

**ORDINANCE NO. 2435**

**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 PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M) ON 8.16 ACRES OF LAND ADJOINING THE SOUTHWEST CORNER OF SOUTH SIMS AVENUE AND WEST 31<sup>ST</sup> 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 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 Planned Development – Mixed Use District (PD-M) on 8.16 acres of land adjoining the southwest corner of South Sims Avenue and West 31<sup>st</sup> Street in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 18, 2020 (case no. RZ19-25).

**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 Residential District – 5000 (RD-5) to Planned Development – Mixed Use District (PD-M) on 8.16 acres of land adjoining the southwest corner of South Sims Avenue and West 31<sup>st</sup> Street in Bryan, Brazos County, Texas, said lot being depicted on attached Exhibit “A” and described in further detail on attached Exhibit “B”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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.

4.

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.

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.

6.

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

PASSED, ADOPTED AND APPROVED the 14<sup>th</sup> day of July 2020, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of 7 yeases and 0 noes.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Andrew Nelson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Janis K. Hampton, City Attorney

**Exhibit “A”:**



**Exhibit "B":**

**THENCE:** S 42° 17' 07" W ALONG THE NORTHWEST LINE OF SAID 0.41 ACRE TRACT FOR A DISTANCE OF 255.58 FEET (DEED CALL: S 45° W – 250 FEET, 3003/387) TO A POINT MARKING THE WEST CORNER OF SAID 0.41 ACRE TRACT;

**THENCE:** S 47° 42' 53" E ALONG THE SOUTHWEST LINE OF SAID 0.41 ACRE TRACT FOR A DISTANCE OF 69.99 FEET (DEED CALL: S 45° E – 70 FEET, 3003/387) TO A POINT ON THE NORTHWEST LINE OF SAID 7.006 ACRE TRACT MARKING THE SOUTH CORNER OF SAID 0.41 ACRE TRACT;

**THENCE:** S 42° 17' 07" W ALONG THE NORTHWEST LINE OF SAID 7.006 ACRE TRACT FOR A DISTANCE OF 117.05 FEET TO THE **POINT OF BEGINNING** CONTAINING **0.707 OF AN ACRE OF LAND (30,795 SQUARE FEET)**, AS SURVEYED ON THE GROUND NOVEMBER 2019. SEE PLAT PREPARED DECEMBER 2019, FOR MORE DESCRIPTIVE INFORMATION.

**METES AND BOUNDS DESCRIPTION  
OF A  
0.41 ACRE TRACT  
STEPHEN F. AUSTIN LEAGUE NO. 9, A-62  
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE STEPHEN F. AUSTIN LEAGUE NO. 9, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 0.41 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO MELISSA FICKEY MASSEY RECORDED IN VOLUME 3003, PAGE 338 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A ½ INCH IRON ROD WITH PLASTIC CAP STAMPED 'KERR 4502' FOUND (Y:10229231.14, X:3539813.52) ON THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE AS SHOWN ON THE PLAT RECORDED IN VOLUME 'H', PAGE 721 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE EAST CORNER OF SAID 0.41 ACRE TRACT AND A NORTHWEST CORNER OF A 7.006 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO CAPITOL FLOORING SERVICE, LLC RECORDED IN VOLUME 15435, PAGE 20 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. COORDINATES AND BEARING SYSTEM SHOWN HEREIN ARE NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) BASED ON THE PUBLISHED COORDINATES OF THE CITY OF BRYAN CONTROL MONUMENT GPS-36 (Y:10231375.303, X:3541898.795) AND AS ESTABLISHED BY GPS OBSERVATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO DETERMINE SURFACE DISTANCES, MULTIPLY BY A COMBINED SCALE FACTOR OF 1.000114239684 (CALCULATED USING GEOID12B);

**THENCE:** S 42° 17' 07" W ALONG THE COMMON LINE OF SAID 0.41 ACRE TRACT AND SAID 7.006 ACRE TRACT FOR A DISTANCE OF 254.97 FEET (DEED CALL: S 45° W – 250 FEET, 3003/387) TO A POINT MARKING THE SOUTH CORNER OF SAID 0.41 ACRE TRACT. FOR REFERENCE, A ½ INCH IRON ROD WITH PLASTIC CAP STAMPED 'KERR 4502' SET MARKING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 1, TWIN CITY MISSION AS SHOWN ON THE PLAT RECORDED IN VOLUME 9197, PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS BEARS: S 42° 17' 07" W FOR A DISTANCE OF 117.05 FEET, FROM WHICH, A ½ INCH IRON ROD WITH PLASTIC CAP STAMPED 'KERR 4502' FOUND MARKING THE WEST CORNER OF SAID 7.006 ACRE TRACT BEARS: S 42° 17' 07" W FOR A DISTANCE OF 490.84 FEET

**THENCE:** N 47° 42' 53" W ALONG THE SOUTHWEST LINE OF SAID 0.41 ACRE TRACT FOR A DISTANCE OF 69.99 FEET (DEED CALL: N 45° W – 70 FEET, 3003/387) TO A POINT MARKING THE WEST CORNER OF SAID 0.41 ACRE TRACT;

**THENCE:** N 42° 17' 07" E ALONG THE NORTHWEST LINE OF SAID 0.41 ACRE TRACT FOR A DISTANCE OF 255.58 FEET (DEED CALL: N 45° E – 250 FEET, 3003/387) TO A POINT ON THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE MARKING THE NORTH CORNER OF SAID 0.41 ACRE TRACT. FOR REFERENCE, A ½ INCH IRON ROD WITH PLASTIC CAP STAMPED 'KERR 4502' FOUND ON THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE MARKING THE SOUTHWEST CORNER OF LOT 5, BLOCK 172, BRYAN ORIGINAL TOWNSITE AS SHOWN ON THE REPLAT OF BLOCK 172 RECORDED IN VOLUME 38, PAGE 289 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS BEARS: N 47° 12' 57" W FOR A DISTANCE OF 113.65 FEET;

**THENCE:** S 47° 12' 57" E ALONG THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE FOR A DISTANCE OF 69.99 FEET (DEED CALL: S 45° E – 70', 3003/387) TO THE **POINT OF BEGINNING** CONTAINING **0.41 OF AN ACRE OF LAND (17,867 SQUARE FEET)**, AS SURVEYED ON THE GROUND NOVEMBER 2019. SEE PLAT PREPARED DECEMBER 2019, FOR MORE DESCRIPTIVE INFORMATION.

**THENCE:** S 47° 12' 57" E ALONG THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE FOR A DISTANCE OF 55.84 FEET TO A POINT MARKING THE NORTH CORNER OF A CALLED 0.41 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO MELISSA FICKEY MASSEY RECORDED IN VOLUME 3003, PAGE 338 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A ½ INCH IRON ROD WITH PLASTIC CAP STAMPED 'KERR 4502' FOUND MARKING THE EAST CORNER OF SAID 0.41 ACRE TRACT AND A NORTHWEST CORNER OF SAID 7.006 ACRE TRACT BEARS: S 47° 12' 57" E FOR A DISTANCE OF 69.99 FEET (DEED CALL: S 45° E – 70 FEET, 3003/387);



**METES AND BOUNDS DESCRIPTION  
OF A  
7.039 ACRE TRACT  
STEPHEN F. AUSTIN NO. 9 LEAGUE, A-62  
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE STEPHEN F. AUSTIN NO. 9 LEAGUE, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 7.006 ACRE TRACT AS DESCRIBED BY A DEED TO CAPITOL FLOORING SERVICE, LLC RECORDED IN VOLUME 15435, PAGE 20 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND ALL OF A CALLED 1449 SQUARE FOOT TRACT BEING A PORTION OF THE ABANDONED RIGHT-OF-WAY OF STERLING STREET. SAID 7.006 ACRE TRACT ENCOMPASSING ALL OF PARTIAL BLOCK 154, BRYAN ORIGINAL TOWNSITE, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 721 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1 INCH IRON PIPE FOUND (N:10228540.00, E:3539764.64) ON THE NORTHWEST LINE OF BRYANT STREET (50' R.O.W.) MARKING A SOUTHEAST CORNER OF SAID 7.006 ACRE TRACT AND THE EAST CORNER OF BLOCK 1, McGEE-BUCKHAULTS-TRANT ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 38, PAGE 266 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. COORDINATES AND BEARING SYSTEM SHOWN HEREIN ARE NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) BASED ON THE PUBLISHED COORDINATES OF THE CITY OF BRYAN CONTROL MONUMENT GPS-116 (N:10231805.020, E:3536114.709) AND AS ESTABLISHED BY GPS OBSERVATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO OBTAIN SURFACE DISTANCES MULTIPLY BY A COMBINED SCALE FACTOR OF 1.000114151476962 (CALCULATED USING GEOID 12B).

**THENCE:** N 47° 28' 22" W ALONG THE COMMON LINE OF SAID 7.006 ACRE TRACT AND SAID BLOCK 1 FOR A DISTANCE OF 118.25 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF SAID BLOCK 1;

**THENCE:** S 42° 41' 22" W CONTINUING ALONG SAID COMMON LINE FOR A DISTANCE OF 222.27 FEET TO A 1-1/2 INCH IRON PIPE FOUND ON THE NORTHEAST LINE OF TRANT STREET (50' R.O.W.) MARKING THE WEST CORNER OF SAID BLOCK 1 AND THE MOST SOUTHERLY CORNER OF SAID 7.006 ACRE TRACT. FOR REFERENCE, A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID BLOCK 1 BEARS: S 46° 31' 52" E FOR A DISTANCE OF 152.91 FEET;

**THENCE:** N 46° 31' 52" W ALONG THE NORTHEAST LINE OF TRANT STREET FOR A DISTANCE OF 37.99 FEET TO A 1/2 INCH IRON ROD SET IN 2016 ON THE SOUTHEAST LINE OF A CALLED 2.5116 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ENRIQUE GUZMAN, JR. AND WIFE, MARIA ELENA GUZMAN RECORDED IN VOLUME 2416, PAGE 308 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD SET MARKING A SOUTHWEST CORNER OF SAID 7.006 ACRE TRACT. FOR REFERENCE, A 2 INCH CHAIN LINK FENCE POST FOUND MARKING THE SOUTH CORNER OF SAID 2.5116 ACRE TRACT BEARS: S 41° 37' 38" W FOR A DISTANCE OF 273.21 FEET;

**THENCE:** N 41° 37' 38" E ALONG THE COMMON LINE OF SAID 7.006 ACRE TRACT AND SAID 2.5116 ACRE TRACT FOR A DISTANCE OF 204.73 FEET TO A 1/2 INCH IRON ROD SET IN 2016 AT A CROSS-TIE POST MARKING THE EAST CORNER OF SAID 2.5116 ACRE TRACT;

**THENCE:** ALONG THE COMMON LINE OF SAID 7.006 ACRE TRACT AND SAID 2.5116 ACRE TRACT FOR THE FOLLOWING CALLS:

N 73° 11' 09" W FOR A DISTANCE OF 90.72 FEET TO A 1/2 INCH IRON ROD SET IN 2016;

S 77° 37' 38" W FOR A DISTANCE OF 322.79 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" SET IN A CREEK ON THE SOUTHEAST LINE OF LOT 1, BLOCK 1, TWIN CITY MISSION SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 9197, PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON PIPE FOUND BENT MARKING THE WEST CORNER OF SAID 2.5116 ACRE TRACT AND SAID LOT 1 BEARS: S 42° 17' 07" W FOR A DISTANCE OF 273.16 FEET;

**THENCE:** N 42° 17' 07" E ALONG THE NORTHWEST LINE OF SAID 7.006 ACRE TRACT, AT 862.87 FEET PASS A 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" FOUND ON THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE MARKING A NORTHWEST CORNER OF SAID 7.006 ACRE TRACT, CONTINUE ON THROUGH SAID

STERLING STREET RIGHT-OF-WAY AND ALONG THE EXTENSION OF THE NORTHWEST LINE, FOR A TOTAL DISTANCE OF 904.19 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" SET ON THE SOUTH LINE OF W. 31<sup>ST</sup> STREET (80' R.O.W.) MARKING THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT

**THENCE:** S 85° 10' 25" E ALONG THE SOUTH LINE OF W. 31ST STREET, AT 13.65 FEET PASS A 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" FOUND MARKING THE NORTHWEST CORNER OF SAID BLOCK 154, CONTINUE OF FOR A TOTAL DISTANCE OF 263.62 FEET TO A 1/2 INCH IRON ROD SET IN 2016 ON THE WEST LINE OF S. SIMS AVENUE (80' R.O.W.) MARKING THE NORTHEAST CORNER OF SAID BLOCK 154. FOR REFERENCE, A 3/8 INCH IRON ROD FOUND BEARS: N 36° 48' 44" W FOR A DISTANCE OF 2.69 FEET, A POINT ON THE NORTH LINE OF W. 31ST STREET MARKING THE SOUTHEAST CORNER OF BLOCK 155 OF THE BRYAN ORIGINAL TOWNSITE BEARS: N 04° 46' 04" E FOR A DISTANCE OF 80.00 FEET, FROM WHICH, A 1/2 INCH IRON ROD FOUND BEARS: N 86° 10' 25" W FOR A DISTANCE OF 250.50 FEET AND A 3/4 INCH IRON ROD FOUND BEARS: S 85° 10' 25" E FOR A DISTANCE OF 564.97 FEET;

**THENCE:** S 04° 46' 04" W ALONG THE WEST LINE OF S. SIMS AVENUE AND THE EAST LINE OF SAID BLOCK 154, AT 258.27 PASS A POINT ON THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE FROM WHICH A 3/8 INCH IRON ROD FOUND BEARS: S 47° 12' 57" E FOR A DISTANCE OF 66.27 FEET, CONTINUE ON ALONG THE EAST LINE OF SAID 7.006 ACRE TRACT FOR A TOTAL DISTANCE OF 287.45 FEET TO A 1/2 INCH IRON ROD SET IN 2016 ON THE NORTHWEST LINE OF BRYANT STREET (80' R.O.W.) MARKING AN EASTERLY CORNER OF SAID 7.006 ACRE TRACT;

**THENCE:** S 38° 08' 56" W ALONG THE NORTHWEST LINE OF BRYANT STREET FOR A DISTANCE OF 425.42 FEET TO A 1/2 INCH IRON ROD SET IN 2016;

**THENCE:** S 33° 55' 24" W CONTINUING ALONG THE NORTHWEST LINE OF BRYANT STREET FOR A DISTANCE OF 94.64 FEET TO THE POINT OF BEGINNING CONTAINING 7.039 ACRES OF LAND, AS SURVEYED ON THE GROUND OCTOBER, 2016 AND OCTOBER 2019.



**METES AND BOUNDS DESCRIPTION  
OF A  
1449 SQUARE FOOT TRACT  
STEPHEN F. AUSTIN NO. 9 LEAGUE, A-62  
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE STEPHEN F. AUSTIN NO. 9 LEAGUE, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE 80.00 FOOT WIDE RIGHT-OF-WAY OF STERLING STREET, BRYAN ORIGINAL TOWNSITE, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 721 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A ½ INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" FOUND AT THE INTERSECTION OF THE SOUTH LINE OF W. 31<sup>ST</sup> STREET AND THE EAST LINE OF STERLING STREET MARKING THE NORTHWEST CORNER OF LOT 10, BLOCK 154, BRYAN ORIGINAL TOWNSITE, SAME BEING A NORTHWEST CORNER OF A CALLED 7.006 ACRE TRACT AS DESCRIBED BY A DEED TO CAPITOL FLOORING SERVICES, LLC RECORDED IN VOLUME 15435, PAGE 20 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. COORDINATES AND BEARING SYSTEM SHOWN HEREIN ARE NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) BASED ON THE PUBLISHED COORDINATES OF THE CITY OF BRYAN CONTROL MONUMENT GPS-116 (N:10231805.020, E:3536114.709) AND AS ESTABLISHED BY GPS OBSERVATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO OBTAIN SURFACE DISTANCES MULTIPLY BY A COMBINED SCALE FACTOR OF 1.000114151476962 (CALCULATED USING GEOID 12B).

**THENCE:** S 04° 46' 04" W ALONG THE EAST LINE OF STERLING STREET FOR A DISTANCE OF 63.10 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" FOUND ON THE ORIGINAL SOUTHWEST LINE OF BRYAN ORIGINAL TOWNSITE;

**THENCE:** N 47° 12' 57" W ALONG THE COMMON LINE OF SAID BRYAN ORIGINAL TOWNSITE AND SAID 7.006 ACRE TRACT FOR A DISTANCE OF 49.27 FEET TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" FOUND MARKING A NORTHWEST CORNER OF SAID 7.006 ACRE TRACT;

**THENCE:** N 42° 17' 07" E THROUGH THE RIGHT-OF-WAY OF STERLING STREET AND ALONG THE EXTENSION OF THE NORTHWEST LINE OF SAID 7.006 ACRE TRACT FOR A DISTANCE OF 41.32 FEET TO A ½ INCH IRON ROD WITH PLASTIC CAP MARKED "KERR 4502" SET ON THE EXTENSION OF THE SOUTH LINE OF W. 31<sup>ST</sup> STREET MARKING THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

**THENCE:** S 85° 10' 25" E CONTINUING THROUGH THE RIGHT-OF-WAY OF STERLING STREET AND ALONG THE EXTENSION OF THE SOUTH LINE OF W. 31<sup>ST</sup> STREET FOR A DISTANCE OF 13.65 FEET TO THE **POINT OF BEGINNING** CONTAINING 1449 SQUARE FEET OF LAND, AS SURVEYED ON THE GROUND OCTOBER, 2019. SEE PLAT PREPARED OCTOBER 2019 FOR MORE DESCRIPTIVE INFORMATION.

**METES AND BOUNDS DESCRIPTION  
OF A  
0.045 ACRE TRACT  
STEPHEN F. AUSTIN LEAGUE NO. 9, A-62  
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE STEPHEN F. AUSTIN LEAGUE NO. 9, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE 80.00 FOOT WIDE RIGHT-OF-WAY OF W. 31<sup>ST</sup> STREET AND A PORTION OF THE 80.00 FOOT WIDE RIGHT-OF-WAY OF STERLING AVENUE, BRYAN ORIGINAL TOWNSITE, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 721 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A ½ INCH IRON ROD WITH PLASTIC CAP STAMPED 'KERR 4502' FOUND ON THE SOUTHWEST LINE OF THE BRYAN ORIGINAL TOWNSITE MARKING THE EAST CORNER OF A CALLED 0.41 ACRE TRACT AS DESCRIBED BY A DEED TO CAPITOL FLOORING SERVICE, LLC, RECORDED IN VOLUME 15837, PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND A NORTHWEST CORNER OF A 7.006 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO CAPITOL FLOORING SERVICE, LLC RECORDED IN VOLUME 15435, PAGE 20 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. COORDINATES AND BEARING SYSTEM SHOWN HEREIN ARE NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) BASED ON THE PUBLISHED COORDINATES OF THE CITY OF BRYAN CONTROL MONUMENT GPS-36 (Y:10231375.303, X:3541898.795) AND AS ESTABLISHED BY GPS OBSERVATION. DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO DETERMINE SURFACE DISTANCES, MULTIPLY BY A COMBINED SCALE FACTOR OF 1.000114239684 (CALCULATED USING GEOID12B);

**THENCE:** N 47° 12' 57" W ALONG THE SOUTHWEST LINE OF BRYAN ORIGINAL TOWNSITE, SAME BEING THE NORTHEAST LINE OF SAID 0.41 ACRE TRACT, FOR A DISTANCE OF 95.09 FEET TO A POINT ON THE NORTHEAST LINE OF A CALLED 3.03 ACRE TRACT AS DESCRIBED BY A DEED TO JASON SEYMOUR RECORDED IN VOLUME 11274, PAGE 52 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, MARKING THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 200.00 FEET, FOR REFERENCE A MAGNAIL WITH SHINER STAMPED "KERR 4502" FOUND ON SAID SOUTHWEST LINE BEARS: N 47° 12' 57" W FOR A DISTANCE OF 30.74 FEET;

**THENCE:** THROUGH SAID RIGHT-OF-WAYS OF W. 31<sup>ST</sup> STREET AND STERLING AVENUE FOR THE FOLLOWING CALLS:

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02° 06' 36" FOR AN ARC DISTANCE OF 7.37 FEET (CHORD BEARS: S 71° 59' 10" E - 7.37 FEET) TO A POINT MARKING THE END OF SAID CURVE;

S 70° 41' 15" E FOR A DISTANCE OF 95.99 FEET TO THE EXTENSION OF THE SOUTH LINE OF W. 31<sup>ST</sup> STREET;

S 42° 17' 07" W ALONG THE EXTENSION OF THE COMMON LINE OF SAID 7.006 ACRE TRACT AND SAID 0.41 ACRE TRACT FOR A DISTANCE OF 41.32 FEET TO THE **POINT OF BEGINNING** CONTAINING **0.045 OF AN ACRE OF LAND (1973 SQUARE FEET)**, AS SURVEYED ON THE GROUND NOVEMBER 2019. SEE PLAT PREPARED APRIL 2020, FOR MORE DESCRIPTIVE INFORMATION.

BRAD KERR  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 4502  
TBPELS FIRM# 10018500



## **Exhibit “C”:**

### **PD-M DISTRICT DEVELOPMENT PLAN**

#### **GENERAL PURPOSE AND DESCRIPTION**

The Reserve at Cottonwood Creek Planned Development, herein called “the District” or “this District” is intended to guide land use and physical development of the subject property. This District development plan is envisioned as a tool to help establish uses of this property, to facilitate appropriate future development of the property, and to strengthen the area’s economy and promote the general welfare of the community. The proposed Planned Development is to allow complementary retail and service uses with a focus on hosting and providing retail/services for events on approximately seven acres of land located southwest of the intersection of West 31<sup>st</sup> Street and South Sims Avenue.

The Developer’s vision is to create venues for special events along with supporting land uses. Cottonwood Creek runs through the property and there are a large number of native trees that will be preserved as key elements in the idyllic setting and provide a backdrop for weddings and events. The seven acres of the tract that do not fall within current floodplain boundaries will be dedicated to businesses and services that support events such as, but not limited to, the following: event planners, florists, a small bistro or coffee shop, specialty clothing stores, photographer, etc. Residential uses will also be provided in an existing structure and possibly above the retail, service and office uses.

The symbiotic relationship of these businesses allows for a reduction in overall parking requirements as they have complementary hours of operation. During the day, the parking will be primarily used by the businesses supporting events and in the evening, the event attendees will use the parking spaces.

#### **SECTION 1: DEFINITIONS**

When not inconsistent with the context, words used in the present tense include the future; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to definitions found in the Zoning Ordinance, and failing that, customary usage.

#### **SECTION 2: LAND USES**

The District is structured to provide multiple event venues and the retail, office, personal service, residential and related business activities to support events hosted at the site.

The schematic site plan is divided into two general areas: special event venue (with supporting retail and services) and green space. In general, special event facilities will be located near the intersection of West 31<sup>st</sup> Street and South Sterling Avenue, with other uses located near the West 31<sup>st</sup> Street and South Sims Avenue intersection. Green space will be preserved in the southern portion of the property adjacent to the residences along Bryant Street.

Permitted Uses:

1. Motel or hotel;
2. Reception hall;
3. Retail services (including incidental uses);
4. Restaurant;
5. Accessory structures;
6. General office use (professional, administrative);
7. Personal service shop or custom personal services;

8. Photography studio;
9. Residential provided in the existing structure or in a mixed-use structure above other allowed uses.

### **SECTION 3: PHYSICAL DEVELOPMENT**

Physical development in this District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to development on properties zoned Retail District (C-2). The following additional standards shall be applicable in this District:

1. Minimum Parking Requirement for all uses shall be calculated at 1:150 gfa (gross floor area)
  - GFA for the entire development, once complete, is estimated to be approximately 30,000 square feet. This equates to approximately 200 parking spaces. All parking is shared across the development. Parking will be calculated for each phase of construction and the requirement for new structures may be reduced by excess parking constructed during an earlier phase.
2. Setback requirement for adjacent residential parcel on western property line is set at 15 feet.
3. No buffer shall be required where the property abuts the existing residential parcel on western property line. A screening fence constructed to city standards shall be required where the property abuts the adjacent residential parcel on western property line.
4. Any outdoor lighting shall be directed away from residential areas.

### **SECTION 4: SUBDIVISION OF LAND**

The subdivision of land in this District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances and the applicable requirements within this District.

### **SECTION 5: SIGNS**

Regulation of signage in this District shall be in accordance with Article VI, Downtown Historical District, of Chapter 98, Signs, of the City of Bryan Code of Ordinances.