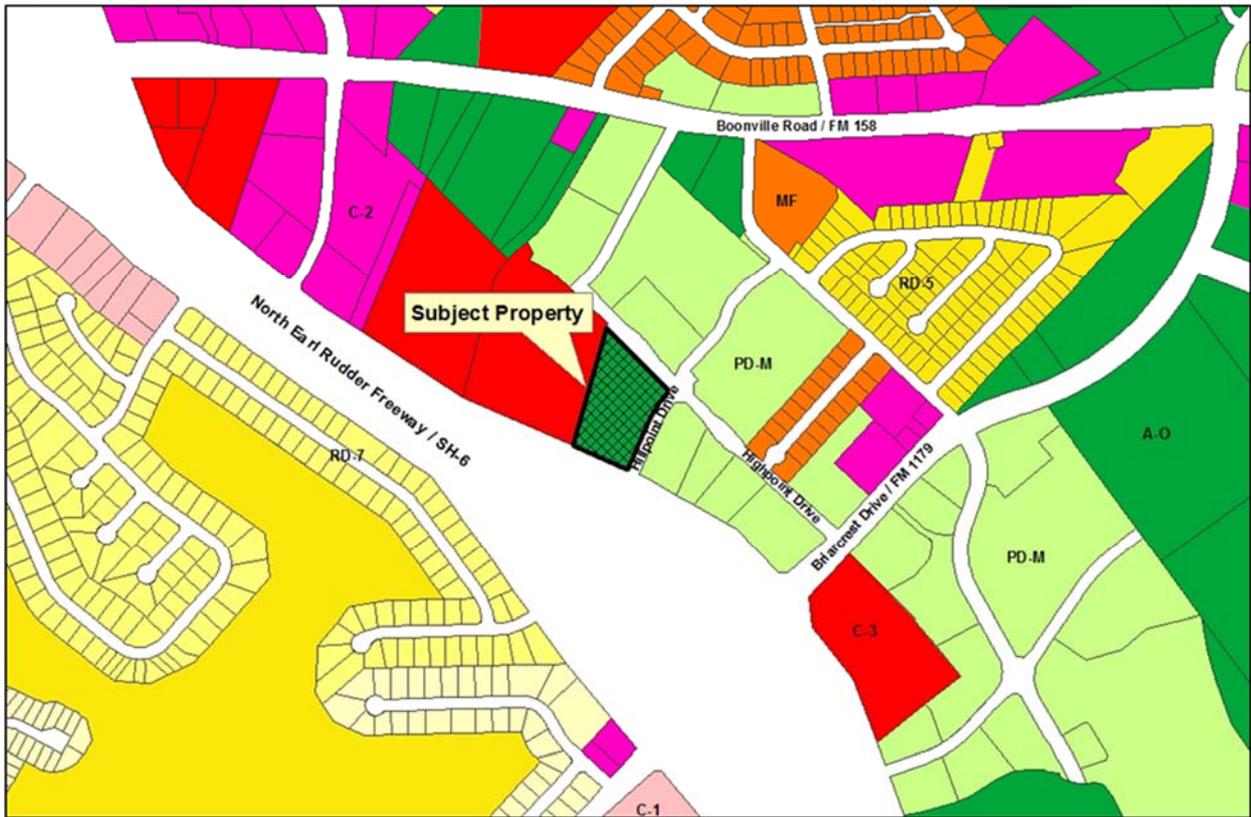


**LOCATION MAPS:**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL-OPEN DISTRICT (A-O) TO COMMERCIAL DISTRICT (C-3) ON 4.18 ACRES OF VACANT LAND OUT OF JOHN AUSTIN SURVEY, ABSTRACT NO. 2, LOCATED AT THE NORTHWEST CORNER OF HILL POINT DRIVE AND THE NORTHBOUND FRONTAGE ROAD OF NORTH EARL RUDDER FREEWAY 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 amend 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 4.18 acres of vacant land out of John Austin Survey, Abstract No. 2, located at the northwest corner of Hill Point Drive and the northbound frontage road of North Earl Rudder Freeway in Bryan, Brazos County, Texas was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on November 17, 2016 (case no. RZ16-21);

**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 Commercial District (C-3) on 4.18 acres of vacant land out of John Austin Survey, Abstract No. 2, located at the northwest corner of Hill Point Drive and the northbound frontage road of North Earl Rudder Freeway in Bryan, Brazos County, Texas, said 4.18 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 6<sup>th</sup> day of December, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 10<sup>th</sup> day of January, 2017 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

\_\_\_\_\_  
Andrew Nelson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Janis K. Hampton, City Attorney

**Exhibit "A":  
METES AND BOUNDS DESCRIPTION  
OF A 4.184 ACRE TRACT  
JOHN AUSTIN SURVEY, ABSTRACT NO. 2  
BRYAN, BRAZOS COUNTY, TEXAS**

FIELD NOTES OF A 4.20 ACRE TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE JOHN AUSTIN SURVEY, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS, AND BEING PART OF THE 13.923 ACRE TRACT DESCRIBED IN THE DEED FROM RICHARD H. HARRISON, III - TRUSTEE FOR SAMUEL HILLS HARRISON TRUST 4042, TO HARRISON HOLDINGS LIMITED PARTNERSHIP ACCORDING TO THE DEED RECORDED IN VOLUME 6542, PAGE 190, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

SAID 4.184 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD FOUND AT A 6" CEDAR POST FENCE CORNER MARKING THE COMMON CORNER BETWEEN THE BEFOREMENTIONED 13.923 ACRE TRACT AND LOT 1, BLOCK 1, W.S. DAVIS ADDITION - 10.175 ACRES, ACCORDING TO THE PLAT RECORDED IN VOLUME 2394, PAGE 51, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND IN THE NORTH RIGHT-OF-WAY OF NORTH EARL RUDDER FREEWAY - STATE HIGHWAY NO. 6;

**THENCE:** N 20° 06' 36" E ALONG THE COMMON LINE BETWEEN THE BEFOREMENTIONED 13.923 ACRE TRACT AND LOT 1, BLOCK 1, W. C. DAVIS ADDITION, ADJACENT TO A FENCE, FOR A DISTANCE OF 617.57 FEET TO A 1/2" IRON ROD SET IN THE SOUTHWEST LINE OF THE 100' WIDE GULF STATES UTILITIES ELECTRIC EASEMENT, AS DESCRIBED IN VOLUME 130, PAGE 369, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, THE NORTH CORNER OF THE SAID 13.923 ACRE TRACT BEARS N 20' 06' 36" E - 28.0 FEET;

**THENCE:** S 40° 16' 25" E ALONG THE SOUTHEAST LINE OF THE FOLLOWING TWO 100' WIDE GULF STATES UTILITIES ELECTRIC EASEMENTS: THE BEFOREMENTIONED VOLUME 130, PAGE 369, AND VOLUME 130, PAGE 432 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR A DISTANCE OF 447.48 FEET TO A 1/2" IRON ROD SET IN THE NORTHWEST RIGHT-OF-WAY LINE OF A PROPOSED 60' WIDE ROAD, SAME-BEING IN A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 530.00 FEET;

**THENCE:** ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF THE PROPOSED 60' WIDE ROAD RIGHT-OF-WAY, AS FOLLOWS:

SOUTHWESTERLY ALONG SAID CURVE, FOR AN ARC DISTANCE OF 184.58 FEET TO A 1/2" IRON ROD SET AT THE END OF THIS CURVE, THE CHORD BEARS S 37° 17' 40" W - 183.65 FEET; S 27° 19' 02" W FOR A DISTANCE OF 261.23 FEET TO A 1/2" IRON ROD SET IN THE NORTH RIGHT-OF-WAY LINE OF SW BEFOREMENTIONED NORTH EARL RUDDER FREEWAY;

**THENCE:** N 62° 40' 58" W ALONG THE NORTH RIGHT-OF-WAY LINE OF THE BEFOREMENTIONED NORTH EARL RUDDER FREEWAY, ADJACENT TO A FENCE, FOR A DISTANCE OF 304.39 FEET TO THE **POINT OF BEGINNING**, CONTAINING 4.184 ACRES OF LAND, MORE OR LESS.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF NOVEMBER 17, 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 RZ16-21: PMG Auto Sales of Brazos Valley, LLC.**

*A request to change the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3) on 4.18 acres of vacant land out of John Austin Survey, Abstract No. 2, located at the northwest corner of Hill Point Drive and the northbound frontage road of North Earl Rudder Freeway 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.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Marin moved to recommend approval of Rezoning RZ16-21 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Incardona seconded the motion, and the motion passed unanimously.**

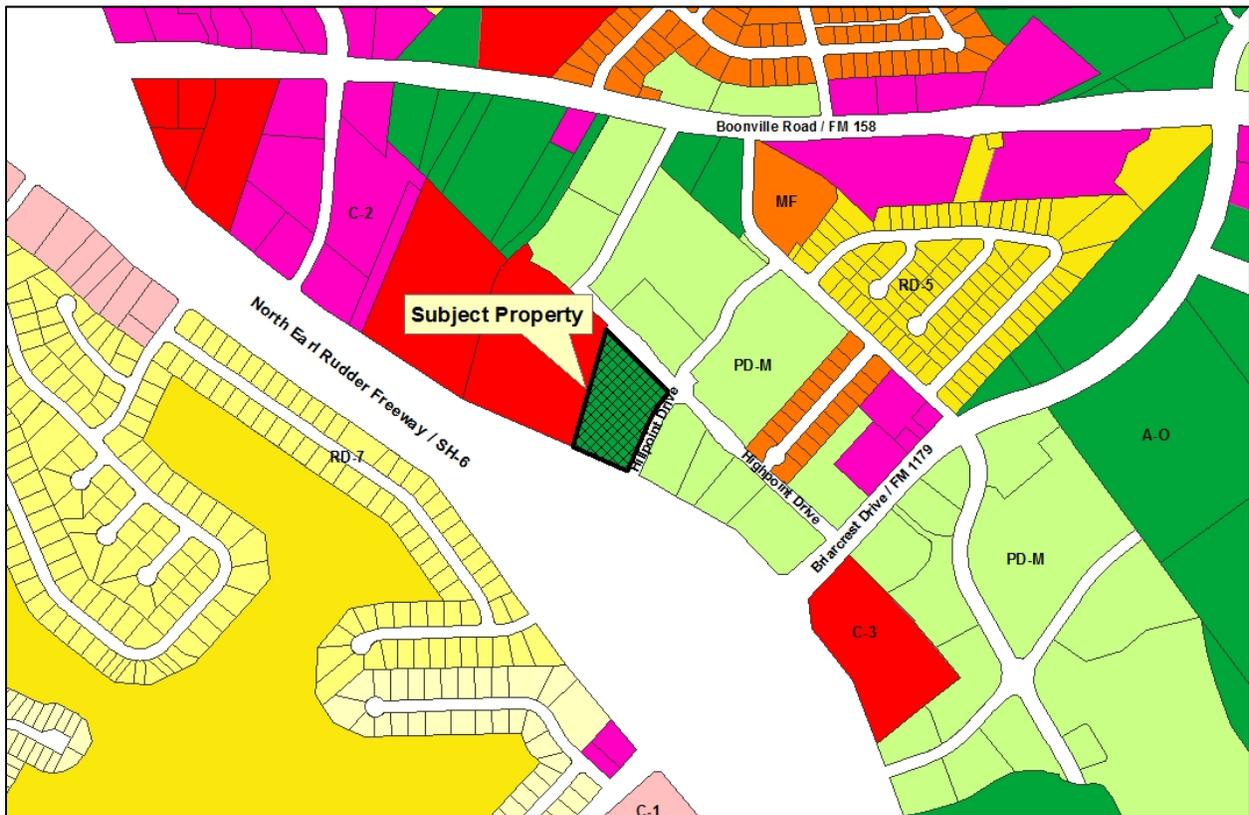
**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

November 17, 2016



**Rezoning Case no. RZ16-21: PMG Auto Sales of Brazos Valley, LLC**

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3)
- LOCATION:** 4.18 acres out of the John Austin Survey, Abstract No. 2, located at the northwest corner of Hill Point Drive and the northbound frontage road of North Earl Rudder Freeway
- EXISTING LAND USE:** vacant land
- APPLICANT:** RME Consulting Engineers – Rabon Metcalf
- PROPERTY OWNER:** PMG Auto Sales of Brazos Valley, LLC
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this request.



**AERIAL PHOTOGRAPH, 2015:**



**BACKGROUND:**

The applicant, Rabon Metcalf on behalf of PMG Auto Sales of Brazos Valley, LLC, is requesting to change the zoning classification on this 4.184-acre tract from Agricultural Open District (A-O) to Commercial District (C-3). The subject property is currently vacant land located north of the intersection of the northbound frontage road of the North Earl Rudder Freeway (SH-6) and Hillpoint Drive. The 20 acres of land located immediately northwest of the subject property is currently zoned Commercial District (C-3) and is developed with two automobile dealerships. The other properties surrounding the subject tract are included in the Highland Hills Planned Development – Mixed Use District (PD-M) which was established in 2010. The Highland Hills Development plan allows land uses generally limited to the uses permitted in the Office District (C-1) and the Retail District (C-2) with some exceptions. A notable exception is that both residential and commercial uses are permitted by right in the Highland Hills PD-M District.

The subject property has been zoned A-O District since 1989 when the City of Bryan adopted zoning regulations. The A-O zoning district is intended to provide a location for 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 District is intended for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical retail or shopping, but generally not with residential environments. Operating characteristics which may be typical of uses permitted in the Commercial District include service oriented, may sell used goods, require warehouse storage and delivery areas, and have a greater service radius than retail stores.

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

In October 2016 the City of Bryan adopted a new Comprehensive Plan. The new plan includes updated policy recommendations related to the various physical development aspects. Among the Plan's 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. The Comprehensive Plan also suggests:

### **Infill Development**

There is a substantial potential for infill on vacant lots within previously developed areas in Bryan. Infill opportunities will serve to improve the existing community conditions and sense of place in part by merely creating a more complete and active streetscape. In addition, infill development utilizes vacant land and adds to the tax base without added expense of extending and maintaining expensive public infrastructure; water, wastewater, and public utilities are often already available. Maximizing the use of vacant land within the core areas also reduces the negative impact of sprawl. Similar to the existing programs that have contributed to the rebirth of downtown, the City of Bryan should form public/private sector partnerships specifically intended to spur infill development and redevelopment. It is critical however that care is taken to ensure compatibility with existing communities.

### **Commercial/High Intensity Office**

Commercial uses are more intense than retail establishments, yet also provide goods and services for the public. Examples of commercial establishments would include hotels, automotive services, and big box retailers. These areas should be considered generally incompatible with residential areas. Through the use of screening and buffering techniques to effectively mitigate any noise and light impacts, location near areas of residential use may create characteristics more acceptable, but not optimal. When outside storage is allowed, screening should be used to minimize the visual impact. The following are policies to guide development of commercial areas:

- Located along major arterial, super arterial and freeway corridors.
- Outside storage associated with commercial activity should be screened from the primary roadway on which the establishment is located.
- Commercial activity should be buffered from low density residential areas through the use of enhanced landscaping, increased rear setbacks, the use of medium density residential, and by floodplains or other man-made features.
- Office uses above two stories should be required to observe additional setbacks.

## **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 and their relationship to general area and the City as a whole.

**The newly adopted Future Land Use Plan map indicates that the land along the north east side of the Earl Rudder Freeway between Briarcrest Drive and Boonville Road should generally be reserved for retail uses. The Future Land Use Plan map is designed to facilitate the efficient and sustainable development and redevelopment of Bryan. The balance of land uses it represents will**

assist in building a fiscally sound community while providing opportunities for the private development sector to flourish. The recommended land use framework depicted on the Future Land Use Plan map is intended to enable the City to coordinate development and guide land use decisions. Staff recognizes, however, that Future Land Use Plan map is not a precise instrument, but represents a basic composition of land uses to provide a sound direction and basis for land use deliberations.

Staff believes that the proposed zoning change to C-3 District on these 4.184 acres is appropriate in this particular case and generally conforms to the land use recommendations of the Comprehensive Plan. Staff observes that the existing pattern of development along this segment of the Earl Rudder Freeway reflects within reason the recommendations of the newly adopted plan.

Staff believes that establishing C-3 zoning at this particular location is appropriate as C-3 zoning is intended for heavy retail and commercial uses which have operating characteristics or traffic service requirements generally compatible with typical retail or shopping.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

The subject property has direct access to public water and sewer services adequate to serve future development. Additionally, the subject property is accessible via Hillpoint Drive to the North Earl Rudder Freeway which can reasonably be expected to be capable of accommodating increased traffic volumes that may be generated by commercial uses at this location. Any further issues regarding capacity and utility extensions 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.

There is very little available / undeveloped land specifically classified for heavy commercial use in the area of the subject property. The nearest undeveloped land zoned C-3 District is located approximately one mile away along the southwest side of the Earl Rudder Freeway north of Boonville Road. Staff is unaware of circumstances that would make a substantial part of that land or any other nearby land zoned for commercial use unavailable for development. Staff contends that this zone change request, if approved, will not make other such 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.

Property in the area of the subject tract has experienced steady development activity since 2010. Land in Bryan specifically zoned for commercial use is relatively uncommon. About 2% of the land in Bryan is classified C-3 District. Development of land in Bryan for uses requiring C-3 District zoning has been generally unhurried.

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.

**Since there are no other vacant properties zoned for commercial use in this area, it is unlikely that any would be adversely affected by this change.**

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Staff has identified no factors resulting from this requested zoning change that will affect health, safety, morals, or general welfare.**

**RECOMMENDATION:**

Staff recommends **approving** C-3 zoning, as requested.

**EXCERPT FROM REZONING APPLICATION:**

**REZONING – SUPPLEMENT A**

***Please list the reasons for this rezoning request:***

Currently the property is zoned A-O which only supports rural residential development. The reason to rezone this property would be to (1) Provide compatible zoning with the surrounding areas and existing developments, and (2) accommodate a "best use" zoning and subsequent development for this area.

***List the changed or changing conditions in the area or City which make this zone change necessary:***

Continued economic and commercial growth that is occurring, and encouraged, along the SH6 freeway.

***Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:***

This zoning request complies with the Future Land Use Plan.

***List any other reasons to support this zone change:***

Adequate infrastructure (water, sewer, drainage, transportation, etc...) exist at this location to accommodate any of the permitted uses specified in the C-3 zoning district.