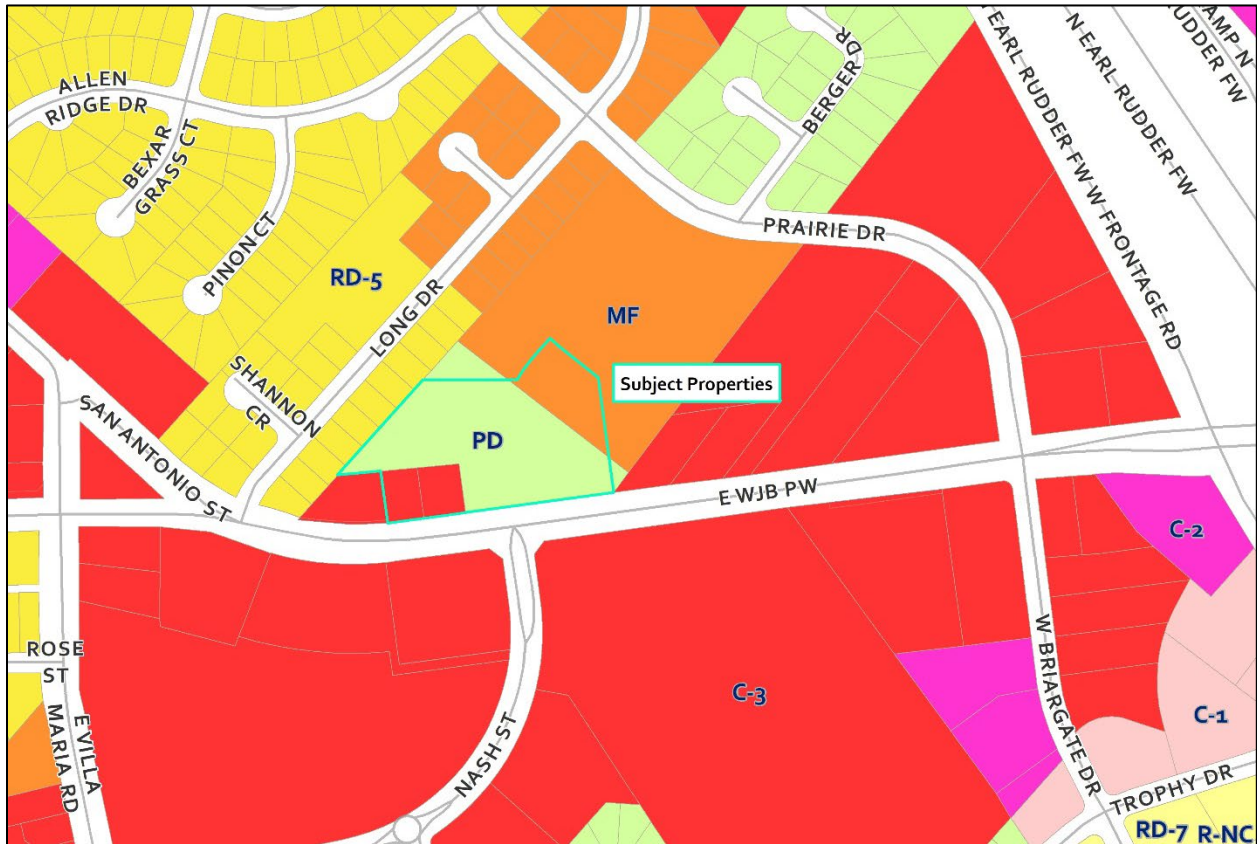


LOCATION MAP:



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 A COMBINATION OF COMMERCIAL DISTRICT (C-3), MULTIPLE – FAMILY RESIDENTIAL DISTRICT (MF), AND PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M) TO RETAIL DISTRICT (C-2), ON 4.48 ACRES OF LAND, BEING LOTS 1 AND 2 OF FULLERS SUBDIVISION, AS WELL AS PROPERTY OUT OF THE JOHN AUSTIN LEAGUE, A-2, ADJOINING THE NORTH SIDE OF THE INTERSECTION OF EAST WILLIAM JOEL BRYAN PARKWAY AND NASH STREET 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 WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; 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 a combination of Commercial District (C-3), Multiple-Family Residential District (MF), and Planned Development – Mixed Use District (PD-M) to Retail District (C-2), on 4.48 acres of land, being Lots 1 and 2 of Fullers Subdivision, as well as property out of the John Austin League, A-2, adjoining the north side of the intersection of East William Joel Bryan Parkway and Nash Street in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 2, 2022 (case no. RZ22-09).

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 a combination of Commercial District (C-3), Multiple-Family Residential District (MF), and Planned Development – Mixed Use District (PD-M) to Retail District (C-2), on 4.48 acres of land, being Lots 1 and 2 of Fullers Subdivision, as well as property out of the John Austin League, A-2, adjoining the north side of the intersection of East William Joel Bryan Parkway and Nash Street in Bryan, Brazos County, Texas, being described by metes and bounds in Exhibit “A” and depicted on attached Exhibit “B”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

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.

4.

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.

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 meetings was given.

6.

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

PASSED, ADOPTED AND APPROVED the 9th day of August 2022, 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, City Attorney

EXHIBIT "A":

ABRAM DASHNER RPLS, LLC

TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5901

TBPLS FIRM NO. 10194420

abe@rpls5901.com 512-244-3395

4.481 ACRES
JOHN AUSTIN LEAGUE ABS. NO. 2
BRYAN, TEXAS

PROJECT: 136-05(EX2)
FILE NO. 2022.069
DATE: 03/23/2022

DESCRIPTION

4.481 ACRES OUT OF THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, SITUATED IN THE CITY OF BRYAN, BRAZOS COUNTY, TEXAS, BEING A PORTION OF THE FOLLOWING TRACTS: THAT CERTAIN 3.429 ACRE TRACT CONVEYED TO F.O. BIRMINGHAM MEMORIAL LAND TRUST, BY DEED OF RECORD IN VOLUME 11637, PAGE 293, OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THAT CERTAIN 7.426 ACRE TRACT CONVEYED TO F.O. BIRMINGHAM MEMORIAL LAND TRUST, BY DEED OF RECORD IN VOLUME 11636, PAGE 49, OF SAID OFFICIAL PUBLIC RECORDS, ALSO BEING LOTS 1 & 2 AND A 15-FOOT ALLEY RIGHT-OF-WAY, FULLER'S SUBDIVISION, OF RECORD IN VOLUME 138, PAGE 81, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS; SAID 4.481 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the north right-of-way line of E. William Joel Bryan Pkwy. (r.o.w. varies), being the southwest corner of Lot 1, Block 1, Anthony Subdivision, of record in Volume 513, Page 769, of said Deed Records, for the southeasterly corner of said 3.429 acre tract and hereof;

THENCE, along said north right-of-way line the following three (3) courses and distances:

1. S82°17'54"W, along the south line of said 3.429 acre tract, a distance of 379.72 feet to a 1/2-inch iron rod found at the intersection of said north right-of-way line and the east line of said 15-foot alley right-of-way, for an angle point;
2. S82°11'33"W, along the south line said 15-foot alley right-of-way, a distance of 15.11 feet to a 1/2-inch iron rod found at the southeast corner of said Lot 1, being the intersection of the west line of said 15-foot alley right-of-way and said north right-of-way line of E. William Joel Bryan Pkwy., for an angle point;
3. S82°16'11"W, along the south line of said Lots 1 and 2, at 91.00 feet passing a TxDOT Type I monument found, and continuing for a total distance of 180.95 feet to a TxDOT Type II monument found at the southwest corner of said Lot 2, being the southeast corner of Lot 3, of said Fuller's Subdivision, for an angle point;

THENCE, N08°01'37"W, leaving said north right-of-way line, along the line common to said Lots 2 and 3, a distance of 132.93 feet to a 1/2-inch iron rod found at the north common corner of said Lots 2 and 3, being in the south line of said 3.429 acre tract, for an angle point;

THENCE, S84°32'25"W, along the north line of said Lot 3 and Lot 4, of said Fuller's Subdivision, being the south line of said 3.429 acre tract, a distance of 109.37 feet to a 1/2-inch iron rod found at the northwest corner of said Lot 4, being in the east line of Block 1, Willow Estates Phase I, a subdivision of record in Volume 404, Page 797, of said Deed Records, for the southwesterly corner of said 3.429 acre tract and hereof;

THENCE, N41°53'14"E, along the east line of said Block 1, being the west line of said 3.429 acre tract, a distance of 322.75 feet to a calculated point, for the northwesterly corner hereof;

THENCE, S89°59'42"E, leaving the east line of said Block 1, in part over and across said 3.429 acre tract, and in part over and across said 7.426 acre tract, a distance of 238.14 feet to a calculated point at the beginning of a non-tangent curve to the right;

THENCE, continuing over and across said 7.426 acre tract, the following four (4) courses and distances:

1. Along said curve, having a radius of 455.60 feet, a central angle of 10°51'58", an arc length of 86.41 feet, and a chord which bears N36°28'49"E, a distance of 86.28 feet to a calculated point at the end of said curve;
2. N41°53'14"E, a distance of 48.25 feet to a calculated point, for the most northerly corner hereof;
3. S48°06'46"E, a distance of 60.00 feet to a calculated point, for an angle point;
4. S52°31'48"E, a distance of 97.08 feet to a calculated point, for the northeasterly corner hereof;

THENCE, S07°40'38"E, continuing in part over and across said 7.426 acre tract, and in part over and across said 3.429 acre tract, a distance of 293.00 feet to the **POINT OF BEGINNING**, and containing 4.481 acres (195,205 square feet) of land, more or less.

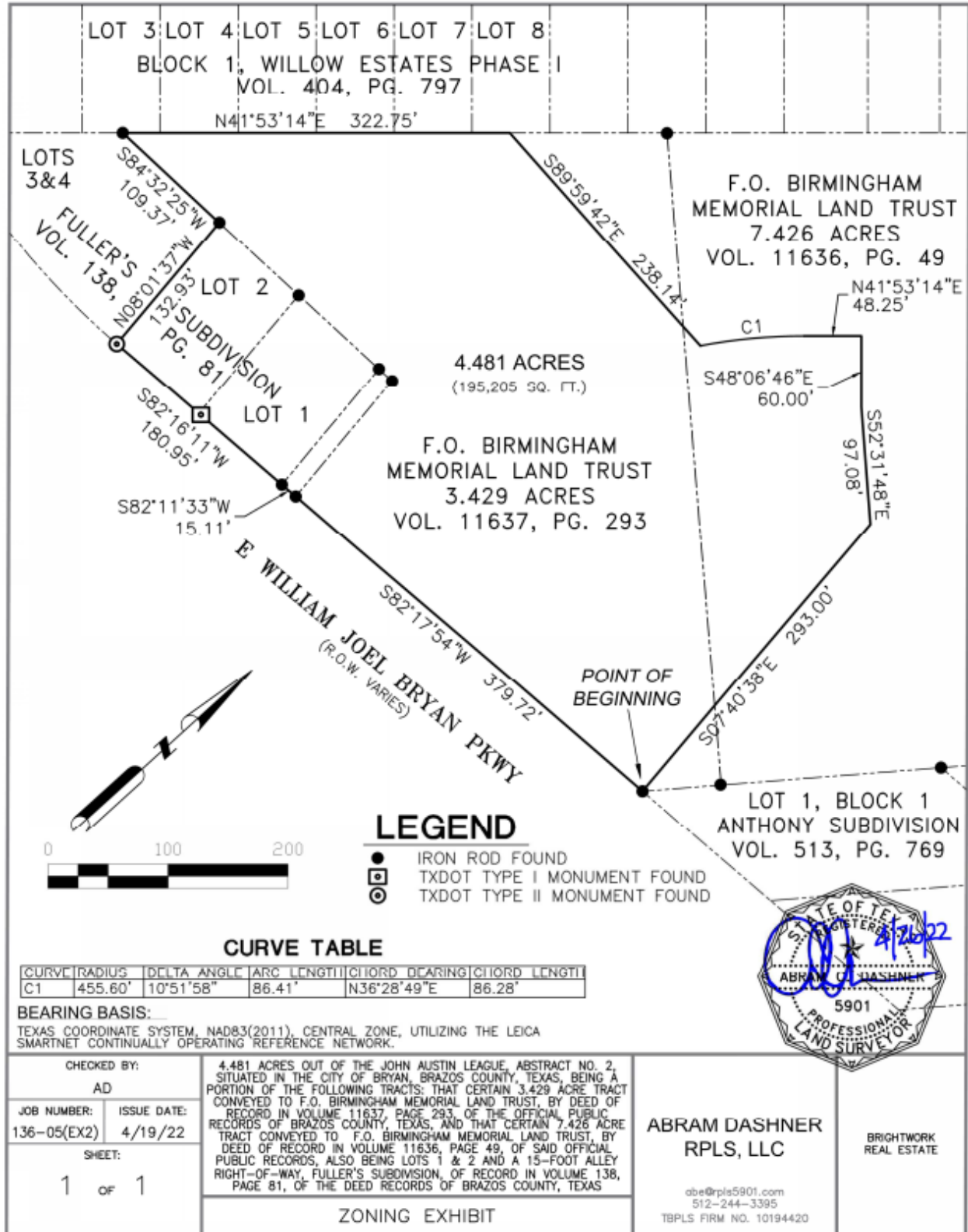
BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF FEBRUARY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

ABRAM C. DASHNER
TEXAS RPLS 5901
TBPLS FIRM NO. 10194420



EXHIBIT "B":



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF JUNE 2, 2022:**

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

c. Rezoning RZ22-09: Brightwork Real Estate

A request to change the zoning classification from a combination of Commercial District (C-3), Multiple-Family District (MF), and Planned Development – Mixed Use District (PD-M) to Retail District (C-2) on 4.48 acres of land, being Lots 1 and 2 of Fullers Subdivision, as well as property out of the John Austin League, A-2, adjoining the north side of the intersection of East William Joel Bryan Parkway and Nash Street in Bryan, Brazos County, Texas. (A. Kay)

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

The public hearing was opened.

Mr. Graham Moore, Civil Engineer of applicant, stated his excitement for the proposed development.

The public hearing was closed.

Commissioner Torres moved to recommend approval of Rezoning RZ22-09 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 Ewers seconded the motion.

Commissioners stated the area is great for the proposed development and the zoning is appropriate for the location.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 2, 2022



Rezoning case no. RZ22-09: Brightwork Real Estate

CASE DESCRIPTION: A request to change the zoning classification from a combination of Commercial District (C-3), Multiple-Family Residential (MF), and Planned Development – Mixed Use District (PD-M) to Retail District (C-2)

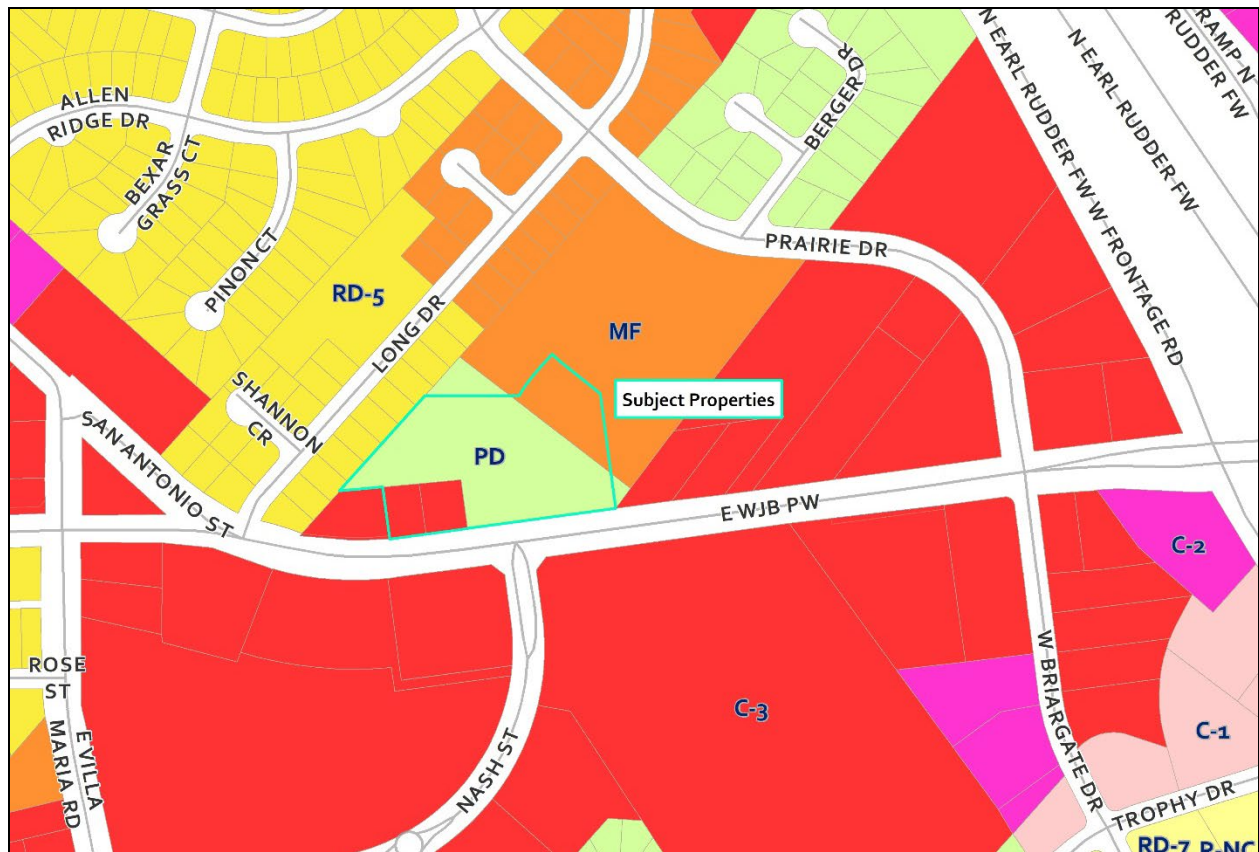
LOCATION: 4.48 acres of land, being Lots 1 and 2 of Fullers Subdivision, as well as property out of the John Austin League, A-2, adjoining the north side of the intersection of East William Joel Bryan Parkway and Nash Street

EXISTING LAND USE: retail and vacant land

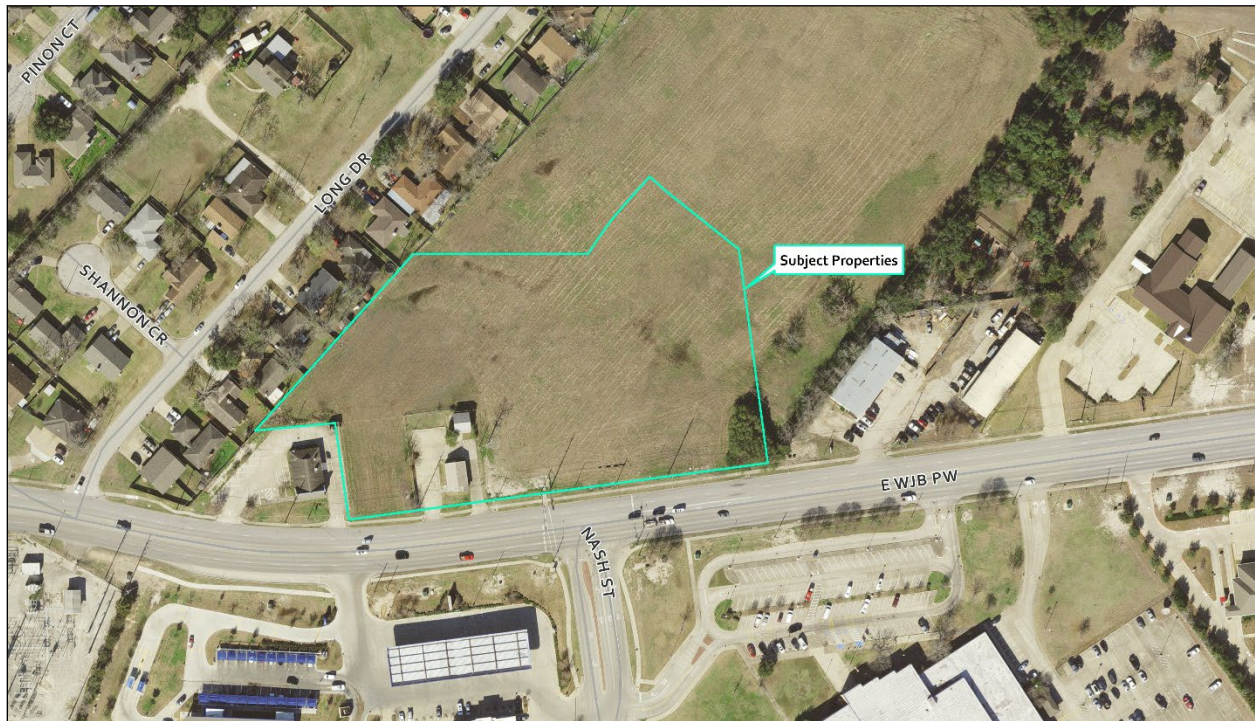
APPLICANT(S): Brightwork Real Estate

STAFF CONTACT: Allison Kay, Project Planner

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



AERIAL PHOTOGRAPH (2021):



BACKGROUND:

The 4.48-acre subject property adjoins the north side of the intersection of East William Joel Bryan Parkway and Nash Street. Lots 1 and 2 of the Fuller's Subdivision have been zoned Commercial District (C-3) since the City of Bryan Adopted zoning regulations in 1989, while the adjacent unplatted portion of the subject tract located within the John Austin League, A-2, is currently zoned Multiple-Family Residential District (MF) and Planned Development – Mixed Use District (PD-M) which was approved by the Bryan City Council on April 10, 2001.

The abutting property to the west is zoned C-3 District and is currently occupied by a drive thru restaurant and property to the east is zoned similarly and is the location of a sign company. The abutting property to the northeast is zoned Multiple-Family District (MF) and is vacant and properties to the northwest are developed with residential uses as part of the Willow Estates Subdivision – Phase 1.

The applicant, Brightwork Real Estate, is requesting to rezone the subject properties from the existing combination of Commercial District (C-3), Multiple-Family Residential District (MF), and Planned Development – Mixed Use District (PD-M) zoning to Retail District (C-2). The request is being made to accommodate development of a convenience store with gas station and retail space. This development will require the applicant to submit a replat of the three properties into one new lot, as well as a site plan, which will be reviewed by the Site Development Review Committee for conformance with the Bryan Code of Ordinances, Chapter 62, Land and Site Development.

The C-2 District was established to provide locations for various types of general retail trade, business and service uses. The district allows shopping centers or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods. Some land uses permitted by right in the C-2 zoning district are fitness center, retail service, restaurant, and studio in addition to uses permitted by right in Office District (C-1) zoning.

EXCERPT FROM REZONING APPLICATION:

Please list the reasons for this rezoning request:

APPLICANT IS UNDER CONTRACT TO BUY THE PROPERTY AND DEVELOP/
REDVELOP IT AS A CONVENIENCE STORE, GAS STATION, AND FUTURE RETAIL.
THE DEVELOPMENT WILL INCLUDE THE EXTENSION OF NASH ROAD AND
MODIFICATION OF THE EXISTING TRAFFIC SIGNAL.

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

THE PROPERTY IS CURRENTLY ZONED PD UNDER ORDINANCE 1277 WHICH
LIMITS THE ALLOWED USES ON THE PROPERTY AND DOES NOT ACCOUNT FOR
THE EXTENSION OF NASH. THE IMPROVEMENT OF BRYAN PARKWAY AND
MARKET CONDITIONS DICTATE THAT NASH BE ACCOUNTED FOR AND THE
USES SET TO COMMERCIAL.

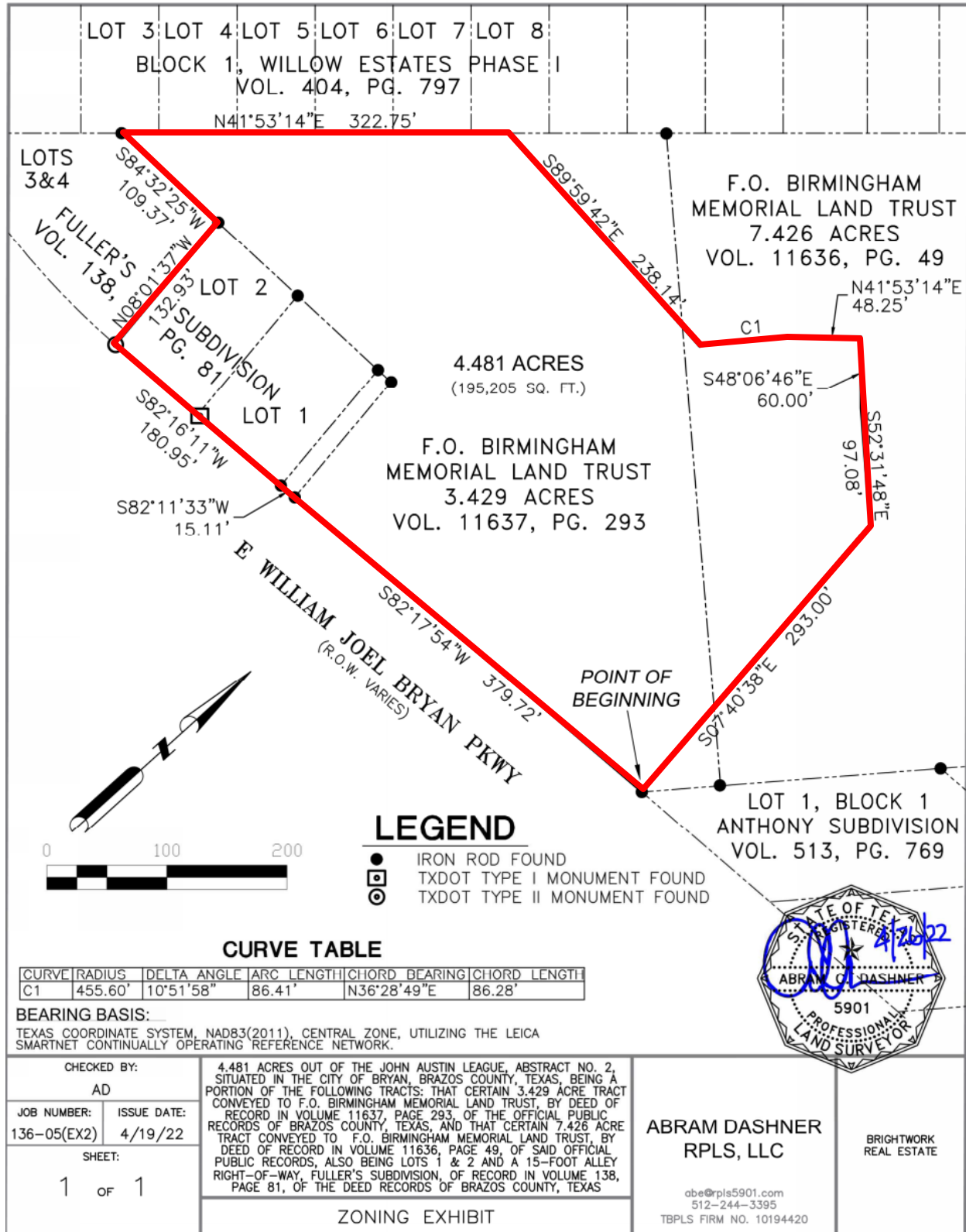
Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

YES - BOTH THE PD AND THE COMPREHENBSIVE PLAN HAD THIS PROPERTY
LISTED AS MIXED USE OR COMMERCIAL.

List any other reasons to support this zone change:

APPLICANT INTENDS TO EXTEND NASH AND THE REMAINDER OF THE
UNDEVELOPED PROPERTY WILL RETAIN CURRENT ZONING.

EXCERPT FROM REZONING EXHIBIT:



CONDITIONS AS OF DECEMBER 2021:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

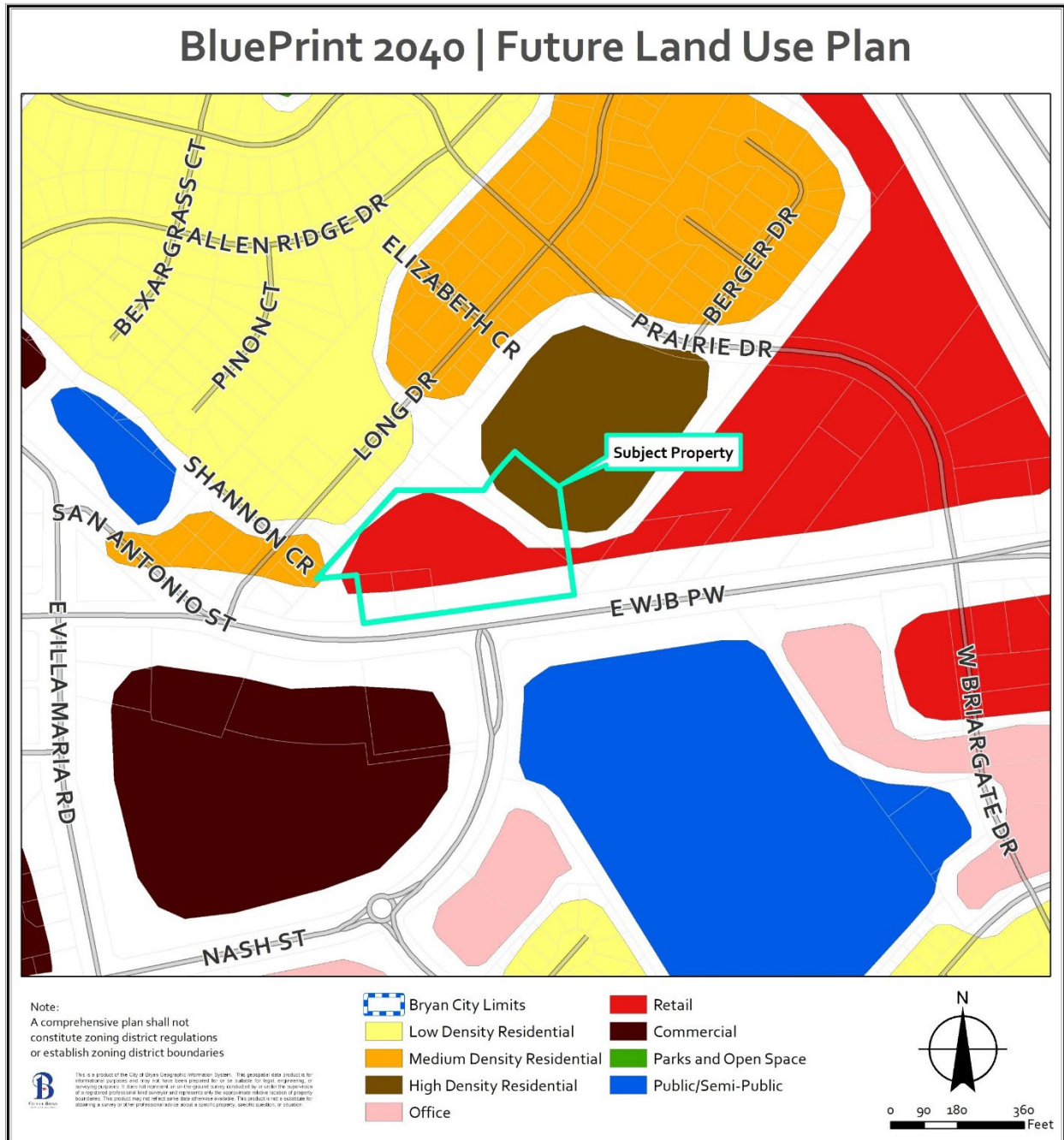
Blueprint 2040, adopted October 25, 2016, serves as the framework for the establishment of zoning and other regulatory tools. The plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Future Land Use Plan (as shown below) identifies the subject property is located in an area of the city suitable for retail land uses. 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:

Retail establishments have goods for purchase by the general public and have the benefit of directly contributing to the support of the community as a whole by generating sales tax revenue. Retail uses require high visibility locations such as along arterial roadways. Examples of retail uses include clothing stores, dry cleaners, restaurants, and branch banks. Low intensity office uses are also permitted or encouraged in retail areas. The following are policies to guide retail areas:

Chapter 5: Land Use

- Retail should be located at high points of visibility.

- Retail should serve as a buffer and transition between higher and lower intensity uses.
- EXCERPT FROM FUTURE LAND USE PLAN 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.

The proposed rezoning, if approved, will expand the area available for retail development along East William Joel Bryan Parkway. The abutting property to the west is zoned C-3 District and is currently occupied by a drive thru restaurant and property to the east is zoned similarly and is the location of a sign company. The abutting property to the northeast is zoned Multiple Family District (MF) and is vacant and properties to the northwest are developed with residential uses as part of the Willow Estates Subdivision – Phase 1.

Staff contends that rezoning the subject properties from a combination of C-3 District, MF District, and PD-M District to Retail District will support orderly urban growth in this vicinity, and allow for a more efficient pattern of development by allowing for retail development along a gateway to Bryan.

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.

Existing public utility infrastructure is adequate to support the existing and future development on the subject property. The applicant is proposing the northern extension of Nash Street terminating in a temporary cul-de-sac until the future extension to Prairie Drive can be completed. This extension of Nash Street would provide access to the intended development as well as a proposed access onto East William Joel Bryan Parkway.

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.

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 new retail development is occurring at a moderate pace in the vicinity of the subject property as well as elsewhere in the City. Staff contends that a change to a less intense zoning classification here will align with BluePrint 2040's Future Land Use Plan, which suggests that this area is ideal for retail development as well as provide for an orderly pattern of development for retail development along this heavily -traveled corridor within 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.

Staff contends that areas designated for retail development would not be affected if the proposed

zoning change is approved.

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

Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.

RECOMMENDATION:

Based on all of the above considerations, staff recommends **approving** the requested zone change to Retail District (C-2) on the subject property.