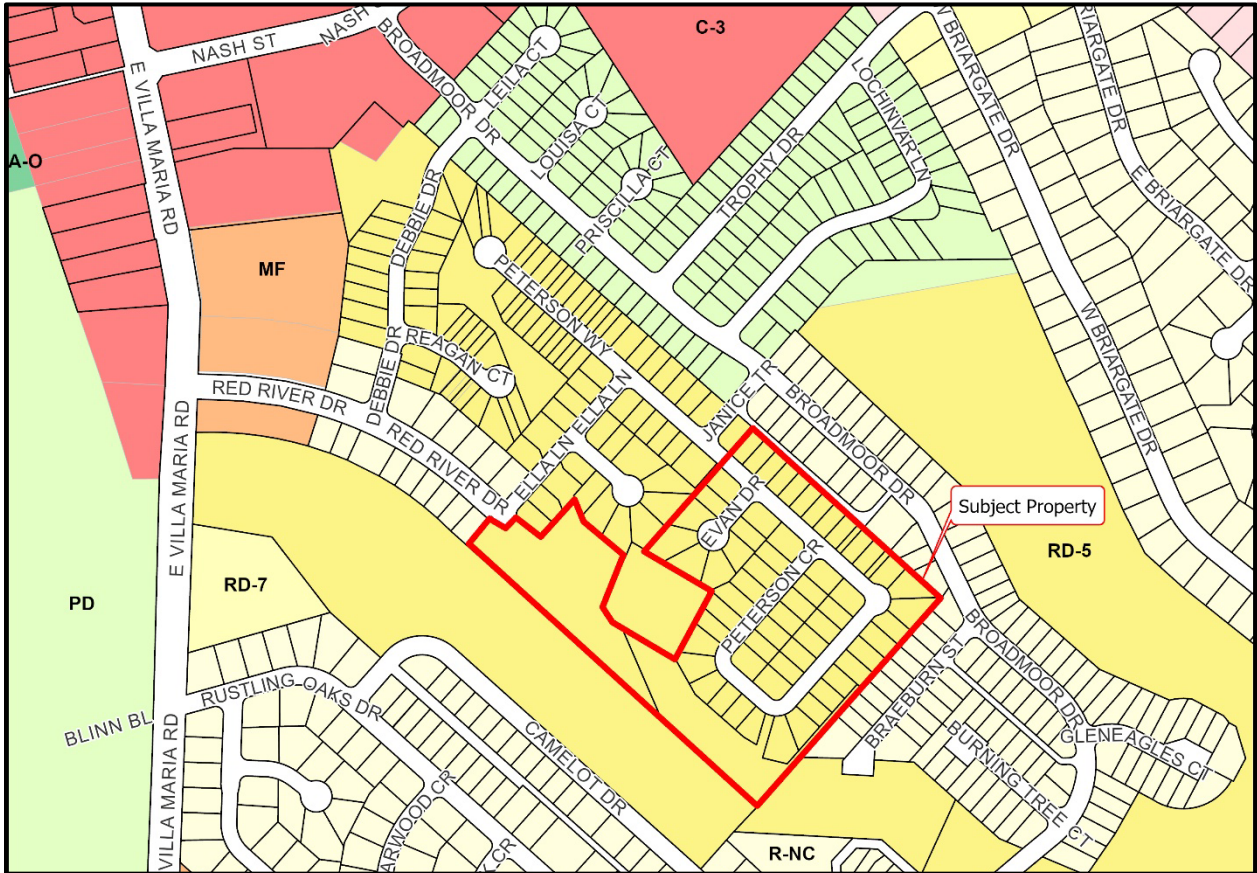
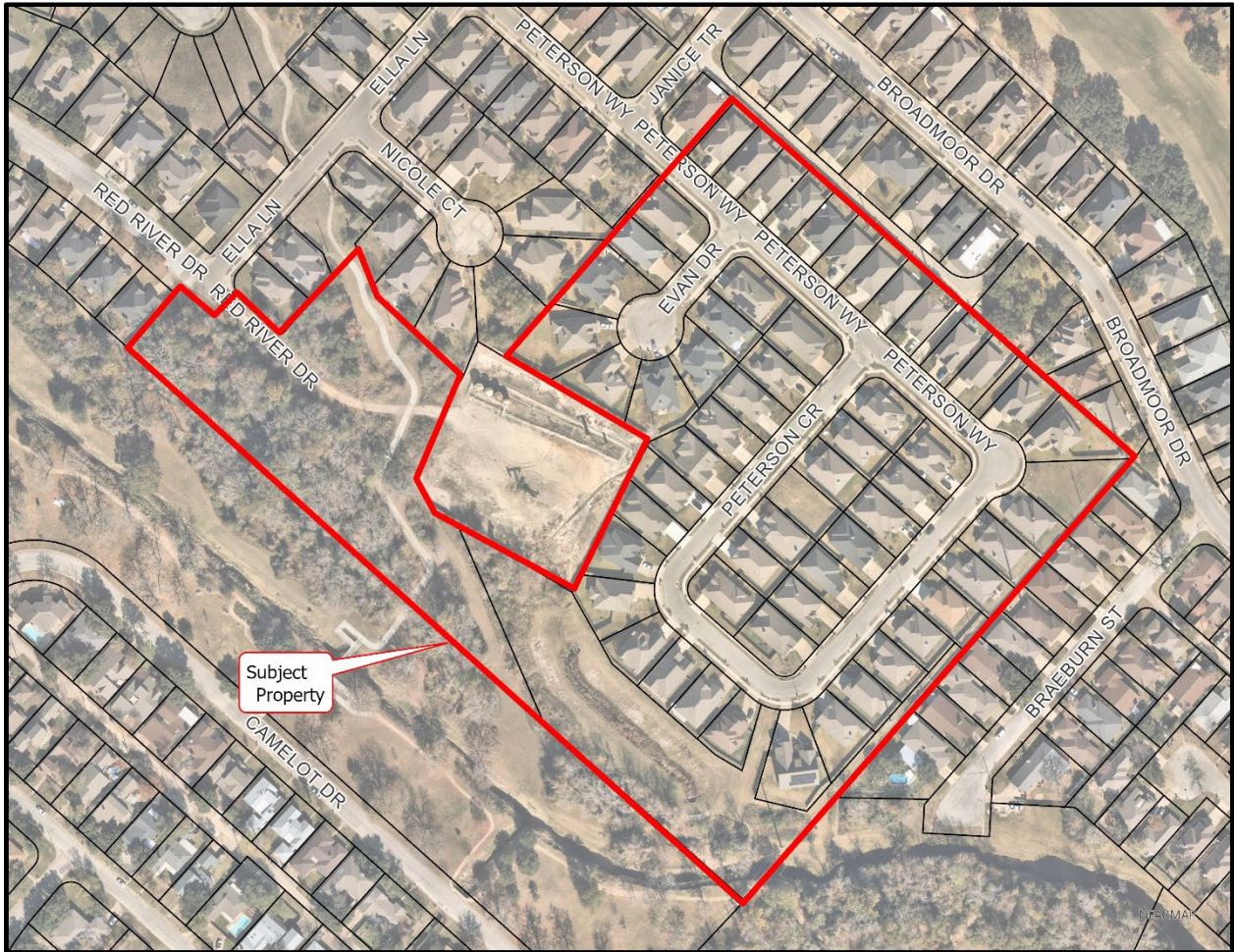


**LOCATION MAP:**



**AERIAL PHOTOGRAPH, 2023:**





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

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL DISTRICT – 5000 (RD-5) TO RESIDENTIAL – NEIGHBORHOOD CONSERVATION DISTRICT (R-NC), ON 17.27 ACRES OF LAND LOCATED GENERALLY SOUTHWEST OF THE PETERSON WAY AND ELLA LANE INTERSECTION, BEING ALL 60 LOTS IN PHASE 5 OF THE BRIAR MEADOWS CREEK SUBDIVISION IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH SAID ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

**WHEREAS**, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

**WHEREAS**, this requested change to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC), on 17.27 acres of land located generally southwest of the Peterson Way and Ella Lane intersection, being all 60 lots in Phase 5 of the Briar Meadows Creek Subdivision in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on September 5, 2024 (case no. RZ24-102).

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

**Section 1.**

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC), on 17.27 acres of land located generally southwest of the Peterson Way and Ella Lane intersection, being all 60 lots in Phase 5 of the Briar Meadows Creek Subdivision in Bryan, Brazos County, Texas, said lots being depicted on attached Exhibit “A”.

**Section 2.**

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

**Section 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.

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.

**Section 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.

**Section 6.**

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

**PASSED, ADOPTED and APPROVED** 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

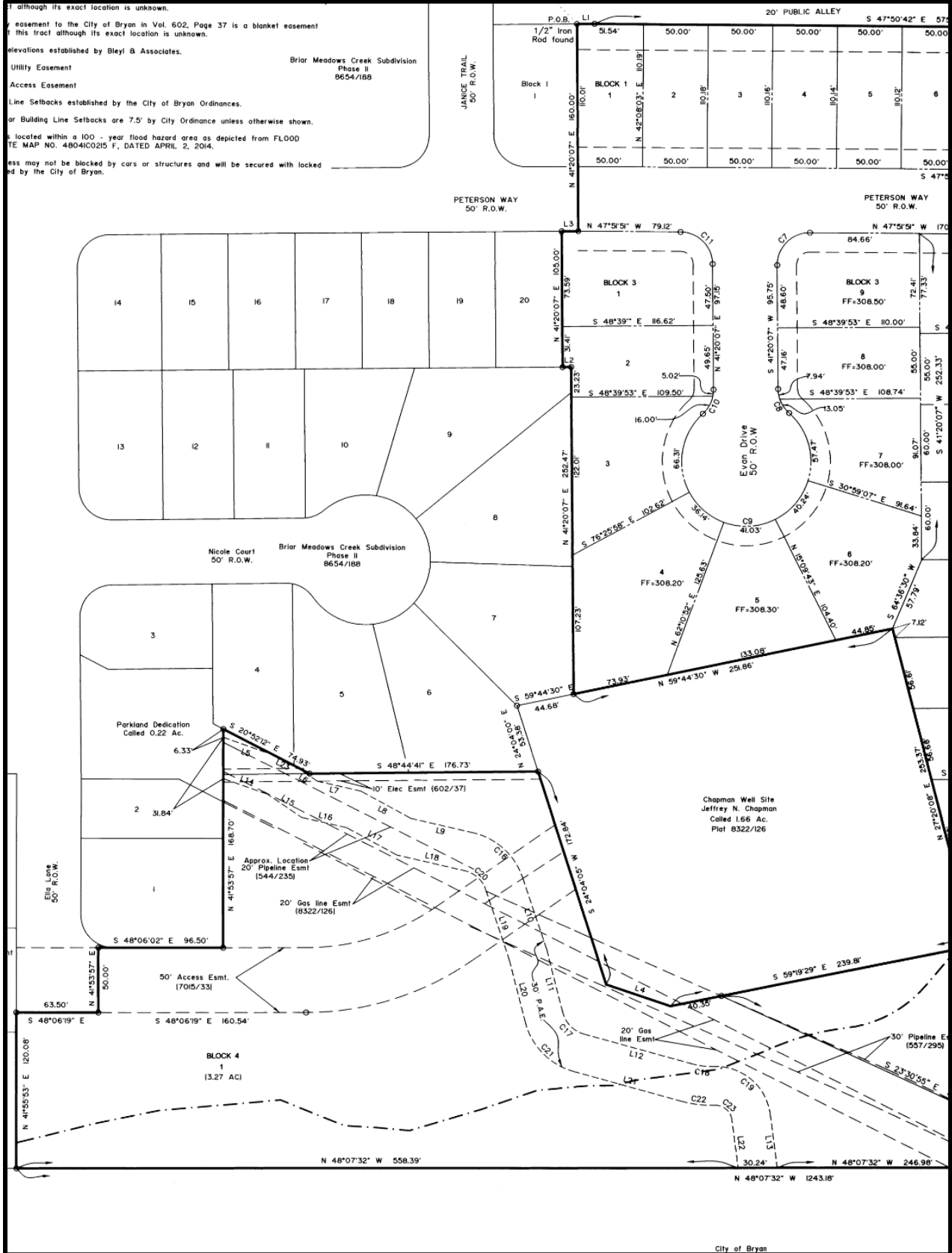
\_\_\_\_\_  
Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

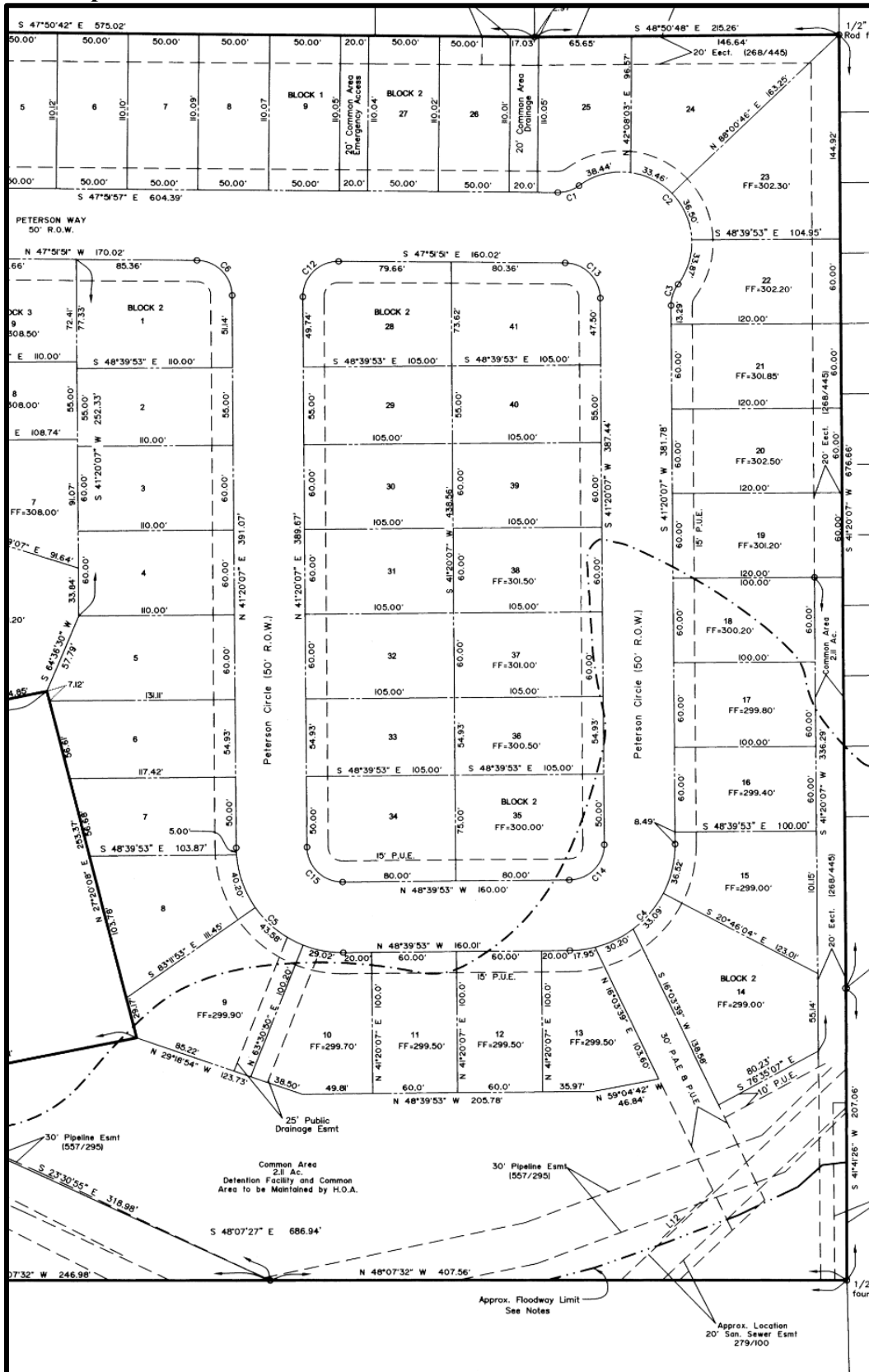
\_\_\_\_\_  
Thomas A. Leeper, City Attorney



# Detailed Excerpt 1 of 2



# Detailed Excerpt 2 of 2



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

**3. Request for Approval of Zoning Changes – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval).**

**A. Rezoning RZ24-102: Briar Meadows Creek**

*A request to change the zoning classification from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC) on 17.27 acres of land located generally southwest of the Peterson Way and Ella Lane intersection, being all 60 lots in Phase 5 of the Briar Meadows Creek Subdivision in Bryan, Brazos County, Texas. (R. Ochoa)*

Mr. Ochoa presented the staff report (on file in the Development Services Department). Staff recommends approval of this request.

Mr. Ochoa informed Commissioners of the resident phone calls requesting clarification on what a Residential – Neighborhood Conservation (R-NC) District entailed.

The public hearing was opened.

Ms. Lee Parker, 3074 Peterson Circle, Bryan, Texas, stated there are 40 residents in favor of the rezoning request.

In response to Commissioners' questions regarding the influence of the request, Ms. Parker stated the residents were interested in fostering a family-oriented neighborhood and wanted to preserve the integrity of the subdivision. She also stated the surrounding areas are zoned Residential – Neighborhood Conservation (R-NC) District which made it appropriate for the proposed area of Briar Meadows Subdivision to follow the pattern.

The public hearing was closed.

In response to Commissioners' questions regarding existing residences that currently house more than two (2) unrelated persons, Ms. Williams stated the use would be grandfathered, however, at any point that the residence houses less than four (4) unrelated persons, the use would no longer be grandfathered and would therefore need to comply with R-NC District standards.

**Commissioner Gonzalez moved to recommend approval of Rezoning RZ24-102 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 Watson seconded the motion.**

Commissioners discussed the appropriateness for the continuation of Residential – Neighborhood (R-NC) District within this area.

**The motion passed unanimously.**



**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

September 5, 2024



**Rezoning case no. RZ24-102: Briar Meadows Creek Subdivision - Phase 5**

**CASE DESCRIPTION:** a request to change the zoning classification from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC)

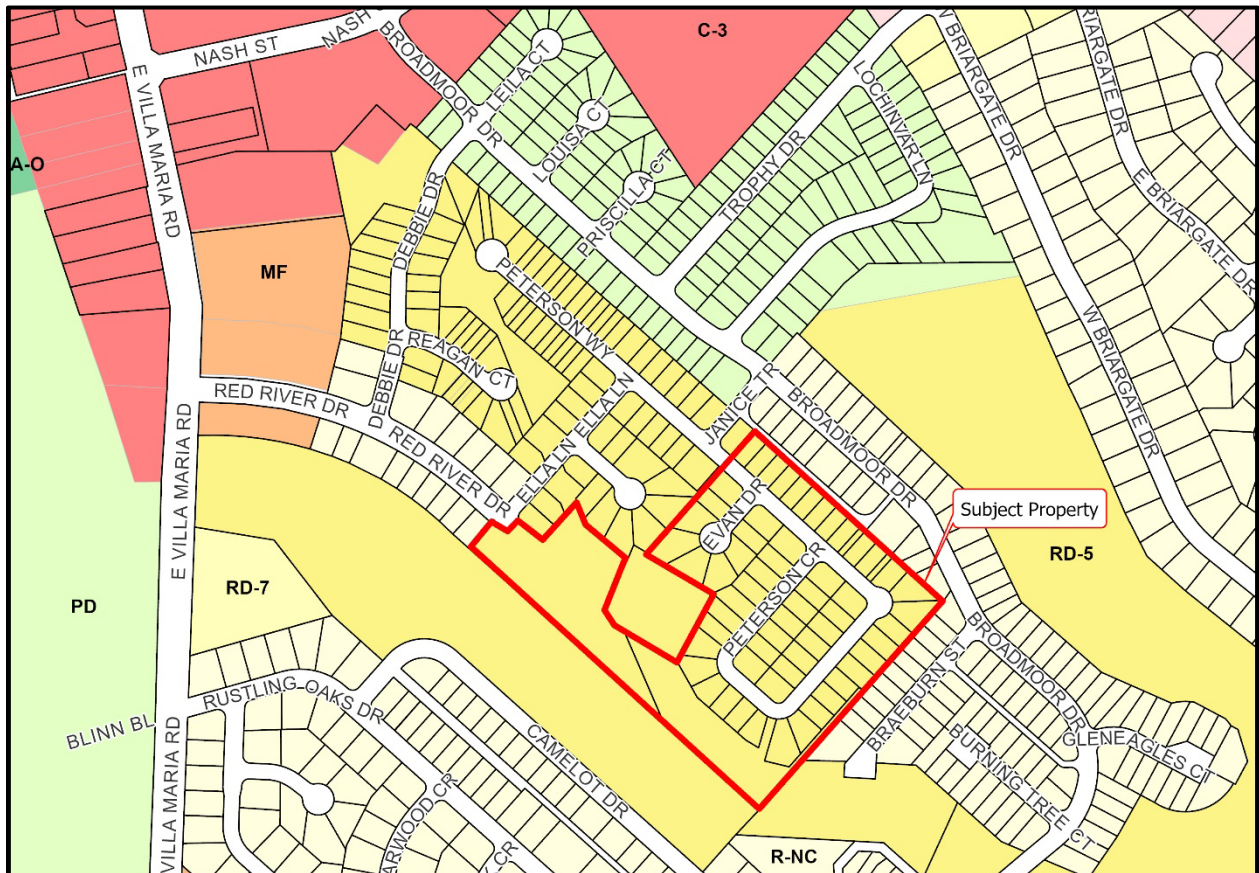
**LOCATION:** 17.27 acres of land located generally southwest of the Peterson Way and Ella Lane intersection, being all 60 lots in Phase 5 of the Briar Meadows Creek Subdivision

**EXISTING LAND USE:** detached dwellings

**APPLICANT:** City of Bryan (by petition of subdivision property owners)

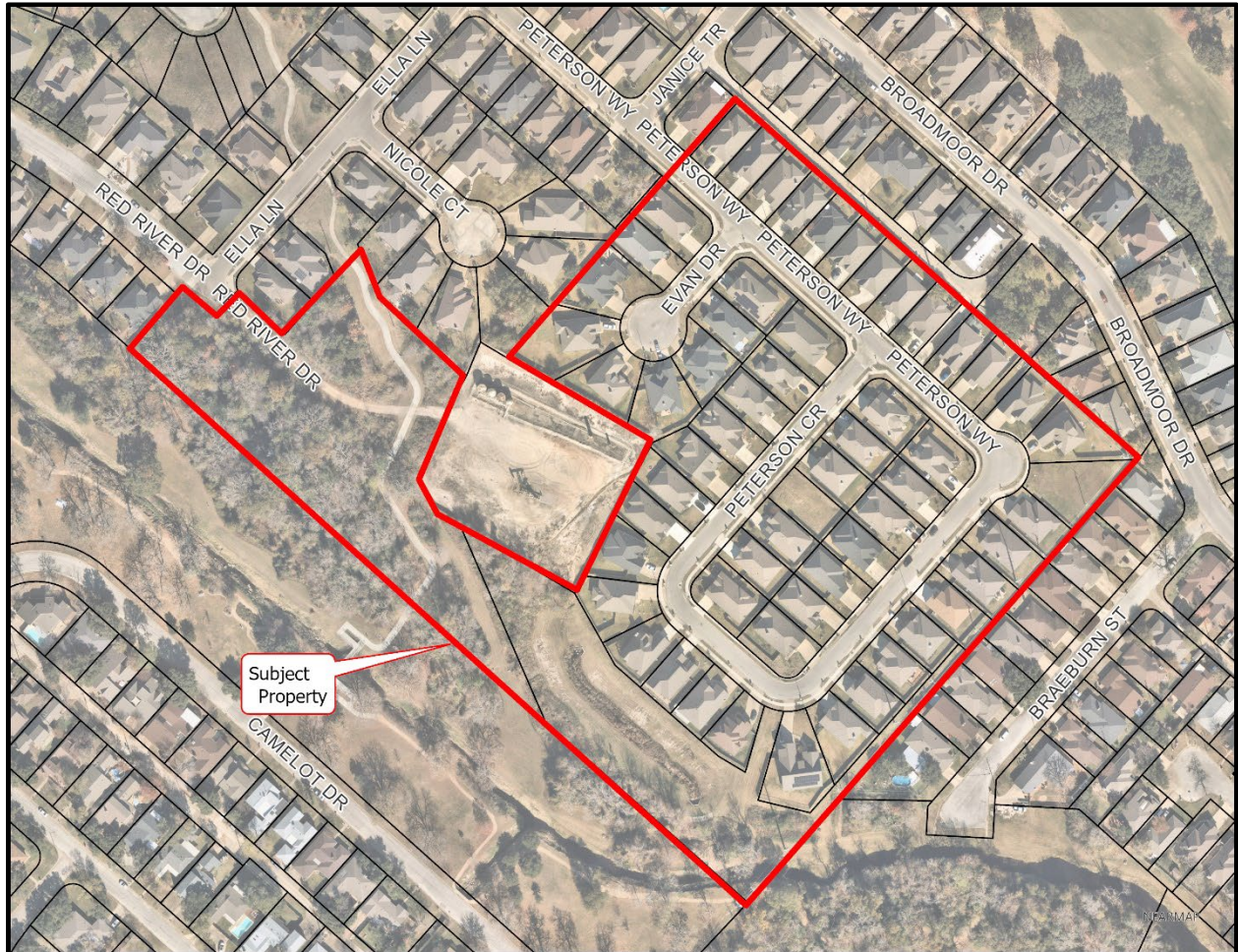
**STAFF CONTACT:** Rene F. Ochoa, Project Planner

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





## AERIAL VIEW (2023)



### BACKGROUND:

Property owners within Briar Meadows Creek Subdivision – Phase 5 have submitted a complete petition for a city-initiated zoning change from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC) on all 60 properties within this subdivision phase per the requirements of Zoning Ordinance Section 130-42(c). Briar Meadows Creek Subdivision – Phase 5 was subdivided on January 26, 2015, and consists of four (4) blocks and 60 lots, including common area used for stormwater detention. All blocks within the subdivision are zoned Residential District – 5000, making them eligible for the Residential – Neighborhood Conservation District zoning designation. All of the lots within the subject property are developed with detached dwellings, with the exception of three lots, which have remained undeveloped.

EXCERPT FROM REZONING APPLICATION:

# Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 7 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

Residents of Briar Meadows Creek Ph. B wish to preserve and protect the integrity of their neighborhood

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

The development of town homes for student housing at the end of Red River drive and the proximity to Blinn College has made residents concerned about possible future changes.

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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:

This area is listed as low density residential for future land use and is in accordance with the plan.

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List any other reasons to support this zone change:

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CERTIFICATION – BRIAR MEADOWS CREEK, PHASE V

Original Petition =

Circulator's Affidavit – Yes  
Rezoning Application – Yes  
51% Developed Land Area – Yes  
Percentage of Property Owners Agreeing: 40 of 60 (66.7 percent)

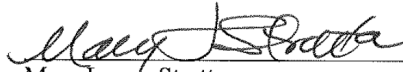
**PETITION CERTIFICATION FROM CITY SECRETARY:**

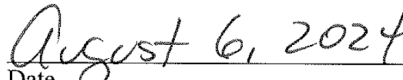
I, Mary Lynne Stratta, City Secretary of the City of Bryan, Texas, do hereby certify that the petition for rezoning to Residential Neighborhood Conservation District filed in my office on August 5, 2024, by circulator Brian Jones, for Briar Meadows Creek, Phase V, is sufficient.

To certify which, witness my hand and the Seal of the City of Bryan, Texas.

(City Seal)



  
Mary Lynne Stratta  
City Secretary  
City of Bryan, Texas

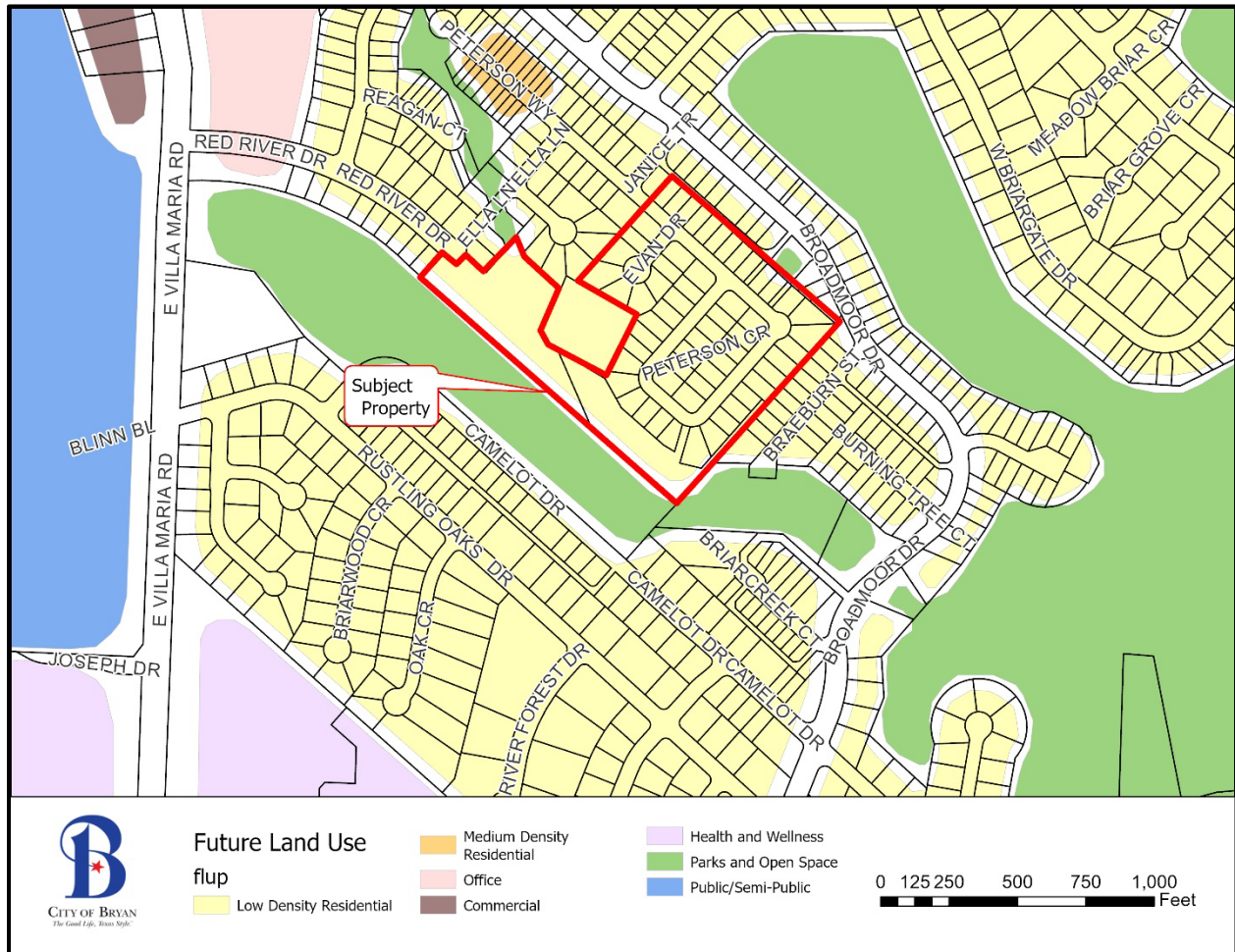
  
Date

Enclosures: Rezoning Application and Worksheet

Cc: Circulator



## 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 identifies the subject property as located in an area of the city reserved for Low Density Residential development.

**Low density residential** is the predominant land use within Bryan. It represents a traditional single family detached neighborhood and includes housing and living units for people with a range of incomes and needs. Low density residential areas generally range between three and five dwelling units per acre. The following are policies to guide low density areas:

- They should be protected from, but accessible to, the major roadway network, commercial establishments, 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.

**Staff contends that R-NC zoning for lots in this subdivision conforms to the intent and purpose of this zoning classification, which is designed to preserve, protect and enhance the character of established residential neighborhoods by limiting the number of unrelated individuals that may occupy a single dwelling unit to two. Continued low-density residential land use at this location also conforms to the future land use recommendations of Bryan's Comprehensive Plan (BluePrint 2040).**

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.

**Changing the zoning designation to R-NC District will not affect any public improvements. The subdivision is well established and no development requiring additional utilities is expected to occur.**

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.

**There is currently little vacant land zoned R-NC District in this vicinity or elsewhere in the city. Staff contends that approving this zone change request will not make land classified for similar development in the vicinity or elsewhere in the city unavailable for residential 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.

**As of August 13, 2019, 50 subdivisions or subdivision phases (3,031 properties) were zoned R-NC District. This is the first new request for R-NC zoning in five years.**

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 believes approval of the proposed zone change would have no effect on other areas designated for similar development.**

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

**Staff does not believe this proposed zone change would adversely affect health, safety, morals, or general welfare. R-NC District zoning is specifically being requested in order to protect and**



**enhance the character of the well-established Briar Meadows Creek Subdivision.**

**RECOMMENDATION:**

Staff recommends **approving** the proposed R-NC zoning, as requested.