

PLANNING AND ZONING COMMISSION
STAFF REPORT



October 1, 2015

Annexation case no. ANNEX 15-03: Larry Wayne Armstrong and Rebekah O'Brien

CASE DESCRIPTIONS: an owner-requested annexation of 152.8 acres of vacant land

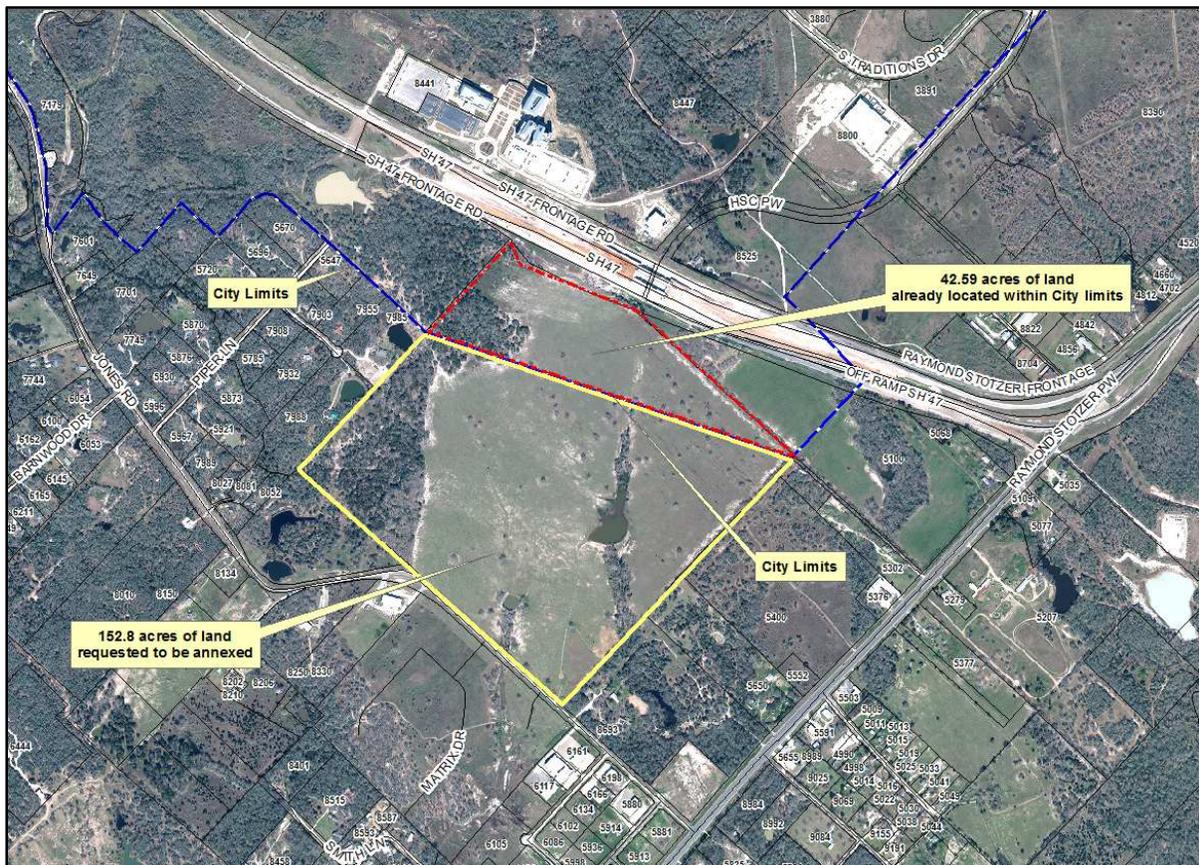
LOCATION: 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County

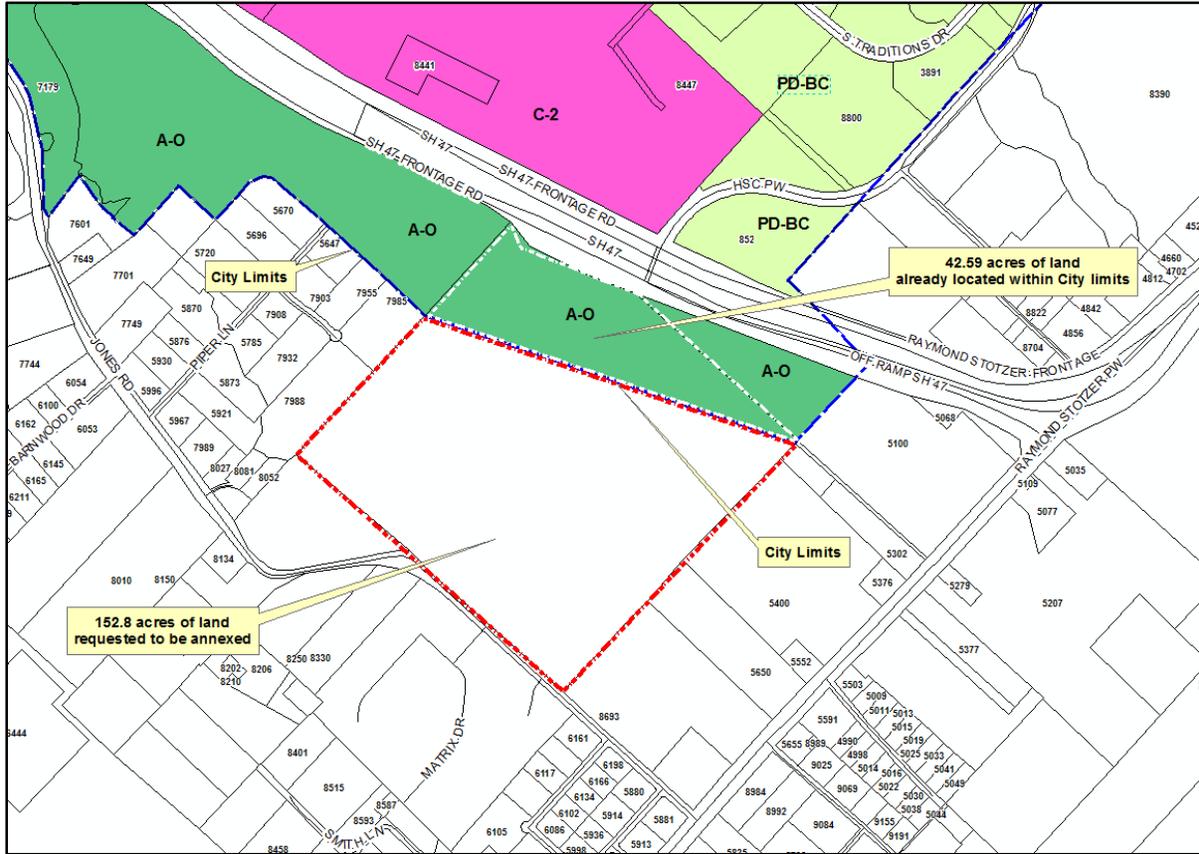
APPLICANT(S): Larry Wayne Armstrong and Rebekah O'Brien

AGENT(S): Adam J. Brumbaugh, P.E. of Jones & Carter, Inc.

STAFF CONTACT: Martin Zimmermann, Planning Manager

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested annexation and that the property be zoned Retail District (C-2) upon annexation.





BACKGROUND:

The subject property is 152.8 acres in size and located in western Brazos County in the City of Bryan’s extraterritorial jurisdiction (ETJ), generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road. The subject property is owned by Larry Wayne Armstrong and Rebekah O’Brien. Mr. Armstrong and Ms. O’Brien own 195.39 of land that adjoins the south side of Texas State Highway 47, 42.59 acres of which area already in the city limits (annexed on July 27, 1999) and currently zoned Agricultural- Open (A-O) District.

Mr. Armstrong and Ms. O’Brien have petitioned that the City of Bryan annex the subject 152.8 acres, to bring the entirety of their 195+ acre tract into the city limits. They are proposing to establish Retail District (C-2) zoning on the subject property upon annexation. A separate rezoning request from A-O District to C-2 District for the 42.59 acres of land already in the city limits is scheduled for Planning and Zoning Commission consideration during its regular meeting on October 15, 2015 (case no. RZ15-17).

On September 22, 2015, the Bryan City Council granted the annexation petition and adopted a timetable for completing annexation of the 152+ acres by December 2015. 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.

PROPOSED ANNEXATION:

Staff recommends approving the requested annexation of these 152.8 acres. Approving the requested annexation will bring 152+ acres of vacant, undeveloped land under the full regulatory control of the City. Annexation of this acreage can therefore help promote orderly urban growth and development in southwest Bryan and along the State Highway 47/BioCorridor. The area requested to be annexed adjoins the current city limits, has regular, logical boundaries and is proposed for urban development. 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 draft municipal service plan that details the specific municipal services that will be provided to the area after it has been annexed is still being finalized as of the writing of this staff report. The draft service plan will be available for review during the October 1, 2015 Planning and Zoning Commission meeting.

PROPOSED C-2 ZONING:

Assigning C-2 zoning to the subject property upon annexation, and approval of rezoning request case no. RZ15-17 for the adjoining 42+ acre tract along State Highway 47, which is scheduled for Planning and Zoning Commission consideration on October 15, 2015, will create opportunity for development of general retail trade, business and service uses on almost 200 acres of vacant land.

Bryan's adopted Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The plan suggests that retail land uses should be located in areas that are at points of highest visibility and access and in close proximity to major intersections. The entire 195+ acre property currently under the ownership of Mr. Armstrong and Ms. O'Brien adjoins the south side of State Highway 47, across from the Texas A&M University Health Science Center and the BioCorridor with access to the recently grade-separated intersection of State Highway 47 and HSC Parkway, classified as urban freeway and arterial street on Bryan's Thoroughfare Plan. Few retail developments are currently being developed in this vicinity and staff contends that an increased demand for land zoned for retail development can be expected in this vicinity which is sparsely developed with scattered residences and some commercial uses. The Comprehensive Plan suggests that commercial uses are appropriate at points of high visibility of major streets. Staff believes that C-2 zoning on not just the subject property, but also the adjacent 42+ acres this will offer the exposure which most retail trade requires and will be compatible with anticipated surrounding land uses and existing development. In the future, there may be opportunity to extend the mixed-use BioCorridor concept along the south side of State Highway 47 onto the subject property. **Staff recommends that the 152.8 acre property be assigned C-2 zoning upon annexation.**

ATTACHMENTS:

1. property survey
2. petition requesting annexation

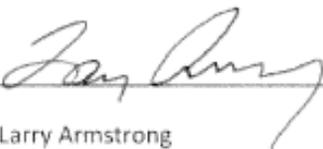
Armstrong Family Tract
c/o Larry and Brenda Armstrong
PO BOX 175
Wheelock, TX 7782
817.480.3219

RECEIVED
AUG 21 2015

To Whom it May Concern:

The undersigned owners of the 195.39 acre tract of land as shown on the Annexation Petition Request Exhibit are requesting the annexation of the approximate 152.8 acre portion that is currently not in the City Limits of Bryan. The owners are requesting this annexation to bring the entire 195 acre property within the City Limits of Bryan with the intent to position this entire property for marketing and/or development. This future development would be in support of the Bio Corridor development across SH 47 from the subject property. To adequately support this future development in a manner similar to and in support of the Bio Corridor projected uses, the Owners are requesting the approximate 152.8 acres of annexed property to be granted a C-2 Retail District zoning.

Please note that the Owners are submitting a Re-Zoning Application concurrent with this annexation petition to re-zone the approximate 42.59 acres currently in the City of Bryan, zoned A-O, to C-2 Retail District to bring the entire 195.39 acre tract to a C-2 Retail District zoning in the City of Bryan.

Signed: 
Larry Armstrong

Title: OWNER

Signed: 
Rebekah O'Brien

Title: OWNER

Additional Owner Contact Information:

Rebekah O'Brien
3816 Capistrano Ct. NE
Albuquerque, NM 87111
505.296.2703

Development
Services

AUG 21 2015

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

RECEIVED

TO THE MAYOR OF THE CITY OF BRYAN, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby waive the requirement to be offered a development agreement pursuant to Section 43.035, and petition your honorable Body to extend the present city limits so as to include as part of the City of Bryan, Texas, the following described territory, to wit:

STATE OF TEXAS §
COUNTY OF BRAZOS §

A METES & BOUNDS description of a certain 152.8 acre tract situated in the John H. Jones Survey, Abstract No. 26, in Brazos County, Texas, being a portion of a called 200 acre tract conveyed to Rebekah Armstrong Petrie and Larry Wayne Armstrong described in a Gift Deed recorded in Volume 3476, Page 183, of the Brazos County Official Public Records (BCOPR); said 152.8 acre tract being more particularly described as follows with all bearings being based on the northwest line of said 200 acre tract as described by metes and bounds in Volume 42, Page 489 of the Deed Records of Brazos County, having a record bearing of North 45° East;

BEGINNING at a point for corner being the east corner of said 200 acre tract, also being in the southwest line of a 47.31 acre tract conveyed to 47 Oaks, LLC, recorded in Volume 7828, Page 120, BCOPR, also being the north corner of a 1.304 acre tract conveyed to Texas Urban Properties, LTD, recorded in Volume 9586, Page 196 in the BCOPR;

THENCE, South 45°00'00" West, along the southeast line of said 200 acre tract, being common with the northwest line of said 1.304 acre tract and the northwest lines of a 2.181 acre tract conveyed to Texas Urban Properties, LTD, recorded in Volume 9586, Page 196, BCOPR, a 36.888 acre tract conveyed to Green Smith and Kathy Smith recorded in Volume 12050, Page 205, BCOPR, a 15 acre tract conveyed to Vicki Ann Heistand Weir recorded in Volume 3902, Page 158, BCOPR, and a 35.9004 acre tract conveyed to Martha Ann Williams recorded in Volume 464, Page 177 in the BCOPR, a distance of 2862.50 feet to a point for corner being in the southeast line of said 200 acre tract at the east corner of a 0.671 acre tract conveyed to Brazos County Road and Bridge Department for the improvement of Jones Road as recorded in Volume 1913, Page 210, BCOPR;

THENCE, North 45°03'18" West, along the northeast line of said 0.671 acre tract being the north east right-of-way of Jones Road, 1320.90 feet to a point for corner marking the beginning of a curve to the left;

THENCE, with the arc of said curve to the left, having a radius of 1004.93 feet, a central angle of 11°16'16" an arc distance of 197.69 feet, and a long chord bearing North 50°41'26" West, 197.37 feet, to a point for corner in the southwest line of said 200 acre tract being the east corner of a 0.242 acre tract quit claimed by Brazos County to Fred Jefferson and Ruby Lee Jefferson recorded in Volume 1231, Page 678, BCOPR;

THENCE, North 45°00'00" West, along the southwest line of said 200 acre tract, and along the northeast lines of said 0.242 acre tract, a five acre tract, and a 12.76 acre tract conveyed to Fred Jefferson and Ruby Lee Jefferson recorded in Volume 356, Page 659 and Volume 135, Page 159, BCOPR, respectively, a distance of 1502.15 feet to a point for corner at the west corner of said 200 acre tract, also being the north corner of said 12.76 acre tract, and being in the southeast line of Lot 9, Block 2, of Canyon Creek subdivision recorded in Volume 353, Page 109, BCDR;

THENCE, North 45°00'00" East, along the northwest line of said 200 acre tract and the southeast line of said Canyon Creek subdivision a distance of 1544.82 feet to a point for corner, being the east corner of said Canyon Creek subdivision, also being the south corner of a 94.685 acre tract conveyed to CC HWY 47, L.P., recorded in Volume 8580, Page 186, BCOPR, also being an angle point in the existing southwest city limits of the City of Bryan, Texas;

THENCE, South 68°54'27" East, with said city limit line and across said 200 acre tract a distance of 3302.83 feet to the **POINT OF BEGINNING, CONTAINING** 152.8 acres of land in Brazos County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

We certify that the above described tract of land is contiguous and adjacent to the City of Bryan, Texas and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

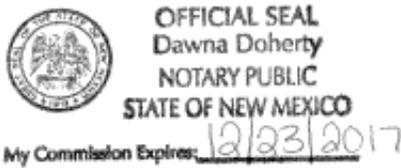
Signed: Rebekah A. O'Brien

Title: OWNER

THE STATE OF New Mexico
COUNTY OF Bernalillo

BEFORE ME, the undersigned authority, on this day personally appeared Rebekah O'Brien, and _____, known to me to be the persons whose names are subscribed to the forgoing instrument and each acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 31st day of July, 2015.



D D E
Notary Public in and for
Bernalillo County, New Mexico

Signed: Larry Armstrong
Title: OWNER

THE STATE OF Texas

COUNTY OF Brazos

BEFORE ME, the undersigned authority, on this day personally appeared Larry Armstrong, _____, and _____, known to me to be the persons whose names are subscribed to the forgoing instrument and each acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 7 day of August, 2015.



Elizabeth Orler
Notary Public in and for
Brazos County, TX



1716 Briarcrest Drive, Suite 160
 Bryan, Texas 77802-2776
 Tel: 979.731.8000
 Fax: 979.846.2893
 www.jonescarter.com

August 20, 2015

Mr. Martin Zimmerman
 City of Bryan
 Planning & Development Services
 300 S. Texas Ave.
 Bryan, Tx 77803

Community Services
 AUG 21 2015
 RECEIVED

Re: Request for Annexation - Armstrong Tract
 Rebekah Armstrong Petrie and Larry Wayne Armstrong
 Called 200 acres, Vol 3476/Page 183
 JC No. 05514-0010

Mr. Zimmerman:

The City has requested Jones and Carter to provide a projection of water and wastewater demand in support of petition requesting annexation by area landowners. This letter supports Petition for annexation of 152.8 acres of the reference tract into C-2 Retail District Zoning. Jones and Carter projected water and wastewater demand using BCS Unified Design Guidelines, Domestic Water and Sanitary Sewer Method II – Land Use Determination.

Please find the following:

- Water and Sanitary Sewer Demand Calculations: (reference: BCS Unified Design Guidelines, Domestic Water and Sanitary Sewer)
 - 25 GPD/Capita for Commercial Retail (Table 1)
 - 30 persons per acre (Normal Flow, Method 2 – Land Use Determination)
 - 4 peak factor (Normal Flow)
 - Normal Flow
 30 persons/acre * 25 GPD/capita * 152.8 acres
 = 114,600 GPD
 - Peak Flow
 114,600 GPD * 4
 = 458,400 GPD

Sincerely,

Adam J. Brumbaugh, P.E.
 Department Manager
 Community Development

JHC/emo