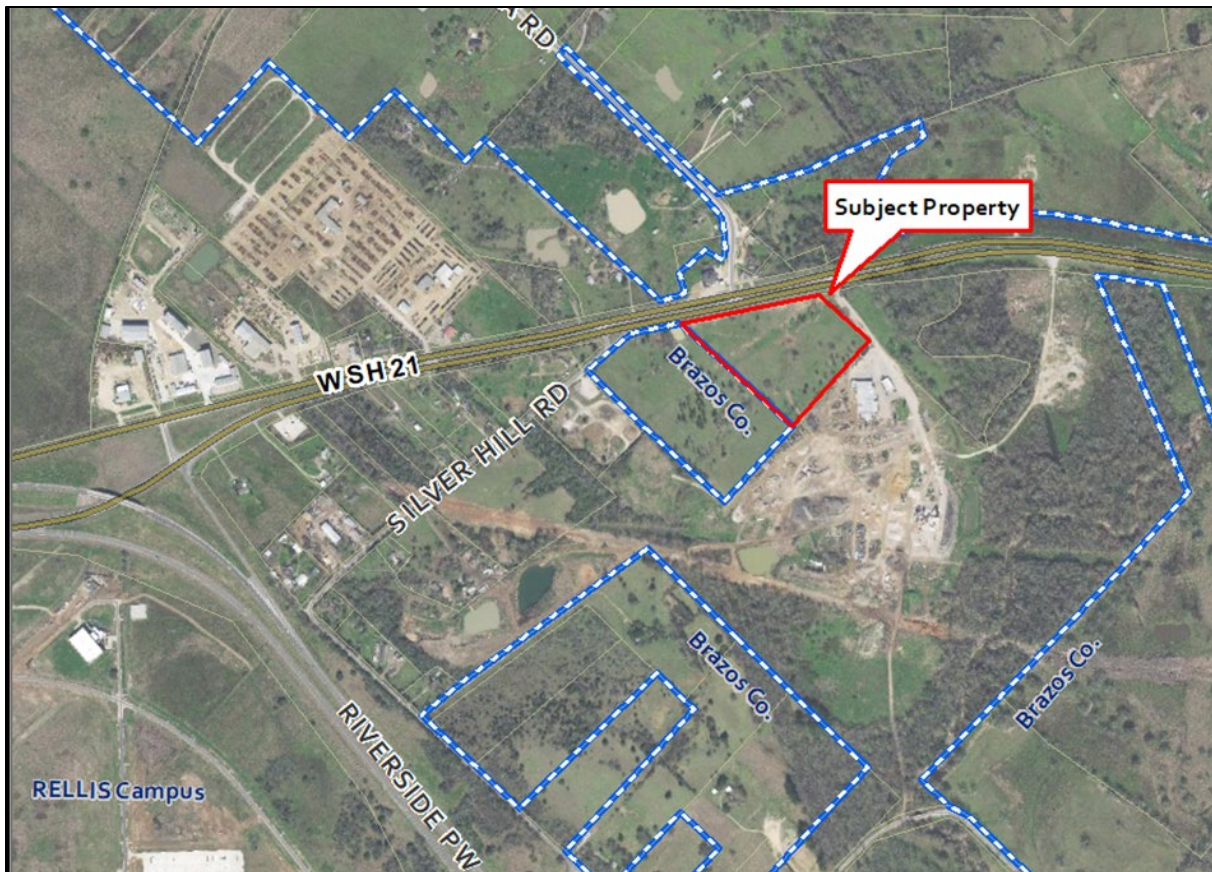
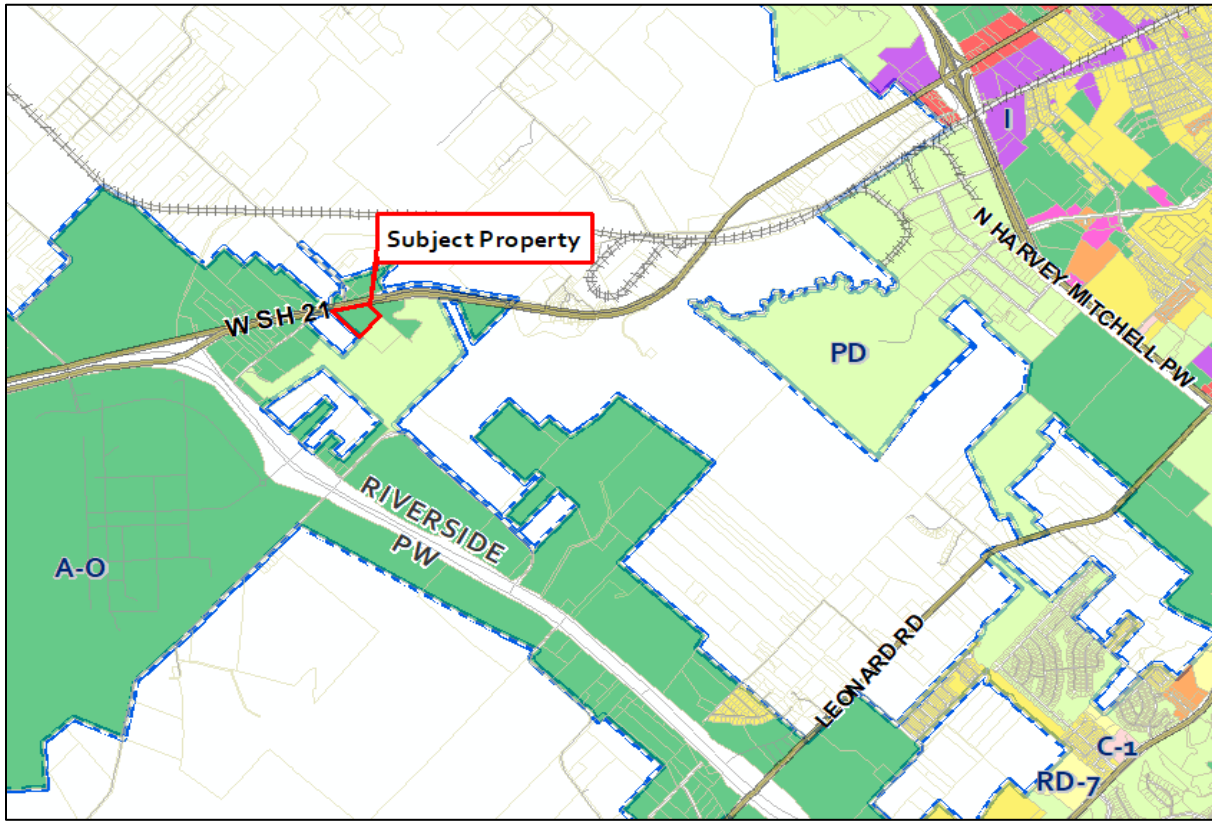


**LOCATION MAPS:**



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

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL – OPEN DISTRICT (A-O) TO RETAIL DISTRICT (C-2), ON 11.42 ACRES OF LAND OUT OF THE JOHN WILLIAMS LEAGUE AND ADJOINING THE SOUTH SIDE OF WEST TEXAS STATE HIGHWAY 21, ACROSS FROM ITS INTERSECTION WITH SMETANA 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 MEETING AT WHICH SAID ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

**WHEREAS**, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

**WHEREAS**, this requested change to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2), on 11.42 acres of land adjoining the south side of West State Highway 21, directly adjacent from its intersection with Smetana Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 3, 2021 (case no. RZ21-14).

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2), on 11.42 acres of land out of the John Williams League and adjoining the south side of West Texas State Highway 21, across from its intersection with Smetana Road in Bryan, Brazos County, Texas, being depicted on attached Exhibit “A and described more particularly by metes-and-bounds on attached Exhibit “B”.

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 meeting at which this ordinance was passed was 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 meeting was given.

6.

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

**PASSED, ADOPTED AND APPROVED** the 13th day of July 2021, 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:

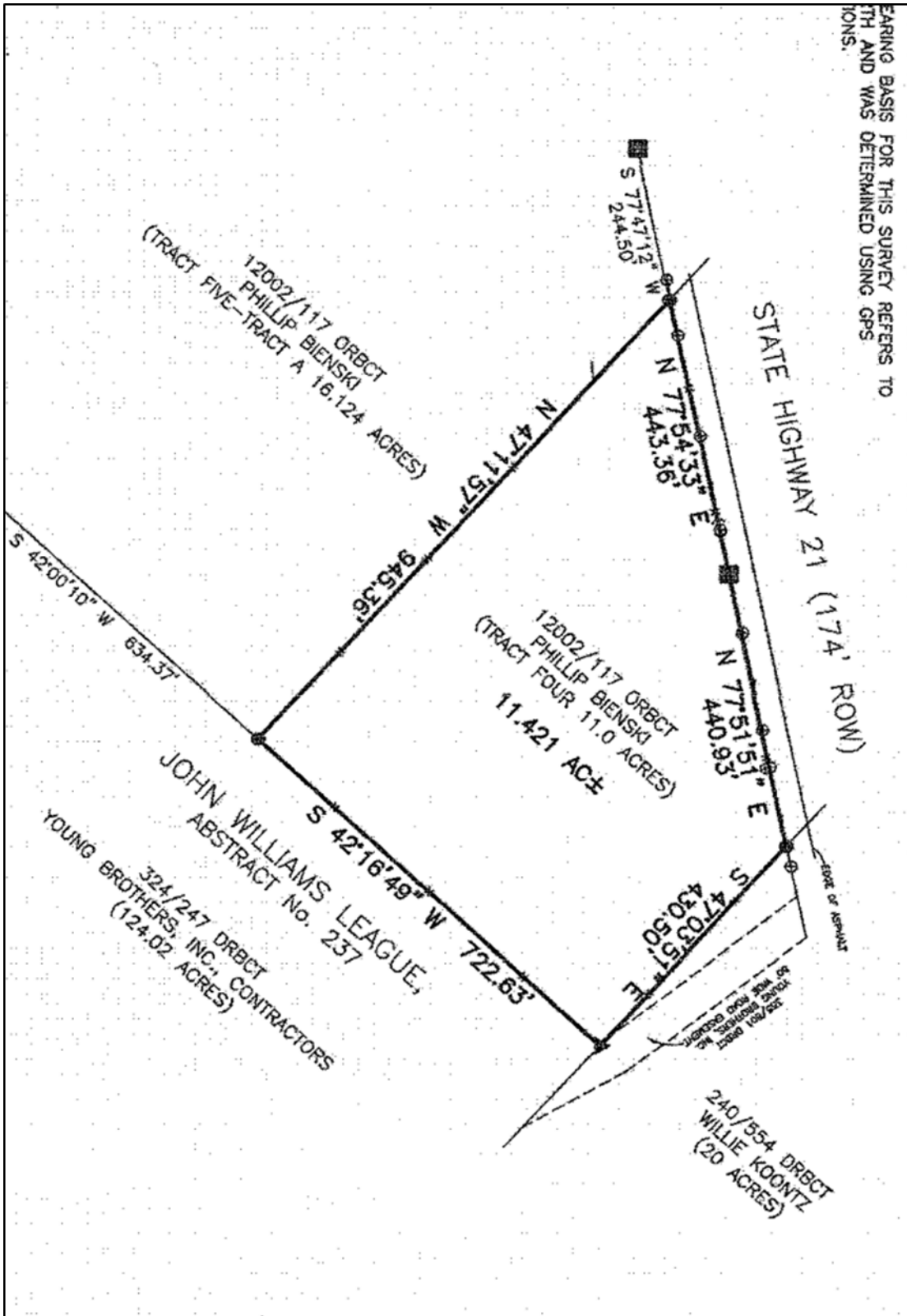
\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

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

APPROVED AS TO FORM:

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

EXHIBIT "A":



**EXHIBIT "B":**

**FIELD NOTE DESCRIPTION OF 11.421 ACRES, MORE OR LESS, IN THE JOHN WILLIAMS LEAGUE, ABSTRACT 237, BRAZOS COUNTY, TEXAS, BEING ALL OF THAT TRACT CALLED 11.0 ACRES (TRACT FOUR) IN A DEED TO PHILLIP BIENSKI, RECORDED IN VOLUME 12002, PAGE 117, ORBCT (OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod found in the southeast right-of-way line of State Highway 21 (174' ROW) at the northwest corner of the 11.0 acre Bienski Tract, being also the northeast corner of that tract called 16.124 acres (Tract Five-Tract A) in a deed to Phillip Bienski recorded in Volume 12002, Page 117, ORBCT, for the northwest corner of this description, from which a concrete highway monument found for the most north corner of said 16.124 acre Bienski Tract bears S 77°47'12" W a distance of 244.50 feet;

**THENCE** along the north line of the 11.0 acre Bienski Tract, being also the southeast right-of-way line of State Highway 21, the following two courses and distances:

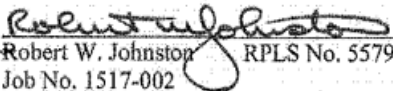
1. N 77°54'33" E a distance of 443.36 feet to a concrete highway monument found;
2. N 77°51'51" E a distance of 440.93 feet to a 1/2" iron rod found in the southwest line of that tract called 20 acres in a deed to Willie Koontz, recorded in Volume 240, Page 554, DRBCT (Deed Records of Brazos County, Texas), at the northeast corner of said 11.0 acre Bienski Tract, for the north corner of this description;

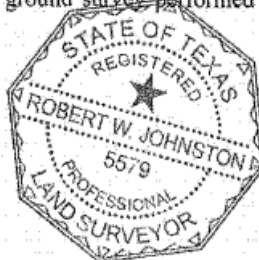
**THENCE** leaving the southeast right-of-way line of State Highway 21, along the northeast line of the 11.0 acre Bienski Tract, being also the southwest line of the 20 acre Koontz Tract, S 47°03'51" E a distance of 430.50 feet to a fence post found at the east corner of the 11.0 acre Bienski Tract, being also the north corner of that tract called 124.02 acres in a deed to Young Brothers, Inc., Contractors, recorded in Volume 324, Page 247, DRBCT, for the east corner of this description;

**THENCE** along the southeast line of the 11.0 acre Bienski Tract, being also the 124.02 acre Young Brothers, Inc., Contractors Tract, S 42°16'49" W a distance of 722.63 feet to a 1/2" iron rod found at the south corner of the 11.0 acre Bienski Tract, being also the east corner of the 16.124 acre Bienski Tract, for the south corner of this description;

**THENCE** along the southwest line of the 11.0 acre Bienski Tract, being also the northeast line of the 16.124 acre Bienski Tract, N 47°11'57" W a distance of 945.36 feet to the POINT OF BEGINNING. There are 11.421 acres, more or less, described in these field notes.

The bearing basis for this survey was determined from GPS observations and refers to Grid North. This description was prepared by Payne Industries, LLC from an on the ground survey performed on August 5, 2017 and corresponds to a survey plat referenced as job number 1517-002.

  
Robert W. Johnston RPLS No. 5579  
Job No. 1517-002  
August 7, 2017



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF JUNE 3, 2021:**

**3. REQUESTS RELATING TO POSSIBLE REZONING – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).**

**c. Rezoning RZ21-14: Brazos Paving, Inc.**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2) on 11.42 acres of land adjoining the south side of West State Highway 21, directly adjacent from its intersection with Smetana Road in Bryan, Brazos County, Texas. (K. Williams)*

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

The public hearing was opened. No one came forward.

The public hearing was closed.

**Commissioner Bush moved to recommend approval of Rezoning RZ21-14 to the Bryan City Council as requested, and to adopt the written staff report and analysis as the report, findings and evaluation of this Commission. Commissioner Torres seconded the motion.**

Commissioners commented they were excited to see commercial and retail development serve the RELIS campus.

**The motion passed unanimously.**



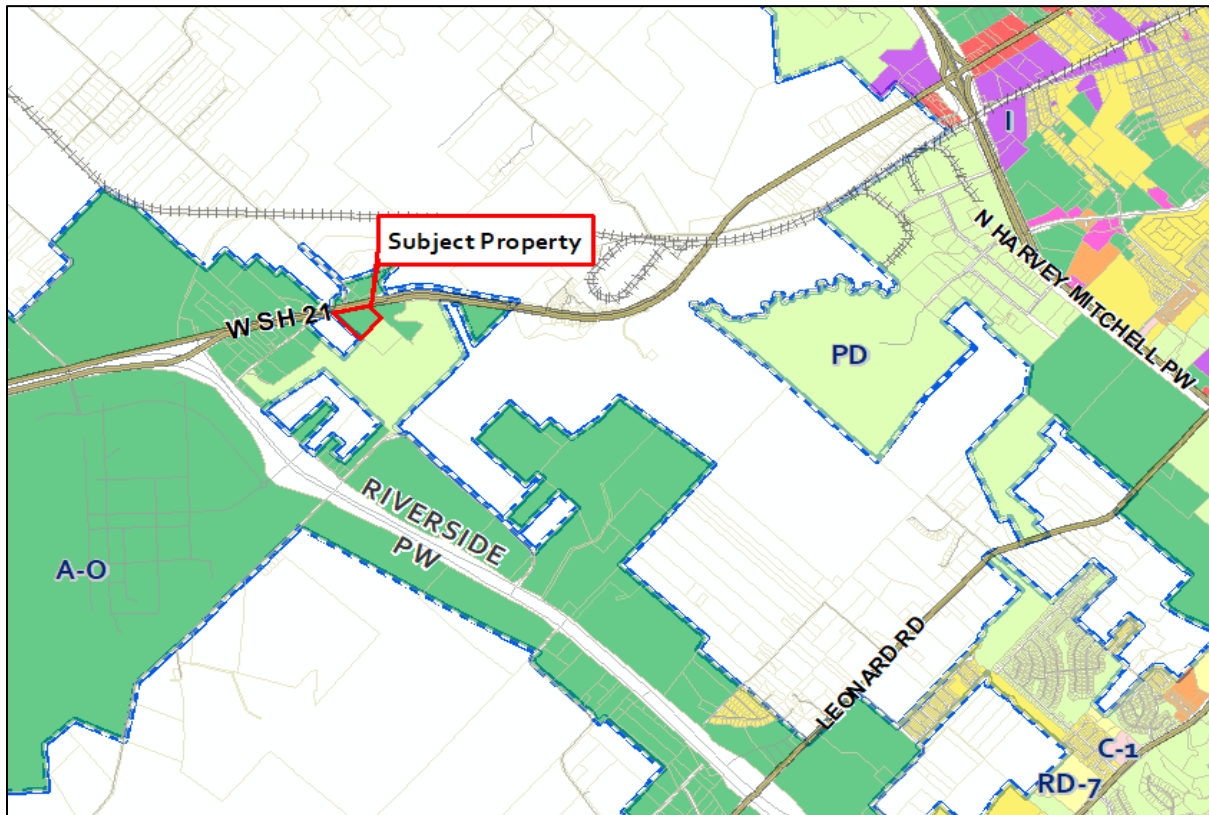
PLANNING AND ZONING COMMISSION  
STAFF REPORT

June 3, 2021



**Rezoning case no. RZ21-14: Brazos Paving, Inc.**

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2)
- LOCATION:** 11.42 acres of land adjoining the south side of West State Highway 21, directly adjacent from its intersection with Smetana Road
- EXISTING LAND USE:** Vacant acreage
- PROPERTY OWNER:** Brazos Paving, Inc.
- APPLICANT:** Same as Owner
- STAFF CONTACT:** Katie Williams, AICP, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



**AERIAL VIEW (2019):**



**BACKGROUND:**

The applicant, Brazos Paving Inc., is requesting to change the zoning classification on 11.69 acres of land from Agricultural – Open District (A-O) to Retail District (C-2).

The subject property and the surrounding 3,800 acres was recently annexed into the City of Bryan in May 2019. As part of the annexation process, properties with Agricultural Exemption were offered the ability to enter into a 10-year non-annexation agreement with the City. Several lots adjacent to the subject property opted into this agreement are not currently under City of Bryan jurisdiction, and therefore have not been assigned a zoning district. Adjacent property to the south is zoned Planned Development – Industrial District (PD-I) and is the current location of Brazos Paving Inc. All other adjacent property that was not eligible for a non-annexation agreement or chose not to opt into one was assigned Agricultural – Open District (A-O) zoning upon annexation, which is used as a temporary zoning district until development is proposed.



The applicant is requesting to rezone the subject property in order to accommodate development of a new office for Brazos Paving Inc. Future development of the site will include a fueling station and a convenience store. Any development at this location will require the submittal of preliminary plan and final plat and a site plan, which will be reviewed by the Site Development Review Committee for conformance with the Land and Site Development and Subdivision Ordinances.

**EXCERPT FROM REZONING APPLICATION:**

Please list the reasons for this rezoning request:

Phase I of development will be new office for Brazos Paving, Inc.

Phase II will be retail center with fueling center and convenience store.

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

This area was recently annexed in 2019. Development is naturally progressing with the growth and development of Texas A&M University's RELLIS Campus.

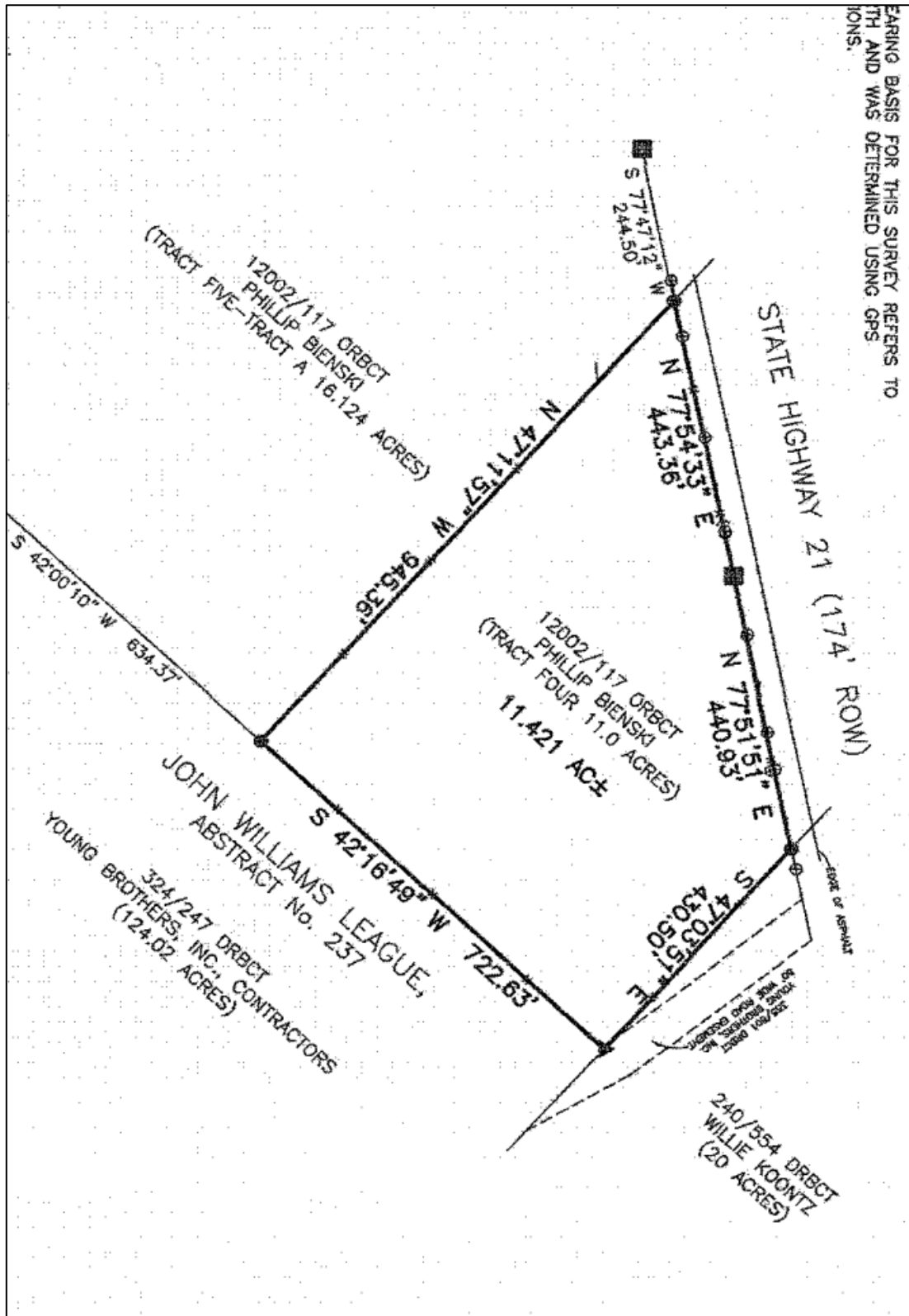
Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

The zone change is in accordance with the Future Land Use Plan.

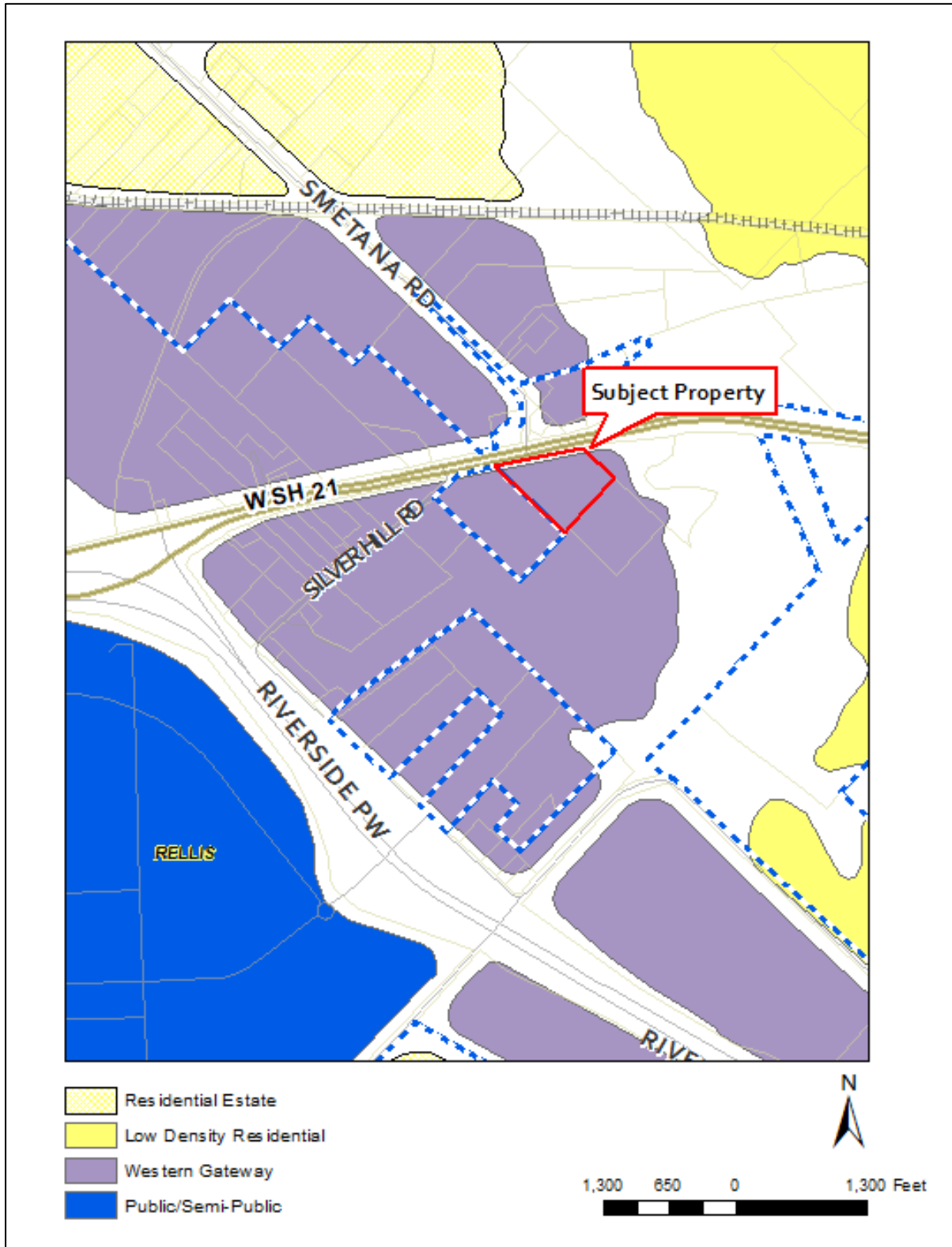
List any other reasons to support this zone change:

This development will support orderly development on State Highway 21 corridor and appropriate zoning for major arterial roadway.

REZONING EXHIBIT:



**EXCERPT FROM THE FUTURE LAND USE PLAN MAP:**



## RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Blueprint 2040, adopted October 25, 2016, serves as the framework for the establishment of zoning and other regulatory tools. The 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 previous page) identifies the subject property is located in an area of the city designated as Western Gateway. Staff submits that given the present circumstances and existing pattern of development, the Planning and Zoning Commission should consider the following when making a decision regarding this particular request:

Western Gateway Special District is identified as an area of the City which has tremendous potential for growth. The following are policies to guide Western Gateway areas:

### Chapter 5: Land Use

- The design and quality of development proposals should match the aspirational qualities of the design intent, consistency and quality of key developments in the area (Traditions and TAMU Health Science Center)
- Development should create maximum (highest and best use) land values in order that the long-term stability and prosperity of the area can be realized.
- Developments that create local employment and jobs are of paramount importance.

## 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 proposed change, if approved, will allow for retail development on the subject property. Adjacent properties to the north, east and west are either zoned Agricultural – Open District, or have entered into a non-annexation agreement with the City of Bryan and have not been assigned a zoning district at this time. To the south, proposed is classified as Planned Development – Industrial District (PD-I), and is the location of the existing Brazos Paving Inc. office.**

**Staff contends that a change to the C-2 zoning district is appropriate within the adopted goals and land use policies set out in BluePrint 2040. While BluePrint 2040 does not identify specific uses that are recommended for the Western Gateway District, it does state that uses should support the RELLIS campus. Retail zoning at this location will allow for a variety of uses which would serve the campus staff and students.**

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.



**Staff contends that West State Highway 21, a super arterial, is capable of accommodating traffic loads typically associated with retail development. While the property is within the City of Bryan's Water CCN (certificate of convenience and necessity), the property is currently served by a Wellborn Special Utilities District water line. City of Bryan public works is currently in the design phase for a water line extension to this newly annexed area of the City. The construction of the new water line is expected to finish in the summer of 2022. Prior to the completion of the building, the water service to the property will officially switch over from Wellborn SUD to City of Bryan. The development will be permitted to maintain an on-site sewage facility until a City sanitary sewer is extended to this area.**

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.

**While there is a significant amount of vacant land in the area of the subject property, much of it is heavily encumbered by floodplain, and none of it is zoned for retail uses. This property, located on West State Highway 21 near its intersection with Riverside Parkway, is not expected to make any other vacant land unavailable for development.**

**Staff believes that this rezoning request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**There are no properties in the surrounding area zoned to support commercial or retail development. City wide, commercial and retail development is generally proceeding at a moderate pace. This rezoning is a promising opportunity to spur further retail development in this newly annexed area of Bryan.**

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 rezoning is approved, staff believes there to be few, if any, effects on other areas designated for similar developments. The requested rezoning would allow for a new office for Brazos Paving Inc., but would also allow for a number of other uses on the remaining land, which would serve not only the surrounding industrial properties, but the RELLIS campus staff and students as well.**

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

**Staff contends that changing the zoning of the subject property from Agricultural – Open District to Retail District will have no effect on the health, safety, morals, or general welfare of the public.**

#### **RECOMMENDATION:**

Staff recommends **approving** the proposed C-2 zoning, as requested.