

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 RESIDENTIAL DISTRICT – 5000 (RD-5) TO RESIDENTIAL – NEIGHBORHOOD CONSERVATION DISTRICT (R-NC), ON APPROXIMATELY 57 ACRES OF LAND BEING GENERALLY IDENTIFIED BY ORDINANCE AS THE EASTSIDE HISTORIC PRESERVATION OVERLAY DISTRICT AND INCLUDING VARIOUS LOTS WITHIN THE BRYAN ORIGINAL TOWNSITE, MITCHELL’S ADDITION, A.C.L. HILL’S ADDITION, CAVITT’S BRYAN HEIGHTS, PHILIPS’ AND WINTER’S ADDITION, IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 is for approximately 57 acres of land being generally identified by ordinance as the Eastside Historic Preservation Overlay District, including various lots within the Bryan Original Townsite, Mitchell’s Addition, A.C.L. Hill’s Addition, Cavitt’s Bryan Heights, Philips’ and Winter’s Addition, in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a special meeting on May 17, 2018 (case no. RZ18-09);

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Residential District – 5000 (RD-5) to Residential Neighborhood Conservation District (R-NC) on approximately 57 acres of land being generally identified by ordinance as the Eastside Historic Preservation Overlay District and including various lots within the Bryan Original Townsite, Mitchell’s Addition, A.C.L. Hill’s Addition, Cavitt’s Bryan Heights, Philips’ and Winter’s Addition, in Bryan, Brazos County, Texas, and being more particularly described in attached Exhibit “A” and “A-1” and depicted on attached Exhibit “A-2” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentence, 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.

That this ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED and APPROVED the 121th day of June 2018, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ___ yeses and ___ noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT "A"

BEGINNING at the intersection of the northwest right-of-way line of Ennis Street with the northeast right-of-way line of East Thirtieth Street, same being the south corner of Lot 8, Block 10 of the Phillips Addition;

THENCE in a southwest direction along the beforementioned northwest right-of-way line of Ennis Street to the south corner of Lot 13, Block 29 of the Phillips Addition and corner, same being the intersection of the northwest right-of-way line of Ennis Street with the northeast right-of-way line of Thirty Third Street;

THENCE across the beforementioned Thirty Third Street in a southwest direction and corner with the east corner of Lot 24, Block 10 of the Winter Addition, same being the intersection of the southwest right-of-way line of Thirty Third Street with the north right-of-way line of Homestead Street;

THENCE in a westerly direction along the beforementioned north right-of-way line of Homestead Street to the southwest corner of Lot 23, Block 10 of the Winter Addition and corner;

THENCE in a northerly direction along the west line of Lot 23, Block 10 of Winter Addition for a distance of 64.5 feet and corner;

THENCE in a westerly direction across Lot 22, Block 10 of the Winter Addition for a distance of 62.6 feet and corner in the east line of Lot 21, Block 10 of the Winter Addition;

THENCE in a southerly direction along the east line of Lot 21, Block 10 of the Winter Addition for a distance of 67.0 feet and corner with the southeast corner of the said Lot 21, Block 10 in the beforementioned north right-of-way line of Homestead Street;

THENCE in a westerly direction along the beforementioned north right-of-way line of Homestead Street to the southwest corner of Lot 19, Block 10 of the Winter Addition and corner;

THENCE in a northerly direction along the east lines of Lots 18 and 17, Block 10 of the Winter Addition to the northeast corner of Lot 17, Block 10 and corner;

THENCE in a westerly direction along the north line of Lot 17, Block 10 of the Winter Addition to the northwest corner of Lot 17, Block 10 and corner in the east right-of-way line of Winter Street;

THENCE in a northerly direction along the beforementioned east right-of-way line of Winter Street to the intersection of the said east right-of-way line of Winter Street with the beforementioned southwest right-of-way line of Thirty Third Street, same being the northwest corner of Lot 13, Block 10 of the Winter Addition;

THENCE in a northerly direction across the beforementioned Thirty Third Street to the west corner of Lot 15, Block 28 of the Phillips Addition and corner in the northeast right-of-way line of Thirty Third Street;

THENCE in a southeasterly direction along the beforementioned northeast right-of-way line of Thirty Third Street to the intersection of the said northeast right-of-way line of Thirty Third Street with the northwest right-of-way line of Haswell Street, same being the south corner of Lot 13, Block 28 of the Phillips Addition;

THENCE in a northeasterly direction along the beforementioned northwest right-of-way line of Haswell Street to the east corner of Lot 10, Block 28 of the Phillips Addition and corner;

THENCE in a northwesterly direction along the northeast line of the beforementioned Lot 10, Block 28 of the Phillips Addition to the north corner of Lot 10, Block 28 and corner;

THENCE in a southwesterly direction along the northwest line of Lot 10, and Lot 9 of Block 28 of the Phillips Addition to the west corner of Lot 9, Block 28 of the Phillips Addition and corner;

THENCE in a northwesterly direction along the southwest line of Lot 11, Block 28 of the Phillips Addition to the west corner of Lot 11, Block 28 of the Phillips Addition and corner in the southeast right-of-way line of Hutchins Street;

THENCE in a northeasterly direction along the beforementioned southeast right-of-way line of Hutchins Street to the intersection of the said southeast right-of-way line of Hutchins Street with the northeast right-of-way line of Thirty First Street, same being the west corner of Lot 3, Block 16 of the Phillips Addition;

THENCE in a northwesterly direction along the beforementioned northeast right-of-way line of Thirty First Street to the intersection of the said northeast right-of-way line of Thirty First Street with the southeast right-of-way line of Baker Street, same being the west corner of Lot 3, Block 15 of the Phillips Addition;

THENCE in a northeasterly direction along the beforementioned southeast right-of-way line of Baker Street to the intersection of the said southeast right-of-way line of Baker Street with the southwest right-of-way line of Thirtieth Street, same being the north corner of Lot 2, Block 15 of the Phillips Addition;

THENCE in a northwesterly direction along the beforementioned southwest right-of-way line of Thirtieth Street to the intersection of the said southwest right-of-way line of Thirtieth Street with the northwest right-of-way line of Baker Street and corner, same being the east corner of Lot 1, Block 14 of the Phillips Addition;

THENCE in a southwesterly direction along the beforementioned northwest right-of-way line of Baker Street for a distance of 115.00 feet and corner with the south corner of the Robert E. Sullivan Tract described in the deed recorded in Volume 438, Page 228 of the Deed Records of Brazos County, Texas;

THENCE in a northwesterly direction along the southwest lines of the beforementioned Robert E. Sullivan Tract, the southwest line of the Truman Allen Tract described in the deed recorded in Volume 271, Page 674 of the Deed Records of Brazos County, Texas, and the southwest line of the Larry Kent Ummel Tract described in the deed recorded in Volume 406, Page 257 of the Deed Records of Brazos County, Texas, and corner with the west corner of the said Larry Kent Ummel Tract;

THENCE in a northeasterly direction along the northwest line of the beforementioned Larry Kent Ummel Tract and corner with the north corner of the said Larry Kent Ummel Tract in the beforementioned southwest right-of-way line of Thirtieth Street;

THENCE in a northeasterly direction across the beforementioned Thirtieth Street to the west corner of the Hugh W. Lindsay Tract described in the deed recorded in Volume 446, Page 151 of the Deed Records of Brazos County, Texas, said corner being in the northeast right-of-way line of Thirtieth Street;

THENCE in a northeasterly direction along the northwest line of the beforementioned Hugh W. Lindsay Tract and corner with the north corner of the said Hugh W. Lindsay Tract;

THENCE in a southeasterly direction along the northeast line of the beforementioned Hugh W. Lindsay Tract and corner with the east corner of the said Hugh W. Lindsay Tract in the northwest right-of-way line of Hill Street; THENCE in a northeasterly direction along the beforementioned northwest right-of-way line of Hill Street to the intersection of the said northwest right-of-way line of Hill Street with the northeast corner of the Samuelson Tract described in the Deed recorded in Volume 446, Page 152, of the Deed Records of Brazos County, Texas;

THENCE in a northwesterly direction along the northeast line of the beforementioned Samuelson Tract to its north corner;

THENCE in a southwesterly direction along the northwesterly line of the beforementioned Samuelson Tract and corner in the northeast right-of-way line of Thirtieth Street;

THENCE in a northwesterly direction along the northeast right-of-way line of Thirtieth Street and corner in the east right-of-way line of Houston Avenue;

THENCE in a northeasterly direction along the east right-of-way line of Houston Avenue and corner in the southwest corner of the James E. Jett Tract;

THENCE in a southwesterly direction along the James E. Jett Tract and corner in the northwest right-of-way line of Hill Street;

THENCE in a northeasterly direction along the northwest right-of-way line of Hill Street to the northeast right-of-way line of Twenty-ninth Street, same being the south corner of the John Kinross-Wright Tract described in the deed recorded in Volume 412, Page 109 of the Deed Records of Brazos County, Texas;

THENCE in a northwesterly direction along the beforementioned northeast right-of-way line of Twenty Ninth Street and corner with the west corner of the beforementioned John Kinross-Wright Tract;

THENCE in a northeasterly direction along the northwest line of the beforementioned John Kinross-Wright Tract and corner with the intersection of the said northwest line of the John Kinross-Wright Tract with the north right-of-way line of Twenty Ninth Street;

THENCE in a westerly direction along the beforementioned north right-of-way line of Twenty Ninth Street to the intersection of the said north right-of-way line of Twenty Ninth Street with the east right-of-way line of Houston Street, same being the southwest corner of Lot 1, Block 48 of the Bryan Original Townsite;

THENCE in a northerly direction along the beforementioned east right-of-way line of Houston Street to the intersection of the said east right-of-way line of Houston Street with the south right-of-way line of Twenty Eighth Street, same being the northwest corner of Lot 6, Block 48 of the Bryan Original Townsite;

THENCE in an easterly direction along the beforementioned south right-of-way line of Twenty Eighth Street to the intersection of the said south right-of-way line of Twenty Eighth Street with the west right-of-way line of Preston Street, same being the northeast corner of Lot 10, Block 48 of the Bryan Original Townsite;

THENCE in a northeasterly direction across the beforementioned Twenty Eighth Street to the southeast corner of Lot 2, Block 60 of the Bryan Original Townsite in the north right-of-way line of Twenty Eighth Street;

THENCE in a northerly direction along the common lot lines of Lot 2 and 3, Block 60 of the Bryan Original Townsite to the northwest corner of Lot 3, Block 61 of the Bryan Original Townsite;

THENCE in an easterly direction along the southern edge of the existing 20 foot alley at Block 61 to the northeast corner of Lot 3, Block 61 of the Bryan Original Townsite;

THENCE in a southerly direction along the common lot lines of Lots 3 and 4, Block 61 of the Bryan Original Townsite to the Northeast corner of Lot 8, Block 60 of the Bryan Original Townsite also being the common lot corner of Lots 8 and 9, Block 60 of the Bryan Original Townsite;

THENCE in a southerly direction along the east line of Lot 10, Block 60 of the Bryan Original Townsite and corner with the east corner of the said Lot 10, Block 60 of the Bryan Original Townsite;

THENCE in a southwesterly direction along the southwest line of the beforementioned Bryan Original Townsite and corner with the north corner of the beforementioned John Kinross-Wright Tract described in the deed recorded in Volume 412, Page 109 of the Deed Records of Brazos County, Texas;

THENCE in a southeasterly direction along the northeast line of the beforementioned John Kinross-Wright Tract and corner with the east corner of the said John Kinross-Wright Tract in the northwest right-of-way line of Hill Street;

THENCE in a southeasterly direction across the beforementioned Hill Street and corner with the north corner of Lot 7 of the A. C. L. Hill Addition in the southeast right-of-way line of Hill Street;

THENCE in a southeasterly direction along the northeast line of the beforementioned Lot 7, of the A. C. L. Hill Addition and corner with the east corner of the said Lot 7;

THENCE in a southwesterly direction along the southeast lines of Lot 7, 6 and 5 of the A. C. L. Hill Addition and corner with the south corner of the said Lot 5 of the A. C. L. Hill Addition;

THENCE in a southeasterly direction along the northeast lines of Lots 2 and 1 of the A. C. L. Hill Addition and corner with the east corner of the said Lot 1 in the northwest right-of-way line of Baker Street;

THENCE in a southwesterly direction along the beforementioned northwest right-of-way line of Baker Street and corner with the south corner of the beforementioned Lot 1 of the A. C. L. Hill Addition, same being the intersection of the said northwest right-of-way line of Baker Street with the northeast right-of-way line of Twenty Ninth Street;

THENCE in a southwesterly direction across the beforementioned Twenty Ninth Street and corner with the intersection of the southwest right-of-way line of Twenty Ninth Street with the northwest right-of-way line of Baker Street;

THENCE in a southeasterly direction along the beforementioned southwest right-of-way line of Twenty Ninth Street and corner with the intersection of the said southwest right-of-way line of Twenty Ninth Street with the southeast right-of-way line of Hutchins Street;

THENCE in a southwesterly direction along the beforementioned southeast right-of-way line of Hutchins Street and corner with the west corner of the Texas Employment Commission Tract described in the deed recorded in Volume 313, Page 441 of the Deed Records of Brazos County, Texas;

THENCE in a southeasterly direction along the southwest line of the beforementioned Texas Employment Commission Tract and the southwest line of the Ollie Ruth Shaw Little Tract described in the deed recorded in Volume 265, Page 511 of the Deed Records of Brazos County, Texas, and corner with the south corner of the said Ollie Ruth Shaw Little Tract;

THENCE in a northeasterly direction along the southeast line of the beforementioned Ollie Ruth Shaw Little Tract and corner with the east corner of the said Ollie Ruth Shaw Little Tract in the beforementioned southwest right-of-way line of Twenty Ninth Street;

THENCE in a southeasterly direction along the beforementioned southwest right-of-way line of Twenty Ninth Street to the intersection of the said southwest right-of-way line of Twenty Ninth Street with the southeast right-of-way line of Haswell Street, same being the north corner of Lot 13, Block 10 of the Phillips Addition;

THENCE in a southwesterly direction along the southeast right-of-way line of Haswell Street to the north corner of Lot 10, Block 10 of the Phillips Addition and corner;

THENCE in a southeasterly direction along the northeast line of the beforementioned Lot 10, Block 10 of the Phillips Addition and corner with the east corner of the said Lot 10, Block 10 of the Phillips Addition;

THENCE in a southwesterly direction along the southeast line of Lot 10, Block 10 and the southeast line of Lot 9, Block 10 of the Phillips Addition and corner with the north corner of Lot 5, Block 10 of the Phillips Addition;

THENCE in a southeasterly direction along the northeast lines of Lots 5, 6, 7, and 8, Block 10 of the Phillips Addition to the east corner of Lot 8, Block 10 in the northeast right-of-way line of Ennis Street;

THENCE in a southeasterly direction across the beforementioned Ennis Street to the north corner of Lot 1, Block 9 of the Phillips Addition;

THENCE in a southeasterly direction along the northeast lines of Lots 1, 2, and 3, Block 9 of the Phillips Addition and corner with the east corner of the said Lot 3, Block 9;

THENCE in a southwesterly direction along the southeast line of Lot 3, Block 9 of the Phillips Addition and corner with the south corner of the said Lot 3, Block 9 in the northeast right-of-way line of Thirtieth Street;

THENCE in a northwesterly direction along the beforementioned northeast right-of-way line of Thirtieth Street to the PLACE OF BEGINNING.

EXHIBIT "A-1"

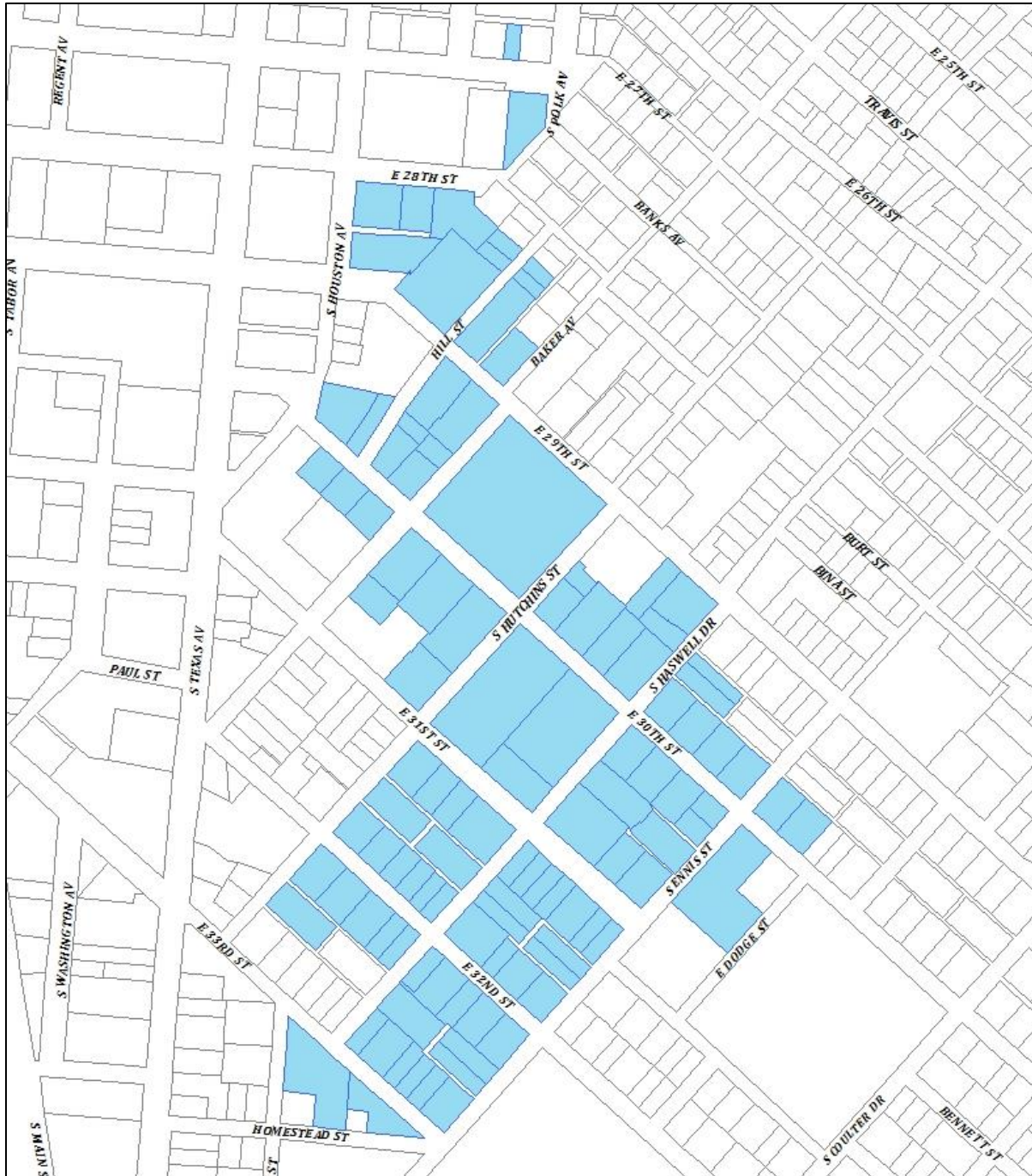
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| 604 | E | 27TH | CITY OF BRYAN TOWNSITE, BLOCK 61, LOT 3 |
| 607 | E | 27TH | CITY OF BRYAN TOWNSITE, BLOCK 60 (E HALF OF) |
| 601 | E | 28TH | MITCHELL, BLOCK 1, LOT 2 & PTS OF PRESTON ST & PT OF 28TH ST |
| 501 | E | 28TH | CITY OF BRYAN TOWNSITE, BLOCK 48, LOT 6-8 & PT OF 28TH ST |
| 507 | E | 28TH | CITY OF BRYAN TOWNSITE, BLOCK 48, LOT 9-10 & PT OF 28TH ST |
| 500 | E | 29TH | CITY OF BRYAN TOWNSITE, BLOCK 48, LOT 1-5 & PT OF PRESTON ST |
| 614 | E | 29TH | HILL, LOT 1, 2, & 50 |
| 600 | E | 29TH | MITCHELL, BLOCK 1, LOT 1 & 4-5 |
| 611 | E | 29TH | PHILLIPS, BLOCK 13, LOT 4 |
| 615 | E | 29TH | PHILLIPS, BLOCK 13, LOT 6 |
| 809 | E | 29TH | PHILLIPS, BLOCK 11, LOT 1-2 (PTS OF) |
| 811 | E | 29TH | PHILLIPS, BLOCK 11, LOT 1-AR |
| 610 | E | 29TH | HILL, LOT 3-7 & 10' OF 8 |
| 805 | E | 30TH | PHILLIPS, BLOCK 17, LOT 1-2 (PTS OF) |
| 811 | E | 30TH | PHILLIPS, BLOCK 17, LOT 1-2 (PTS OF) |
| 508 | E | 30TH | PHILLIPS, BLOCK 13, LOT 5 (PT OF) |
| 810 | E | 30TH | PHILLIPS, BLOCK 10, LOT 5 & 6 |
| 904 | E | 30TH | PHILLIPS, BLOCK 9, LOT 3-4 & ADJ 5.5' OF 2 |
| 900 | E | 30TH | PHILLIPS, BLOCK 9, LOT 1 & ADJ 46.6' OF 2 |
| 800 | E | 30TH | PHILLIPS, BLOCK 10, LOT 1 & 2 |
| 507 | E | 30TH | PHILLIPS, BLOCK 14, LOT 2 (PT OF) |
| 814 | E | 30TH | PHILLIPS, BLOCK 10, LOT 7 & 8 |
| 615 | E | 30TH | PHILLIPS, BLOCK 15, LOT 1&4 (PTS OF) |
| 713 | E | 30TH | PHILLIPS, BLOCK 16, LOT 1 REPLAT |
| 509 | E | 30TH | PHILLIPS, BLOCK 14, LOT 1-2 (PTS OF) |
| 514 | E | 30TH | PHILLIPS, BLOCK 13, LOT 4R |
| 515 | E | 30TH | PHILLIPS, BLOCK 14, LOT 1 (PT OF) |
| 609 | E | 30TH | PHILLIPS, BLOCK 15, LOT 1-4 (PTS OF) |
| 601 | E | 30TH | PHILLIPS, BLOCK 15, LOT 2 (PT OF) |
| 506 | E | 30TH | PHILLIPS, BLOCK 13, LOT 3R-B |
| 700 | E | 30TH | PHILLIPS, BLOCK 11, LOT 3 (PT OF) |
| 708 | E | 30TH | PHILLIPS, BLOCK 11, LOT 4 (PT OF) |
| 804 | E | 30TH | PHILLIPS, BLOCK 10, LOT 3 & 4 |
| 712 | E | 30TH | PHILLIPS, BLOCK 11, LOT 4 (PT OF) |
| 706 | E | 30TH | PHILLIPS, BLOCK 11, LOT 3 (PT OF) & PT OF 2 |
| 500 | E | 30TH | PHILLIPS, BLOCK 13, LOT 3R-A |
| 815 | E | 30TH | PHILLIPS, BLOCK 17, LOT 3-4 (PTS OF) |
| 605 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 6 & PT OF 5 |
| 616 | E | 31ST | PHILLIPS, BLOCK 16, LOT 3 REPLAT |

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| 607 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 4-5 (PTS OF) |
| 603 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 7 & 8 |
| 713 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 2 |
| 715 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 1 |
| 709 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 3 & 4 |
| 615 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 1-3 & PT OF 4 |
| 708 | E | 31ST | PHILLIPS, BLOCK 17, LOT 7 & PT OF 8 |
| 703 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 7 |
| 705 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 6 |
| 712 | E | 31ST | PHILLIPS, BLOCK 17, LOT 9-10 & 6.8' OF 8 |
| 707 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 5 |
| 701 | E | 31ST | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 8 |
| 710 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 15 & 16 |
| 706 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 17 |
| 707 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 5 & PTS OF 4&6 & PT ALLEY |
| | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 28, LOT 11 & 12, ACRES 0.4591 |
| 703 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 7 & PT OF 6 & PT ALLEY |
| 701 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 8 |
| 600 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 11 & 12, ACRES 0.4591 |
| 601 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 28, LOT 7 & 8, ACRES 0.355 |
| 709 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 3 & PT OF 4 |
| 613 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 28, LOT 2 |
| 607 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 28, LOT 5 & 6 |
| 609 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 28, LOT 3 & 4 |
| 610 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 15 & 4' OF 14 |
| 615 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 28, LOT 1 |
| 614 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 13 |
| 612 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 14 (LESS 4') |
| 700 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 18-20 & PT OF ALLEY |
| 604 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 18R |
| 600 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 19 & 20, ACRES 0.3071 |
| 608 | E | 32ND | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 16R |
| 608 | E | 33RD | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 16 |
| 610 | E | 33RD | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 15 |
| 602 | E | 33RD | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 18-19 & PT ALLEY |
| 606 | E | 33RD | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 17 & PT ALLEY |
| 600 | E | 33RD | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 20 & PT ALLEY |
| 609 | E | 33RD | WINTERS, BLOCK 10, LOT 23-24 & PT OF 22 |
| 1209 | | BAKER | PHILLIPS, BLOCK 13, LOT 5R |
| 1108 | | BAKER | PHILLIPS, BLOCK 15, LOT 2-3 (PTS OF) |
| 1200 | | BAKER | PHILLIPS, BLOCK 12, LOT ALL, ACRES 3.86 FANNIN ELEMENTARY |

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| 609 | S | ENNIS | PHILLIPS, BLOCK 18, LOT 1 |
| 806 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 10 & PT OF ALLEY |
| 708 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 9 |
| 706 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 10 |
| 800 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 1 & 2 |
| 714 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 13 & 14 |
| 812 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 13 & 14 |
| 808 | S | ENNIS | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 9 |
| 602 | S | ENNIS | PHILLIPS, BLOCK 17, LOT 3-4 (PTS OF) |
| 606 | S | ENNIS | PHILLIPS, BLOCK 17, LOT 5 & 6 & PT OF ALLEY |
| 611 | S | HASWELL | PHILLIPS, BLOCK 17, LOT 12 (PT LTS 2&3 BY DEED) |
| | S | HASWELL | CAVITT'S BRYAN HEIGHTS, BLOCK 23, LOT 9 & 10 |
| 809 | S | HASWELL | CAVITT'S BRYAN HEIGHTS, BLOCK 29, LOT 11-12 & PT OF ALLEY |
| 507 | S | HASWELL | PHILLIPS, BLOCK 10, LOT 10 LESS 5' |
| 509 | S | HASWELL | PHILLIPS, BLOCK 10, LOT 9 & 5' OF 10 |
| 506 | S | HASWELL | PHILLIPS, BLOCK 11, LOT 1-BR |
| 607 | S | HASWELL | PHILLIPS, BLOCK 17, LOT 11 & PT OF ALLEY |
| 601 | S | HASWELL | PHILLIPS, BLOCK 17, LOT 2 (PT OF) |
| 711 | S | HASWELL | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 11 |
| 707 | S | HASWELL | CAVITT'S BRYAN HEIGHTS, BLOCK 22, LOT 12 & PT OF ALLEY |
| 408 | | HILL | MITCHELL, BLOCK 1, LOT 6 (48' OF) |
| 405 | | HILL | HILL, LOT 9 (46' OF) |
| 404 | | HILL | MITCHELL, BLOCK 1, LOT 6 (E 50' OF), ACRES 0.122 |
| 407 | | HILL | HILL, LOT 8 (LESS SW 10') & 4' OF 9 |
| 509 | | HILL | PHILLIPS, BLOCK 13, LOT 5 (PT OF) |
| 612 | S | HUTCHINS | PHILLIPS, BLOCK 15, LOT 4 (PT OF) |
| 505 | S | HUTCHINS | PHILLIPS, BLOCK 11, LOT 2-3 (PTS OF) |
| 601 | S | HUTCHINS | PHILLIPS, BLOCK 16, LOT 2 REPLAT, ACRES 2 |
| 907 | | WINTER | WINTERS, BLOCK 10, LOT 13-16 & 19-21 |

EXHIBIT "A-2"

PROPERTIES TO BE REZONED R-NC DISTRICT WITH CASE NO. RZ18-09:



**EXCERPT FROM PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES
OF MAY 17, 2018:**

3. 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 RZ18-09: Eastside Historic District

A request to change the zoning classification on all properties located in the Eastside Historic District that are zoned Residential District – 5000 (RD-5), to Residential – Neighborhood Conservation District (R-NC), being approximately 57 acres of land located generally east of South Texas Avenue, south of East 27th Street, west of South Ennis Street and north of East 33rd Street in Bryan, Brazos County, Texas. (R. Haynes)

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

In response to questions from the Commission, Mr. Haynes stated that:

- Any exterior alterations to a structure in the East Side Historic District must be approved by the Historic Landmark Commission.
- The petition for this rezoning has been filed with the Bryan City Secretary's office.
- This zoning change would not impact any properties that are currently grandfathered with more than two unrelated occupants.

The public hearing was opened.

Ms. Tamara Garza, 611 E 29th St, Bryan, TX, applicant in favor of the request, and Ms. Colleen Batchelor, 614 E 29th St, Bryan, TX, came forward and stated the following:

- This request aims to protect the single-family character of the East Side Historic District.
- There are 67 certified signatures from property owners on the petition.
- More than 80% of residents who live in this district are supportive of this rezoning.
- This request meets all legal requirements and is good for Bryan.

The public hearing was closed.

Commissioner Incardona moved to recommend approval of Rezoning RZ18-09 to the Bryan City Council, and to adopt the written staff report and analysis as the report, findings, and evaluation of the Commission. Commissioner Conlee seconded the motion.

Commissioners thanked residents for working to protect the character of their neighborhood.

The motion passed by a vote of 6-0, with Commissioners Gonzalez and Gutierrez abstaining from deliberation and voting due to a conflict of interest.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 17, 2018



Rezoning case no. RZ 18-09: Eastside Historic District

CASE DESCRIPTION: request to change the zoning classification on all properties located in the Eastside Historic District that are zoned Residential District – 5000 (RD-5), to Residential – Neighborhood Conservation District (R-NC)

LOCATION: approximately 57 acres of land located generally east of South Texas Avenue, south of East 27th Street, west of South Ennis Street and north of East 33rd Street

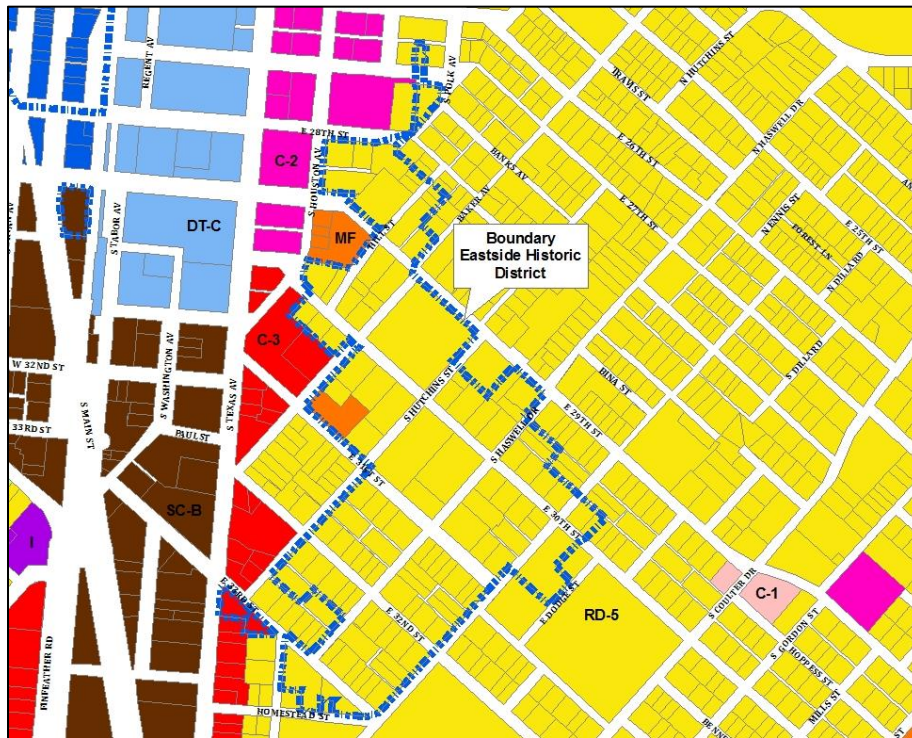
LEGAL DESCRIPTION: various lots within the Bryan Original Townsite, Mitchell’s Addition, A.C.L. Hill’s Addition, Cavitt’s Bryan Heights, Philips’ and Winter’s Addition

EXISTING LAND USE: residential

APPLICANT(S): City of Bryan (by petition of property owners)

STAFF CONTACT: Randy Haynes, AICP, Senior Planner

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



BACKGROUND:

The Residential – Neighborhood Conservation District (R-NC) was created on March 28, 2006. The Zoning Ordinance provides for a process for city-initiated rezoning to R-NC District of properties zoned Residential District – 5000 (RD-5), Residential District – 7000 (RD-7), South College – Residential District (SC-R) and Historic Preservation Overlay District (HP), by property owner petition. Since 2006, 46 subdivisions or subdivision phases have successfully sought rezoning to R-NC District for 2,642 properties by subdivision or subdivision phase. In 2016-2017, during public discussions concerning the “stealth dorm” issue, Bryan neighborhoods were publicly encouraged to organize and apply for R-NC zoning.

Earlier this year, owners of residential properties within the City’s Eastside Historic District (ESHD) submitted a petition requesting City-initiated rezoning from RD-5 District to RN-C District. The ESHD was established by the City Council in 1983, seven years prior to the implementation of zoning and encompasses approximately 57 acres of land located generally east of South Texas Avenue, south of East 27th Street, west of South Ennis Street and north of East 33rd Street. In the context of the Zoning Ordinance, the ESHD is a Historic Preservation Overlay District (HP), a special purpose district. Although separately defined and with qualifying underlying RD-5 zoning, the ESHD lies within portion of six separate recorded subdivisions of land: Bryan Original Townsite, Mitchell’s Addition, A.C.L. Hill’s Addition, Cavitt’s Bryan Heights, Philips’ Addition and Winter’s Addition. On April 10, 2018, the City Council unanimously approved Ordinance no. 2268, which expanded the eligibility to petition for city-initiated rezoning to R-NC District to HP Districts like the Eastside Historic District. The City Secretary subsequently certified the ESHD property owner petition as valid, which makes the request a City-initiated zoning change to R-NC District for all properties zoned RD-5 District. Only one parcel of land within the boundary of the ESHD is not currently zoned RD-5 District, but Multiple-Family District (MF): an approximately one-acre tract occupied by an apartment house at 500 East 31st Street. That property is not part of this request.

RELATION TO BRYAN’S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan, BluePrint 2040, is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Future Land Use Plan (as shown on the next page) suggests the subject property is located in an area suitable for the development of commercial uses. According to the land use policies of the future land use plan and comprehensive plan, land to be developed with commercial uses shall be located in areas of high visibility, accessibility and offer to the public goods and services.

The following excerpts from the Comprehensive Plan may be relevant for consideration of this request:

Chapter 5: Land Use

Central Urban - The Central Urban area is adjacent to the downtown core and serves as a transition between the core and existing peripheral low-density residential neighborhoods. This area should be infused with a mixture of residential options as well as supportive retail, commercial and office uses. There is a large potential for infill housing development; which should be guided by design principles that complement the existing framework and character of the Downtown core.

The following are policies to guide central urban areas:

- The existing pattern in this area should not be altered without a more detailed study of land use change and traffic patterns.
- A new zoning district should be created to allow supporting and complimentary land uses to the Downtown area.

- This area should be a horizontal mixed use district.
- Densities should be less than allowed Downtown.
- Appropriate uses include
 - Live/work units,
 - Single family,
 - Townhomes and multi-family,
 - Small scale retail and office.

Please note that the land use categories outlined in BluePrint 2040 do not directly match those land uses defined within the Zoning Ordinance. Please also note that the Future Land Use Plan represents a “broad brush” tool for guiding decisions.

LAND USE ISSUES AND OPPORTUNITIES IN BRYAN NEIGHBORHOODS:

Bryan is a very diverse city and has many neighborhoods that are rich in character and appeal to a wide range of demographics. There are neighborhoods both large and small, some master planned, and others that have grown individually and organically. While new communities are important for meeting new demand and providing housing options, rehabilitation of existing neighborhoods is also vital. Older neighborhoods offer a character created by elements such as scale and mature vegetation that is often hard to achieve in new developments. Maintaining a sense of place, and being a unique community is a widely expressed desire by Bryan residents. Reinvesting in thriving neighborhoods is one way of doing this.

LAND USE RECOMMENDATIONS, GOALS AND OBJECTIVES

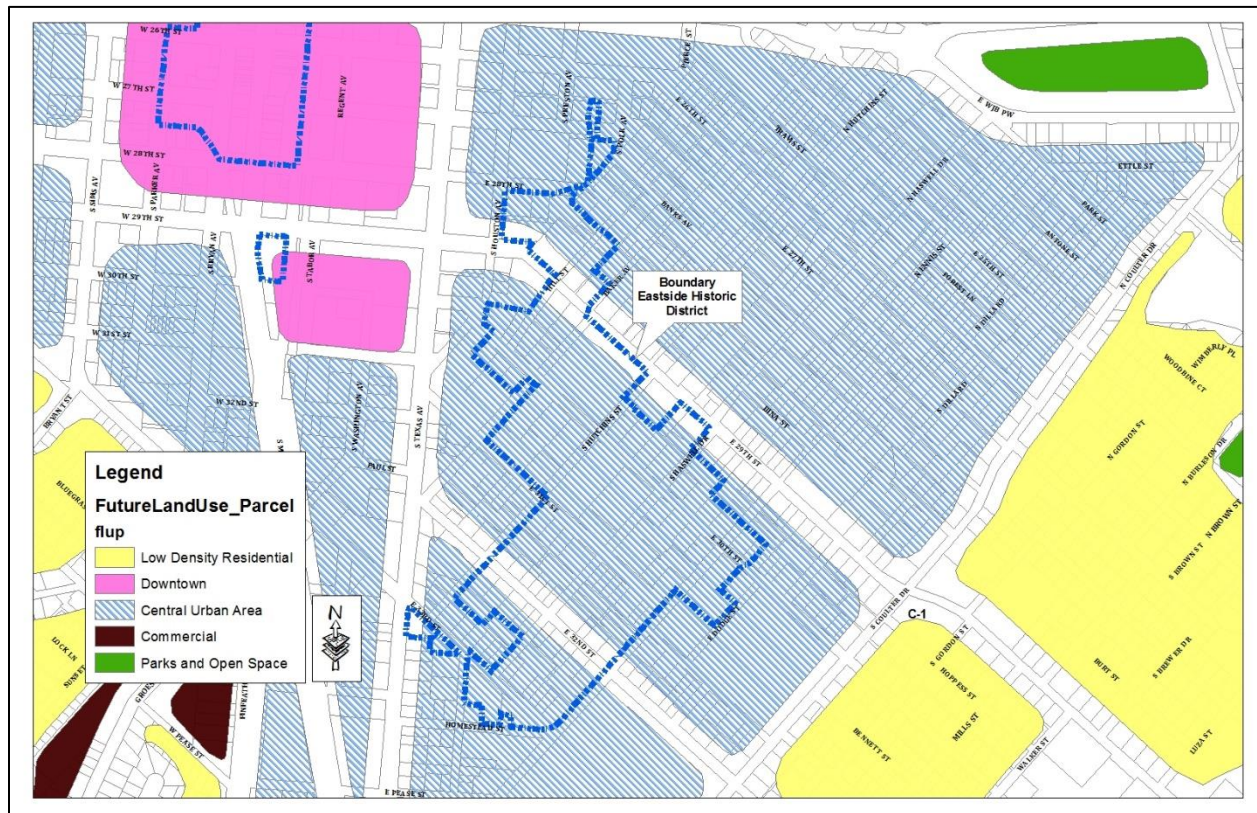
Goal: Maintain and revitalize older areas and neighborhoods.

Objectives:

- FLU 6.5: Identify and protect buildings that are pivotal to Bryan’s heritage through community engagement, funding assistance, and regulatory oversight.
- FLU 7.4: Use the current Residential Neighborhood Conservation (R-NC) district and revise the current ordinance to address student housing in single-family homes.

Action recommendation: Expand, where possible, the historic district preservation program in the Central Urban Core and surrounding area

DETAIL, BRYAN'S FUTURE LAND PARCEL MAP:



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.

Staff contends that R-NC zoning for the Eastside Historic District appears to conform to the intent and purpose of this zoning classification, which is designed to preserve, protect and enhance the character of established residential neighborhoods, by limiting the number of unrelated individuals that may occupy a single dwelling unit to two. Rezoning the Eastside Historic District to R-NC District will thereby also conform to the land use recommendations of the Comprehensive Plan, which identifies maintaining established neighborhoods as a desirable objective.

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.

Changing the zoning designation for Eastside Historic District to R-NC District will not affect any public improvements.

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 currently very little vacant land zoned RN-C District 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 contends that there appears to be a moderate demand to rezone lots in established residential neighborhoods to R-NC District.

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 zoning change were approved, staff believes there to be few, if any, effects on other areas designated for similar developments.

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

Staff does not believe this proposed zone change would adversely affect health, safety, morals, or general welfare.

RECOMMENDATION:

Staff recommends **approving** R-NC zoning for all lots in the Eastside Historic District now zoned RD-5 District, as requested. The stated purpose of the R-NC District is to “preserve, protect, and enhance the value of these residential areas”, “provide a means of conserving the distinctive atmosphere or character of these neighborhoods”, and “to allow citizens an additional tool to assist them in preserving and protecting certain aspects of their neighborhood.” Staff contends that the ESHD, as a matter of public policy, merits preservation, protection and enhancement.