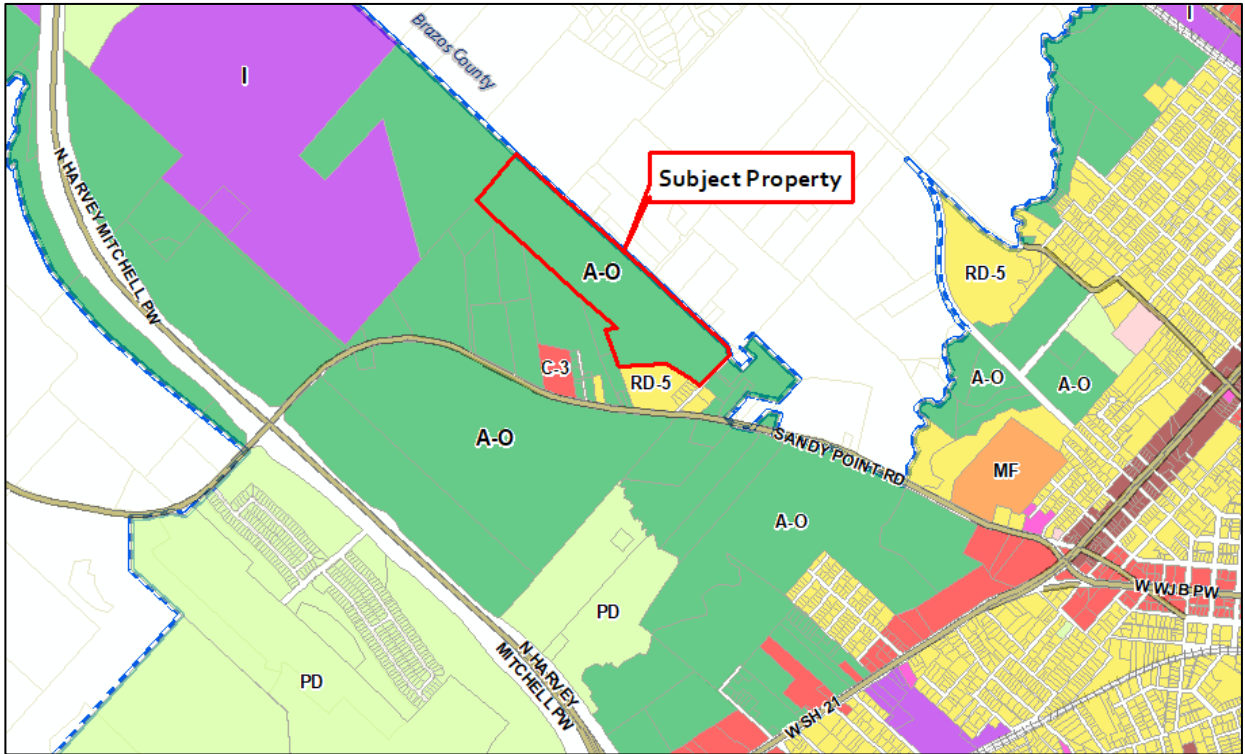


LOCATION MAP:



AERIAL PHOTOGRAPH, 2021:



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 RESIDENTIAL DISTRICT – 5000 (RD-5), ON 68.65 ACRES OF LAND OUT OF THE JAMES M. WEBB SURVEY, ABSTRACT NO. 242, LOCATED GENERALLY NORTH OF THE INTERSECTION OF SANDY POINT ROAD (FM 1687) AND HILTON ROAD, AND CURRENTLY ADDRESSED AS 401 HILTON 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 Residential District – 5000 (RD-5), on 68.65 acres of land out of the James M. Webb Survey, Abstract no. 242, located generally north of the intersection of Sandy Point Road (FM 1687) and Hilton Road, and currently addressed as 401 Hilton Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on November 4, 2021 (case no. RZ21-30).

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 Residential District – 5000 (RD-5), on 68.65 acres of land out of the James M. Webb Survey, Abstract no. 242, located generally north of the intersection of Sandy Point Road (FM 1687) and Hilton Road, and currently addressed as 401 Hilton 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 14th day of December 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:

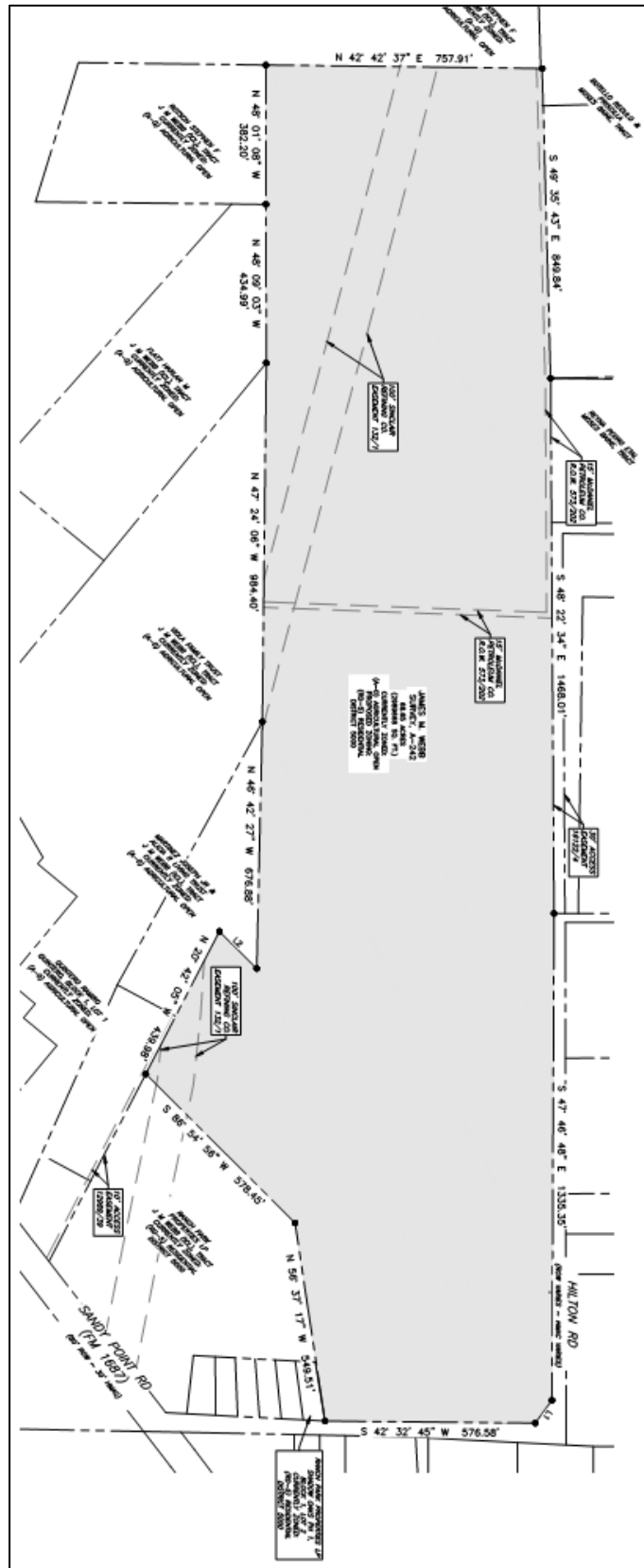
Mary Lynne Stratta, City Secretary

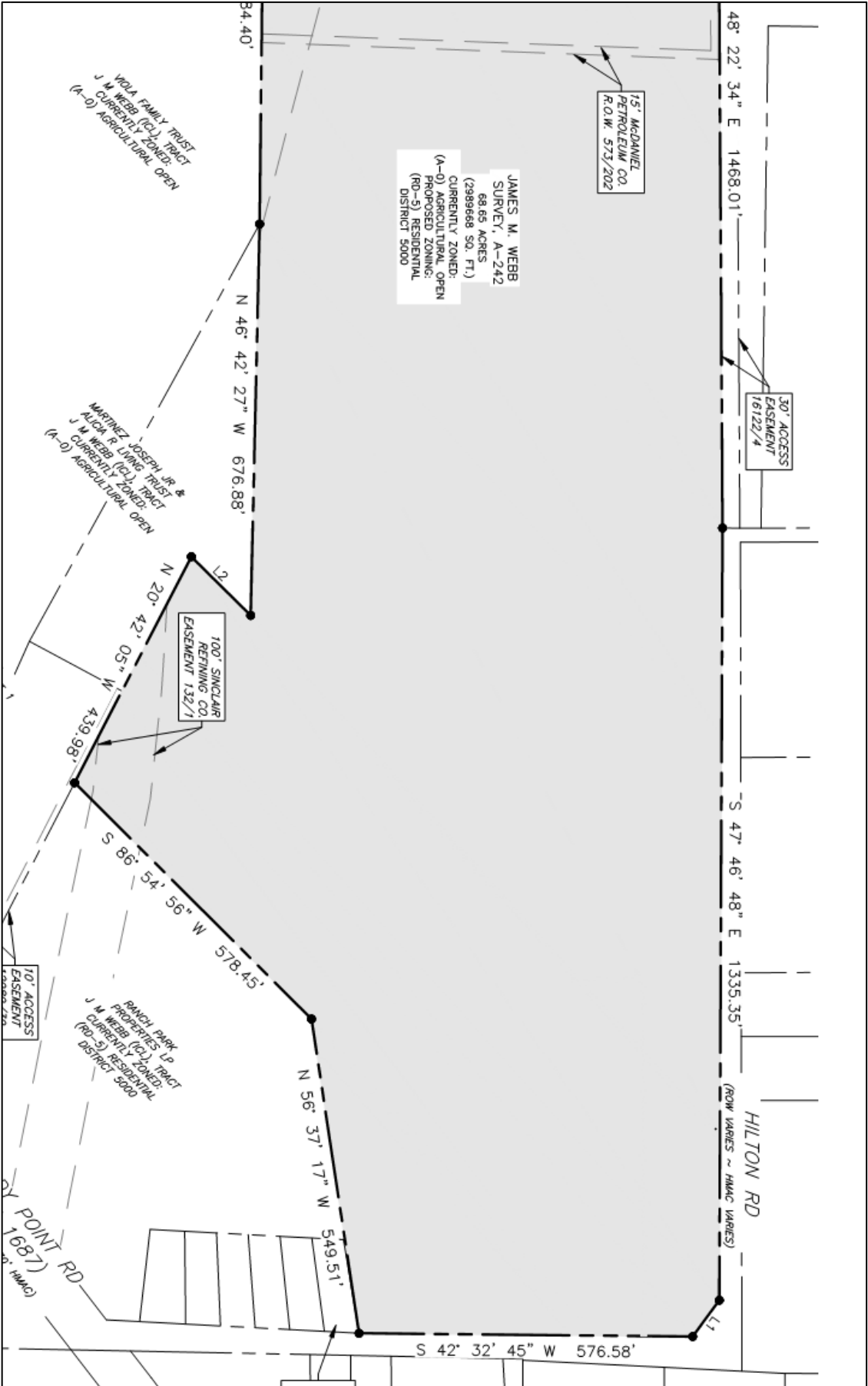
Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, Interim City Attorney

EXHIBIT "A":





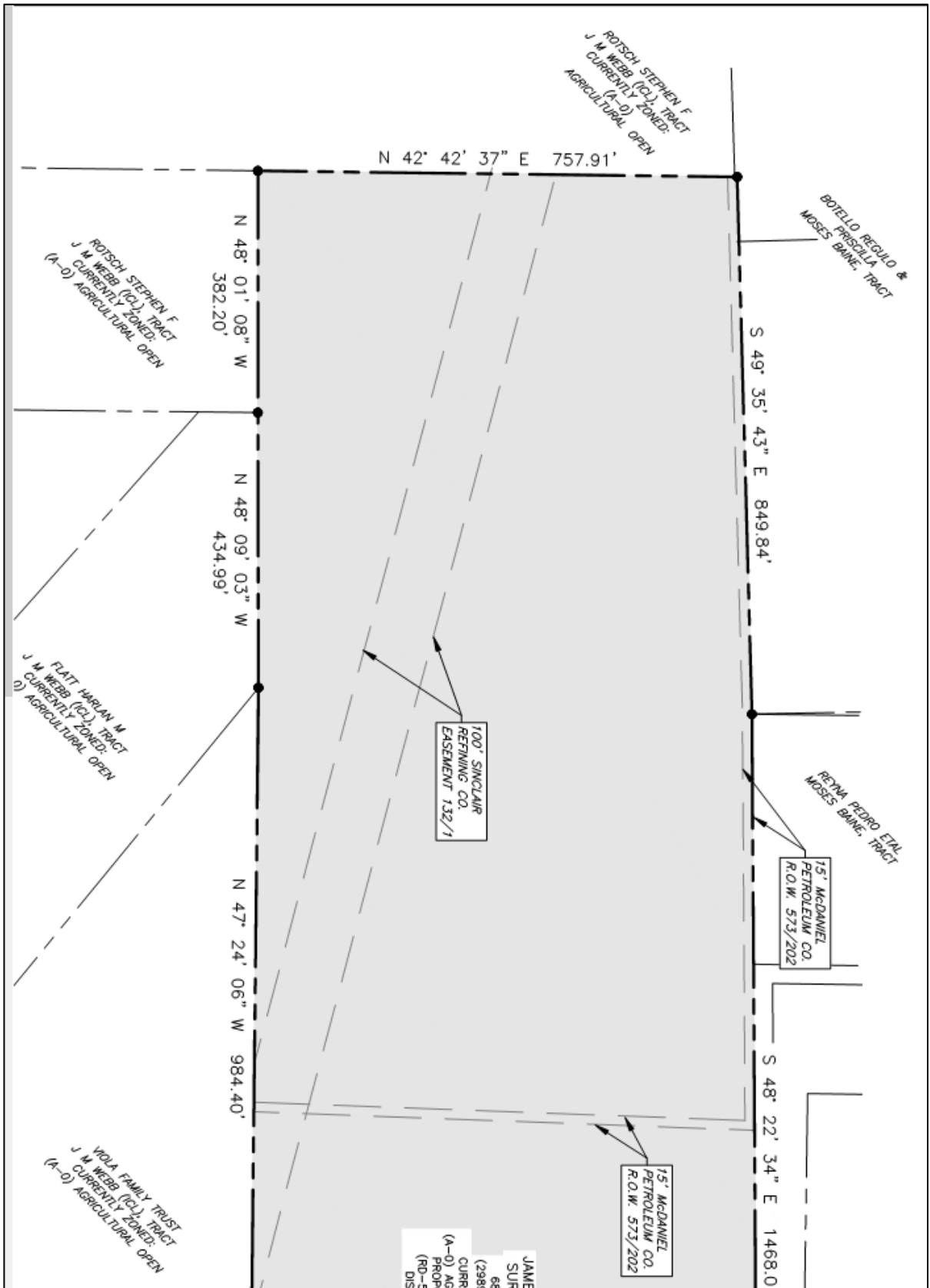


EXHIBIT "B":

**FIELD NOTES DESCRIPTION
OF A
68.65 ACRE TRACT
BEING ALL OF A CALLED 68.40 ACRE TRACT
JAMES M. WEBB SURVEY, ABSTRACT 242
BRYAN, BRAZOS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF 68.65 ACRES IN THE JAMES M. WEBB SURVEY, ABSTRACT 242, IN BRYAN, BRAZOS COUNTY, TEXAS, BEING ALL OF A CALLED 68.40 ACRE TRACT OF LAND CONVEYED TO TRACY L. TUBBS AND KRISTEN W. TUBBS IN VOLUME 10295, PAGE 172 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS; SAID 68.65 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 at the most northerly corner of said 68.40 acre tract and the east corner of a called 349.626 acre tract of land conveyed to the Texas Department of Criminal Justice in Volume 2049, Page 316 of the Official Records of Brazos County, Texas (ORBCT), from which a 5/8 inch iron rod found bears, S 70° 53' 38" E, a distance of 0.88 feet;

THENCE, with the northeast line of said 68.40 acre tract and along the northeast line of the James M. Webb Survey, in conflict with the southwest line of a called 30.75 acre tract and a called 16.00 acre tract, both conveyed to Regulo Botello and wife, Priscilla Botello in volume 4703, page 219 of the Official Public Records of Brazos County, Texas, S 49° 35' 43" E, at a distance of 102.25 feet passing a point from which a 3/8 inch iron rod found (in conflict) at the common corner of said 30.75 acre tract and said 16.00 acre tract bears, S 40° 30' 30" W, a distance of 3.25 feet, and continuing for a total distance of **849.84 feet** to a wagon spindle found at the west corner of a called 4.0 acre tract conveyed to Pedro Reyna, et al, in volume 16122, page 4 of the Official Public Records of Brazos County, Texas and the west corner of Lot 1, Block 3 of the Manganic Subdivision recorded in volume 38, page 151 of the Deed Records of Brazos County, Texas, from which a 3/8 inch iron rod found (in conflict) at the south corner of said 30.75 acre tract bears, N 05° 44' 04" W, a distance of 0.57 feet;

THENCE, continuing with the northeast line of said 68.40 acre tract and the southwest line of the Manganic Subdivision, S 48° 22' 34" E, at a distance of 395.33 feet passing the south corner of said 4.0 acre tract from which a 1/2 inch iron rod found bears, N 41° 35' 21" E, a distance of 0.35 feet, and continuing for a total distance of **1,468.01 feet** to a 5/8 inch iron rod found on the southwest side of Hilton Road (a called 40' wide right-of-way dedicated by said plat, 38/151 DRBCT);

THENCE, continuing with the northeast line of said 68.40 acre tract and along the southwest line of Hilton Road, S 47° 46' 48" E, for a distance of **1,335.35 feet** to a 5/8 inch iron rod found;

THENCE, with the east line of said 68.40 acre tract and along the apparent west line of Hilton Road, S 11° 43' 14" E, for a distance of **77.80 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set, from which a 5/8 inch iron rod found laid over (disturbed) bears, S 69° 13' E, a distance of 1.0 feet;

THENCE, with the southeast line of said 68.40 acre tract and along the apparent northwest line of Hilton Road, S 42° 32' 45" W, for a distance of **576.58 feet** to a 5/8 inch iron rod found at the most easterly south corner of said 68.40 acre tract, the east corner of Lot 1, Shadow Oaks Subdivision – Phase One recorded in volume 2189, page 5 of the Official Records of Brazos County, Texas and the east corner of the remainder

of a called 9.996 acre tract of land conveyed to W. D. Speer in volume 2007, page 347 of the Official Records of Brazos County, Texas, being the same tract of land described as 9.75 acres in a deed recorded in volume 2007, page 345 of the Official Records of Brazos County, Texas, from which a 1/2 inch iron rod found at the north corner of said Lot 1, same being the northeast corner of a called 8.44 acre tract of land, described as the remainder of said 9.75 acres (2007/345 ORBCT), conveyed to Ranch Park Properties L.P. in volume 4916, page 60 of the Official Records of Brazos County, Texas, bears, N 57° 27' 10" W, a distance of 164.01 feet;

THENCE, with the common line of said 68.40 acre tract and said remainder of 9.996 acre tract, **N 56° 37' 17" W**, for a distance of **549.51 feet** to a 5/8 inch iron rod found, from which a 14 inch oak tree found at the called northeast corner of said 8.44 acre tract (4916/60 OPRBCT) bears, S 45° 15' 31" E, a distance of 37.75 feet, said oak tree was erroneously called the corner in volume 2007, page 345 (ORBCT);

THENCE, continuing with said common line, **S 86° 54' 56" W**, for a distance of **578.45 feet** to a 5/8 inch iron rod found at the common west corner of said 68.40 acre tract, said remainder of 9.996 acre tract and said 8.44 acre tract, from which a 1/2 inch iron rod found bent at the common corner of Lots 1 and 2, Block 1, Quintero Subdivision recorded in volume 4852, page 91 of the Official Public Records of Brazos County, Texas bears, S 20° 42' 05" E, a distance of 330.24 feet;

THENCE, with the southwest line of said 68.40 acre tract, **N 20° 42' 05" W**, at a distance of 178.57 feet passing a point from which a 1/2 inch iron rod found at the northeast corner of said Lot 1 and the most southerly east corner of a called 3.00 acre tract of land conveyed to Joseph Martinez, Jr. and Alicia R. Martinez in volume 12989, page 31 of the Official Public Records of Brazos County, Texas bears, S 69° 17' 55" W, a distance of 1.50 feet, and continuing for a total distance of **439.98 feet** to a 5/8 inch iron rod found bent at a common corner of said 68.40 acre tract and said 3.00 acre tract;

THENCE, with the common line of said 68.40 acre tract and said 3.00 acre tract, **N 86° 42' 41" E**, for a distance of **144.26 feet** to a 1/2 inch iron rod found at the northeast corner of said 3.00 acre tract;

THENCE, continuing with said common line, **N 46° 42' 27" W**, for a distance of **676.88 feet** to a 1/2 inch iron rod found at the northwest corner of said 3.00 acre tract and the northeast corner of a called 20 acre tract of land conveyed to Dominic John Fazzino, Jr. and Lee John Fazzino, Jr., Co-Trustees of the Viola Family Trust, in volume 14401, page 213 of the Official Public Records of Brazos County, Texas;

THENCE, with the common line of said 68.40 acre tract and said 20 acre tract, **N 47° 24' 06" W**, for a distance of **984.40 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set for the northwest corner of said 20 acre tract and the northeast corner of a called 7.64 acre tract of land conveyed to Morris G. Flatt and wife, Sudie M. Flatt in volume 277, page 101 of the Deed Records of Brazos County, Texas, from which a 1/2 inch iron rod found laid over near a fallen 18 inch tree bears, S 63° 48' E, a distance of 1.1 feet;

THENCE, with the common line of said 68.40 acre tract and said 7.64 acre tract, **N 48° 09' 03" W**, for a distance of **434.99 feet** to an axle with gear found at the northwest corner of said 7.64 acre tract and the east corner of a called 5.04 acre tract of land conveyed to Stephen Rotsch in volume 4897, page 7 of the Official Public Records of Brazos County, Texas, from which a 1/2 inch iron rod found at the west corner of said 7.64 acre tract bears, S 42° 35' 36" W, a distance of 93.61 feet;

THENCE, with the common line of said 68.40 acre tract and said 5.04 acre tract, **N 48° 01' 08" W**, for a distance of **382.20 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set on the southeast line of said 349.626 acre tract (2049/316 ORBCT) for the most northerly west corner of said 68.40 acre tract and the north corner of said 5.04 acre tract, from which a 1/2 inch iron rod found laid over

bears, S 21° 00' W, a distance of 2.2 feet, also from which a 1/2 inch iron rod found bent at the west corner of said 5.04 acre tract bears, S 42° 42' 37" W, a distance of 514.28 feet;

THENCE, with the common line of said 68.40 acre tract and said 349.626 acre tract, along the northwest line of the James M. Webb Survey, **N 42° 42' 37" E**, for a distance of **757.91 feet** to the **POINT OF BEGINNING** hereof and containing 68.65 acres, more or less.

Surveyed on the ground May 2021 under my supervision. See plat revised September 2021 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not surface areas) multiply by a combined scale factor of 1.00011444440201 (calculated using GEOID12B). Reference drawing: 21-343.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF NOVEMBER 4, 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).

a. Rezoning RZ21-30: Hilton Road, LLC

A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 68.65 acres of land out of the James M. Webb Survey, A-242, located generally north of the intersection of Sandy Point and Hilton Roads, and currently addressed as 3194 Sandy Point Road and 401 Hilton 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.

Mary Desern, 416 Hilton Road; Wayne Desern, 416 Hilton Road; Kevin Shimek, 13795 Alacia Ct, College Station; Norman Ronald, 566 Hilton; Lynette Urbanovsky, 1711 Graystone Drive; Stephen Rotsch, 3960 Sandy Point Rd; Lamar Urbanovsky, 294 Hilton Road; spoke during the public hearing and stated the following in opposition of the request:

- The proposed development density is too high for the location.
- With the new subdivision, they are losing the immediate view of nature.
- Flooding is a current issue and new development is going to make drainage issues worse.
- The existing roads cannot adequately support increased traffic.
- There are various street safety concerns that need to be addressed.

Ramiro Quintero, 3338 Sandy Point Road spoke during the public hearing in favor of the request and stated concerns about possible park development.

Mr. Jonathon Koury, Assistant City Attorney, clarified that in-lieu fees paid for parks remain in a fund for the geographic area they were paid in.

Mr. Sam Vernon, Assistant City Engineer for the City of Bryan, stated that water detention is planned for the subdivision and the public can file an open records request to access information.

Mr. Glenn Jones, agent and engineer in favor of request, stated the following:

- A fee in-lieu will be paid per lot for park development.
- There is currently a detention pond planned to mitigate water-runoff.
- The grass area over the gas line will remain natural.
- They are required to allocate 2 access points which explains the need for access on Hilton Road.
- No traffic impact report has been conducted as the development does not meet that threshold.
- The subdivision will include walking paths and a common area with greenspace.

The public hearing was closed.

Commissioner Rodriguez moved to recommend approval of Rezoning RZ21-30 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 Bush seconded the motion.

Commissioners commented that tonight's discussion within the scope of rezoning the property.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 4, 2021



Rezoning case no. RZ21-30: Hilton Road LLC

CASE DESCRIPTION: A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5)

LOCATION: 68.65 acres of land out of the James M. Webb Survey, Abstract no. 242, located generally north of the intersection of Sandy Point Road (FM 1687) and Hilton Road, and currently addressed as 401 Hilton Road

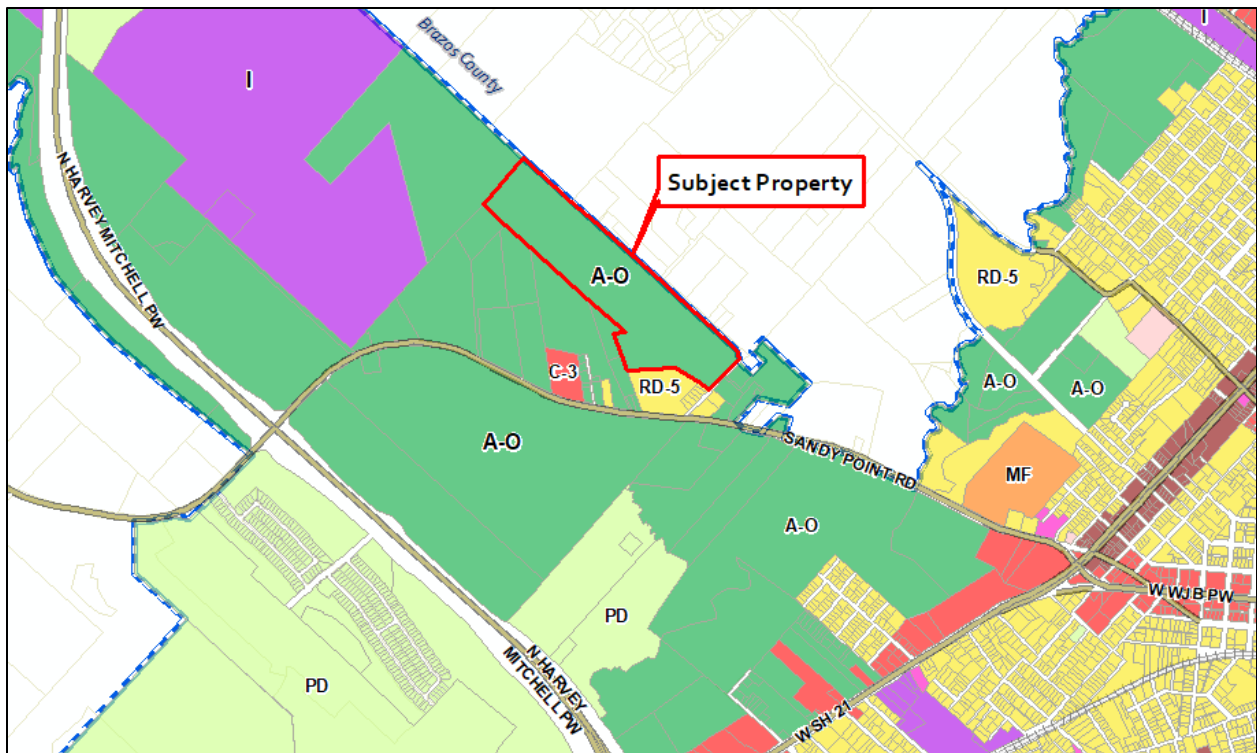
EXISTING LAND USE: Vacant Acreage

PROPERTY OWNERS: Hilton Road LLC

APPLICANT(S): Same as Property Owner

STAFF CONTACT: Katie Williams, AICP, Project Planner

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



AERIAL VIEW (2021)



BACKGROUND:

The applicant, Hilton Road LLC, is requesting to change the zoning classification on 68.65 acres of land from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5). The adjacent properties located to the north, south and west are zoned A-O and RD-5 District. Properties to the east are not within Bryan City limits, and therefore have not been assigned a zoning district.

The RD-5 zoning classification is intended to provide for development of detached dwelling units on lots of not less than 5,000 square feet. Other uses, such as religious and educational facilities and open spaces, are provided to maintain a balanced, orderly, convenient, and attractive residential area.

The applicants have submitted a master plan for a new six-phase, 300-lot residential subdivision called Highland Oaks (case no. MP21-05) and a preliminary plan and final plat for phase one (case nos. PP21-21 and FP21-28) that are currently under review by the Site Development Review Committee (SDRC). As the plans for this subdivision were designed to the lot standards of the Residential – 5000 District, approval of these documents is contingent upon the prior approval of the subject rezoning request. After SDRC approval of the master plan and the final plat, these cases will be scheduled for final approval by the Bryan Planning and Zoning Commission.

EXCERPT FROM REZONING APPLICATION:

Please list the reasons for this rezoning request:

Developing the property for a single family residential subdivision.

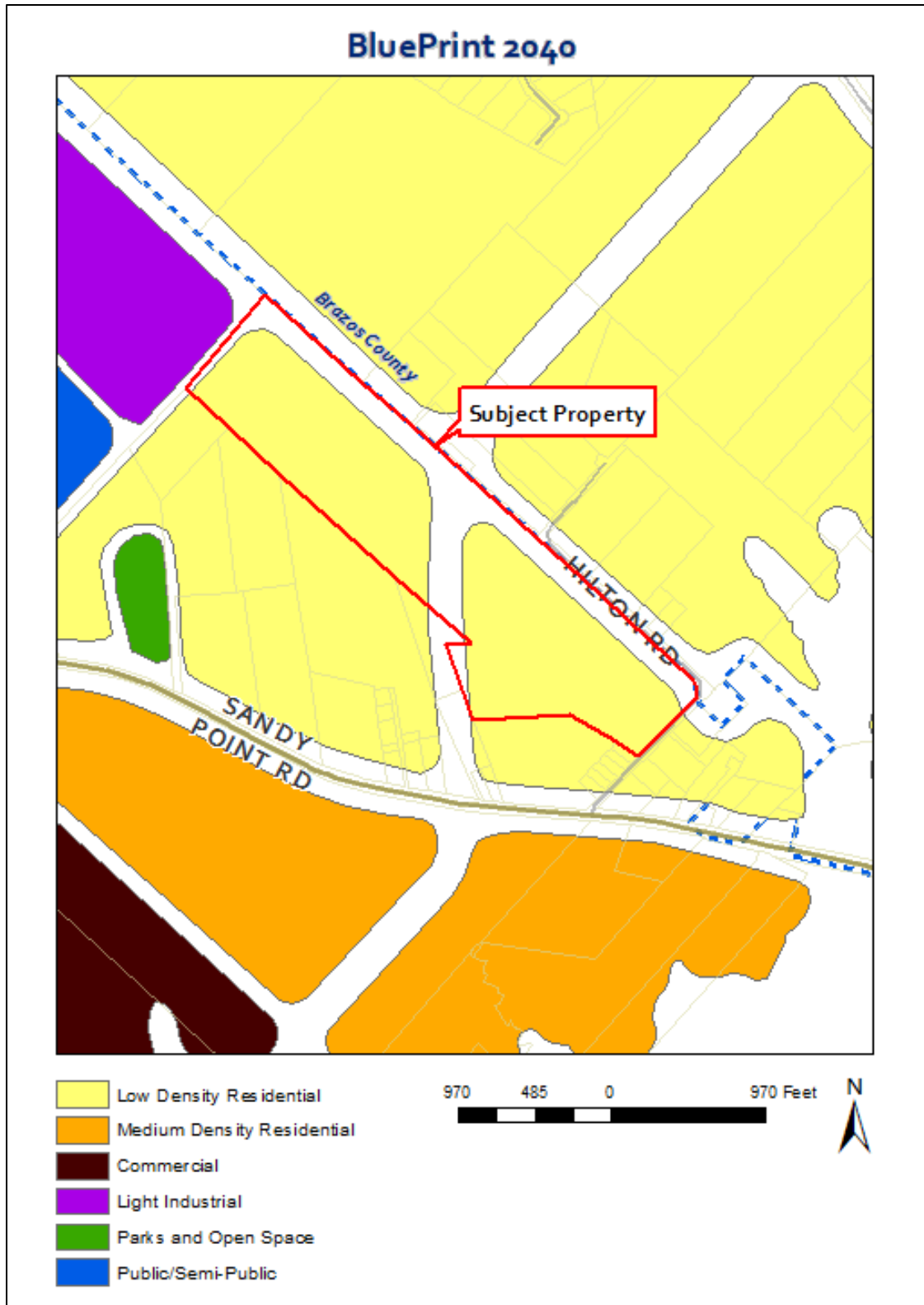
List the changed or changing conditions in the area or City which make this zone change necessary:

This property has never been developed and currently has the base zoning of Ag Open. With the demand for single family residential housing so high, this property is now attractive 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, this zoning is in accordance with the future land use plan for this area.

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 reserved for low density residential. 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:

Chapter 5: Land Use

- Low density residential should be protected from, but accessible to, the major roadway network, commercial establishment, and industrial areas.
- Subdivisions should be accessible to collector and arterial streets, but directly access only local streets.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

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 will allow for the construction of low-density residential development in northwest Bryan. Allowing the extension of RD-5 District zoning at this location will support orderly urban growth in this area, where nearby properties are being developed or are currently developed in a low-density residential fashion. Staff believes that RD-5 District zoning on the subject property is compatible with surrounding and existing development.

Additionally, staff contends that the proposed zoning is consistent with the recommendations made by the Future Land Use Plan as the subject property is accessible to, but protected from, a major roadway network. Though current development in the area is sparse, the proposed detached dwelling subdivision is consistent with the existing development in the vicinity, specifically in regards to use.

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 current conditions of Hilton Road and Sandy Point Road (FM 1687) are substandard, but sufficient right-of-way exists for the possibility of widening the pavement. Sandy Point Road (FM

1687), a TxDOT controlled roadway and major arterial, is planned to become four lanes as development expands in the area. Additionally, the Thoroughfare Plan, which was adopted in 2016 as part of the City's Future Land Use Plan, shows the future extension of Hilton Road adjacent to the subject property, as well as a future major collector bisecting the subject property. The future plans for these roadways will be taken into consideration as the subdivision is further designed and constructed.

Regarding public sewer and water, staff finds the subject property to be adequately served. The extension of public sewer and water throughout the subdivision will be constructed at the developer's expense.

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. Few properties in the immediate area are zoned RD-5 District, and those that are have already been developed with detached dwellings.

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, in the general vicinity of the subject property, residential developments are developing at an average pace. Elsewhere in the City, residential development are developing at an above average pace.

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 were approved, staff believes there to be few, if any, effects on other areas designated for similar developments. Development in the area is sparse, but what is existing is primarily residential.

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

While the addition of homes and families in this area will have an impact on the number of cars on the road and general density of the area, the uses that are permitted in the proposed Residential – 5000 Zoning District are far less impactful to existing conditions than those permitted by right in the current Agricultural – Open District zoning.

Staff contends that allowing detached dwellings at this location will establish an orderly zoning pattern, and allow for a useful diversification in land use intensities and orderly urban development in this vicinity.

RECOMMENDATION:

Staff recommends **approving** the proposed RD-5 District zoning, as requested