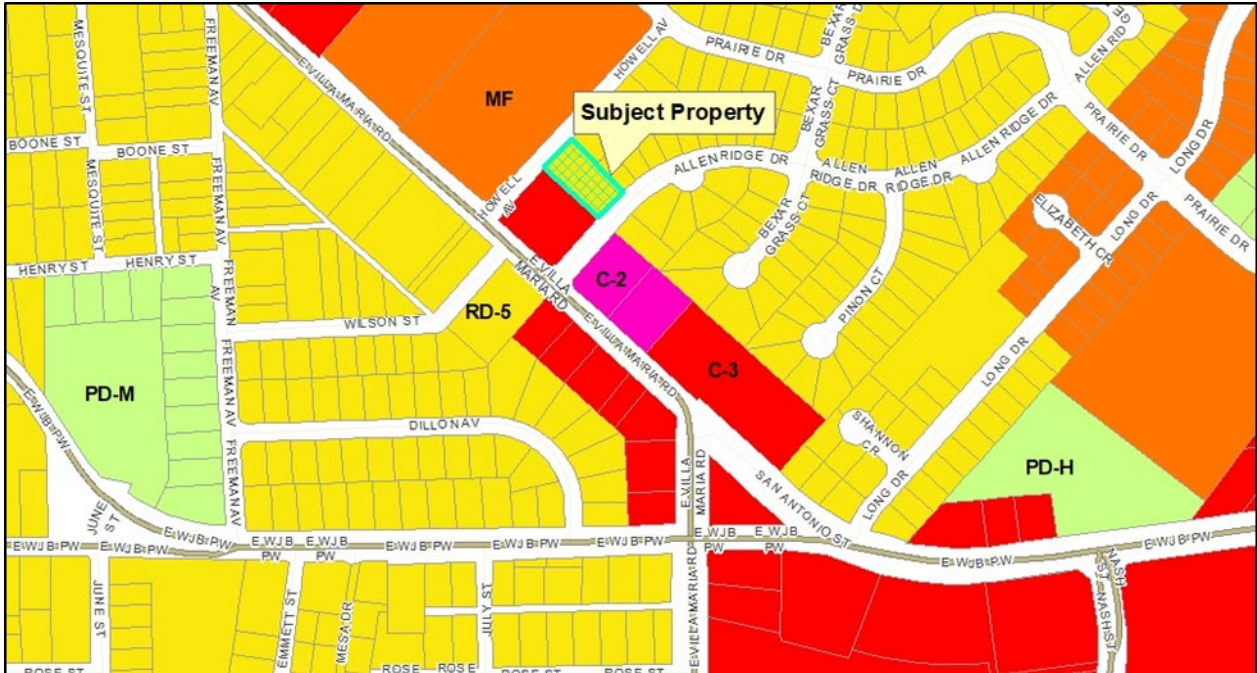


LOCATION MAP:



AERIAL PHOTOGRAPH, 2019:



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 COMMERCIAL DISTRICT (C-3) ON 0.491 ACRES OF LAND OUT OF THE JOHN AUSTIN LEAGUE, ABSTRACT 2, LOCATED EAST OF EAST VILLA MARIA ROAD BETWEEN HOWELL AVENUE AND ALLEN RIDGE DRIVE, AND CURRENTLY ADDRESSED AS 3100 EAST VILLA MARIA 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 Residential District - 5000 (RD-5) to Commercial District (C-3) on 0.491 acres of land out of the John Austin League, Abstract 2, located east of East Villa Maria Road between Howell Avenue and Allen Ridge Drive, and currently addressed as 3100 East Villa Maria 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. RZ21-15).

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 Commercial District (C-3) on 0.491 acres of land out of the John Austin League, Abstract 2, located east of East Villa Maria Road between Howell Avenue and Allen Ridge Drive, and currently addressed as 3100 East Villa Maria Road in Bryan, Brazos County, Texas, said 0.491 acres being described more particularly by metes-and-bounds on attached Exhibit "A".

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end, the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the 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"

A FIELD NOTES DESCRIPTION OF 0.491 ACRES IN THE JOHN AUSTIN LEAGUE, ABSTRACT 2, IN BRYAN, BRAZOS COUNTY, TEXAS, BEING A PORTION OF A CALLED 0.96 ACRE TRACT OF LAND CONVEYED TO JIMMY D. FORD IN VOLUME 7082, PAGE 79 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 0.491 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set in the southeast line of Howell Avenue (called 50' wide right-of-way, 523/425 DRBCT) for the north corner of said 0.96 acre tract and the west corner of Lot 10, Block 4 of Allen Park Subdivision Phase Two as shown on the plat recorded in volume 4180, page 281 of the Official Public Records of Brazos County, Texas, from which a 1/2 inch iron rod found bears S 64° 13' 26" W, a distance of 1.76 feet, and a 1/2 inch iron rod found at the common north corner of Lots 5 and 6 of said Block 4 bears N 57° 40' 40" E, a distance of 444.05 feet;

THENCE, with the northeast line of said 0.96 acre tract, S 44° 12' 25" E, at a distance of 96.54 feet passing the west corner of Lot 10, Block 5, Allen Ridge Subdivision Phase 1 as shown on the plat recorded in volume 673, page 293 of the Official Records of Brazos County, Texas (from which a 5/8 inch iron rod with plastic cap found at the erroneously platted south corner of said Lot 10, Block 4 bears S 07° 04' 16" E, a distance of 2.09 feet), continuing on for a total distance of **206.54 feet** (called S 41° 40' 34" E, 208.63 feet, 7082/79 OPRBCT) to a 1/2 inch iron rod found on the northwest line of Allen Ridge Drive (60' wide right-of-way, 673/293 ORBCT) at the south corner of said Lot 10, Block 5 and the east corner of said 0.96 acre tract;

THENCE, with the northwest line of Allen Ridge Drive, with a curve to the left, having a radius of **460.00 feet**, an arc length of **29.87 feet**, a delta angle of **03° 43' 13"**, and a chord which bears S 43° 55' 59" W, a distance of **29.86 feet** (called chord S 46° 27' 49" W, 29.86 feet, 673/293 ORBCT) to a 1/2 inch iron rod found for the end point of said curve;

THENCE, continuing with the northwest right-of-way line of Allen Ridge Drive, S 42° 04' 22" W, tangent to the previous curve, for a distance of **67.87 feet**, from which the City of Bryan Monument GPS-33 bears S 71° 09' 50" E, a distance of 2,355.18 feet;

THENCE, through said 0.96 acre tract and along the northeast line of a called 0.12 acre tract of land conveyed to Jimmy D. Ford and wife, Linda A. Ford in volume 8861, page 6 of the Official Public Records of Brazos County, Texas, N 47° 47' 43"

W, for a distance of **205.40 feet** to the common corner of said tracts in the southeast line of Howell Avenue, from which a 1/2 inch iron rod found at the intersection of Howell Avenue and E. Villa Maria Road bears S 42° 12' 35" W, a distance of 195.82 feet;

THENCE, along the southeast line of Howell Avenue, N 42° 12' 35" E, for a distance of **110.64 feet** to the **POINT OF BEGINNING** hereof, and containing 0.491 acres (21,401 square feet), more or less.

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

3. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

d. Rezoning RZ21-15: Jimmy D. Ford

A request to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Commercial District (C-3) to Commercial District (C-3) on 0.491 acres of land east of East Villa Maria Road between Howell Avenue and Allen Ridge Drive, and currently addressed as 3100 East Villa Maria Road 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.

The public hearing was opened. No one came forward.

The public hearing was closed.

Commissioner Bush moved to recommend approval of Rezoning RZ21-15 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 Boriskie seconded the motion.

Commissioners commented that the request made sense with the comprehensive plan.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 3, 2021



Rezoning case no. RZ21-15: Jimmy D. Ford

CASE DESCRIPTION: a request to change the zoning classification from Residential District - 5000 (RD-5) to Commercial District (C-3)

LOCATION: 0.491 acres of land east of East Villa Maria Road between Howell Avenue and Allen Ridge Drive, and currently addressed as 3100 East Villa Maria Road

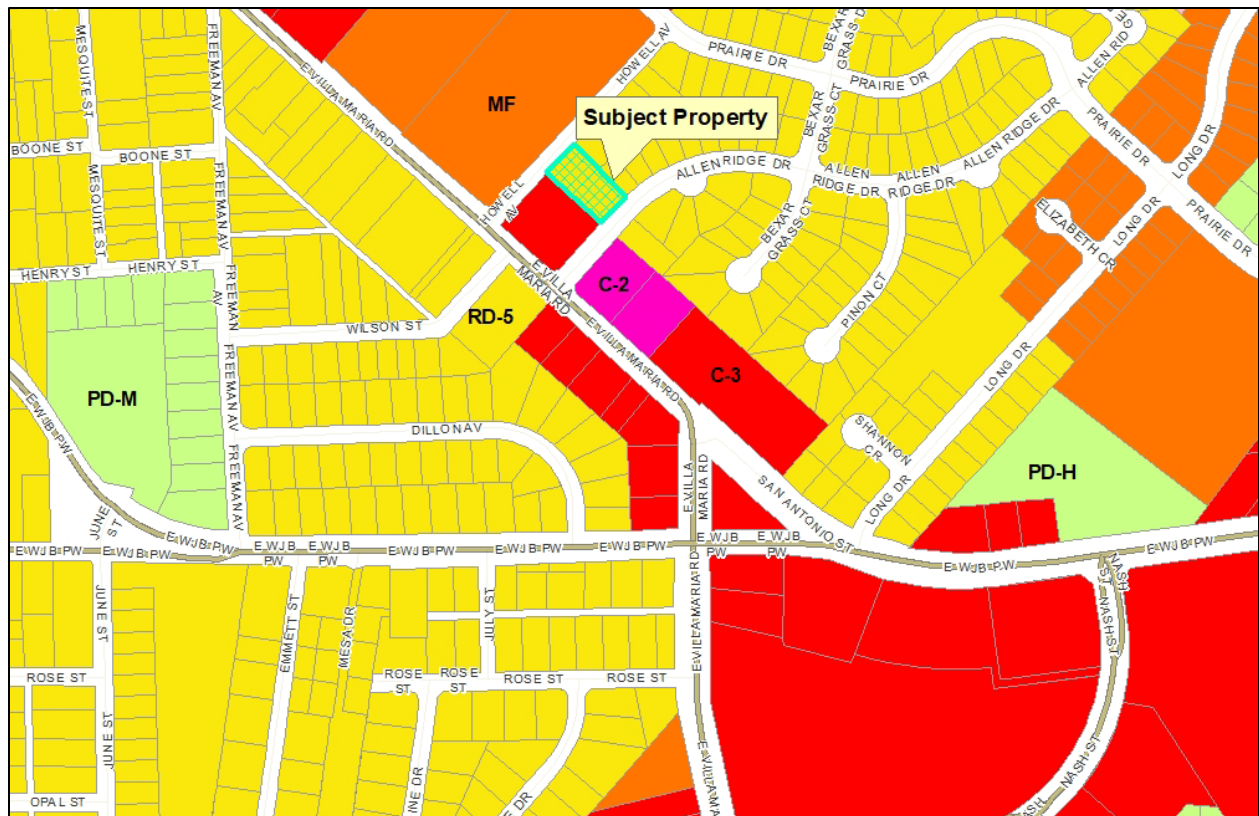
EXISTING LAND USE: Vacant land

PROPERTY OWNER: Jimmy D. Ford

APPLICANT: Same

STAFF CONTACT: Randy Haynes, AICP, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



AERIAL VIEW (2019)



BACKGROUND:

The property owner / applicant, Jimmy D. Ford, is requesting to change the zoning classification on 0.491 acres of land from Residential District – 5000 (RD-5) to Commercial District (C-3). The 0.491-acre subject property is part of a larger 1.42-acre tract owned by Mr. Ford. Mr. Ford's property is developed with a single detached residence and an accessory structure that appears to have once been a garage apartment. The tract lies within two separate zoning districts. The front 0.93 acres that contains the residential and accessory structures is zoned C-3. The rear 0.491 acres is zoned RD-5. This has been the configuration of the property since the first Zoning Ordinance was passed and approved, December 11, 1989. In order to facilitate the redevelopment of the property, Mr. Ford is requesting to change the zoning classification of the rear portion from RD-5 to C-3.

The area surrounding the subject property contains a diverse mix of land uses. To the northwest, across Howell Avenue, lies approximately ten acres of land zoned Multiple-Family District (MF). To the northeast is the 40+-acre Allen Forest Subdivision, generally built-out with detached homes. Southeast along East Villa Maria Road the land is zoned for commercial and retail use.

The C-3, commercial district is intended predominantly for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical retail or shopping, but generally not with residential environments. Operating characteristics which may be typical of uses permitted in the C-3 district include service oriented, may sell used goods, require warehouse storage and delivery areas, and have a greater service radius than retail stores. There are currently many existing C-2 zoned properties located in the surrounding area of the subject property. The adjacent properties to the north and west are zoned C-2, and contain various service and retail uses.

CURRENT CONDITIONS:



EXCERPT FROM APPLICATION:

Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

To allow for retail/ commercial development. The lot currently has two different zonings. The portion of the property that is zoned commercial is too small (does not currently meet the dimensional requirements of zoning). This request is to make the entire lot C3 Commercial.

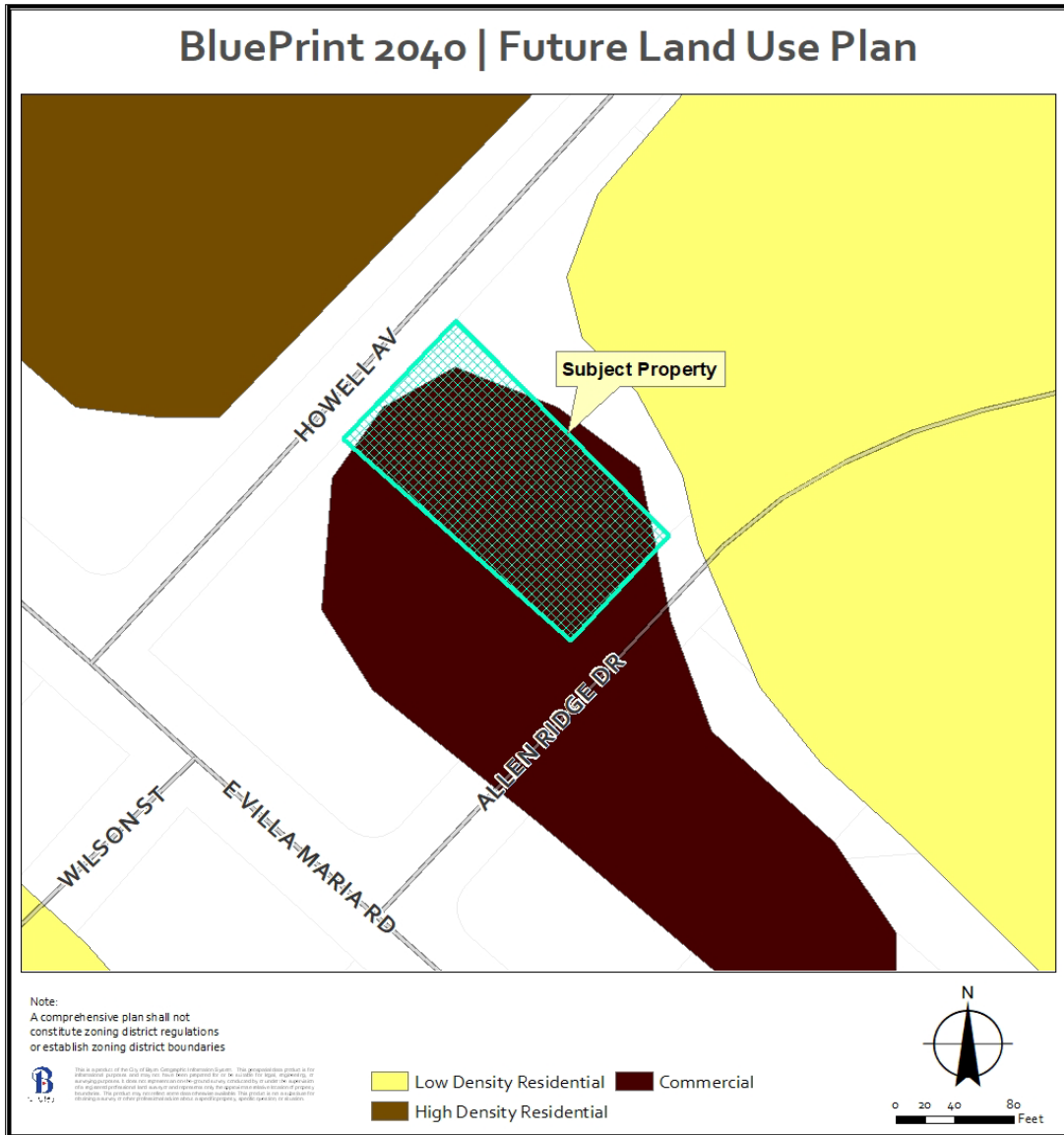
List the changed or changing conditions in the area or City which make this zone change necessary:

The lot is currently partially zoned commercial and needs to be completely zone commercial in order to provide sufficient space for development.

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:

Yes. The future land use plan recommends "commercial" use for the entire lot. There is neighboring retail & commercial zoning to the south and multifamily & commercial zoning to the north. Villa Maria is a Minor Arterial which should have commercial development along the frontage with residential and other uses on a second tier behind commercial.

List any other reasons to support this zone change:



RELATION TO BRYAN’S COMPREHENSIVE PLAN:

Bryan’s Comprehensive Plan, BluePrint 2040, includes policy recommendations related to various use specific types of development. It states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns. As shown on the detail from the BluePrint 2040 Future Land Use Plan Map above, the subject property is envisioned to provide opportunities for what the plan calls “commercial” development. C In the context of BluePrint 2040, commercial uses are more intense than retail establishments, yet also provide goods and services for the public. Examples of commercial establishments would include hotels, automotive services, and big box retailers. These areas should be considered generally incompatible with residential areas. Through the use of screening and buffering techniques to effectively mitigate any noise and light impacts, location near areas of residential use may create characteristics more acceptable, but not

optimal. When outside storage is allowed, screening should be used to minimize the visual impact. The following are policies to guide development of commercial areas:

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

Blueprint 2040 Bryan's projects future land use needs based on calculating the Compound Annual Growth Rate (CAGR) of the current population. CAGR projects the overall growth of the community, considering both periods of fast and slow growth. Using the CAGR allows for an average growth calculation over a longer period of time. By the end of the planning horizon (2040) Blueprint 2040 predicts the need for a 42.7% increase in land zoned for commercial use.

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 expand the area available for commercial development along East Villa Maria Road, classified as a minor arterial. This stretch of East Villa Maria Road has seen a limited amount of commercial development in recent years as compared to the Boonville Road / William Joel Bryan Parkway / FM 158 corridor which lies a less than a quarter mile southeast.

Staff contends that expanding the adjacent C-3 District zoning into the subject property will support orderly urban growth in this vicinity, and allow for a more efficient pattern of development. Staff further contends that a change to the C-3 zoning district will allow this property to develop within the adopted goals and land use policies set out in the BluePrint 2040.

Under the current zoning arrangement, a residential home would be allowed to be developed on the subject property by right. Staff is concerned that this may limit the adjacent C-3 parcel from development.

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 adjacent East Villa Maria Road, a minor arterial roadway, is capable of accommodating traffic loads typically associated with commercial development. The long-planned connection of East Villa Maria Road with Waco Street will ultimately provide an

important transportation link between State Highway 21 and the Boonville Road / William Joel Bryan Parkway / FM 158 corridor. Staff finds the subject property is adequately served by public infrastructure, e.g. water, sanitary and storm sewers and roadway network.

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 this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development. In fact, staff contends that this rezoning, and subsequent development, could spur additional development in the surrounding area.

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 finds that properties zoned Commercial District located within a short distance of the subject property have been developing at a moderate rate.

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 is approved, staff believes there to be few, if any, effects on other areas designated for similar developments. Many of the properties in the immediate vicinity are in various forms of business use.

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

In this case, staff believes that the requested rezoning to C-3 District should have no adverse effects on adjacent properties. Staff contends that allowing a commercial development along a portion of East Villa Maria Road will encourage an orderly zoning pattern and orderly urban development in this vicinity.

RECOMMENDATION:

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