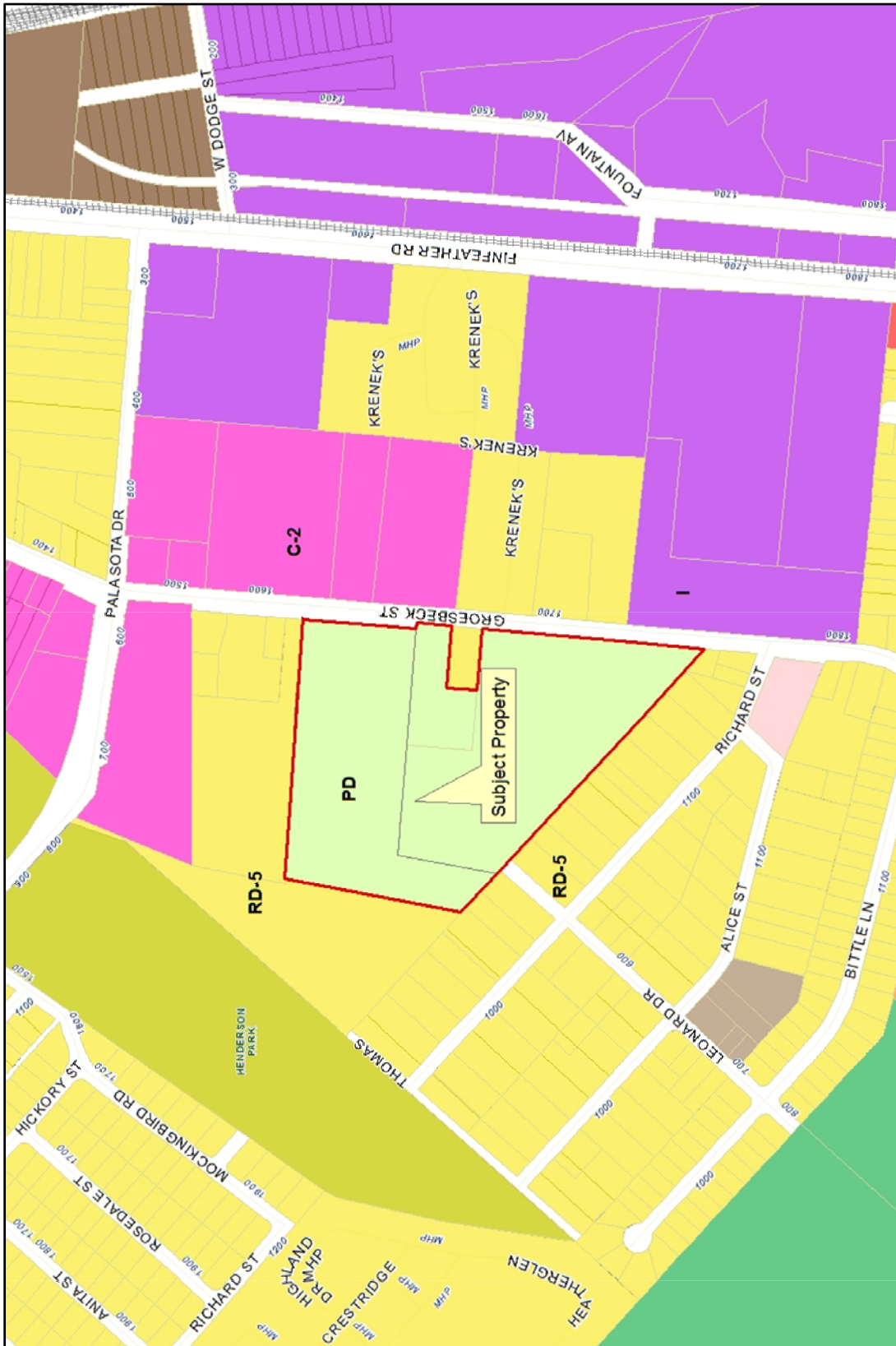


**LOCATION MAP:**



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

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY A NEW DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 20.61 ACRES OF LAND ADJOINING THE WEST SIDE OF GROESBECK STREET BETWEEN PALASOTA DRIVE AND RICHARD STREET, BEING NORTH OF THE INTERSECTION OF RICHARD AND GROESBECK STREETS, AND BEING LOT 1 IN BLOCK 1 OF SAVE OUR STREETS SUBDIVISION AS WELL AS 11.67 ACRES OF LAND OUT OF THE ZENO PHILLIPS SURVEY, A-45 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 amending the development plan of a Planned Development – Mixed Use District (PD-M) on 20.61 acres of land adjoining the west side of Groesbeck Street between Palasota Drive and Richard Street, being north of the intersection of Richard Street and Groesbeck Street being Lot 1 in Block 1 of Save Our Streets Subdivision as well as 11.67 acres of land out of Zeno Phillips Survey, A-45, 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. RZ16-02);

**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 adopting a new development plan for a Planned Development – Mixed Use District (PD-M) subject to development requirements depicted and described on attached Exhibits “A” and “B” which are herein fully incorporated by reference for all purposes as if set forth in the text of the ordinance, on 20.61 acres of land adjoining the west side of Groesbeck Street between Palasota Drive and Richard Street, being north of the intersection of Richard Street and Groesbeck Street, and being Lot 1 in Block 1 of Save Our Streets Subdivision as well as 11.67 acres of land out of Zeno Phillips Survey, A-45, in Bryan, Brazos County, Texas, said 20.61 acres of land being described more particularly by metes-and-bounds on attached Exhibit “C.”

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 10<sup>th</sup> 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 24<sup>th</sup> 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

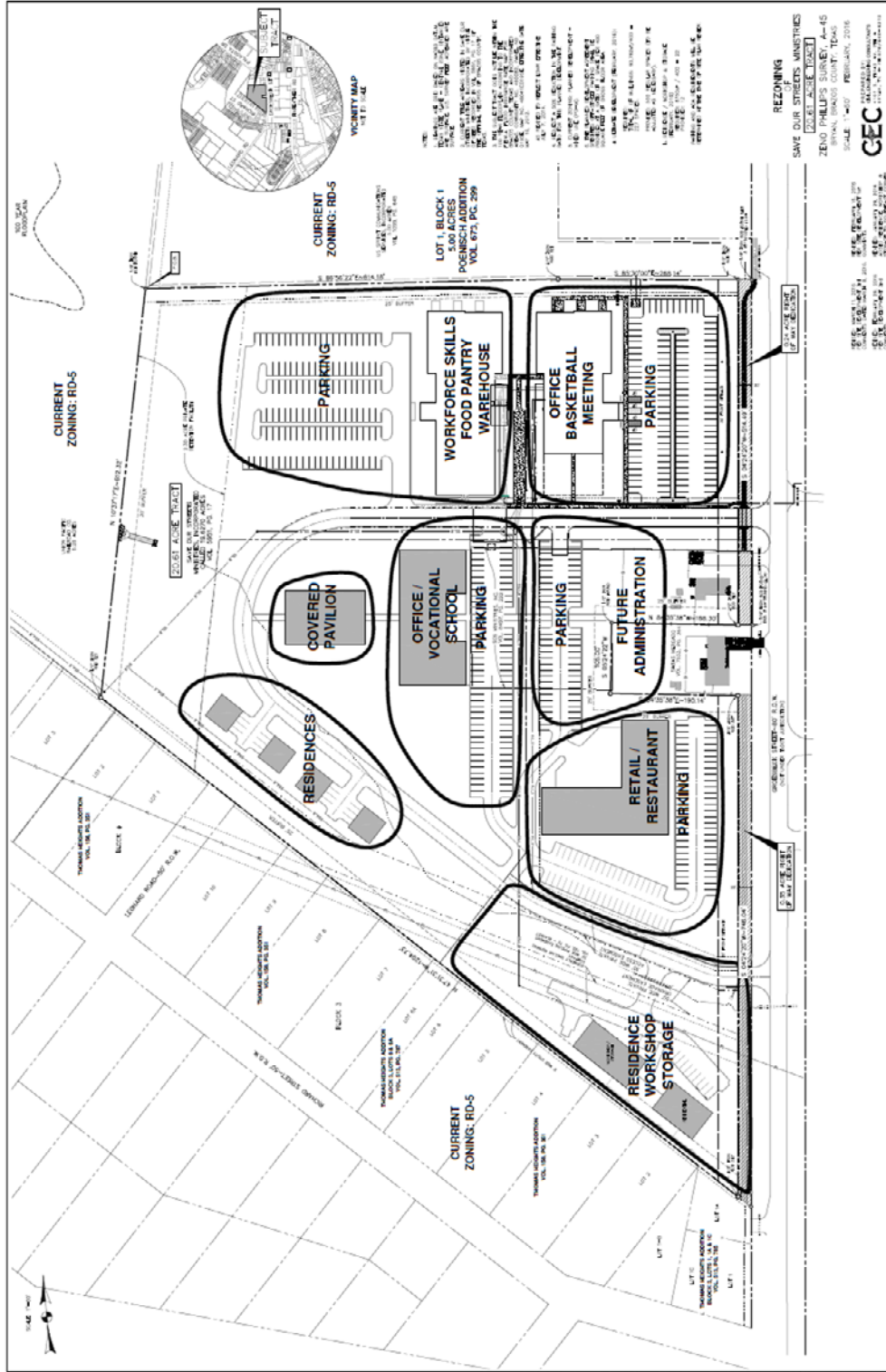
\_\_\_\_\_  
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

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

**EXHIBIT "A":**

**Development Plan for Planned Development – Mixed Use District (PD-M)  
on 20.61 acres of land adjoining the west side of Groesbeck Street between Palasota Drive  
and Richard Street in Bryan, Brazos County, Texas**



**Exhibit “B”:**  
**Development Requirements for Planned Development - Mixed Use District (PD-M)**  
**on 20.61 acres of land adjoining the west side of Groesbeck Street between Palasota Drive and**  
**Richard Street in Bryan, Brazos County, Texas**

**SECTION 1: Land Use**

The continued use of land and buildings permitted in this Planned Development – Mixed Use (PD-M) District shall be limited to non-governmental but not-for-profit educational vocational training and rehabilitation programs for at-risk youth and adults. Accessory uses shall include, but not be limited to classroom, meeting and office facilities, parking, group living facilities, food preparation areas, athletic facilities, warehouses for food pantry and clothes distribution, and a library.

**SECTION 2: Physical Development**

Physical development standards and limitations include, but are not limited to regulations concerning density, building setback, building height, building elevations, impervious coverage, off-street parking design, access, screening, landscaping, and accessory buildings.

Physical development within this PD-M District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties in Retail (C-2) zoning districts, subject to the following additional standards, limitations and/or allowances:

1. All physical development on the subject property shall generally conform to the development plan depicted in Exhibit “A”.
2. At least one-third (1/3) of all those building facades on the subject property which are visible from public right-of-way for Groesbeck Street shall be constructed of either vertical standing seam metal panels, glass, wood, stucco, masonry or tilt-up concrete wall.
3. All residences shall be of wood-frame construction with shingle roofs.
4. Outdoor storage of landscaping material and equipment shall be allowed in the general area specified on the development plan, so long as any such material is completely screened from view from public right-of-way for Groesbeck Street. Allowable screening materials shall include solid wood (not including plywood, particleboard, or similar composite), masonry (brick or stone), a combination solid wood and masonry, earthen berms and landscaping, so long as all plant materials used for screening purposes are of an evergreen nature and of sufficient height and type to completely block the view of materials and equipment stored.
5. Off-street parking shall be provided at a ratio of one (1) space per four-hundred (400) square feet of gross floor area of all buildings on the subject property.

**SECTION 3: Subdivision of Land**

The subdivision of land in this PD-M District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances.

**Exhibit "C":  
Metes and Bounds Description**

**TRACT 1:**

Save Our Streets Ministries  
11.67 Acre Tract  
Zeno Phillips Survey, A-45  
Bryan, Brazos County, Texas

Field notes of an 11.67 acre tract or parcel of land, lying and being situated in the Zeno Phillips Survey, Abstract No. 45, Bryan, Brazos County, Texas, and being part of the 19.6270 acre tract described in the deed from Donald Lamar Poenisch to Save Our Streets Ministries, Inc., recorded in Volume 5951, Page 17, of the Official Records of Brazos County, Texas, and being part of a 1.53 acre tract described in the deed from Cully Lipsey, Receiver, to SOS Ministries, Inc., recorded in Volume 8497, Page 222, of the Official Records of Brazos County, Texas, and said 11.67 acre tract being more particularly described as follows:

**BEGINNING** at a ½" iron rod and cap set in the common line between the beforementioned 19.6270 acre tract and Lot 1A, Block 3, Thomas Heights Addition, according to the plat recorded in Volume 156, Page 351, of the Deed Records of Brazos County, Texas, the southeast corner of the said 19.6270 acre tract bears S 47° 31' 31" E – 25.40 feet;

THENCE N 47° 31' 31" W along the common line between the beforementioned 19.6270 acre tract and Block 3, Thomas Heights Addition, for a distance of 1028.14 feet to a ½" iron rod and cap found at the southerly southeast corner of Lot 1, Block 1 (8.94 acres) of Save Our Streets (SOS) Subdivision, according to the plat recorded in Volume 9955, Page 36, of the Official Records of Brazos County, Texas;

THENCE along the lines of the beforementioned Lot 1, Block 1 (8.94 acres), as follows:

N 10° 37' 17" E	for a distance of 345.62 feet to a ½" iron rod found,
S 85° 35' 40" E	for a distance of 772.00 feet to a ½" iron rod found in the west right-of-way line of F.M. No. 1688 (Groesbeck Street), at the easterly southeast corner of Lot 1, Block 1;

THENCE S 04° 24' 20" W along the west right-of-way line of F.M. No. 1688 (originally 80' wide – now with additional 20' wide right-of-way dedication), for a distance of 126.49 feet to a ½" iron rod and cap set in the common line between the beforementioned 1.53 acre tract and the 0.51 acre tract described in the deed to Sabas Mercado, recorded in Volume 7033, Page 264, of the Official Records of Brazos County, Texas, a 5/8" iron rod found marking a southeast corner of the beforementioned 1.53 acre tract bears S 84° 35' 38" E - 21.73 feet;

THENCE along the common line between the beforementioned 1.53 acre tract and the 0.51 acre tract, as follows:

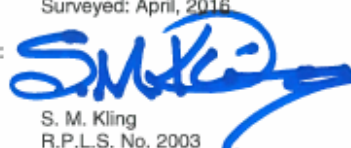
N 84° 35' 38" W	for a distance of 188.30 feet to a ½" iron rod found,
S 05° 24' 22" W	for a distance of 99.99 feet to an ell corner of the said 1.53 acre tract, from which a ½" iron rod found bears S 81° 57' 29" E - 2.20 feet;

THENCE along the common line between the beforementioned 19.6270 acre tract and the 0.51 acre tract, as follows:

S 05° 24' 22" W	for a distance of 5.01 feet to a ½" iron rod found,
S 84° 35' 38" E	for a distance of 190.14 feet to a ½" iron rod set in the west right-of-way line of the proposed 20' wide right-of-way dedication of F.M. No. 1688;

THENCE S 04° 24' 20" W along the west right-of-way line of the proposed 20' wide dedication of F.M. No. 1688, for a distance of 746.04 feet to the **PLACE OF BEGINNING**, containing 11.67 acres of land, more or less.



Surveyed: April, 2016  
By:   
S. M. Kling  
R.P.L.S. No. 2003

TRACT 2:

Save Our Streets Ministries  
Lot 1, Block 1  
8.94 Acre Tract  
Zeno Phillips Survey, A-45  
Bryan, Brazos County, Texas

Field notes of an 8.94 acre tract or parcel of land, lying and being situated in the Zeno Phillips Survey, Abstract No. 45, Bryan, Brazos County, Texas, and being part of the 19.6270 acre tract described in the deed from Donald Lamar Poenisch to Save Our Streets Ministries, Inc., recorded in Volume 5951, Page 17, of the Official Records of Brazos County, Texas, and said 8.94 acre tract being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found marking the common corner between the beforementioned 19.6270 acre tract and Lot 1, Block 1, 5.00 acres - Poenisch Addition, according to the plat recorded in Volume 1099, Page 645, of the Official Records of Brazos County, Texas, said 5/8" iron rod also lying in the east line of a 6.28 acre tract described in the deed to St. Louis Southwestern Railway Company, recorded in Volume 273, Page 717, of the Deed Records of Brazos County, Texas;

THENCE along the common line between the beforementioned 19.6270 and Lot 1, Block 1, Poenisch Addition, as follows:

S 86° 56' 22" E for a distance of 614.18 feet to a ½" iron rod set,  
S 85° 30' 00" E for a distance of 268.14 feet to a ½" iron rod set in the west right-of-way line of a proposed 20' wide right-of-way dedication for F.M. No. 1688 also known as Groesbeck Street, currently an 80' wide right-of-way, a ½" iron rod found marking the common easterly corner between the said 19.6270 acre tract and Lot 1, Block 1, Poenisch Addition, and in or near the west right-of-way line of F.M. No. 1688 bears S 85° 30' 00" E - 19.64 feet;

THENCE S 04° 24' 20" W along the proposed 20' wide right-of-way dedication for F.M. No. 1688 for a distance of 388.00 feet to a ½" iron rod set;

THENCE N 85° 35' 40" W for a distance of 772.00 feet to a ½" iron rod set;

THENCE S 10° 37' 17" W for a distance of 345.62 feet to a ½" iron rod set in the common line between the beforementioned 19.6270 acre tract and Lot 1, Block 4, Thomas Heights Addition, according to the plat recorded in Volume 156, Page 351, of the Deed Records of Brazos County, Texas;

THENCE N 47° 31' 31" W along the common line between the beforementioned 19.6270 acre tract and Block 4, Thomas Heights Addition, for a distance of 176.59 feet to a ½" iron rod set at the common corner between the said 19.6270 acre tract and the 6.28 acre tract;

THENCE N 10° 37' 17" E along the common line between the beforementioned 19.6270 acre tract and the 6.28 acre tract, for a distance of 612.32 feet to the **PLACE OF BEGINNING**, containing 8.94 acres of land, more or less.

**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).**

**a. Rezoning RZ16-02: Save Our Streets Ministries**

*A request to amend the development plan of a Planned Development – Mixed Use District (PD-M) on 20.61 acres of land adjoining the west side of the Groesbeck Street between Palasota Drive and Richard Street, being north of the intersection of Richard Street and Groesbeck Street being Lot 1 in Block 1 of Save Our Streets Subdivision as well as 11.67 acres of land out of Zeno Phillips Survey, A-45 in Bryan, Brazos County, Texas. (S. Doland).*

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

The public hearing was opened.

Mr. J. J. Ramirez, 103 W. Brookside Dr., Bryan, TX, applicant, spoke in favor of the request. He commented that:

- The men's home there is very successful
- He desires a bigger facility for the work program
- The workshop will be for equipment
- Programs offered include budget management
- Approval of this request will cut costs and help start a vocational training program.

In response to questions, Mr. Ramirez responded that future development is desired but they do not receive any funding outside of donations. They would like to begin whenever possible and whenever funds are available; they wish to expand the current building they have now and Commissioners may see development in the next couple of years.

The public hearing was closed.

**Commissioner Gonzalez moved to recommend approval of Rezoning RZ16-02 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Krolczyk seconded the motion.**

Commissioners thanked Mr. Ramirez for the work he has done.

**The motion passed unanimously.**



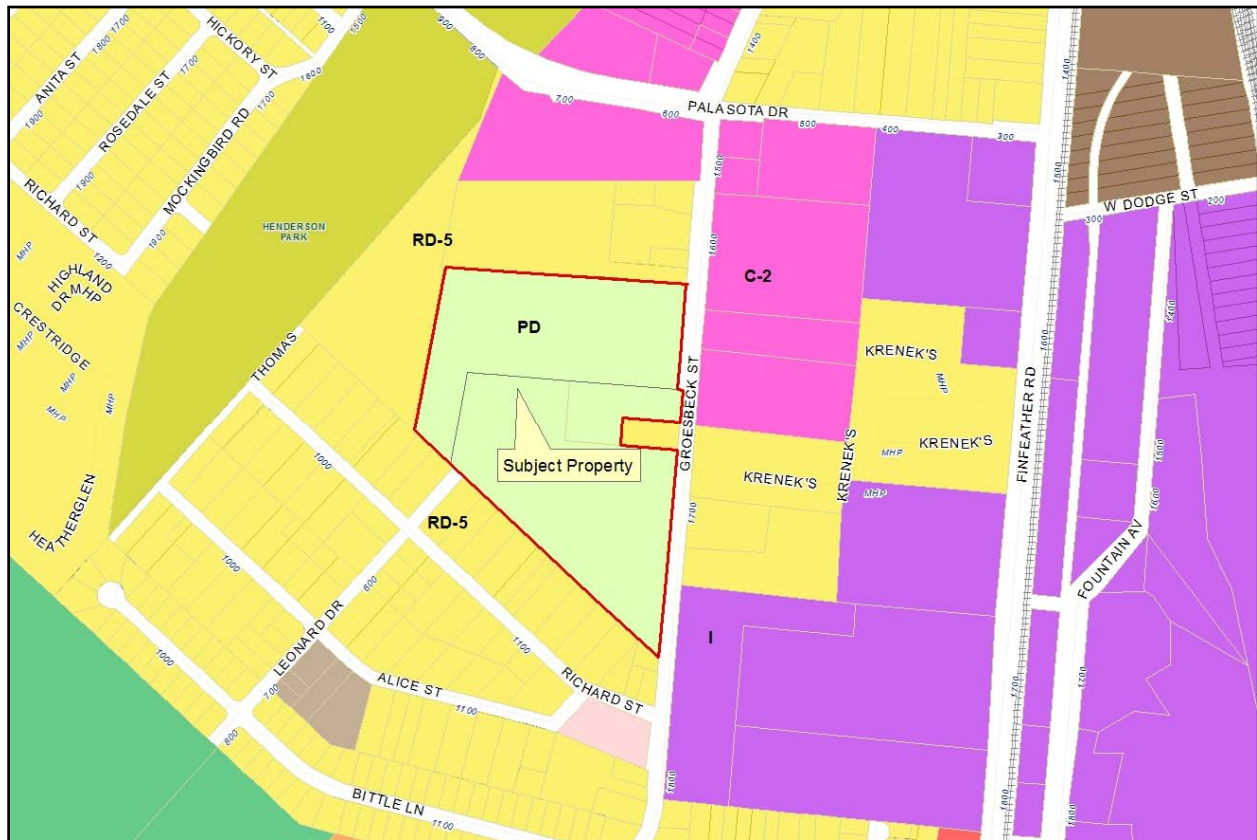
PLANNING AND ZONING COMMISSION  
STAFF REPORT



April 21, 2016

**Rezoning RZ16-02: Save Our Streets Ministries**

- CASE DESCRIPTION:** a request to amend the development plan of a Planned Development – Mixed Use District (PD-M)
- LOCATION:** 20.61 acres of land adjoining the west side of the Groesbeck Street between Palasota Drive and Richard Street, being north of the intersection of Richard Street and Groesbeck Street being Lot 1 in Block 1 of Save Our Streets Subdivision as well as 11.67 acres of land out of Zeno Phillips Survey, A-45
- APPLICANT(S):** SOS Ministries c/o Will Agnor
- AGENT:** Civil Engineering Consultants – Stewart Kling
- STAFF CONTACT:** Stephanie Doland, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request to amend the PD-M development plan.



## AERIAL PHOTOGRAPH (2015):



## BACKGROUND:

The applicant, Will Agnor on behalf of Save Our Streets (SOS) Ministries, own the subject property, a 20.61 acre tract of land developed with facilities for SOS Ministries and vacant acreage. SOS Ministries is a not-for-profit organization that provides educational vocational training and rehabilitation programs for at-risk youth and adults. SOS Ministries partners with approximately 300 volunteers and over 75 churches, has regularly scheduled activities throughout the week and various outreaches all through the year. Current activities include weekly bible studies, neighborhood outreaches providing school supplies, food and clothing, SOS Men's home, SOS Lawn Service, financial stability programs, family counseling, volunteer orientations and training and mentoring programs. SOS Ministries hopes to implement additional programs in the future, including a charter school, a vocational school, GED classes, recreational facilities, child development and parenting classes.

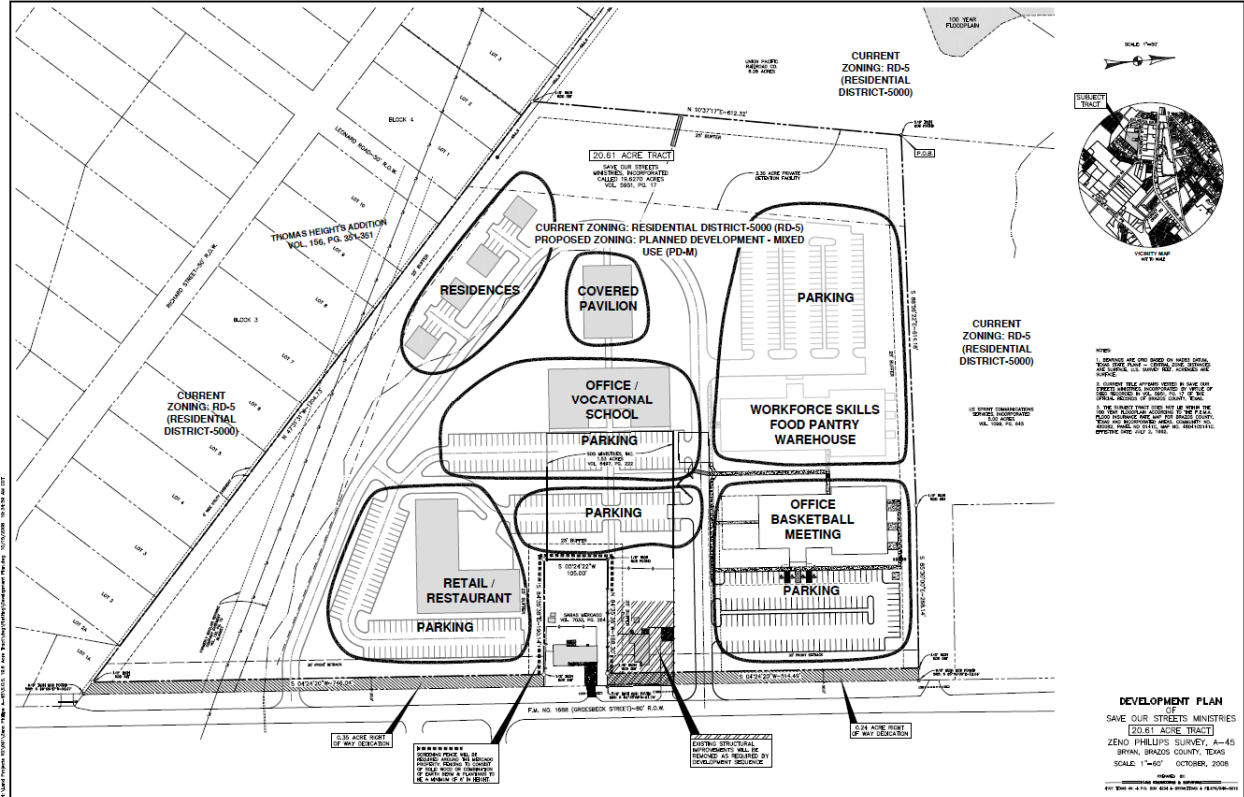
On December 9, 2008 the City Council approved a Planned Development – Mixed Use (PD-M) District for this property. SOS Ministries requested to change the zoning of the subject property to Planned Development – Mixed Use District (PD-M) to be able to use this property for all of the aforementioned programs and activities in a campus-like setting, as shown on the accompanying development plan.

In February 2016, SOS submitted a rezoning request to amend the original development plan for their campus to include residential uses and warehouse/storage uses at the southernmost portion of the 20+ acres. The original development plan shows the proposed development of this property with several buildings, planned to be utilized for classroom, meeting, office, residences, and warehousing/storage uses. While residential uses and warehousing/storage uses were included as uses allowed by right in the

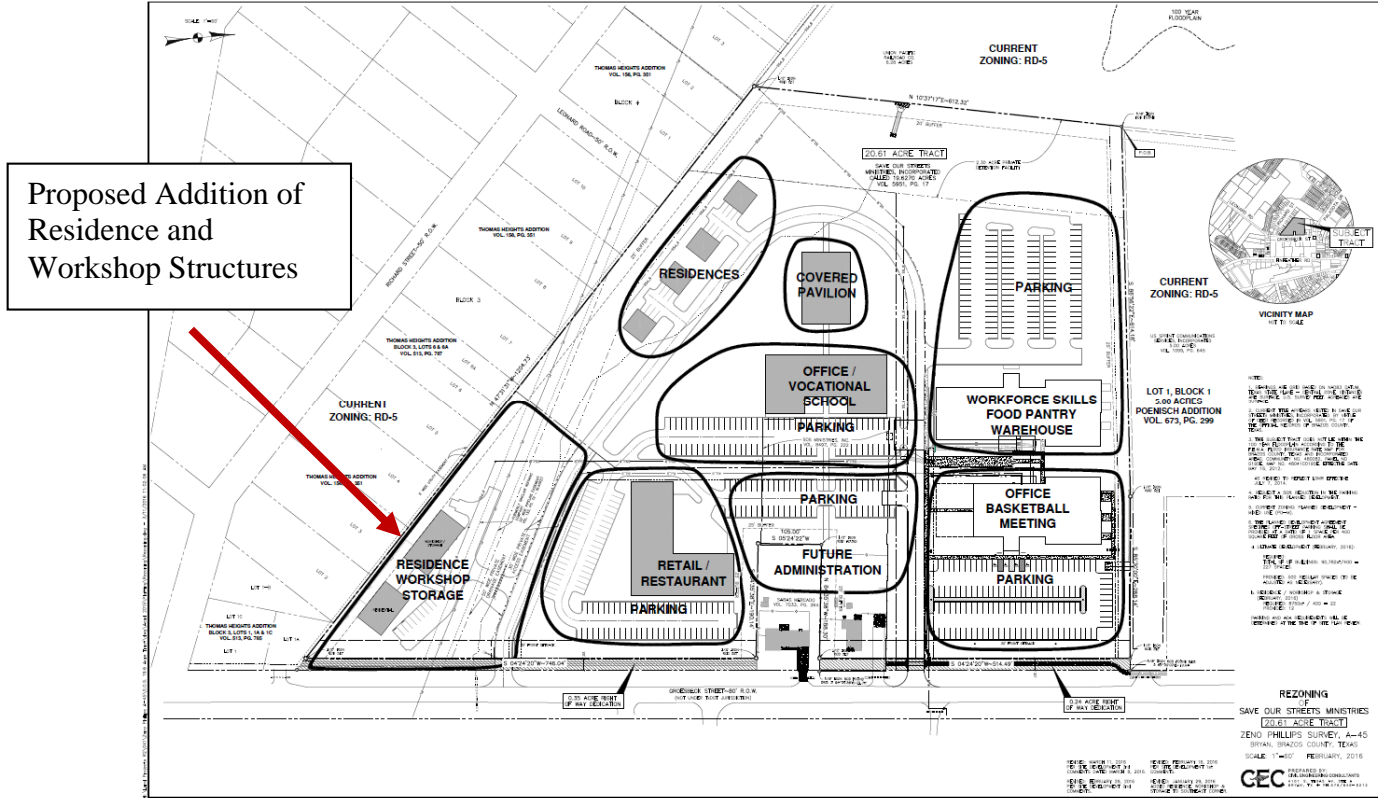
original PD-M agreement, the uses were not shown on the development plan at the southernmost section of the SOS Ministries campus, but, rather, further west, near the southwestern corner of the property.

The applicant is not requesting to amend any of the development standards, but simply to also allow residential and warehouse/storage use on the development plan at the southernmost tip of the subject property. See below the original and revised development plans.

**ORIGINAL DEVELOPMENT PLAN (2008)**



## PROPOSED DEVELOPMENT PLAN (2016)



### RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan includes policy recommendations related to the various physical development aspects of the community. City-wide land use policies articulated in the Comprehensive Plan suggest that land uses should be located so that appropriate buffers separate dissimilar uses. The Plan further suggests that where incompatible land uses must adjoin each other, zoning boundaries should be drawn along rear property lines such that activities face away from each other to avoid potential negative impacts. Finally, the Comprehensive Plan recommends encouraging and promoting compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.

### 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 and the area surrounding the subject property is currently zoned for and**

**developed with a wide range land uses, including single-family homes, telecommunications facilities and commercial uses. Staff believes revising the proposed PD-M Districts to include a residence and a warehouse/storage unit at the southernmost tip of the 20+ acre tract would be appropriate at this location.**

**The PD-M development plan includes a 25 foot buffer along the single-family home sites which border the property nearest to the proposed location of a residence. Staff contends that, with the proposed limitations on land use and physical development, including buffer areas, facade improvements and required screening, future use of this site for programs and activities targeting at-risk youth and adults can be successfully integrated within the fabric of this particular neighborhood.**

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.

**The subject property adjoins Groesbeck Street which is classified as major arterial street on Bryan's Thoroughfare Plan. Right-of-way for Groesbeck Street in front of Lot 1 of the subject property is currently 80 feet wide and is improved with a 24-foot wide ribbon of pavement. The applicants are proposing to dedicate 25+ feet of right-of-way, during the subdivision of Lots 2 and 3 of Save Our Streets Subdivision, to increase the width of Groesbeck Street to 85 feet in front of Lots 2 and 3 of the subject property. The ideal right-of-way width for major arterial streets is 120 feet. There is reasonable expectation that the remaining feet of right-of-way to make this street 120 feet wide can be acquired if and when property on the east side of Groesbeck Street, across from the subject property develops or redevelops. 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.

**Staff believes that approving this zoning district at this location should not affect the developability of other properties in this vicinity or elsewhere in the city.**

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 is not aware of any other campus developments for educational vocational training and rehabilitation programs in the community.**

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 mentioned above, there are currently no other areas classified for similar development.**

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

**Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare.**

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

**Staff believes that use and development proposed at this location, if limited to educational vocational training and rehabilitation programs and associated accessory uses like residences and warehousing, will generally be compatible with existing and anticipated uses surrounding this property. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties and the City as a whole.**

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

**Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-M District.**

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity.**

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**Staff contends that the proposed development will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.**

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.**

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

**Staff believes that the proposed use and development of this property with facilities for educational vocational training and rehabilitation programs will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.**

**RECOMMENDATION:**

Staff recommends **approving** case no. RZ16-02 to amend the development plan of this Planned Development – Mixed Use District (PD-M) agreement, as requested.