

ORDINANCE NO. 2696

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 RETAIL DISTRICT (C-2) SPECIFIED HEREIN, ON 2.073 ACRES OF LAND OUT OF THE ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45, LOCATED AT THE NORTHEAST CORNER OF GROESBECK STREET AND PALASOTA DRIVE, BEING LOTS 6 THROUGH 8 OF COULTER'S SUBDIVISION OF LOBELLO TRACT 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, to changing the zoning classification from residential district-5000 (RD-5) to retail district (C-2) specified herein, on 2.073 acres of land out of the Zeno Phillips League, Abstract No. 45, located at the northeast corner of Groesbeck Street and Palasota drive, being Lots 6 through 8 of Coulter's Subdivision of Lobello Tract in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on May 2, 2024 (case no. RZ24-11).

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 retail district (C-2) specified herein, on 2.073 acres of land out of the Zeno Phillips League, Abstract No. 45, located at the northeast corner of Groesbeck Street and Palasota drive, being Lots 6 through 8 of Coulter's Subdivision of Lobello Tract in Bryan, Brazos County, Texas, said 2.073 acres being more particularly described on attached Exhibit "A",

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That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 18th day of June 2024, 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

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

EXHIBIT "A":

**METES AND BOUNDS DESCRIPTION
OF A
2.073 ACRE TRACT
ZENO PHILLIPS LEAGUE, A-45
BRYAN, BRAZOS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF 2.073 ACRES IN THE ZENO PHILLIPS LEAGUE SURVEY, ABSTRACT 45, TEXAS, BEING ALL OF LOTS 6, 7 AND 8 OF THE COULTER'S SUBDIVISION, FILED IN VOLUME 95, PAGE RECORDS OF BRAZOS COUNTY, TEXAS (DRBCT), SAID LOTS 6 AND 7 BEING DESCRIBED IN A DEED TO AYERS AND H.R. AYERS IN VOLUME 273, PAGE 641 (DRBCT), AND SAID LOT 8 BEING DESCRIBED IN A DEED MENSIK IN VOLUME 239, PAGE 298 (DRBCT); SAID 2.073 ACRES BEING MORE PARTICULARLY DESCRIBED BOUNDS AS FOLLOWS:

BEGINNING at a 3/4-inch iron rod found in the north right-of-way line of Palasota Drive (variable width right-of-way), the southeast corner of said Lot 6, same being the southwest corner of Lot 5 of said Coulter's Subdivision, being described in a deed to Monica Gabriela Alvarado in Volume 16545, Page 87 (OPRBCT);

THENCE, with the south lines of said Lots 6 and 7, same being the north right-of-way line of said Palasota Drive, N 85° 54' 16" W, a distance of 268.07 feet to an 'X' set in concrete in the north right-of-way line of said Palasota Drive, being the east corner of a called 0.003-acre right-of-way dedication filed in Volume 16266, Page 59 (OPRBCT), same in the south line of said Lot 7;

THENCE, with the northeast line of said 0.003-acre right-of-way dedication, N 48° 36' 05" W, a distance of 19.57 feet 1/2-inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set in the east right-of-way line of Groesbeck (variable width right-of-way), being the north corner of said 0.003-acre right-of-way dedication, same being in the west line of said Lot 7;

THENCE, with the east right-of-way line of said Groesbeck Street, same being the west lines of said Lot 7 and 8, N 24° 18' 44" E, a distance of 325.73 feet to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' east line of said Groesbeck Street, being the Northwest corner of said Lot 8, same being the southwest corner of Lot Block 1 of the Meiller Addition, filed in Volume 231, Page 479 (DRBCT), being described in a deed to Lynette M. Fridel and Fridel Michael in Volume 15105, Page 159 (OPRBCT);

THENCE, with the north lines of said Lots 8 and 6, same being the south line of said Meiller Addition, S 85°09'14" distance of 283.45 feet to an axle found in the south line of said Meiller Addition, being the northeast corner of said Lot 6, same being a northwest corner of Lot 5, from which City of Bryan Monument 'COB MON 35' bears N 46° IE' 16" distance of 7,465.14 feet;

THENCE, with the common line of said Lots 6 and 5, S 23° 47' 41" W, a distance of 333.32 feet to the POINT OF BEGINNING and containing 2.073 acres of land, more or less.

LOCATION MAP AND AERIAL PHOTOGRAPH, 2024:

