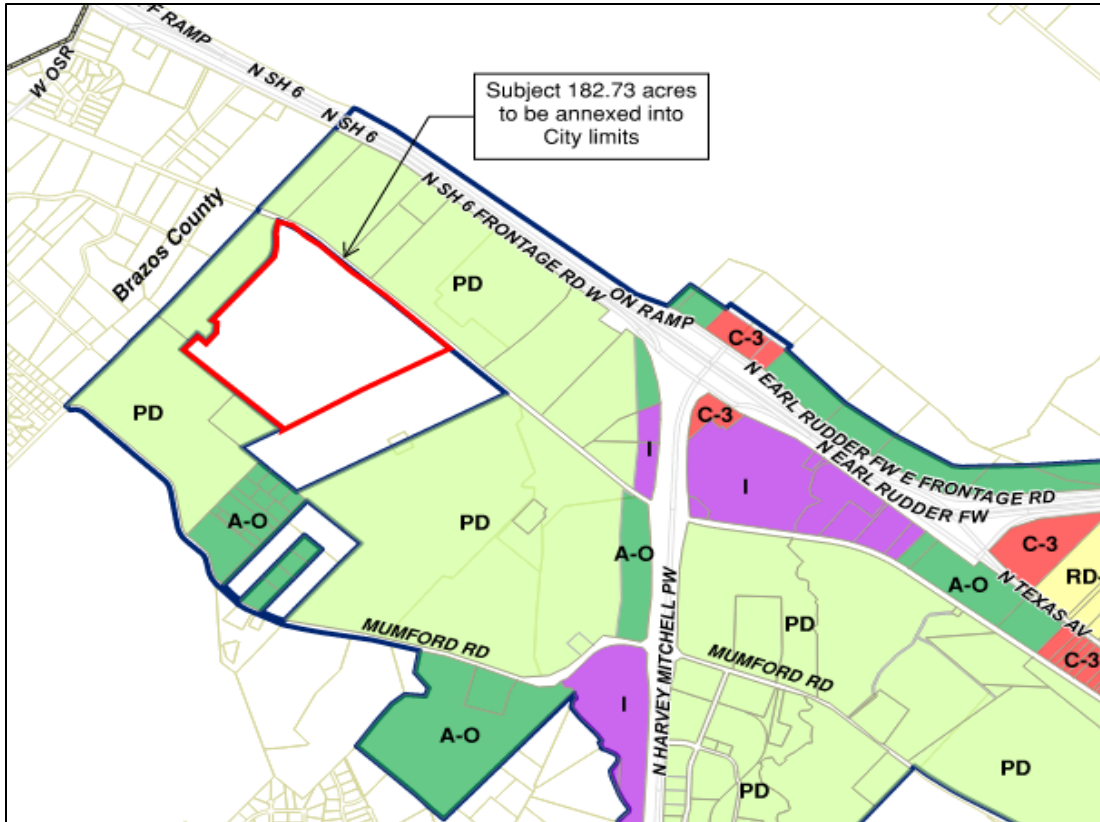


**ZONING AND LOCATION MAPS:**



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

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, ANNEXING TERRITORY GENERALLY DESCRIBED AS LOT 1 IN BLOCK 1 OF AXIS PIPE AND TUBE SUBDIVISION, BEING A TOTAL OF 182.73 ACRES OF LAND LOCATED GENERALLY SOUTH OF LOUIS E. MIKULIN ROAD BETWEEN TEXAS STATE HIGHWAY 6 AND MUMFORD ROAD, 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; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bryan, Texas is a home-rule municipality authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the corporate limits of said City of Bryan, Texas; and

**WHEREAS**, a service plan has been prepared that provides for the extension of appropriate municipal services into the area hereinafter described, which plan is attached hereto, and the City of Bryan is able to provide such services; and

**WHEREAS**, a public hearing has been held during a regular meeting on September 5, 2024, and as required by law, in the Council Chambers of Bryan’s Municipal Office Building located at 300 South Texas Avenue, Bryan, Texas, where all interested persons were provided an opportunity to be heard on the requested annexation of property and territory hereinafter described; and

**WHEREAS**, all notices of such public hearings have been issued as required by law and all hearings held within the time required by law; and

**WHEREAS**, the hereinafter described property and territory is not within the boundaries of any other municipality, lies within the extraterritorial jurisdiction of the City of Bryan, Texas, and lies adjacent to and adjoins the present boundaries of said City of Bryan.

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

**Section 1.**

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.**

That the property described by metes-and-bounds on Exhibit “A” and depicted on Exhibit “A-1” are attached hereto and incorporated herein for all purposes, said territory lying adjacent to and adjoining the present observed boundaries of the City of Bryan, Texas, and is hereby added and annexed to the City of Bryan, and said territory hereinafter described shall hereafter be included within the corporate limits of the City of Bryan, and the present boundary lines of said City are altered and amended so as to include said area within the corporate limits of the City of Bryan.

### **Section 3.**

That the municipal service plan attached hereto as Exhibit "B" is hereby approved and is incorporated into this ordinance as if it were recited herein.

### **Section 4.**

That the annexed territory described above is a part of the City of Bryan for all purposes, and the property situated therein shall bear its pro rata part of taxes levied by the City of Bryan, and shall be entitled to the same rights and privileges, bound by the same duties and responsibilities as other property within the corporate limits.

### **Section 5.**

That the inhabitants residing and owners of property within the confines of the annexed territory shall be entitled to all the rights and privileges of all the other citizens and property owners of Bryan and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City of Bryan.

### **Section 6.**

That the official map and boundaries of the City of Bryan, Texas, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned territory as part of the City of Bryan, Texas.

### **Section 7.**

That Chapter 130 of the City of Bryan Code of Ordinances shall be and is hereby amended so as to assign Planned Development – Industrial District (PD-I) zoning to the entire 182.73 acres of the aforementioned territory upon annexation. Standards for land use and physical development on land to be assigned PD-I District zoning shall be as follows:

1. The continued use of land permitted within this PD-I District shall be limited to uses permitted, or potentially permitted with prior approval of a Conditional Use Permit, in the City's Industrial (I) District, with the exception of adult entertainment land uses, which shall not be permitted in this District.
2. Physical development within this PD-I District shall comply with development standards and limitation of the City of Bryan Code of Ordinance that generally apply to properties in Industrial (I) zoning districts.

### **Section 8.**

That if any portion, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

### **Section 9.**

That this ordinance shall take effect immediately upon its final reading and passage.

**PASSED, ADOPTED, AND APPROVED** on the 8<sup>th</sup> day of October 2024, 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:**

\_\_\_\_\_  
Melissa Brunner, City Secretary

\_\_\_\_\_  
Bobby Gutierrez, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas A. Leeper, City Attorney

**Exhibit "A":**

**TRACT 1 - LOT 1 IN BLOCK 1 OF THE AXIS PIPE AND TUBE SUBDIVISION**

**BEING 182.731 ACRES** (7,959,755 SQUARE FEET), MORE OR LESS, LYING AND BEING SITUATED IN THE L. MCLAUGHLIN SURVEY, ABSTRACT NO. 38, BEING THE SAME AS THAT CERTAIN TRACT OF LAND CONVEYED TO AXIS PIPE AND TUBE, INC. BY DEED RECORDED IN VOLUME 11505, PAGE 1, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH CAP FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF LOUIS E. MIKULIN ROAD (BASED ON A 70 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN VOLUME 11505, PAGE 76 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS), SAID POINT BEING THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 41°08'17" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 401.79 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE MOST WESTERLY CORNER OF A 1.2623 ACRE REMAINDER PORTION OF THAT CERTAIN 29.726 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BRYAN BY DEED RECORDED IN VOLUME 307, PAGE 200 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE SOUTH 48°51'43" EAST, ALONG THE SOUTHWEST LINE OF SAID REMAINDER TRACT, A DISTANCE OF 200.00 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE SOUTHERLY CORNER OF SAID REMAINDER TRACT;

THENCE NORTH 41°08'17" EAST, ALONG THE SOUTHEAST LINE OF SAID REMAINDER TRACT, A DISTANCE OF 177.57 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR ANGLE POINT;

THENCE NORTH 07°21'46" EAST, ALONG THE EAST LINE OF SAID REMAINDER TRACT, A DISTANCE OF 147.29 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR ANGLE POINT;

THENCE NORTH 48°51'43" WEST, ALONG THE NORTH LINE OF SAID REMAINDER TRACT, A DISTANCE OF 118.12 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND IN THE EAST RIGHT-OF-WAY LINE OF SAID LOUIS E. MIKULIN ROAD FOR THE NORTH CORNER OF SAID REMAINDER TRACT;

THENCE NORTH 4°08'17" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,397.45 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE POINT OF BEGINNING OF A CURVE TO THE LEFT;

THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 470.87 FEET, AN ARC LENGTH OF 335.92 FEET, A CHORD BEARING OF NORTH 20°42'02" EAST AND A CHORD LENGTH OF 328.84 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE POINT OF TANGENCY;

THENCE NORTH 00°09'32" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND THE EAST

LINE OF A CALLED 29.726 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BRYAN BY DEED RECORDED IN VOLUME 307, PAGE 204 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS,

A DISTANCE OF 183.60 FEET TO A 1/2 IRON ROD WITH CAP FOUND MARKING THE POINT OF BEGINNING OF A CURVE TO THE RIGHT;

THENCE, ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 430.04 FEET, AN ARC LENGTH OF 263.14 FEET, A CHORD BEARING OF NORTH 17°41'17" EAST AND A CHORD LENGTH OF 259.05 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 65°41'36" EAST, ALONG THE SOUTH LINE OF A 100 FOOT WIDE UNION PACIFIC RAILROAD RIGHT-OF-WAY, A DISTANCE OF 10.55 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE POINT OF BEGINNING OF A CURVE TO THE RIGHT;

THENCE, ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2,814.93 FEET, AN ARC LENGTH OF 848.97 FEET, A CHORD BEARING OF SOUTH 57°03'17" EAST AND A CHORD LENGTH OF 845.76 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE POINT OF TANGENCY;

THENCE, SOUTH 48°24'53" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2,763.10 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 62°10'53" WEST, ALONG THE WEST LINE OF A CALLED 100 ACRE TRACT OF LAND CONVEYED TO AXIS PIPE AND TUBE INC. BY DEED RECORDED IN VOLUME 12476, PAGE 47 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, A DISTANCE OF 3,110.67 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 48°23'43" WEST, ALONG THE NORTH LINE OF A CALLED 12.748 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BRYAN BY DEED RECORDED IN VOLUME 11504, PAGE 293 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, A DISTANCE OF 2,155.03 FEET TO THE POINT OF BEGINNING AND CONTAINING WITHIN THESE CALLS 182.731 ACRES OF LAND.



## **Exhibit “B”:**

### **MUNICIPAL SERVICE PLAN FOR 182.73 ACRES OF PROPERTY OWNED BY AXIS PIPE AND TUBE INC ANNEXED TO THE CITY OF BRYAN, TEXAS ON OCTOBER 8, 2024**

#### **1. SERVICES PROVIDED UPON THE EFFECTIVE DATE OF ANNEXATION**

##### **1. POLICE PROTECTION**

The City of Bryan, Texas and its Police Department will continue to provide police protection to the newly annexed territory at the same or similar service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. The City’s adopted ordinances extend to the newly annexed area and are applied equally to all areas of the City based on the policy and wording of such ordinances. The average dispatch and delivery time, equipment dedication to service areas, and staffing requirements are comparable to the average provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

##### **2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE**

The City of Bryan, Texas and its Fire Department will continue to provide fire protection and ambulance service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. Furthermore, the City of Bryan Fire Department will respond to all dispatched calls (including emergency medical services) and other requests for service or assistance within the newly annexed area, the same as it would within other areas inside the City limits of Bryan. The City’s adopted Fire Code shall extend to the newly annexed area and is equally applicable to all areas of the City.

##### **3. SOLID WASTE COLLECTION**

The City of Bryan, Texas and its Environmental Services Department will provide solid waste collection and disposal service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. As a fee-for-service the providing of this service shall be applied to the newly annexed area on an equal basis to that provided to the average and typical comparable area of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

##### **4. WATER DISTRIBUTION SERVICE**

The City of Bryan, Texas and its Water Services Department will continue to provide water distribution service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas, which exhibit land use and population densities similar to that of the newly annexed area.

Existing City of Bryan water mains will be available for point-of-use extension based on applicable utility extension policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. Residents and businesses in the newly annexed area will be subject to the same service policies and procedures as apply to other areas of the City of Bryan. As applied to all properties within the City, the owner(s) of the newly annexed property will be responsible for costs to



install water service to their property. All such water service facilities under the City of Bryan's direct jurisdiction, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established policies and procedures. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

## **5. WASTEWATER SERVICE**

The City of Bryan, Texas and its Water Services Department will provide wastewater service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. The comparable nature of any areas are at the discretion of the City of Bryan but are evaluated based on the characteristics of the newly annexed area on the date of annexation.

All sewer service facilities that may come under the City of Bryan's direct jurisdiction in the future, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

## **6. STORM WATER MANAGEMENT**

City of Bryan regulations concerning storm water management will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended, and in accordance with similarly situated properties within the City.

## **7. BUILDING SERVICES**

The Development Services Department's responsibility for regulating building construction will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Bryan.

## **8. PLANNING AND DEVELOPMENT**

The Development Services Department's responsibility for regulating development and land use through the administration of the City of Bryan Zoning Ordinance, Land and Site Development Ordinance and all other development-related ordinances will extend to the newly annexed territory. The newly annexed area will also continue to be regulated under the requirements of the City of Bryan Subdivision Ordinance.

## **9. ELECTRICITY SERVICE**

Bryan Texas Utilities (BTU), a municipal electric utility, will provide electricity service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. As a fee-for-service the providing of this service shall be applied to the newly annexed area on an equal basis to that provided to the average and typical comparable area of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

## **10. ROADS, STREETS, ALLEYWAYS AND TRAFFIC ENGINEERING**

Any and all roads, streets or alleyways in the newly annexed territory which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Bryan, Texas with similar land use, population density and topography. Construction of new roads and streets is the responsibility of the developer or property owner desiring them and must be designed and built in accordance with applicable City of Bryan codes and standards.

Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of Bryan to other roads, streets and alleyways in areas exhibiting land use, population densities and topography similar to that of the newly annexed area.

The City of Bryan Public Works Department will install traffic signs, street markings and other traffic control devices in the newly annexed area as the need is established by appropriate study, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

The City of Bryan Public Works Department will install street name signs in the newly annexed area. Under current City of Bryan ordinances, developers are responsible for the cost of street name signs for new public and private streets.

Bryan Texas Utilities (BTU), a municipal electric utility, will install streetlights in accordance with the utility standards of BTU, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. Under current City of Bryan ordinances, developers are responsible for the cost of streetlights in new subdivisions.

## **11. PARKS AND RECREATION**

The newly annexed territory does not include any known existing public parks, playgrounds or swimming pools which would come under the City of Bryan's jurisdiction as a result of annexation. Residents of the newly annexed territory may use any and all existing City of Bryan parks, playgrounds and recreational facilities and participate in any and all programs, events, activities and services of the City of Bryan Parks and Recreation Department. Expansion of recreational facilities and programs to the newly annexed territory would be governed by applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

## **12. MAINTAINING OTHER PUBLICLY-OWNED FACILITIES OR BUILDINGS**

The City of Bryan, Texas is not aware of the existence of any publicly-owned facility or building now located in the newly annexed territory. In the event any such publicly-owned facility or building does exist and are public facilities or buildings, the City of Bryan shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of Bryan, Texas.

## **2. CONSTRUCTION OF CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2½ YEARS FOLLOWING THE EFFECTIVE DATE OF ANNEXATION**

### **1. POLICE PROTECTION, FIRE PROTECTION AND SOLID WASTE COLLECTION**

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing police and fire protection, emergency medical services and solid waste collection. The City Council finds and determines that it has at the present time adequate facilities

to provide comparable levels of protection and service to what is presently being provided to other areas already incorporated in the City of Bryan, Texas, having the same or similar land use, population density and topography as that of the newly annexed territory. The City of Bryan finds that the current level of services and facilities can sufficiently provide comparable services to the newly annexed area without reducing the fire, police, and emergency medical services currently provided to areas already within the municipal boundaries of the City of Bryan.

## **2. WATER AND WASTEWATER FACILITIES**

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing water and wastewater service.

During the next 2½ years, the City Council of the City of Bryan, Texas believes that adequate capacity and municipal water and sewer mains exist for point-of-use connections and serviceable extensions, to provide water and/or sewer service within the newly annexed territory, pursuant to applicable utility extension policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. The development and expansion of facilities as the City grows are expected to use the City's Master Plan and/or Comprehensive Plan, as they are amended from time to time, as a guide to know when expansion facilities become necessary.

As applied to all properties within the City, residents and/or developers will be responsible for costs to install and/or connect water and/or sewer service to their property.

The area to be annexed is currently under City of Bryan wastewater CCN. Extension of existing wastewater mains to the property may be done at the developer's cost. The comparable nature of any areas are at the discretion of the City of Bryan.

As applied to all properties within the City, residents and/or developers will be responsible for costs to install water and/or sewer service to their property.

## **3. ROADS AND STREETS**

Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of Bryan, and such street improvements shall comply with specifications required by the City of Bryan, for properly dedicated streets.

## **4. PARKS, PLAYGROUNDS AND SWIMMING POOLS, AS WELL AS OTHER PUBLIC FACILITIES OR BUILDINGS**

To the extent that it becomes necessary because of development demands, population growth and bona fide needs, the City Council of the City of Bryan, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of citizens in the newly annexed territory, based upon standard considerations of land use, population density and topography.

## **3. SPECIFIC FINDINGS**

The City Council of the City of Bryan, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the newly annexed territory, than were in existence at the time immediately preceding this territory's annexation to the City of Bryan, Texas.

As the development and growth of a municipality is not known but only anticipated conditions and subsequent occurrences may change making the current service plan unworkable or obsolete. In such a case, the City Council may amend the service plan to conform to the changed conditions and/or occurrences. Such amendments will be in conformity with state law.

Texas law does not require a uniform level of municipal services to an area if different characteristics of topography, land use, and population density constitute a sufficient basis for providing a different level of services. As a result, the levels of services provided in this plan are all linked to comparable services of areas similar in characteristic, topography, land use, and population density as the newly annexed area. For areas where no comparable location exists, the City Council finds that City staff utilized its best efforts to calculate a comparable level of serviced based on the known characteristics and incorporated such into this plan based on the characteristics of the newly annexed territory on the date of annexation.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF SEPTEMBER 5, 2024:**

**4. Request for Annexation (Commission makes recommendation; City Council has final approval).**

**A. Annexation ANNEX24-03: Kuadrum Pipe and Tube, Inc**

*A request from an area landowner requesting annexation of Lot 1 in Block 1 of Axis Pipe and Tube Subdivision, being 182.73 acres of land located generally south of Louis E. Mikulin Road between Texas State Highway 6 and Mumford Road in the City of Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (K. Williams)*

Ms. Williams presented the staff report (on file in the Development Services Department). Staff recommends approval of this request and assigning Planned Development – Industrial District (PD-I) zoning upon annexation.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Clark moved to recommend approval of Annexation ANNEX24-03 of these 182.73 acres of land and assignment of Planned Development – Industrial District (PD-I) zoning upon annexation to the Bryan City Council, and to adopt the written staff report and analysis as the report finding, and evaluation of this Commission.**

**Commissioner Valerius seconded the motion.**

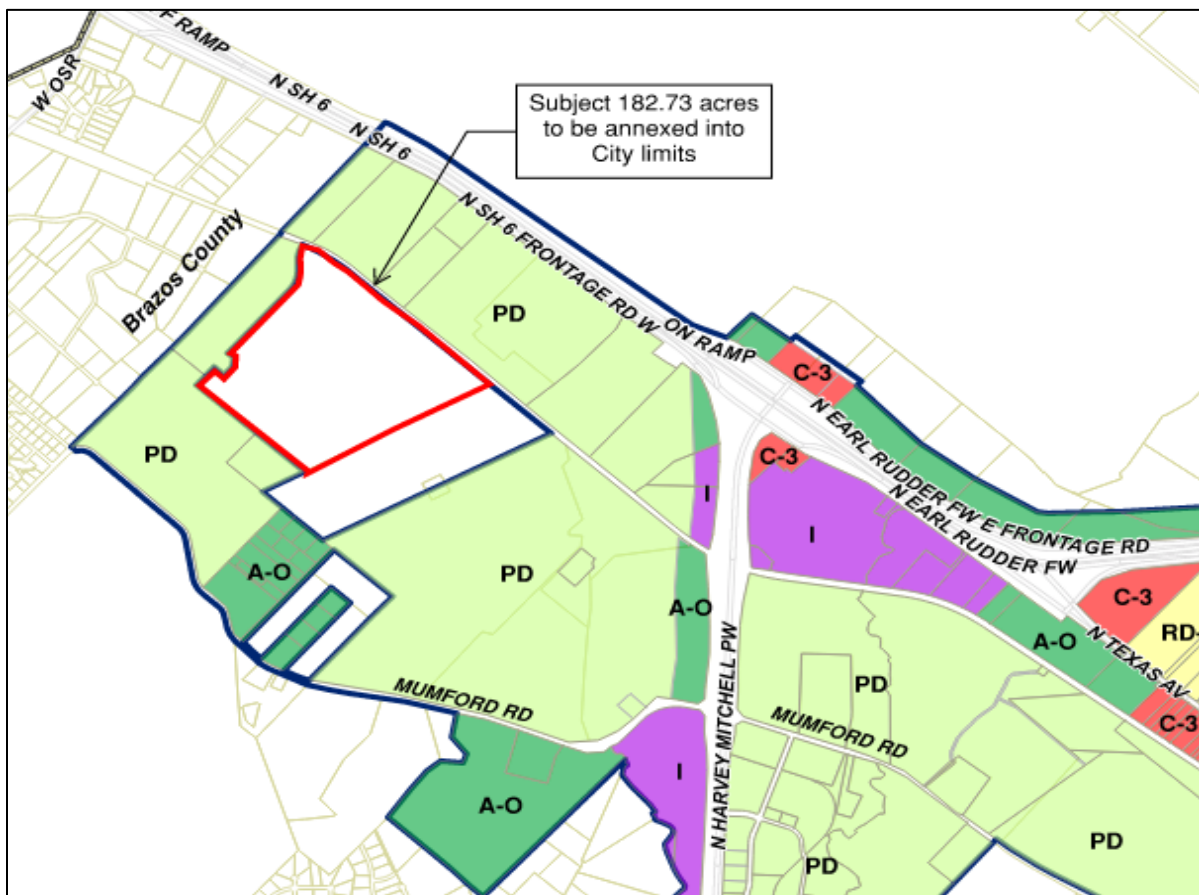
Commissioners discussed the natural progression of the City's limits and the requested PD-I zoning district.

**The motion passed unanimously.**

September 5, 2024

Annexation case no. ANNEX24-03: Axis Pipe and Tube Inc.

- CASE DESCRIPTION:** owner-requested annexation of 182.73 acres of land
- LOCATION:** Lot 1 in Block 1 of Axis Pipe and Tube Subdivision, being 182.73 acres of land located generally south of Louis E. Mikulin Road between Texas State Highway 6 and Mumford Road in the City of Bryan’s extraterritorial jurisdiction in Brazos County, Texas
- EXISTING LAND USE:** industrial manufacturing, office/warehouse, and vacant land
- PROPERTY OWNER:** Axis Pipe and Tube Inc.
- STAFF CONTACT:** Katie Williams, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested annexation and assigning Planned Development – Industrial District (PD-I) zoning upon annexation.



**2023 AERIAL PHOTOGRAPH:**



**BACKGROUND:**

In April 2013, as part of an economic development incentive package to help locate an industrial manufacturing plant on property in the Texas Triangle Industrial Park, the City of Bryan and Kuadrum Pipe and Tube Inc., now known as Axis Pipe and Tube Inc., entered into a non-annexation agreement pursuant to Chapter 212 of the Texas Local Government Code. The purpose of this non-annexation agreement was to guarantee the continuation of the extraterritorial status of the property and its immunity from annexation by the municipality for a period of 10 years. As part of the agreement, attached as Exhibit "3", City of Bryan police and fire protection and access to city water lines were provided to the property. In exchange, the company agreed to add at least \$120 million in taxable value, employ at least 285 full-time employees, and maintain an agreed-upon aggregate gross salary base. The 10-year term expired on December 31, 2023, which per the agreement, constituted a petition for annexation into City limits.

The property owner requests that the subject property be assigned Planned Development – Industrial District (PD-I) zoning upon annexation. The PD-I District allows all land uses allowed in the City’s Industrial zoning district, except adult entertainment uses. The requested zoning district is consistent with the existing zoning districts within the Texas Triangle Industrial Park.

The City of Bryan Code of Ordinances requires the Planning and Zoning Commission to review and make recommendations to the City Council concerning annexations. Zoning Ordinance Section 130-7 prescribes that all territory brought within Bryan’s corporate limits must be assigned a zoning classification upon annexation.

To accommodate the current use of the property, the applicant wishes assignment of Planned Development – Industrial District (PD-I) zoning upon annexation. With a recommendation from the Planning and Zoning Commission, the request will be forwarded to the Bryan City Council for final approval.

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





## **RELATION TO BRYAN'S COMPREHENSIVE PLAN (BLUEPRINT 2040):**

Blueprint 2040, the City of Bryan's Comprehensive Plan, is the framework for the establishment of zoning and other regulatory tools. The current 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 above, identifies the subject 182.73 acres as an area where light industrial development is appropriate.

The most intensive industrial uses would be refining or manufacturing facilities. Additional forms of industrial development include industrial warehouse/storage facilities with indoor storage and industrial business parks. The following are policies from the Blueprint 2040 to guide light industrial areas:

- Industrial areas located along arterial thoroughfares and in proximity to freeways should be heavily screened from public roadways.
- Industrial areas should be located along arterial thoroughfares, in proximity to freeways, rail lines and/or areas with access to airports and other transportation outlets
- These areas should be heavily screened and buffered from any residential uses using a major roadway, retail, office or a floodplain or natural features as a buffer.

In addition to land use policies, BluePrint 2040 provides annexation guidelines and recommended areas for expansion. The annexation portion of the Plan suggests the subject property and areas surrounding the subject property should be considered for annexation to ensure quality development and confirm that the city is able to adequately serve the areas to be annexed without negatively impacting the existing community.

### Annexation Policies

- The City should focus short-term annexation along roadway corridors with high visibility and areas anticipated for growth in the near future.
- Areas that can easily be served by extending public services or by the reasonable extension of utility lines should be pursued first

## **PROPOSED ANNEXATION:**

**Staff recommends approving the requested annexation of these 182.73 acres.** Approving the requested annexation will bring these 182.73 acres of land under the full regulatory control of the City. Annexation of this acreage can therefore help promote orderly urban growth and development within the Texas Triangle Industrial Park. The area requested to be annexed adjoins the current city limits, has regular, logical boundaries and is the location of a successful manufacturing plant, which is a large economic driver for the City of the Bryan. The area requested to be annexed therefore meets annexation criteria, adopted by Council with Resolution No. 3128 on November 13, 2007, which were established to provide guidance on annexation decisions.

A municipal service plan that details the specific municipal services that will be provided to the area after it has been annexed is attached to this staff report. **Staff anticipates no extraordinary new services, facilities or expenses as a result of annexing these 182.73 acres.** The City is able to continue providing municipal services upon annexation in accordance with State law without negatively impacting service provisions within the City.

## **PROPOSED PD-I DISTRICT ZONING:**

Zoning Ordinance Section 130-7 prescribes that all territory brought within Bryan's corporate limits must be assigned a zoning classification upon annexation.

Staff recommends **assigning Planned Development – Industrial (PD-I) District zoning** to these 182.73 acres upon annexation. Physical development on land to be zoned PD-I District is proposed to comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Industrial (I) District. Any use permitted in the I District is proposed to be permitted in the PD-I District zoning proposed for the subject property, excluding adult entertainment uses. Assigning PD-I District zoning for this land that has been requested to be annexed conforms to the recommendations of Bryan's Comprehensive Plan (Bluepring2040) which recommends light industrial use for the subject property and most of the surrounding area.

## **ATTACHMENTS:**

1. Annexation service plan; and
2. Survey and metes and bounds description of the 182.73 acres to be annexed into City limits; and
3. Development agreement between City of Bryan and Kuadrum Pipe and Tube Inc., dated April 2013.