

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: September 10, 2013		DATE SUBMITTED: August 19, 2013	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from a combination of Agricultural – Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 and Retail District (C-2) on 33.783 of vacant land out of T.J. Wooten League, Abstract No. 59 and adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road			
SUMMARY STATEMENT: The applicant, Mr. Tony Jones of The Aggieldand Company, is requesting to change the zoning classification on the subject property from a combination of Agricultural-Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 (RD-5) and Retail District (C-2). The subject property consists of 33.783 acres of vacant land adjoining the south side of West Villa Maria Road across from its intersection with Jones Road. The applicant wishes to develop approximately 28 acres of the subject property lying approximately 200 feet southeast of West Villa Maria Road with a residential subdivision (referred to as The Legends Subdivision). The balance of the property, 5.7 acres, adjoining West Villa Maria is proposed to remain designated for retail use. The proposal will reduce the amount of land currently zoned for retail use by approximately 5.3 acres.			
STAFF ANALYSIS AND RECOMMENDATION: Staff believes that RD-5 zoning on the 28 of these 33 acres as proposed is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. Staff believes that a single-family residential subdivision located at least 200 feet from a major arterial street (W. Villa Maria Road) will promote orderly urban growth in this vicinity. Staff also believes that the land proposed to be reserved for future development with retail establishments is appropriate in this particular case as the Retail District will provide opportunities for development that will complement and be beneficial to the new residential subdivision. Staff recommends approval of the requested zoning change.			
During its regular meeting on August 15, 2013, the Planning and Zoning Commission unanimously recommended approving this rezoning request.			
OPTIONS (In Suggested Order of Staff Preference):			
1. approve the zone change as recommended by the Planning and Zoning Commission;			
2. deny the requested zone change.			
ATTACHMENTS:			
1. location map;			
2. draft ordinance with exhibits;			
3. minutes from P&Z meeting on August 15, 2013; and			
4. staff report to the Planning & Zoning Commission.			
FUNDING SOURCE: N/A			

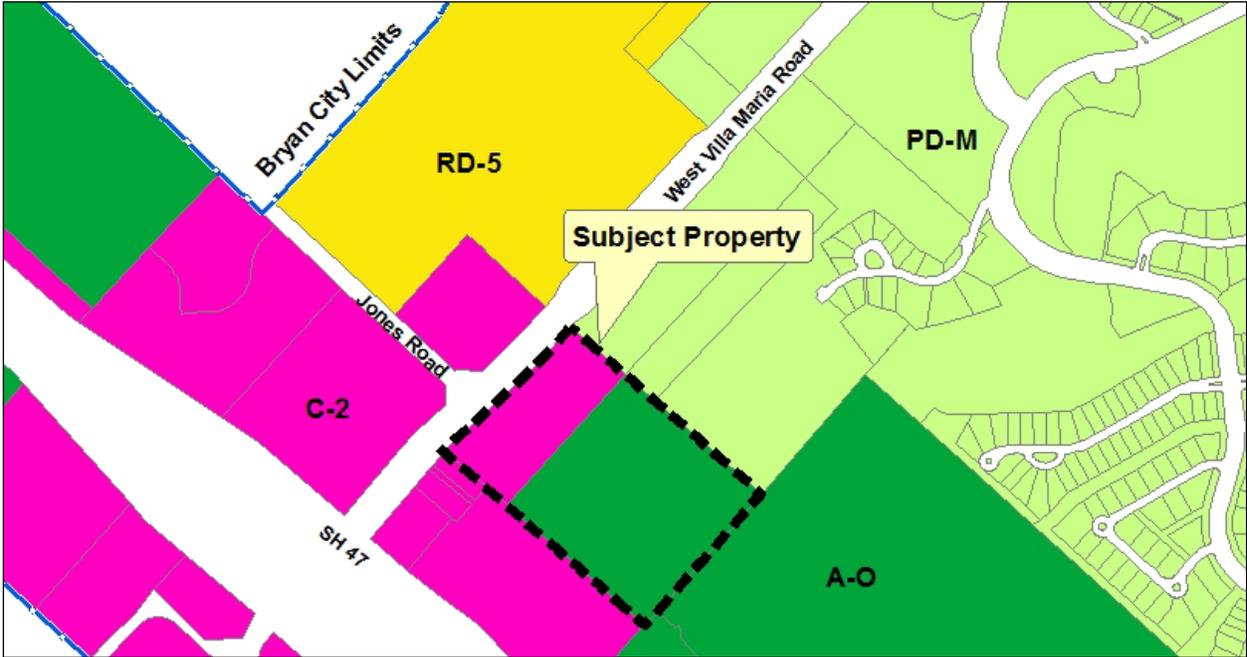
APPROVALS: Kevin Russell, 8-22-13; Joey Dunn, 8-23-13; Hugh R. Walker, 08/28/2013

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 08-26-2013

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 09-02-2013

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, TO CHANGE THE ZONING CLASSIFICATION FROM A COMBINATION OF AGRICULTURAL – OPEN DISTRICT (A-O) AND RETAIL DISTRICT (C-2) TO A COMBINATION OF RESIDENTIAL DISTRICT – 5000 (RD-5) AND RETAIL DISTRICT (C-2) ON 33.783 ACRES OF VACANT LAND OUT OF T.J. WOOTEN LEAGUE, ABSTRACT NO. 59 AND ADJOINING THE SOUTH SIDE OF WEST VILLA MARIA ROAD (F.M. 1179) ACROSS FROM ITS INTERSECTION WITH JONES 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, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for 33.783 acres of vacant land out of T.J. Wooten League, Abstract No. 59 and adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on August 15, 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of Agricultural – Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 and Retail District (C-2) on 33.783 acres of vacant land out of T.J. Wooten League, Abstract No. 59 and adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road in Bryan, Brazos County, Texas, said 33.783 acres of land being described more particularly by metes-and-bounds on attached Exhibits “A” and “B”.

2.

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 September, 2013 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 September, 2013 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"

28.077 ACRES OF LAND TO BE REZONED TO RESIDENTIAL DISTRICT – 5000 (RD-5)

**METES AND BOUNDS DESCRIPTION OF A 22.718 ACRE TRACT
T. J. WOOTEN LEAGUE, A-59, BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE T. J. WOOTEN LEAGUE, ABSTRACT NO. 59, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 34.11 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO CLYDE C. BERGER RECORDED IN VOLUME 7181, PAGE 18 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING A 1/2 INCH IRON ROD FOUND ON THE COMMON LINE OF THE T. J. WOOTEN LEAGUE, A-59 AND THE JOHN H. JONES LEAGUE, A-26 AND THE NORTHWEST LINE OF A CALLED 151.398 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRYAN COMMERCE AND DEVELOPMENT, INC. RECORDED IN VOLUME 7874, PAGE 169 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE EAST CORNER OF SAID 34.11 ACRE TRACT AND THE SOUTH CORNER OF THE REMAINDER OF A CALLED 67.967 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE LARD FAMILY LAND COMPANY RECORDED IN VOLUME 1004, PAGE 213 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 40° 47' 22" W ALONG THE SOUTHEAST LINE OF SAID 34.11 ACRE TRACT FOR A DISTANCE OF 992.71 FEET (DEED CALL: S 43° 22' 00" W - 990.00 FEET, 7181/18) TO A FENCE CORNER POST FOUND ON THE NORTHWEST LINE OF A CALLED 6.17 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 2 BY A DEED TO E & F DEVELOPMENT, INC. RECORDED IN VOLUME 8710, PAGE 78 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID FENCE POST FOUND MARKING THE SOUTH CORNER OF SAID 34.11 ACRE TRACT AND THE EAST CORNER OF THE REMAINDER OF A CALLED 27.976 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THEODORE HENRY FRIEND RECORDED IN VOLUME 1567, PAGE 63 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 47° 57' 10" W ALONG THE COMMON LINE OF SAID 34.11 ACRE TRACT AND SAID 27.976 ACRE TRACT FOR A DISTANCE OF 990.86 FEET (DEED CALL BEARING: N 46° 38' 00" W, 7181/18) TO A 1/2 INCH IRON ROD SET MARKING THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF SAID 27.976 ACRE TRACT AND THE EAST CORNER OF A CALLED 0.6653 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO SCOTT HOMER RECORDED IN VOLUME 6111, PAGE 187 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS BEARS: N 47° 57' 10" W FOR A DISTANCE OF 216.89 FEET;

THENCE: N 41° 06' 18" E THROUGH SAID 34.11 ACRE TRACT FOR A DISTANCE OF 1010.74 FEET TO A 1/2 INCH IRON ROD SET ON THE COMMON LINE OF SAID 34.11 ACRE TRACT AND SAID 67.967 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF W. VILLA MARIA ROAD MARKING THE NORTH CORNER OF SAID REMAINDER OF 34.11 ACRE TRACT BEARS: N 46° 53' 56" W FOR A DISTANCE OF 442.27 FEET;

THENCE: S 46° 53' 56" E ALONG SAID COMMON LINE FOR A DISTANCE OF 985.85 FEET (DEED CALL BEARING: S 45° 16' 00" E, 7181/18) TO THE **POINT OF BEGINNING** CONTAINING 22.718 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JULY, 2013. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

**METES AND BOUNDS DESCRIPTION OF A 5.359 ACRE TRACT
T. J. WOOTEN LEAGUE, A-59, BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE T. J. WOOTEN LEAGUE, ABSTRACT NO. 59, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 34.11 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO CLYDE C. BERGER RECORDED IN VOLUME 7181, PAGE 18 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 SET ON THE COMMON LINE OF SAID 34.11 ACRE TRACT AND THE SOUTHWEST LINE OF THE REMAINDER OF A CALLED 67.967 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE LARD FAMILY LAND COMPANY RECORDED IN VOLUME 1004, PAGE 213 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF W. VILLA MARIA ROAD (VARIABLE WIDTH R.O.W., 1119/865) MARKING THE NORTH CORNER OF SAID REMAINDER OF 34.11 ACRE TRACT AND THE WEST CORNER OF THE REMAINDER OF SAID 67.967 ACRE TRACT BEARS: N 46° 53' 56" W FOR A DISTANCE OF 220.00 FEET (DEED CALL BEARING: S 45° 16' 00" E, 7181/18);

THENCE: S 46° 53' 56" E ALONG SAID COMMON LINE FOR A DISTANCE OF 222.27 FEET (DEED CALL BEARING: S 45° 16' 00" E, 7181/18) TO A 1/2 INCH IRON ROD SET MARKING THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE COMMON LINE OF THE T. J. WOOTEN LEAGUE, A-59 AND THE JOHN H. JONES LEAGUE, A-26 MARKING THE EAST CORNER OF SAID 34.11 ACRE TRACT AND THE SOUTH CORNER OF SAID 67.967 ACRE TRACT BEARS: S 46° 16' 00" E FOR A DISTANCE OF 985.85 FEET;

THENCE: S 41° 06' 18" W THROUGH SAID 34.11 ACRE TRACT FOR A DISTANCE OF 1010.74 FEET TO A 1/2 INCH IRON ROD SET ON THE COMMON LINE OF SAID 34.11 ACRE TRACT AND THE REMAINDER OF A CALLED 27.976 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THEODORE HENRY FRIEND RECORDED IN VOLUME 1567, PAGE 63 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A FENCE POST FOUND MARKING THE SOUTH CORNER OF SAID 34.11 ACRE TRACT AND THE EAST CORNER OF SAID 27.976 ACRE TRACT BEARS: S 47° 57' 10" E FOR A DISTANCE OF 990.86 FEET;

THENCE: N 47° 57' 10" W ALONG SAID COMMON LINE FOR A DISTANCE OF 216.89 FEET (DEED CALL BEARING: N 46° 38' 00" W, 7181/18) TO A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF SAID 27.976 ACRE TRACT AND THE EAST CORNER OF A CALLED 0.6653 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO SCOTT HOMER RECORDED IN

VOLUME 6111, PAGE 187 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 48° 26' 17" W ALONG THE COMMON LINE OF SAID 34.11 ACRE TRACT AND SAID 0.6653 ACRE TRACT FOR A DISTANCE OF 21.96 FEET TO A 1/2 INCH IRON ROD SET MARKING THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF W. VILLA MARIA ROAD MARKING THE WEST CORNER OF SAID 34.11 ACRE TRACT BEARS: N 48° 26' 17" W FOR A DISTANCE OF 273.44 FEET;

THENCE: N 42° 02' 50" E THROUGH SAID 34.11 ACRE TRACT FOR A DISTANCE OF 1014.88 FEET TO THE **POINT OF BEGINNING** CONTAINING 5.359 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JULY, 2013. SEE PLAT PREPARED JULY, 2013 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

Exhibit "B"

5.706 ACRES OF LAND TO BE REZONED TO RETAIL DISTRICT (C-2)

**METES AND BOUNDS DESCRIPTION OF A 5.706 ACRE TRACT
T. J. WOOTEN LEAGUE, A-59, BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE T. J. WOOTEN LEAGUE, ABSTRACT NO. 59, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 34.11 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO CLYDE C. BERGER RECORDED IN VOLUME 7181, PAGE 18 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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THENCE: S 46° 53' 56" E ALONG THE COMMON LINE OF SAID 34.11 ACRE TRACT AND SAID 67.967 ACRE TRACT FOR A DISTANCE OF 220.00 FEET (DEED CALL BEARING: S 45° 16' 00" E, 7181/18) TO A 1/2 INCH IRON ROD SET. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE COMMON LINE OF THE T. J. WOOTEN LEAGUE, A-59 AND THE JOHN H. JONES LEAGUE, A-26 MARKING THE EAST CORNER OF SAID 34.11 ACRE TRACT AND THE SOUTH CORNER OF SAID 67.967 ACRE TRACT BEARS: S 46° 53' 56" E FOR A DISTANCE OF 1208.12 FEET;

THENCE: S 42° 02' 50" W THROUGH SAID 34.11 ACRE TRACT FOR A DISTANCE OF 1014.88 FEET TO A 1/2 INCH IRON ROD SET ON THE COMMON LINE OF SAID 34.11 ACRE TRACT AND A CALLED 0.6653 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO SCOTT HOMER RECORDED IN VOLUME 6111, PAGE 187 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD SET MARKING THE EAST CORNER OF SAID 0.6653 ACRE TRACT BEARS: S 48° 26' 17" E FOR A DISTANCE OF 21.96 FEET;

THENCE: N 48° 26' 17" W ALONG SAID COMMON LINE FOR A DISTANCE OF 273.44 FEET (DEED CALL BEARING: N 46° 37' 42" W, 6111/187) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF W. VILLA MARIA ROAD MARKING THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT. FOR REFERENCE, A FENCE CORNER POST FOUND BEARS: N 25° 11' 47" W FOR A DISTANCE OF 1.11 FEET AND A CONCRETE RIGHT-OF-WAY MARKER FOUND BEARS: S 41° 32' 04" W FOR A DISTANCE OF 221.69 FEET;

THENCE: ALONG THE SOUTHEAST LINE OF W. VILLA MARIA ROAD (1119/865) FOR THE FOLLOWING CALLS:

N 41° 20' 28" E FOR A DISTANCE OF 139.35 FEET (DEED CALL: N 41° 26' 30" E - 139.35 FEET, 1119/865) TO A 1/2 INCH IRON ROD SET;

N 47° 14' 04" E FOR A DISTANCE OF 511.29 FEET (DEED CALL: N 47° 20' 06" E - 511.29 FEET, 1119/865) TO A POINT FROM WHICH A BROKEN CONCRETE RIGHT-OF-WAY MARKER FOUND BEARS: N 76° 42' 52" W FOR A DISTANCE OF 1.25 FEET;

N 45° 59' 43" E FOR A DISTANCE OF 86.49 FEET (DEED CALL: N 46° 05' 45" E - 86.49 FEET, 1119/865) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

N 43° 30' 53" E FOR A DISTANCE OF 86.67 FEET (DEED CALL: N 43° 36' 55" E - 86.67 FEET, 1119/865) TO A 1/2 INCH IRON ROD SET;

N 42° 16' 23" E FOR A DISTANCE OF 199.78 FEET (DEED CALL: N 42° 22' 25" E - 199.78 FEET, 1119/865) TO THE **POINT OF BEGINNING** CONTAINING 5.706 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JULY, 2013. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF AUGUST 15, 2013:**

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 RZ13-11: The Aggieland Company

A request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 and Retail District (C-2) on 33.783 acres of vacant land adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends recommending approval of the proposed rezoning.

The public hearing was opened.

Mr. Joe Schultz, 2730 Longmire Drive, Ste A, College Station, representing the applicant, came forward to answer questions. In response to a question, he stated that the retail property could be developed at any time.

The public hearing was closed.

Commissioner Hickle moved to recommend approval of Rezoning RZ13-11 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Commissioners discussed:

- The benefits of this development
- The continued growth of the west side

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 15, 2013



Rezoning case no. RZ13-11: The Aggieland Company

CASE DESCRIPTION: a request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 and Retail District (C-2)

LOCATION: 33.783 acres of vacant land adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road

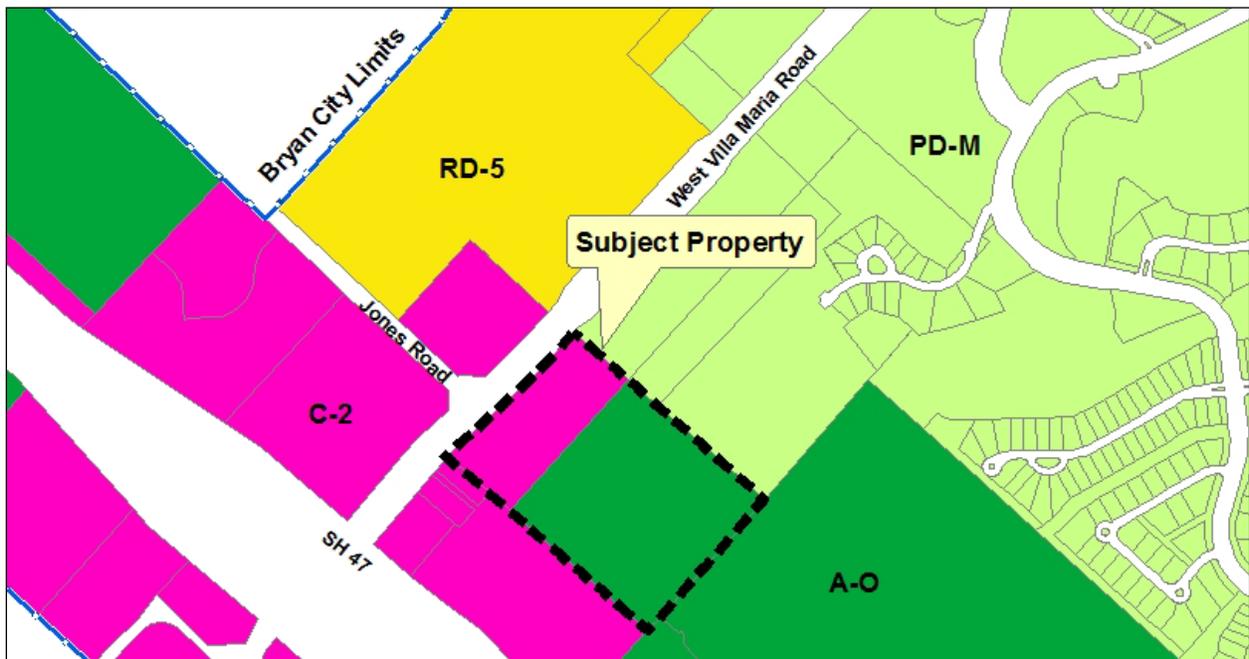
LEGAL DESCRIPTION: T. J. Wooten, Tract 36.41

EXISTING LAND USE: vacant acreage

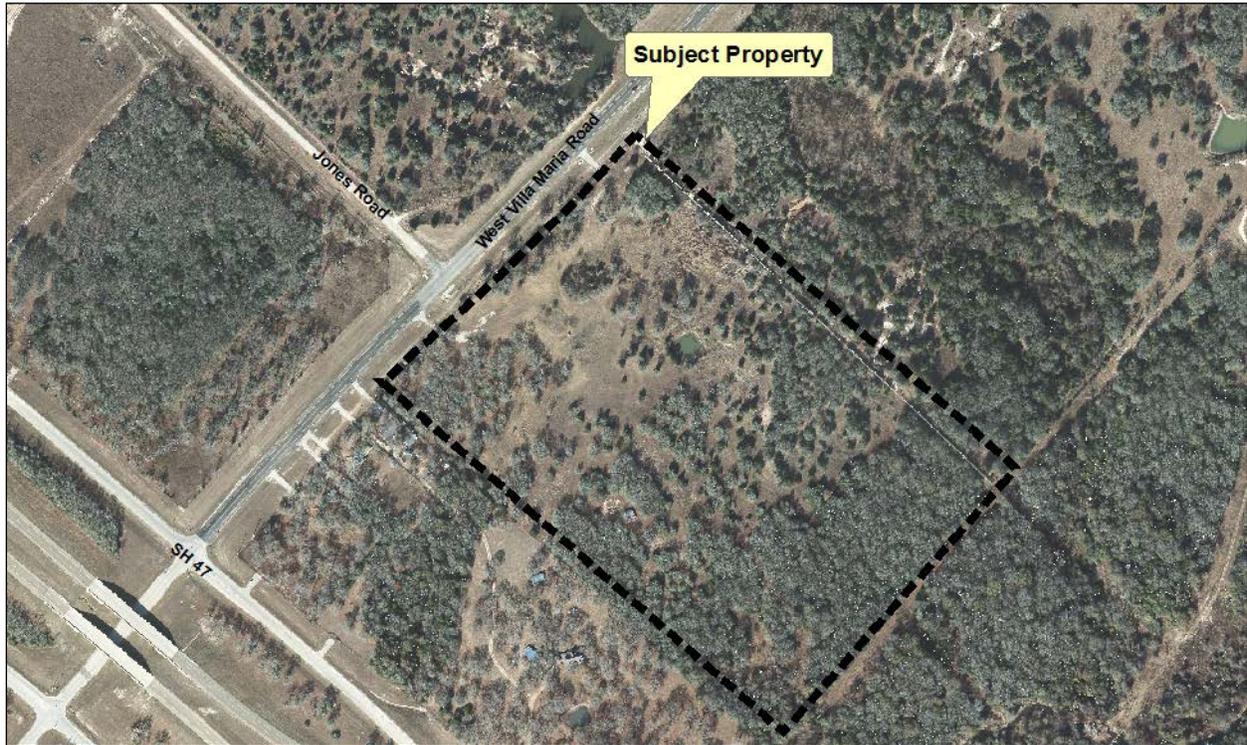
APPLICANT(S): Tony Jones of The Aggieland Company

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed rezoning, as requested.



AERIAL PHOTOGRAPH – 2011:



BACKGROUND:

The applicant, Mr. Tony Jones of The Aggield Company, is requesting to change the zoning classification on the subject property from a combination of Agricultural-Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 (RD-5) and Retail District (C-2). The subject property consists of 33.783 acres of vacant land adjoining the south side of West Villa Maria Road across from its intersection with Jones Road. The applicant wishes to develop approximately 28 acres of the subject property lying approximately 200 feet southeast of West Villa Maria Road with a residential subdivision (referred to as The Legends Subdivision). The balance of the property, 5.7 acres, adjoining West Villa Maria is proposed to remain designated for retail use. Please also refer to the attached zoning map provided by the applicant, showing existing and proposed zoning boundaries.

The proposal will reduce the amount of land currently zoned for retail use by approximately 5.3 acres. A master plan for The Legends Subdivision proposing a low-density residential development at this location is currently prepared and scheduled for consideration by the Planning and Zoning Commission during its regular meeting on September 19, 2013.

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 C-2 zoning classification is established to provide locations for various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near

or adjacent to, but not usually directly in, residential neighborhoods. Retail zoning should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes. The RD-5 zoning classification is intended to provide opportunities for development of detached single-family dwellings on lots of at least 5,000 square feet in size.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The 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. The Comprehensive Plan suggests that low density residential uses should be located in areas that are protected from (but accessible to) major roadways. The Comprehensive Plan further suggests that retail land should be located in areas that are at points of highest visibility and access and in close proximity to major intersections.

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.

Staff believes that RD-5 zoning on the 28 of these 33 acres as proposed is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. Staff believes that a single-family residential subdivision located at least 200 feet from a major arterial street (W. Villa Maria Road) will promote orderly urban growth in this vicinity. Staff also believes that the land proposed to be reserved for future development with retail establishments is appropriate in this particular case, as the Retail District will provide opportunities for development that will complement and be beneficial to the new residential subdivision.

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.

This proposed low-density residential subdivision on the RD-5 portion of this property will be located near West Villa Maria Road and State Highway 47, and will have access to those major roads via a collector street. Adequate water and sewer infrastructure exists near the perimeter of the subject property. Extension of services will be addressed at the time of development. The extension of Jones Road southeast into the subject property will provide a collector connection and desirable retail locations at the future intersection of the two roads on the south side of West Villa Maria Road.

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 lies northeast of the subject property in the subdivision known as The Traditions – Phase 20. No significant alteration is being proposed in the arrangement of land zoned for retail use. Staff believes that this zone change

request, if approved, will not make land classified for similar uses 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 developments are occurring at a moderate pace in this vicinity and elsewhere in the city. Retail expansion in the immediate vicinity has yet to occur but is expected to begin once an adequate amount of residential development occurs.

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 development.

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

Staff is unable to identify factors otherwise unmitigated by required development standards 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, finding that the proposed arrangement of C-2 and RD-5 zoning on this property appears to be consistent with the land use recommendations of the Bryan Comprehensive Plan.