phillips League, Abstract No. 45 and the Stephen F. Austin League No. 9, Abstract No. 62, Bryan, Brazos County, Texas, and being the same tract conveyed to V2F Land, L.P. by Special Warranty Deed recorded in VOLUME 5492 PAGE 244 of the Official Records of Brazos County, Texas, said 61.59 acre tract being more particularly described as follows:

**BEGINNING** at a ¾" iron pipe found at the most southerly common corner of this tract and the 24.14 acre tract conveyed to PIRI Enterprises, Inc. and recorded in VOLUME 2309 PAGE 114 of the Official Records of Brazos County, Texas; same being in the northwest right-of-way line of FM 1688 (80.00 feet), commonly known as Leonard Road, or Groesbeck Drive;

**THENCE** N 45° 01' 21" W – 2,192.76 feet along said the common line between this tract and said 24.14 acre tract and a 9.06 acre tract conveyed to David C. Jones and recorded in VOLUME 989 PAGE 393 of the Official Records of Brazos County, Texas to a ½" iron rod found for corner and being common with the platted Shadowood Subdivision, Phase III as recorded in VOLUME 558 PAGE 369 of the Official Records of Brazos County, Texas;

**THENCE** N 45° 24' 08" E – 2.07 feet to a ½" iron rod in concrete monument found for corner;

**THENCE** N 45° 09' 02" W – 925.76 feet to a capped 5/8" iron rod found for corner; and being common with a 25,545 acre tract conveyed to V2F Investors, L.P. as described by deed recorded in VOLUME 5492 PAGE 234 of the Deed Records of Brazos County, Texas and depicted by plat as Revised Hickory Hills Mobil Home Park, Phase I (called Oakwood MHC) and recorded in VOLUME 315 PAGE 455 of the Deed Records of Brazos County, Texas;

**THENCE** N 49° 00' 29" E – 1,081.96 feet along the common line between this tract and said 25,545 acre tract and a 63.64 acre tract also conveyed to V2F Investors, L.P., and depicted as said Revised Hickory Hills Mobile Home Park Phase I, to a 5/8" iron rod found for the north corner of this tract, and being an ell corner of the said 63.64 acre tract;

**THENCE** S 44° 59' 22" E – 868.21 feet continuing along said common line to a ½" iron rod found at a 4" fence corner post for angle point at the most westerly corner said 63.64 acre tract and Block Three of Westpark Addition, as depicted by plat recorded in VOLUME 575 PAGE 289 of the Official Records of Brazos County, Texas;



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

**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 RZ16-09: Leo 60, LP**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 61.59 acres of vacant land located on the northwest side of the 2300 block of Leonard Road, approximately 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas. (S. Doland)*

Ms. Doland presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Michael Stafford, 3009 Westwood Main, Bryan, Texas, came forward to voice concerns regarding this request. He stated he does not want to be held responsible for buffer zone on property once housing starts to be built.

Ms. Nora Rabe and Mr. Dwight Rabe, 2703 Leonard Road, Bryan, Texas, came forward to speak in opposition to the request. Stated concerns included:

- Leonard Road will not be able to handle and sustain the kind of traffic this subdivision will require.
- The drainage is also an issue along Leonard Road and will get worse once subdivision is in place.
- Need a buffer that protect those who live adjacent and across from new subdivision.
- Maintenance, including roads, that is already a hindrance will become bigger problem when subdivision is in place.

Joe White, representing the applicants, came forward to speak in favor of the request. He stated that the development:

- will help with the downstream runoff from storm drainage and that along Leonard Road will be an extensive retention and buffer area; and
- homes will be 1500-2300 sq. ft. in size.

The public hearing was closed.

**Commissioner Marin moved to recommend approval of Rezoning RZ16-09 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:

- it is great to see new development on this side of town
- once the plans come in the flooding concerns can be alleviated
- Leonard Road improvements need to come

**The motion passed unanimously.**

PLANNING AND ZONING COMMISSION  
STAFF REPORT



July 7, 2016

**Rezoning case no. RZ16-09: Leo 60, LP**

**CASE DESCRIPTION:** a request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5,000 (RD-5)

**LOCATION:** 61.59 acres of vacant land located on the northwest side of the 2300 block of Leonard Road, approximately 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision

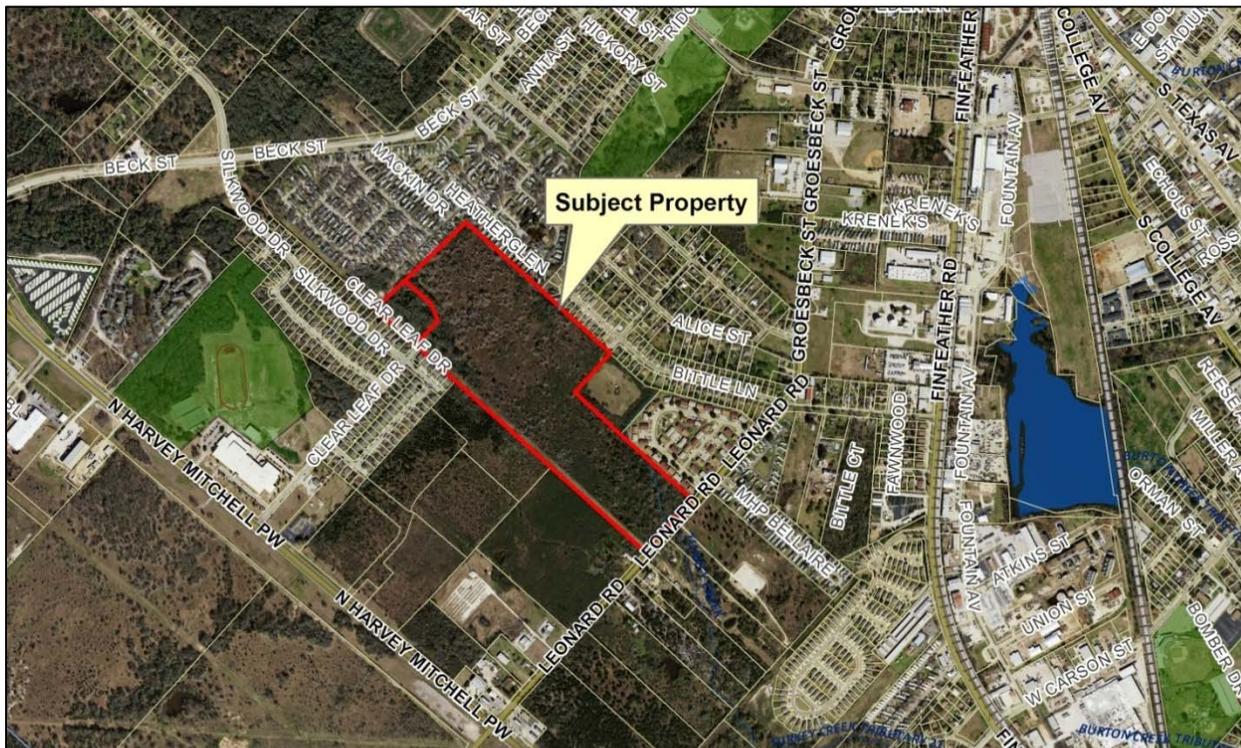
**EXISTING LAND USE:** vacant land

**PROPERTY OWNER:** Leo 60, LP

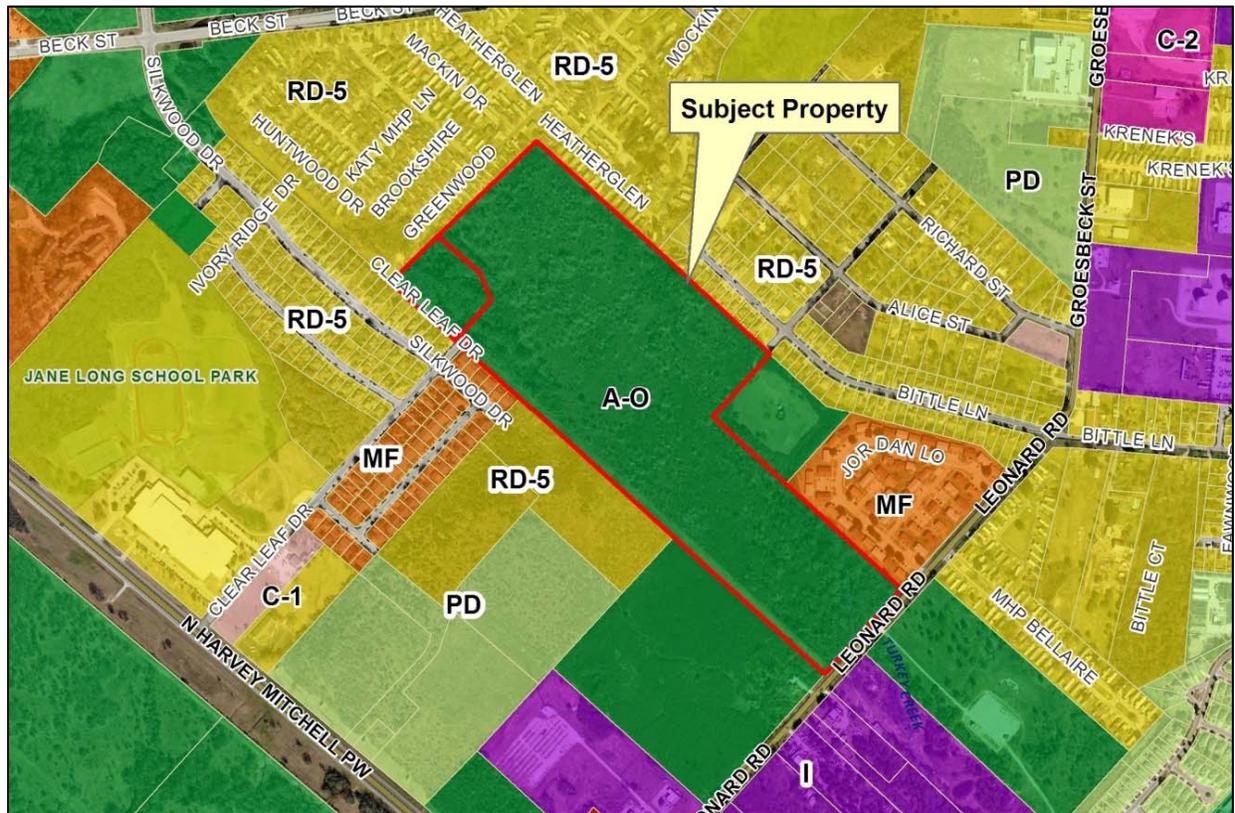
**APPLICANT/AGENT:** Philip Bargas, PE, of Johnson & Pace, Inc.

**STAFF CONTACT:** Stephanie Doland, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



## ZONING MAP:



## BACKGROUND:

The vacant 61.59 acres subject property is currently zoned Agricultural – Open District (A-O) and located along the northwest side of the 2300 Block of Leonard Road approximately 150 feet to 750 feet southwest from its intersection with Jordan Loop. The applicant, Philip Bargas, is requesting to change the zoning classification of the subject property from A-O to Residential District – 5,000 (RD-5) to allow for the development of detached single-family residential units. The subject property is located in an area of Bryan that has developed as a mix of manufactured land lease communities and single-family homes and has been classified as A-O District since the City adopted zoning regulations in 1989. Property located to the north and northeast of the subject property is zoned RD-5 but developed as a manufactured land lease community (Oakwood Mobile Home Park). To the east of the subject property, properties are also zoned RD-5, but are developed as single-family residences and manufactured homes on individual lots. There is one property along the east side of the subject property that is zoned A-O and contains a wireless transmission facility. Property located near southeastern portion of the subject property, along the northwest side of Leonard Road is zoned Multiple-Family (MF) and is developed with duplex units owned by the Bryan Housing Authority. South across Leonard Road, properties are zoned A-O and Industrial District, and are sparsely developed with both residential and industrial uses. The southwestern side of the subject property is abutted by properties that are zoned A-O and RD-5, but are undeveloped at this time. There is a small number of abutting properties also along the southwestern property line that is zoned MF and RD-5 which are developed with single-family residences and duplex units (Shadowood Subdivision).

In 2015, a request to change the zoning classification (RZ15-09) of the subject property from A-O to a Planned Development – Mixed Use (PD-M) to allow for a mixed used development consisting of a manufactured home land lease community and commercial retail uses was denied by the City Council at

their October 13<sup>th</sup> regular meeting. At that time, Councilmembers expressed their concerns regarding possible property valuation impacts and past negative experiences with mobile home parks as reasons for denying the rezoning request.

#### **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

#### **GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.**

##### **Objective A: Provide for an efficient development process.**

- *Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.
- Sustainable Mix of Land Uses - The Comprehensive Plan specifically refers need to locate land suitable for future residential and commercial uses.
- *Action Statement 2:* Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.
- Infill - Bryan has a large inventory of parcels that were bypassed by development and remain undeveloped to this day. Since these parcels almost always have access to existing utilities, their development saves the cost of extending water and sewer service. Building within the urban core also lessens the number of vehicle trips that burden our thoroughfares. Infill was also seen as a way to revitalize older residential areas and was a topic of discussion at several public input venues.

The Comprehensive Plan includes policy recommendations related to various use specific types of development. For example;

##### **Use-Specific Land Use Policies**

The land uses listed below should meet all of the specific policies below in addition to the Citywide Policies listed above.

**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. These uses should be located in areas that are:

- Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;
- Accessible to collector and arterial streets, but directly access only local streets; and
- Not adjacent to major arterials and freeways without adequate buffering and access management.

Finally, 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.

## **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 subject property lies adjacent to, and generally south of, 1,000 acres of land zoned for various types of residential uses. There has been in increased demand for single-family residential building sites. Additionally, as the Comprehensive Plan states, the City of Bryan has large inventory of parcels that have been bypassed by development and remain undeveloped; the subject property may be considered one such property. The proposed change in zoning classification will allow for opportunities to develop the subject property for residential uses which will serve to meet this increasing demand. Staff contends the proposed zoning change would be appropriate at this location.**

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.

**There is adequate public infrastructure capacity to support the level of development that is proposed. The subject property is served by an existing 24-inch public water main and an 8-inch sewer main (which is connected to a 12-inch sewer main that terminates in front of the subject property) located along Leonard Road. Other infrastructure such as storm sewer and electrical services will be extended as development of the subject property occurs.**

**Leonard Road is classified as a Major Arterial on the City of Bryan Thoroughfare Plan. Currently, Leonard Road is constructed as a two-lane road measuring 25 feet wide. The public right-of-way measures approximately 90 feet wide. There are no current plans for the City to reconstruct Leonard Road to meet the standards typically seen on roads classified as Major Arterials which are a 120-foot wide right-of-way with a 96-foot wide, 6 lane road. However, due to the increasing traffic demands and increased development on the west side of Bryan, it is reasonable to assume that Leonard Road will be improved sometime in the near future.**

**Two BISD elementary schools serve the immediate area of the subject tract and the attendance zones bisect the property, with some students attending Ben Milam Elementary and some**

**Anson Jones Elementary. Both schools are located about 1.5 miles from the subject property. Recently the Bryan Independent School District announced that Ben Milam Elementary School will close in the fall of 2017. Middle school students living within the boundaries of the subject property will attend Jane Long Middle School which is located less than 0.5 miles to the west.**

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.

**There are several large tracts of vacant property that could potentially accommodate various densities of residential development located within a mile of the subject property. As in the case of the subject property, much of that land is also currently zoned A-O District. Staff is unaware of special circumstances that would make that land unavailable for development. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity or 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 development is beginning to increase in this area of Bryan. Recently, the Bryan/College Station Habitat for Humanity organization purchased roughly 17 acres of property located along the southwestern edge of the subject property to develop as a single-family residential development. Phase 1 of the proposed Hope Subdivision (FP16-09) is on the same Planning and Zoning Commission agenda as this rezoning request.**

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.

**As stated above, this area of the City is beginning to see an increase in residential development similar to the type of development that would be allowed if the requested change in zoning classification were approved. Staff contends that if the proposed change in zoning classification from A-O to RD-5 is approved, there is no need to modify the zoning designation for other areas designated for similar developments as it will allow the subject property to develop for residential use which will meet the demand for this type of housing options.**

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 change in zoning classification for these 61.59 acres from Agricultural-Open District (A-O) to Residential District – 5, 000 (RD-5). The proposed reclassification of the allowed used on this property appear to be consistent with the land use recommendations of the Bryan Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing residential properties.