

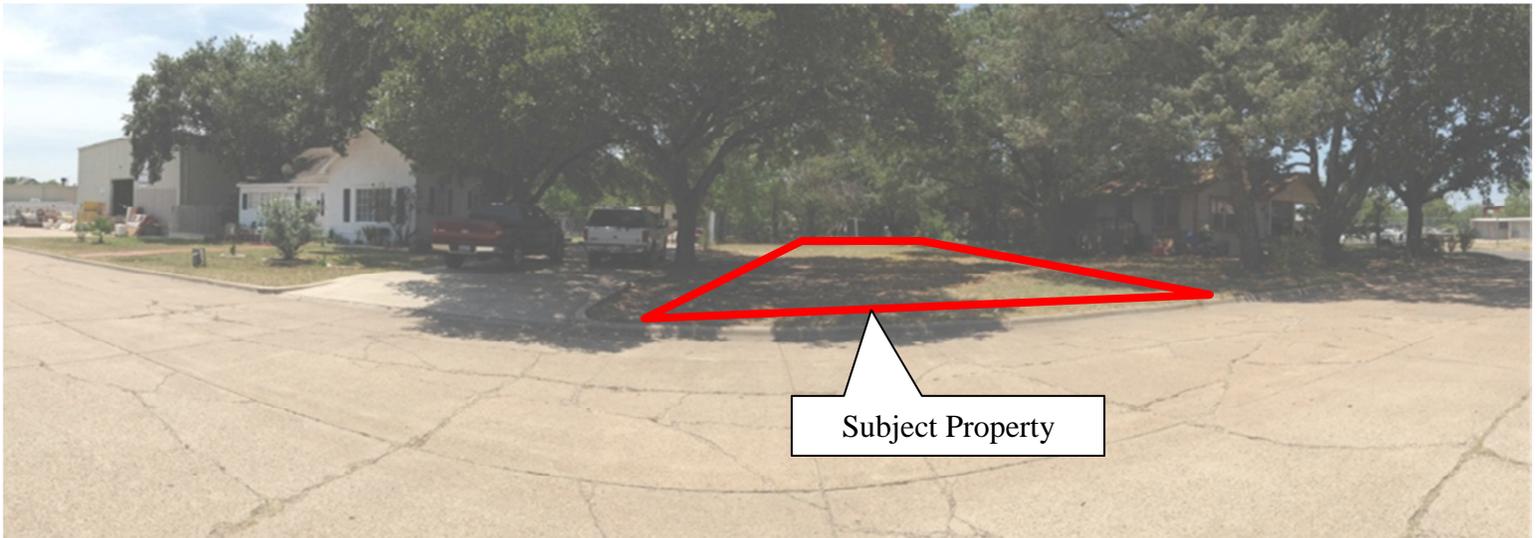
**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

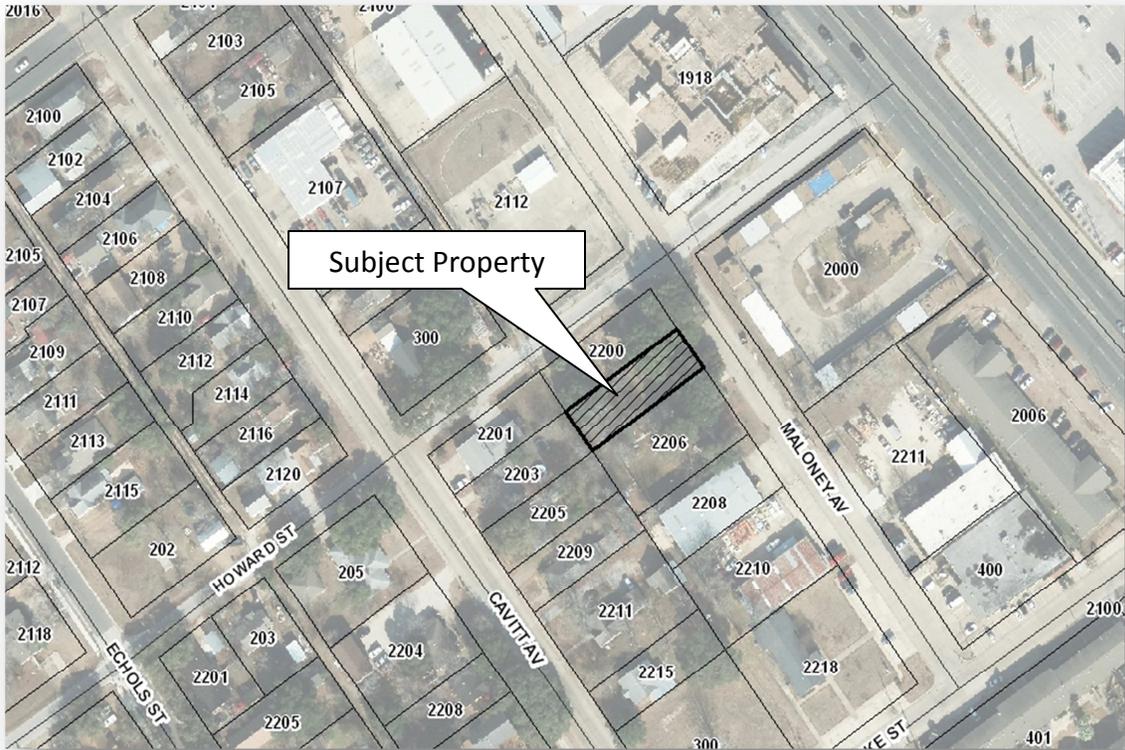
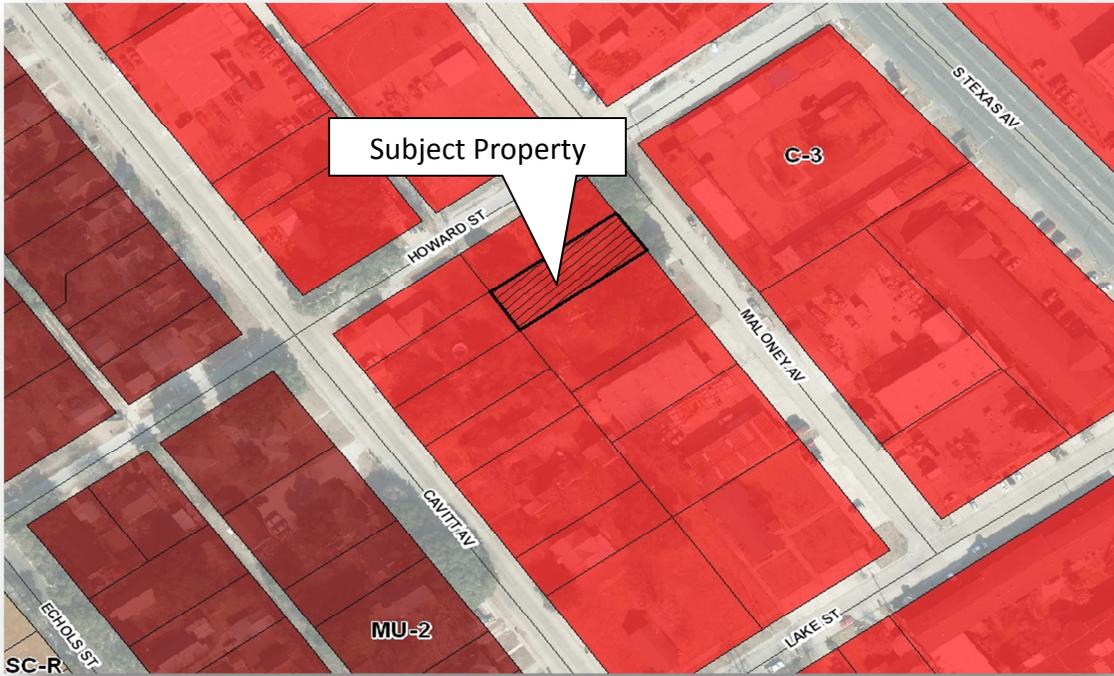
**August 15, 2013**



**Conditional Use Permit case no. CU13-08: 2202 Maloney Avenue**

- CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow a new detached single-family dwelling on property in a Commercial District (C-3)
- LOCATION:** Lot 19 in Block O of Cavitt's Hillcrest Addition, currently addressed as 2202 Maloney Avenue and adjoining the west side of Maloney Avenue between Howard and Lake Streets
- ZONING:** Commercial District (C-3)
- EXISTING LAND USE:** vacant lot
- APPLICANT(S):** Carlos Contreras, Contreras Construction Co. Inc.
- STAFF CONTACT:** Matthew Hilgemeier, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this Conditional Use Permit request.





## **BACKGROUND:**

The subject property is an undeveloped 0.17-acre tract of land zoned Commercial District (C-3) that adjoins the west side of Maloney Avenue between Howard and Lake Streets. The property owner, Mr. Armando Herrera, wishes to construct a new 5-bedroom, 1,538 square foot single-family dwelling on the property, as shown on the site plan accompanying this staff report. The subject property is currently surrounded on three sides by similar sized lots which are also currently developed with single-family homes. A motel (Casa Loma Motel) is located across Maloney Avenue to the east of the subject property. The subject property has been zoned for commercial uses but has remained undeveloped since the City of Bryan adopted zoning in 1989.

C-3 zoning potentially allows single-family developments, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The purpose of the conditional use permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

## **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.

**If approved, the residential use will conform to all applicable regulations and standards established by the Zoning Ordinance. No variations from existing development standards are being requested. If approved, the new single-family detached dwelling at this location will conform to the same residential bulk regulations, e.g., setbacks and building height that are required for such dwellings in RD-5 Districts (Residential District – 5000).**

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.

**The subject property is located in an area that consists of a mix of single-family dwelling units and commercial uses. The lots located to the north, south, and west of the subject property are all developed with single-family homes that are similar in size to the new home that is being proposed at this location.**

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.

**Residential use within a C-3 zoning district is the least intense of all uses possibly permitted within that district. Staff does not believe that residential occupancy of this property will create any unfavorable effects or impact. If approved, no more than 4 individuals unrelated by blood, marriage or adoption would be allowed to occupy the new home at this location.**

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 single-family residential use at this location will not have any adverse effects on vehicular and pedestrian traffic in this vicinity.**

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 single-family residential use of this particular property will not have any adverse effects on traffic control or adjacent properties. As proposed, the development should not adversely affect traffic control nor should it add any inappropriate lighting or signage. A permitted home occupation at this location would be limited to a 1 square foot sign mounted to the front of the home.**

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

**The Land and Site Development Ordinance requires at least 4 off-street parking spaces for a 5-bedroom single-family dwelling. The site plan shows the new off-street parking spaces in conformance with this requirement along the south side property line and in the front yard of the proposed home site.**

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

**Residential use generally does not conform to the objectives and purpose of commercial zoning districts such as the C-3 District. While the surrounding area is zoned C-3 District, the pattern of development along this part of Maloney Avenue is made up of a mix of mainly single-family uses and some commercial uses. The majority of commercial uses in this area are located along Texas Avenue, while local streets such as Maloney Avenue are adjoined by single-family uses. Staff contends that, in this particular case, approval of the requested Conditional Use Permit meets the overall spirit of the Zoning Ordinance and the Comprehensive Plan, which encourages compatible infill development.**

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.

**Staff believes the proposed single-family residential use of this property will have no ill effects on properties or improvements in the vicinity. As mentioned above, several adjacent properties are also occupied by residential uses. Staff believes that an additional single-family residential structure on the subject property would not be detrimental to other properties in the vicinity.**

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

**The subject property was platted into a 50-foot wide and 147.5-foot lot before the City of Bryan adopted zoning in 1989. At 7,375 square feet, the property is larger in size than the minimum 5,000 and 7,000 square foot lot size required in Bryan's most common residential zoning districts (RD-5 and RD-7 districts). Most of the adjacent land has been developed with residential uses while this property remained vacant. Based on all of the aforementioned considerations, staff contends that the subject property is suitable for a new single-family residential home site.**

**RECOMMENDATION:**

Staff recommends **approving** the requested Conditional Use Permit to allow a new detached single-family dwelling townhouse on the subject property.