

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING THE TEXT OF THE BRYAN CODE OF ORDINANCES CHAPTER 62 – LAND AND SITE DEVELOPMENT AND CHAPTER 130 – ZONING, BY EXPANDING THE BOUNDARY OF THE EXISTING INNOVATION CORRIDOR OVERLAY DISTRICT AND CLARIFYING APPLICABILITY STANDARDS ON 230 ACRES LOCATED BETWEEN SMETANA ROAD AND N. HARVEY MITCHELL PARKWAY (FM 2818), WITHIN 1,500 FEET OF W. STATE HIGHWAY 21 AND WITHIN THE BRYAN CITY LIMITS, IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS 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, which provides regulations and districts made in accordance with adopted guiding principles for the purpose of promoting health, safety, morals, and the general welfare of the city; and

WHEREAS, the Bryan City Council recognizes the need from time to time to amend these regulations to clarify requirements and create new and innovative ways to guide and regulate property development for the benefit of the community; and

WHEREAS, the Innovation Corridor has been identified as an important entryway to the City of Bryan since its annexations in 1999 and 2019; and

WHEREAS, the public and private investment within the Innovation Corridor is expected to catalyze development; and

WHEREAS, the City Council finds that the current regulatory arrangement for property development along State Highway 21 between Smetana Road and FM 2818 is inadequate and not suited to the current or future needs of the community; and

WHEREAS, the City Council desires to expand a previously-approved regulatory framework that intends to support the strategies of the adopted Bryan West Area Plan and Southwest Bryan Highest and Best Use Study; and

WHEREAS, the City of Bryan mailed over 72 notification letters to property owners and tenants affected by these proposed changes to property development regulations, indicating where to find more information and how to ask questions; and

WHEREAS, the Bryan Planning and Zoning Commission was receptive to changes to the proposed regulations based on the input and feedback from citizens who spoke their concerns during the planning process; and

WHEREAS, the Bryan Planning and Zoning Commission, during its regular meeting on July 18, 2024, recommended approval of the proposed amendments to Chapter 62 – Land and Site Development and Chapter 130 – Zoning, of the City of Bryan Code of Ordinances, by expanding the boundary of the existing Innovation Corridor Overlay District and clarifying applicability standards on 230 acres located between Smetana Road and N. Harvey Mitchell Parkway (FM 2818), within 1,500 feet of W. State Highway 21 and within the Bryan city limits, in Bryan, Brazos County, Texas; and

WHEREAS, the City Council has held a public hearing concerning the proposed ordinance text amendments for which notice was published at least fifteen (15) days prior to the hearing date.

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

1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

2.

That the following sections of Bryan Code of Ordinances, Chapter 62, Land and Site Development, Article VIII – Zoning District- and Corridor Overlay-Specific Standards, Division 3. – Innovation Corridor Zoning and Overlay Districts, are hereby amended, as follows:

Sec. 62-558. General purpose and description.

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards, which may be more restrictive. These high-quality standards prioritize the preservation of the natural landscape while encouraging the development of high-quality urban amenities and a connected transportation network in order to ensure high-functioning growth and development along two major growth corridors (~~Riverside~~ John Sharp Parkway and State Highway 21) in Bryan.

Sec. 62-563. Landscape reserves, IC overlay district.

In order to promote the preservation of the natural landscape, a 40-foot wide landscape reserve adjacent to the ~~Riverside~~ John Sharp Parkway right-of-way shall be in effect. The following regulations found in this subsection are intended to guide the future development and public benefit of the required landscape reserves.

- (a) The owner of any property adjacent to ~~Riverside~~ John Sharp Parkway will be required to dedicate a 40-foot wide landscape reserve and public access easement upon development of the property.

Sec. 62-564. Access and off-street parking standards, IC overlay district.

- (b) The minimum distance between access points and street corners determined by the functional classification of the street shall not be less than the limits described by the table below.

Standard	Innovation Corridor
Minimum distance between access points and street corners	250 feet
Minimum distance between access points on Riverside <u>John Sharp</u> Parkway/SH 47 and on SH 21	1000 feet
Minimum distance between access points on all other streets	See section 62-296

- (c) Cross access easements between private properties shall be utilized wherever possible in order to limit access to ~~Riverside~~ John Sharp Parkway and State Highway 21. A reduction in vehicles

taking direct access to public rights-of-way promotes the public health, safety and general welfare of the city's residents and motorists while also maintaining the smooth circulation of vehicular and pedestrian traffic.

Sec. 62-567. Special restrictions for structured parking facilities, IC overlay district.

- (g) All frontages of parking structures located on properties along Riverside John Sharp Parkway, State Highway 21, Leonard Road, West Villa Maria Road should not have parking uses on the ground floor to a minimum depth of 40 feet along the street frontage. Alternatively, the garage should be set back to a minimum of 40 feet in order to allow for a future building along the garage frontage.

3.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-27, “Innovation corridor overlay district”, is hereby as follows:

Sec. 130-27. Innovation corridor overlay district.

- (a) *General purpose and description.* This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards, which may be more restrictive. These high-quality standards prioritize the preservation of the natural landscape while encouraging the development of high-quality urban amenities and a connected transportation network in order to ensure high-functioning growth and development along two major growth corridors (Riverside John Sharp Parkway (State Highway 47) and State Highway 21) in Bryan.
- (b) *District boundaries.* The corridor overlay standards, apply to the future development and use of all land within 1,500 feet of the Riverside John Sharp Parkway (State Highway 47) and West State Highway 21 rights-of-way, between the Brazos River and North Harvey Mitchell Parkway (FM 2818) and within the city limits. The overlay standards shall apply to the entirety of a property when the overlay boundary falls within the property line.
 - (1) These corridor overlay standards shall not apply to detached dwelling units or any properties located within a Planned Development District.
 - (2) Properties that request to be annexed into City limits and that fall within this Overlay District boundary shall be assigned Innovation Corridor District zoning.

4.

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

5.

That the Code of the City of Bryan, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

6.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

7.

That 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 the time, place and purpose of said meeting was given.

8.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly

9.

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

PASSED, ADOPTED and APPROVED the 13th day of August 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:

Mary Lynne Stratta, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

EXCERPT FROM JULY 18, 2024 PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES:

7. Proposed Amendments to the text of Bryan’s Code of Ordinances – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval).

- A. Proposed amendments to the text of Bryan Code of Ordinances Chapter 62 – Land and Site Development and Chapter 130 - Zoning, specifically to revise references to Riverside Parkway, expand the Innovation Corridor overlay boundaries, remove detached residential dwellings and Planned Development zoning districts from the overlay standards, and specify zoning districts to be assigned when properties annex into the City of Bryan within this boundary, on properties located between Smetana Road and N. Harvey Mitchell Parkway (FM 2818), within 1,500 feet of W. State Highway 21 and within the Bryan city limits, in Bryan, Brazos County, Texas. (K. Williams)**

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

The public hearing was opened.

Andy Jackson, 7601 West State Highway 21, Bryan, Texas, requested more information regarding the effect the proposed text amendment would have on development along Highway 21 and his property.

The public hearing was closed.

Ms. Williams stated the property owned by BPI would fall into the expanded boundary of the Innovation Corridor Overlay District, however only the portion zoned Retail District (C-2) would be required to meet additional development standards if the amendment were approved.

Commissioner Gonzalez moved to recommend approval of the proposed amendment to the text of Bryan’s Code of Ordinances Chapter 130 – Zoning, specifically to revise references to Riverside Parkway, expand the Innovation Corridor overlay boundaries, remove detached residential dwellings and Planned Development zoning districts from the overlay standards, and specify zoning districts to be assigned when properties annex into the City of Bryan within this boundary, on properties located between Smetana Road and N. Harvey Mitchell Parkway (FM 2818), within 1,500 feet of W. State Highway 21 and within the Bryan city limits.

Commissioner Rodriguez seconded the motion.

Commissioners discussed the importance of the subcommittee addressing the Innovation Corridor Overlay District expansion along Highway 21, specifically regarding potential annexations as expansion continues westward.

The motion passed unanimously.

Memorandum

Development Services

To: Planning and Zoning Commission

From: Katie Williams, AICP, Senior Planner

Date: July 18, 2024

Re: proposed amendments to the Bryan Code of Ordinances to amend Chapter 62 – Land and Site Development and Chapter 130 – Zoning, specifically to expand the boundary of the existing Innovation Corridor Overlay District and to clarify applicability standards

BACKGROUND:

On March 5, 2024, Bryan City Council conducted a joint workshop meeting with the Planning and Zoning Commission to discuss the Commission's 2024 Plan of Work. During discussion, councilmembers and Mayor Gutierrez noted the growth of RELLIS campus and the future development it would induce within the State Highway 21 Corridor. The Planning and Zoning Commission was encouraged to analyze the potential for overlay districts along major corridors between RELLIS campus and Downtown Bryan.

In response to Council's direction, an in accordance with the duties and functions assigned to the Commission by the Bryan Code of Ordinances, an ad hoc committee of three Planning and Zoning Commission members was formed. Upon meeting with planning and development staff, it was determined that the best initial course of action was to expand the existing Innovation Corridor Overlay District boundaries. The overlay district, which currently extends along John Sharp Parkway (State Highway 47) from HSC Parkway to State Highway 21 and along State Highway 21 from the Brazos River to Smetana Road, is proposed to be extended along State Highway 21 to N. Harvey Mitchell Parkway (FM 2818).

The Innovation Corridor Overlay District, approved by Bryan City Council on October 11, 2022, is intended to ensure the quality of future development surrounding John Sharp Parkway (State Highway 47) and State Highway 21. The overlay district encompasses property within 1,500 feet along these highways and within the city limits of Bryan, and mandates higher development standards in six areas:

- Setbacks
- General appearance standards and screening
- Building construction
- Landscaping
- Signs
- Access / Off-street Parking

The Innovation Corridor Overlay District, and its previous iteration, Riverside Parkway/SH 47 Overlay District, is the result of implementation of several long-range studies and plans. This corridor now serves as the western-most boundary for the City of Bryan and is the location of a number of long-term, very substantial public investments in public water and sanitary sewer infrastructure.

At a Planning and Zoning Commission workshop meeting on May 16, 2024, the subcommittee presented their proposal to expand the Innovation Corridor Overlay District boundaries to the rest of the Commission. The Commission agreed that this initial action was the most effective in order to proceed quickly with implementing a framework for development that would protect the public and private investment within the corridor.

SUMMARY OF PROPOSED BRYAN CODE OF ORDINANCE CHANGES RELATED TO THE NEW INNOVATION CORRIDOR ZONING AND OVERLAY DISTRICTS:

Chapter 62, Land and Site Development:

1. Remove all references to ‘Riverside Parkway’ and replace with the current road name, ‘John Sharp Parkway’.

Chapter 130, Zoning:

1. Remove all references to ‘Riverside Parkway’ and replace with the current road name, ‘John Sharp Parkway’.
2. Clarify the new boundaries of the Innovation Corridor Overlay District.
3. Clarify that the Innovation Corridor Overlay District standards do not apply to detached residential dwellings or properties zoned Planned Development District (PD).
4. Clarify that any properties that request to be annexed into City limits and that fall within the Innovation Corridor Overlay District shall be assigned Innovation Corridor District zoning.

A copy of the proposed draft ordinance amending Bryan Code of Ordinances Chapters 62 and 130 is attached to this memorandum.

ANALYSIS AND STAFF RECOMMENDATION:

The need for orderly conservation and development in the State Highway 21 corridor was first recognized in 2019, when the land surrounding the corridor was annexed with the intent of protecting property values and establishing orderly future development.

As anticipated, the installation of public infrastructure, and consequently, private development, is imminent within the corridor.

Staff recommends **approving** the proposed amendment to the Bryan Code of Ordinances to amend Chapter 62 – Land and Site Development and Chapter 130 – Zoning, specifically to expand the boundary of the existing Innovation Corridor Overlay District and to clarify applicability standards.

- The current regulatory arrangement for property development in the State Highway 21 corridor is inconsistent and not suited to the current needs and stated desires of the community.
- Expanding the Innovation Corridor Overlay District boundaries will encourage consistent and high-quality development intended to support the strategies of the Bryan West Area Plan, Southwest Bryan Best and Highest Use Study, and the 2016 Comprehensive Plan’s Future Land Use Plan (BluePrint 2040).

MAP OF CURRENT AND PROPOSED INNOVATION CORRIDOR OVERLAY DISTRICT BOUNDARIES:

