

Agenda Item Details

Meeting	Jul 11, 2023 - Bryan City Council Second Regular Meeting
Category	4. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.
Subject	A. Owner-requested Annexation Case No. ANNEX23-05 - Public hearing, presentation, and consideration of the first and only reading of an ordinance of the City of Bryan, Texas, annexing territory generally described as being 255.72 acres of land out of the T.M. Splane Survey and Richardson Perry Survey, Abstract No. 44, located approximately 2,000 feet northeast of the intersection of Steep Hollow Road and FM 1179, in Brazos County, Texas, lying adjacent and contiguous to the present observed limits of the City of Bryan; finding that all necessary and required legal conditions have been satisfied; describing the territory annexed and providing a service plan therefore; obligating the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants and owners of said territory
Type	Action
Preferred Date	Jul 11, 2023
Absolute Date	Jul 11, 2023
Fiscal Impact	Yes
Dollar Amount	12,786.00
Budgeted	No
Budget Source	General Fund - Development Services budget (estimated amount for notification and ESD 3 reimbursement)
Goals	Public Safety Service Infrastructure Quality of Life Economic Development

Summary:

In 2019, conversations began between the City of Bryan and the owners of 252.76 acres of vacant land located 2,000 feet northeast of the intersection of Steep Hollow Road and FM 1179 regarding future residential development on the subject property and possible utility connections. The owners, Steep Hollow Land, LP, proposed several alternatives to finance sanitary sewer infrastructure and remain outside of the City limits. A determination was made that access to City sanitary sewer infrastructure will require development agreements to annex the subject property.

On November 17, 2022, the Bryan City Council executed three development agreements with three property owners in relation to the proposed development of the Stella Ranch Subdivision. Two of these agreements, one between the City and Ann Duke et. al., the other between the City and Ed Froehling Builder, Inc., specifically related to future annexation in exchange for access to City sanitary sewer infrastructure. These agreements extended the observed boundaries of the City, allowing Steep Hollow Land, LP to petition for annexation.

The development agreement between the City and Steep Hollow Land, LP details requirements for the developer to design the proposed wastewater improvements and sanitary sewer line extension from its existing point of connection in Bryan's Austin's Colony Subdivision, while the City will be responsible for construction from the existing point of connection to the subject property. Under the agreement, the City is not responsible for the construction of any wastewater improvements in the new subdivision.

In November 2019, City Council had approved an amendment to the City's Thoroughfare Plan (Ordinance No. 2383) to realign a proposed super arterial roadway to the northeastern most property line of what is proposed to become Stella Ranch Subdivision in order to increase developable area. This realignment avoids the possibility of any phase of the proposed

subdivision taking direct access to the future super arterial, which is the envisioned eastern loop of Harvey Mitchell Parkway (FM 2818).

In addition, the developer retained RSP Avenue Consultants to conduct a traffic impact analysis (TIA) for the new subdivision, which was completed on February 6, 2023. The analysis represents a review of the traffic impacts of the project, based on land use and site plan information, and identified the key traffic issues at specific intersections near the 252-acre subject property. The study concludes that by the anticipated build-out year of the new subdivision, by 2028, the following major improvements should be made:

1. Construct a left-turn lane at the proposed accesses on FM 1179.
2. Add a northbound right-turn lane on Briarcrest Drive at Boonville Road with the widening of FM 1179.

Neither of these off-site improvements to mitigate traffic-related concerns will be the responsibility of the developer under current City ordinances and policies. Instead, any such traffic system improvements likely will have to be funded as part of future Capital Improvement Plan projects, in cooperation with the Texas Department of Transportation (TxDOT). TxDOT is currently in design for a project to widen FM 1179, which is projected to go out for bid in 2024. As part of this project, the left-turn lane recommended above by the TIA will be completed.

On April 12, 2023, Bryan Reece of Steep Hollow Land, LP, submitted a request for annexation of these 252.76 acres, along with the adjacent 2.96 acres of FM 1179 right-of-way, as required by State law. Most of the land is proposed to be subdivided into a new detached residential subdivision. 15.91 acres of land are proposed to be reserved for retail development opportunities. The subdivision is proposed to be developed in 15 phases with approximately 600 homes.

The developers propose the creation of a Planned Development – Mixed-Use District (PD-M) upon annexation as a method to allow for a combination of land uses, the flexibility to adjust to changing market trends and demands over time, and the ability to implement a cohesive system of parks, trails, and other amenities all designed within the overall community character. As such, the primary components of the proposed PD-M District address land use, trails, and parks. Lot standards in this PD-M District are based on Residential District – 7000 (RD-7) zoning, with some variations. To provide flexibility during development, up to 18.7% of total development area may have lots that are a minimum of 6,000 square feet in area and a minimum of 50-foot lot width.

The Stella Ranch Trail and Park System is proposed to be in lieu of ordinary parkland dedication and development standards of the City's Subdivision Ordinance. The development's Trail and Park System will be accessible to the general public via a public access easement required to be dedicated upon recording final plats for the subdivision. Operation, repair, and maintenance of the Stella Ranch Trail and Park System will be the responsibility of, and controlled by, the subdivision's homeowner's association (HOA). The City of Bryan will not be responsible for operating, repairing, or maintaining the Stella Ranch Trail and Park System.

Parks will be constructed by the developers on land suitable for parks and recreational purposes and deeded to and maintained by the homeowner's association. The park system will include three signature parks, available to the general public, totaling a minimum of 13.47 acres of land. These parks will be connected to the subdivision and an additional 23 greenspace areas via a 10-foot wide trail system allowing residents multiple means of access. The proposed private park system with public access was reviewed and recommended for approval by the Parks and Recreation Advisory Board during their regular April 18, 2023, meeting.

As required for owner-requested annexations, the City of Bryan entered into a municipal services agreement with the property owner, Steep Hollow Land, LP on May 8, 2023, in accordance with Texas Local Government Code §43.0672. Domestic water for the new subdivision will be provided by Wickson Creek Special Utility District. City sanitary sewer will not be available at the property on the date of annexation, but will be constructed and available for extension within the two (2) years as allowed for by State law.

Upon annexation, the City of Bryan will have to reimburse Emergency Services District 3 (ESD) to remove this land from the district's service area and become the sole provider of emergency services, pursuant to Texas Health and Safety Code Section 775.022. The exact reimbursement cost the City will be responsible for has yet to be determined (estimated at around \$12,000) and will require the ESD to submit information about its amount of bonded debt and its overall service area.

The Planning and Zoning Commission considered the developer's annexation and zoning assignment request during the June 1 and June 15 regular meetings. Following the public hearing on June 1, the Commission motioned to recommend approval of ANNEX23-05 to City Council, but to assign Agricultural – Open (A-O) zoning district to the subject property instead of the request Planned Development – Mixed-Use (PD-M) District. The motion passed by a vote of seven (7) in favor to one (1) in opposition. Commissioners had concerns about street widths in the new subdivision and discussed that they did not agree with the proposed 20-foot front building setback and the three subdivision phases initially proposed to observe Residential District – 5000 (RD-5) District lot standards.

Following the June 1 P&Z meeting, the developers revised the proposed PD-M zoning district standards. These revised standards are:

- Increased front setbacks from 20 to 25 feet, which is standard for all residential zoning districts.
- Residential streets shall be constructed with either 27 feet of pavement, stand-up curbs and parking on one side of the street only, or with 30 feet of pavement, laydown curbs and parking available on both sides of the street.
- Lots reflecting standard Residential District – 5000 (RD-5) minimum standards are not proposed. Lot standards in this PD-M District are based on Residential District – 7000 (RD-7) zoning. To provide flexibility during development, up to

18.7% of total development area may have lots that are a minimum of 6,000 square feet in area and a minimum of 50 feet wide.

Analysis and Recommendation:

Following a public hearing during its regular meeting on June 15, 2023, the Planning and Zoning Commission **unanimously voted to recommend approval** of the requested annexation and to assign the requested Planned Development – Mixed-Use District (PD-M) zoning to the subject property upon annexation.

The Planning and Zoning Commission finds that:

- Approving the requested annexation will bring 252.76 acres of vacant undeveloped land and 2.96 acres of FM 1179 right-of-way under the full regulatory control of the City. Annexation of this acreage can therefore help promote orderly urban growth and development in east Bryan.
- Per the municipal services agreement, the City is able to provide nearly all municipal services upon annexation in accordance with State law. Domestic water will be provided by the Wickson Creek Special Utility District. While City sanitary sewer will not be available on the date of annexation, it will be constructed and available for extension within two years, as allowed by State law.
- Assigning PD-M District zoning to the 252.76 acres of the subject property upon annexation will allow for a combination of low-density detached housing and retail development.
- PD-M District zoning in combination with the proposed development regulations for the subject property is generally in conformance with the land use recommendations of the Comprehensive Plan (Blueprint 2040) for future development in the area.

No citizens came forward to speak regarding this case at either public hearing.

Options:

1. approve the proposed owner-initiated annexation, as requested and recommended by P&Z and staff; or
2. approve the proposed owner-initiated annexation with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda, re-notification and/or newspaper publication; or
3. do not approve this proposed owner-initiated annexation at this time and provide direction to staff.

Attachments:

1. location maps;
2. draft annexation ordinance and exhibits with service plan;
3. excerpt from April 18, 2023 Parks and Recreation Advisory Board regular meeting minutes;
4. excerpt from June 1, 2023 Planning and Zoning Commission regular meeting minutes;
5. excerpt from June 15, 2023 Planning and Zoning Commission regular meeting minutes; and
6. June 15, 2023 staff report to the Planning and Zoning Commission with attachments.

[4A - CAF ATTACHMENTS ANNEX23-05, Stella Ranch.pdf \(4,624 KB\)](#)

[6.15 SR ANNEX23-05 Stella Ranch.pdf \(5,513 KB\)](#)