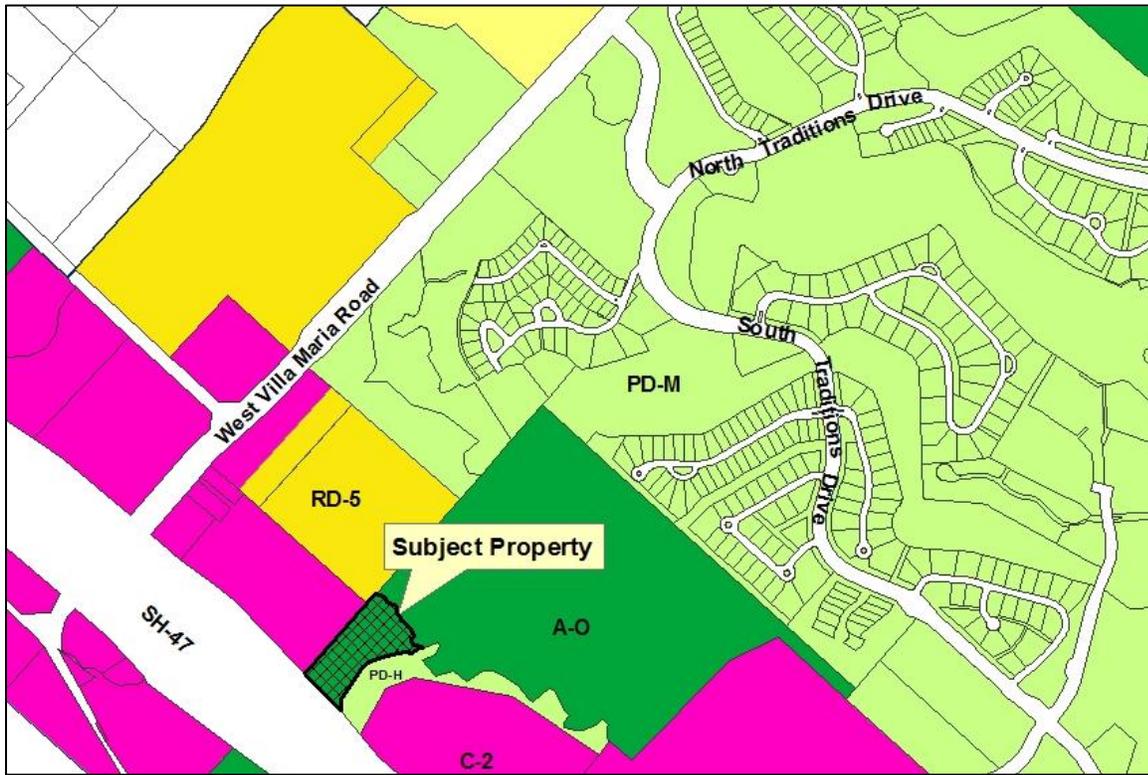


LOCATION MAP:



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 MULTIPLE-FAMILY DISTRICT (MF) ON 6.17 ACRES OF VACANT LAND OUT OF THE JOHN H. JONES SURVEY ADJOINING THE NORTHEAST SIDE OF STATE HIGHWAY 47, APPROXIMATELY 1,500 FEET TO 1,900 FEET SOUTHEAST OF ITS INTERSECTION WITH WEST VILLA MARIA ROAD 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 6.17 acres of vacant land out of the John H. Jones Survey adjoining the northeast side of State Highway 47, approximately 1,500 feet to 1,900 feet southeast of its intersection with West Villa Maria Road in Bryan, Brazos County, Texas; was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on September 1, 2016 (case no. RZ16-15);

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 District (A-O) to Multiple-Family District (MF) on 6.17 acres of vacant land out of the John H. Jones Survey adjoining the northeast side of State Highway 47, approximately 1,500 feet to 1,900 feet southeast of its intersection with West Villa Maria Road in Bryan, Brazos County, Texas, said 6.17 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 27th day of September, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 11th day of October, 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 & Bounds

6.17 ACRE TRACT OF LAND
CITY OF BRYAN
BRAZOS COUNTY, TEXAS

All that certain tract or parcel of land and being situated in the City of Bryan, Brazos County, Texas, in the John H. Jones Survey, A-26, described as Tract Two, in a deed to E & F Development, Inc., recorded in Volume 8710, Page 78, Official Records of Brazos County, Texas (O.R.B.C.T.), the described tract being a portion of a called 16.85 acre tract of land, described in a deed to Mary Esther Hudson Burton, recorded in Volume 310, Page 165, Deed Records of Brazos County, Texas (D.R.B.C.T), and in Volume 310, Page 157 (D.R.B.C.T.) being more particularly described as follows:

BEGINNING at a point for corner, in the northeast right-of-way line of State Highway 47, the west corner of said 16.85 acre tract and for the south corner of a called 27.976 acre tract of land, described in a quitclaim deed to Theodore Henry Friend, recorded in Volume 1567, Page 63, being the same 27.976 acre tract of land described in a deed to Theodore H. Friend, recorded in Volume 656, Page 567 (D.R.B.C.T.). For reference, a 1/2-inch iron rod found for the west corner of said 6.17 acre tract, bears North 42 Degrees 35 Minutes 33 Seconds East, 0.38 feet;

THENCE, North 42 Degrees 30 Minutes 58 Seconds East, 610.18 feet, leaving the said northeast right-of-way line of said State Highway 47 and with the southeast line of said 27.976 acre tract, to a point for the south corner of a called 22.16 acre tract of land, to Gerald and Cassandra Anderson, reference Volume 7180, Page 295 (O.R.B.C.T.), from which a fence post bears South 32 Degrees 34 Minutes 59 Seconds East, 0.57 feet;

THENCE, North 40 Degrees 41 Minutes 54 Seconds East, 157.74 feet, with said 22.16 acre tract, to a 1/2-inch iron pipe found in Sulphur Branch, a tributary of Turkey Creek, same being the west corner of a called 151.398 acre tract of land, described in a deed to Bryan Commerce and Development, Inc., recorded in Volume 7874, Page 169 (O.R.B.C.T.) for the north corner of the herein described tract;

THENCE, with the meanders of Sulphur Branch and said 151.398 acre tract, for the following calls:

South 76 Degrees 12 Minutes 56 Seconds East, 14.25 feet;
South 58 Degrees 07 Minutes 37 Seconds East, 40.06 feet;
South 54 Degrees 50 Minutes 40 Seconds East, 44.45 feet;
South 58 Degrees 49 Minutes 06 Seconds East, 18.22 feet;
South 43 Degrees 11 Minutes 39 Seconds East, 16.12 feet;
North 78 Degrees 33 Minutes 21 Seconds East, 10.78 feet;
South 75 Degrees 50 Minutes 51 Seconds East, 22.01 feet;
South 04 Degrees 57 Minutes 15 Seconds West, 19.26 feet;
South 22 Degrees 45 Minutes 47 Seconds East, 15.71 feet;

South 15 Degrees 26 Minutes 40 Seconds West, 29.54 feet;
South 53 Degrees 02 Minutes 19 Seconds East, 26.40 feet;
South 33 Degrees 59 Minutes 51 Seconds East, 41.69 feet;
South 46 Degrees 11 Minutes 08 Seconds East, 73.22 feet;
South 25 Degrees 24 Minutes 13 Seconds East, 63.20 feet;
South 30 Degrees 01 Minutes 47 Seconds West, 33.70 feet;
South 23 Degrees 47 Minutes 13 Seconds East, 37.13 feet, and
South 71 Degrees 46 Minutes 13 Seconds East, 78.55 feet, to the intersection of said Sulphur Branch tributary and Turkey Creek, same being the common corner of said 151.398 acre tract and for a corner in the north line of a called 87.332 acre tract of land, described in a deed to Bryan Commerce and Development, Inc., recorded in Volume 7894, Page 214 (O.R.B.C.T.)

THENCE, with the meanders of Turkey Creek and said 87.332 acre tract, the following calls:

South 78 Degrees 05 Minutes 14 Seconds West, 33.15 feet;
South 61 Degrees 30 Minutes 12 Seconds West, 66.79 feet;
North 78 Degrees 45 Minutes 37 Seconds West, 38.82 feet;
South 79 Degrees 00 Minutes 15 Seconds West, 98.17 feet;
South 69 Degrees 45 Minutes 51 Seconds West, 55.38 feet;
South 73 Degrees 20 Minutes 48 Seconds West, 52.21 feet;
South 68 Degrees 26 Minutes 13 Seconds West, 75.43 feet;
South 54 Degrees 14 Minutes 15 Seconds West, 61.22 feet;
South 29 Degrees 55 Minutes 58 Seconds West, 85.06 feet;
South 27 Degrees 40 Minutes 57 Seconds West, 49.19 feet;
South 31 Degrees 27 Minutes 36 Seconds West, 69.76 feet;
South 36 Degrees 28 Minutes 49 Seconds West, 63.21 feet;
South 08 Degrees 18 Minutes 47 Seconds West, 59.39 feet, and
South 04 Degrees 54 Minutes 46 Seconds East, 20.11 feet, to the west corner of said 87.332 acre tract, in the northeast right-of-way line of State Highway 47, for the south corner of the herein described tract. For reference, a 1/2- inch iron rod found, bears South 43 Degrees 59 Minutes 54 Seconds East, 31.61 feet;

THENCE with said northeast right-of-way line of State Highway 47, North 43 Degrees 59 Minutes 56 Seconds West, 371.46 feet to the PLACE OF BEGINNING and containing 6.17 acres of land, more or less, as shown on the accompanying plat of even date herewith.

Bearings are based on the NAD 83 Texas State Plane Coordinate System, Central Zone (4203) as obtained by GPS observations.

Reference is hereby made to a separate survey plat bearing even date herewith.

Dated this the 20th day of July, 2016.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF SEPTEMBER 1, 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).

b. Rezoning RZ16-15: E & F Development

A request to change the zoning classification from Agricultural – Open District (A-O) to Multiple-Family District (MF) on 6.17 acres of vacant land out of the John H Jones Survey adjoining the northeast side of State Highway 47, approximately 1,500 feet to 1,900 feet southeast of its intersection with West Villa Maria Road in Bryan, Brazos County, Texas. (Randy 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 regarding how close future development would be from SH-47. Mr. Haynes responded that there had been no site plan submitted at this point but that the topography of the land would seem to dictate that new structures would be sited well back from the roadway.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Chairperson Gutierrez moved to recommend approval of Rezoning RZ16-15 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Madison seconded the motion, and the motion passed unanimously.

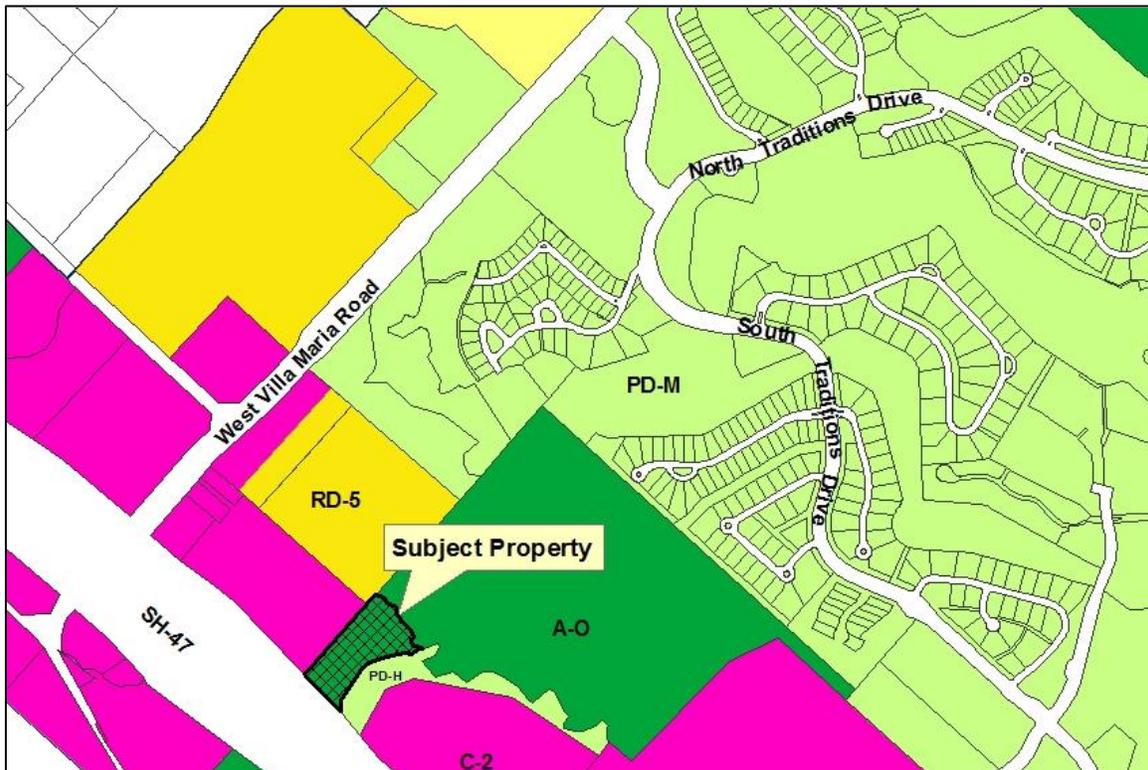
PLANNING AND ZONING COMMISSION
STAFF REPORT

September 1, 2016



Rezoning case no. RZ16-15: E&F Development

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural – Open District (A-O) to Multiple-Family Residential District (MF)
- LOCATION:** 6.17 acres of land adjoining the northeast side of State Highway 47, approximately 1,500 feet to 1,900 feet southeast of its intersection with West Villa Maria Road
- EXISTING LAND USE:** vacant land
- PROPERTY OWNER:** E&F Development, Hartzell B. Elkins
- APPLICANT/AGENT:** Jeremy Peters – Gessner Engineering
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approval** of the proposed rezoning.





BACKGROUND:

The vacant 6.17-acre subject property is currently zoned Agricultural – Open District (A-O) and adjoins the northeast side of State Highway 47, approximately 1,500 feet to 1,900 feet southeast of its intersection with West Villa Maria Road. The applicant, Jeremy Peters of Gessner Engineering, is requesting to change the zoning classification of the subject property from A-O District to Multiple-Family Residential District (MF), to facilitate a land transfer and allow for the development of multiple-family residential units at this location.

Northwest and southeast of the subject property, land is zoned Retail District (C-2). To the north lies a 27-acre parcel zoned Residential District – 5000 (RD-5) and northeast lie 86 acres of undeveloped land also zoned A-O District, beyond which is The Traditions Subdivision.

Directly adjacent to the southeast boundary of the subject property is a 7.5-acre remnant of a much larger (82-acre) Planned Development – Mixed Use District (PD-M) called Whispering Hills. The ordinance establishing the zoning for Whispering Hills was passed and approved by the City Council in 2005, but the project was never realized. The property was sold in 2007 to Bryan Commerce and Development Inc.; the economic development arm of the City of Bryan. The purchase of the land by the City was a key component of arrangement that led to the establishment of the A&M Health Science Center in Bryan. The zoning of this 7.5-acre remainder tract will ultimately need to be amended prior to future development.

The subject property lies within the SH 47 Corridor Overlay District which supplements the standards of the underlying zoning district, to exercise greater control over the aesthetic and functional characteristics of development. The intent of higher development standards is to enhance the City's image as a desirable place to live, work, and shop.

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 was adopted in 2007, just prior to the establishment of the A&M Health Science Center's (HSC) Bryan campus; consequently, there are no plan recommendations that consider the impact of the HSC with regard to area land use.

The Comprehensive 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.

- Sustainable Mix of Land Uses - The Comprehensive Plan specifically refers need to locate land suitable for future residential and commercial uses.

Use-Specific Land Use Policies

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other housing types as long as densities are high, ranging from 9 to 24 dwelling units per acre. These uses should be located in areas that are:

- Along collector or arterial streets at mid-block locations, where appropriate.

Regional Retail land serves as a commercial resource for the greater metropolitan area and generates vital sales and ad valorem income. These uses should be located in areas that are:

- At points of highest visibility and access; and
- In close proximity to major intersections (freeway/expressways and freeways, freeways and major arterials, and major arterials and major arterials).

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 between two parcels of land zoned for retail use directly adjacent to SH 47 and less than a half mile from the HSC. The land use policies adopted in 2007 recommend that land in locations of high visibility along freeways and super arterials be reserved for regional retail use. The 2007 Comprehensive Plan also states that higher density residential uses would be appropriate along arterial roadways at mid-block locations.

Staff contends that the proposed change in zoning classification is appropriate at this location due to its mid-block location and the presence of land zoned for retail use on either side along SH 47. The subject tract lies a quarter mile from the intersection of SH 47 and West Villa Maria Road and a mile from the intersection of SH 47 and HSC Parkway. Staff predicts that allowing multi-family residential development on the subject property will serve to meet a probable increase in demand for housing in the area of the HSC, while at the same time creating a more sustainable business environment for restaurants and retailers that will potentially locate on either side of the subject tract.

In addition to the factors listed above, the physical form of the subject property creates the opportunity for natural, open space buffers between residential development and adjacent retail uses. The land rapidly slopes from the northwest to the south east, falling between 12 feet and 22 feet over a distance of about 300 feet. The southern edges of the property are bound by deep channels of tributaries of Turkey Creek which fall another 10 – 15 feet. These creek channels are heavily wooded. The opportunity exists to incorporate these natural barriers to development as a screening / buffer amenity to separate the adjacent dissimilar land uses.

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 42-inch public wastewater main. The capacity for water service exists in the area, however the nearest suitable water line lies 2,000 feet northwest at the intersection of West Villa Maria Road and SH 47. Water service, along with other infrastructure, such as, storm sewer and electrical services will be extended as development of the subject property occurs.

SH 47 is classified as a freeway on the City of Bryan Thoroughfare Plan but currently functions as a limited access super arterial. The capacity of SH 47 is more than adequate to handle any increase in traffic that would occur as the result of multi-family residential development on this 6-acre tract.

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 is very little vacant land currently classified for similar development available in Bryan. The 71-acre Atlas, Texas planned development district is located approximately one mile east of the subject tract and allows for multiple-family residential development. The next nearest vacant land zoned to accommodate multiple-family residential development lies 3 miles northeast of the subject property between North Harvey Mitchell Parkway (FM 2818) and Wellborn Road. 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 finds that multiple-family residential development is occurring at a very brisk rate in Bryan. In 2012, a 240+ unit apartment complex was built at the intersection of HSC Parkway and Atlas Pear Drive approximately a mile east of the subject tract. Three years later the second phase of

that project began adding an additional 156 units. Similarly, from a city-wide, perspective, development of new multiple-family development is also occurring at a brisk rate.

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, multiple-family residential development is brisk but vacant land classified for such development is scarce. Although this appears to be the case, staff contends that even if the proposed change in zoning classification from A-O District to MF District is approved, there is no need to modify the zoning designation for other areas designated for similar developments. Staff contends that the process of development in Bryan is very efficient and the market will dictate the need for such zoning changes to accommodate additional development.

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 6.17 acres from Agricultural-Open District (A-O) to Multiple-Family Residential District (MF). The proposed multiple family residential land use on this property appears to be consistent with the recommendations of the Bryan Comprehensive Plan and will help promote orderly urban growth along this important corridor.