

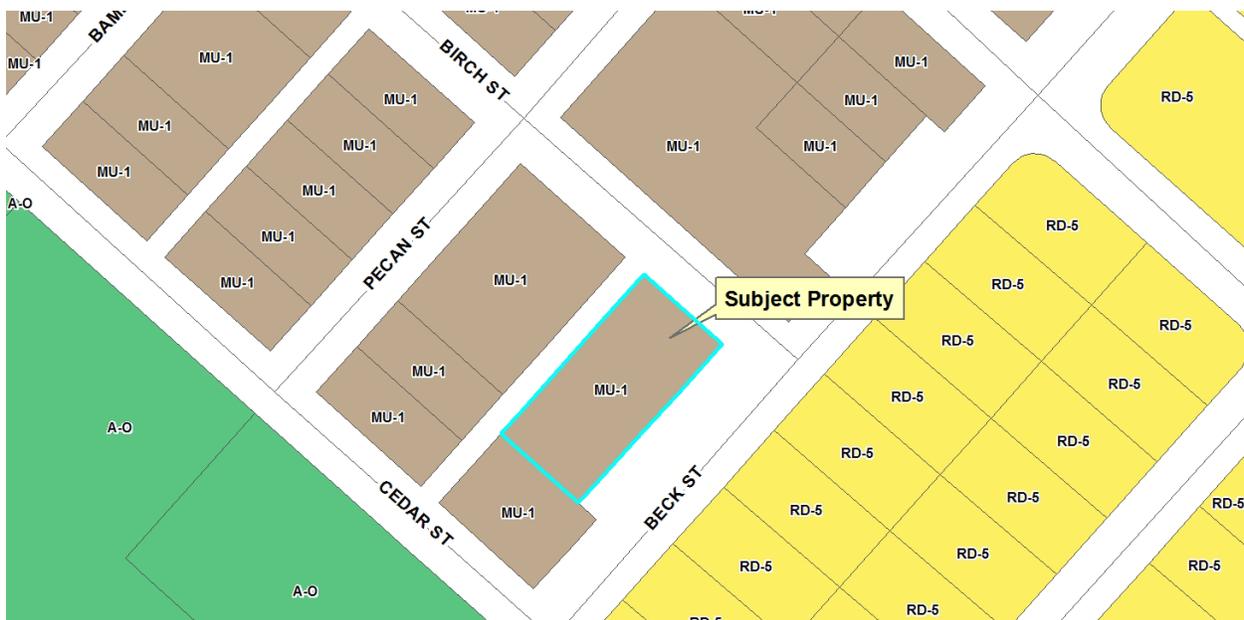
**PLANNING AND ZONING COMMISSION
STAFF REPORT**

March 21, 2013



Conditional Use Permit case no. CU13-01: Manuel Lopez

- CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow a duplex in a Mixed Use Residential District (MU-1)
- LOCATION:** 0.24 acres of land adjoining the northwest side of Beck Street generally south of its intersection with Birch Street
- LEGAL DESCRIPTION:** 0.24 acres of land being the proposed Lot 1R in Block 4 of Woodlawn Addition
- EXISTING LAND USE:** Single-family residential
- ZONING:** Mixed Use Residential District (MU-1)
- APPLICANT(S):** Manuel Lopez
- AGENT:** Garrett Engineering
- STAFF CONTACT:** Maggie Dalton, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested Conditional Use Permit, **subject to certain conditions**. Please see page four of this report for a more detailed description of staff's recommendation



AERIAL PHOTOGRAPH – FEBRUARY 2011:



BACKGROUND:

The applicants/property owners desire to develop a duplex on these 0.24 acres of land adjoining the northwest side of Beck Street generally south of its intersection with Birch Street. There are two existing single-family residential dwelling units on the property and the applicant wishes to create an addition to the structure closest to Birch Street and develop a duplex.

Within MU-1 zoning districts in Bryan, duplex developments are potentially allowed, but only with approval of a Conditional Use Permit from the Planning and Zoning Commission. Consideration of a Conditional Use Permit allows the Commission to impose appropriate conditions that may be necessary to integrate the duplex within the surrounding environment.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

Land Use Goal #2:

Facilitate orderly, efficient and attractive development, redevelopment and infill by providing for an efficient development process.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

The duplex will conform to all applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff contends that the proposed duplex at this location would be compatible with existing or permitted uses on abutting sites in terms of use and physical development features. The existing single-family residence is one story in height, the same as the surrounding residential development. The proposed development is showing an addition to the building, being similar in size and height.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Because of the additional lot size required of duplex use within an MU-1 zoning district, the additional density is not significantly higher than normal detached dwellings.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed duplex residential use will not change the safety level of vehicular or pedestrian traffic in the area.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

No additional impact concerning erosion, flood or water damage, noise, glare, fire and other hazards are expected.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that the proposed duplex residential use will not change the safety level of vehicular or pedestrian traffic in the area.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

The proposed development will provide the minimum required number of off-street parking spaces for a duplex on the subject property, as required by the Land and Site Development Ordinance.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Duplex homes are a residential use that match the objectives and purpose of the MU-1 zoning district in which the project is proposed.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Permitting a duplex residential use at this location is unlikely to produce negative impacts upon properties or improvements in the vicinity.

10. Whether the premises or structures are suitable for the proposed conditional use.

The proposed duplex structures will be built in conformance with all applicable regulations and codes. The lot on which the dwelling is proposed is over 10,450ft² in size. The minimum area allowed for duplex construction is 7,000ft². Staff contends that the 0.24 acre tract, developed in the manner proposed on the attached site plan is suitable for the proposed conditional use.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow an apartment development on this property in a MU-1 zoning district, **subject to the following conditions:**

- **City Councils approval of right-of-way abandonment RA13-02 and the subsequent approval of replat RP13-02,**
- **That the duplex be developed in the same architectural style as the structure it is attaching to, and**
- **That the duplex development shall generally conform to the site plan attached to this staff report.**

PROPOSED SITE PLAN:

