PLANNING AND ZONING COMMISSION
STAFF REPORT

August 21, 2014

CITY OF BRYAN

Conditional Use Permit case no. CU14-11: Mark W. Bedgood

CASE DESCRIPTION: request for approval of a Conditional Use Permit, to allow an auto sales and service business on property in a Retail District (C-2) zoning district

LOCATION: 1003 North Earl Rudder Freeway, between Symphony Park Drive and Long Drive

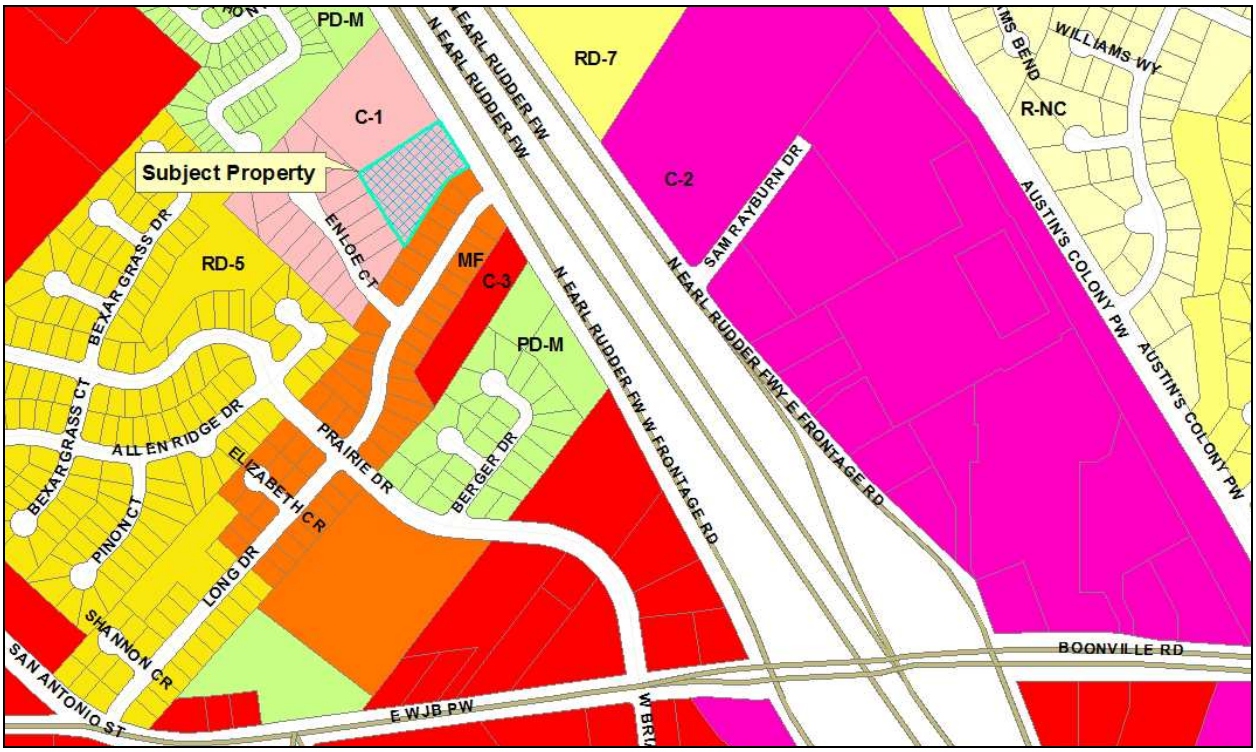
LEGAL DESCRIPTION: 1.918 acres of land being the Department of Public Safety Area Office Subdivision.

EXISTING LAND USE: Former Texas Department of Public Safety Area Office

APPLICANT(S): Mark W. Bedgood

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this request,



2013 AERIALS:

BACKGROUND:

The applicant, Mr. Mark Bedgood, is requesting approval of a conditional use permit to allow the operation of an automobile sales and service facility on the subject property. The property is the subject of a rezoning request, case no.RZ14-15, to change the zoning classification from Office District, (C-1) to Retail District, (C-2).

PLEASE NOTE:

> **Only if the request to change the zoning (RZ14-15) is ultimately approved by the City Council, will the Planning and Zoning Commission be able to grant this request for a Conditional Use Permit. Any action taken by the Commission prior to the final reading of an ordinance changing the zoning of the subject property must be contingent upon that outcome.**

The subject tract is 1.918 acres of land adjoining the southwest side of the North Earl Rudder Freeway West Frontage Road, addressed as 1003 North Earl Rudder Freeway, between Symphony Park Drive and Long Drive. Existing area land uses consist of duplex residences to the southeast and southwest and an office building immediately adjacent to the north west. The northeast edge of the property lies along the 450-foot wide right-of-way of the North Earl Rudder Freeway (SH-6).

The duplex residences southeast of the subject property are in the Willow Estates Phase II Subdivision, and were built beginning in 1980, about the same time as the former Texas Department of Public Safety building. The duplexes along Enloe Court, immediately southwest of the subject property are in the Enloe Addition, which was platted in 2000. The land occupied by the Enloe Addition is zoned for Office (C-1) use, but a Conditional Use Permit for duplex residences in C-1 was approved in 1996.

Upon completion of a new office facility in 2008, the Texas Department of Public Safety moved from the subject property. Subsequently, the vacated property was sold at public auction, which took place in late July this year.

Mr. Mark Bedgood, who represents the group of successful bidders and is the applicant, wishes to convert the property to retail use and is requesting rezoning from C-1 to C-2; and at the same time requesting a Conditional Use Permit to allow the operation of an automobile sales and service business on the subject property. The two requests are being made concurrently in an effort to gain a basic level of comfort that the requested use will ultimately be allowed, prior to the expiration of the contract due diligence period.

The C2, Retail District is established to provide locations for various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods. These shopping areas should utilize established landscape and buffering requirements and generally be limited to two stories in height. The Retail District should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes.

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.

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. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns.

5.5 Land Use Policies

Regional Retail land serves as a commercial resource for the greater metropolitan area and generates vital sales and ad valorem income. These uses should be located in areas that are:

- At points of highest visibility and access; and
- In close proximity to major intersections (freeway/expressways and freeways, freeways and major arterials, and major arterials and major arterials).

The level of importance placed on redevelopment and infill drove the need for policies specific to those types of development. Among the areas listed in the Comprehensive Plan as areas appropriate for redevelopment were:

- Areas where there is potential for efficient transportation access between jobs, housing, and services.
- Areas of outdated development originally built at the fringe of the city that have become more central as the city has grown around them.
- Areas already undergoing redevelopment.
- Areas where infrastructure capacity exists.
- Existing employment centers.

Included in the policy statements adopted within the Comprehensive Plan were several that directly addressed the subject of infill and redevelopment. These statements are located in section 5.5.

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.
- The City will encourage flexibility when drafting regulations geared toward infill and redevelopment.
- Residential redevelopment and infill shall be sensitive to the context within which it occurs. Contextual standards shall be included to ensure compatibility with surrounding residential areas, to include lot size, setbacks, density, building height and mass and architectural design

Finally, in section 5.6, the Comprehensive Plan set out goals, objectives and action statements intended to guide implementation of policies adopted regarding land use and infill development.

GOAL #2: Facilitate orderly, efficient and attractive development, redevelopment and infill.

Objective A: Provide for an efficient development process.

Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

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 as proposed, an automobile sales and service facility at this location will conform to almost all applicable regulations and standards established by the Zoning Ordinance. The one exception identified by the planning staff is a 10-foot reduction in the depth of the required buffer between a C-2 district and a residential district. As proposed, a 20-foot deep landscaped buffer area will be installed between the automobile sales and service business and the rear of the duplex residences that are zoned for multi-family use. In new development situations, the Zoning Ordinance requires a 30-foot deep buffer area in such cases. Due to the layout of the subject property, adding an additional 10-feet to the buffer area will prohibit proper circulation around the existing structure. Staff believes since the physical layout has existed for many years and the applicant is redeveloping an existing property, in this specific case, allowing the 10-foor depth deficit is reasonable.

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.

   As per the attached site plan, the applicants propose no structural changes to the buildings on the site and propose only the renovation of interiors. Upon final approval the applicants will complete the normal change of owner/use/tenant process during which adequate landscaping will be required.

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.

   Staff does not believe that the proposed use of the subject property for an automobile sales and service facility creates greater unfavorable impacts on existing or permitted uses on abutting sites than, for example the former Department of Public Safety Area Office, an automobile service station, a restaurant or a bank which are all land uses that are permitted by right in the C-2 zoning district, without prior Conditional Use Permit approval.

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.

   The arrangement of the existing facility, being located along the North Earl Rudder Freeway southbound access road, makes traffic handling and pedestrian circulation issues a fairly simple affair. The one-way access road and the general absence of pedestrians along North Earl Rudder Freeway, along with an expected decrease in traffic created by the proposed business vs. the former public office building, lead staff to conclude that traffic handling, safety and convenience will be enhanced.

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, fire and other hazards are expected with the proposed use of this subject property as an auto sales and service facility.
   In some cases automobile sales businesses employ outdoor paging systems to communicate with employees working around the property. Staff contends that such a practice would not be appropriate in an area near residences. Staff recommends that if the commission were inclined to approve the request of the applicant, a condition be imposed prohibiting the use of outdoor paging equipment or other practices that would unreasonably propagate sound past the property lines.

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.

   The proposed site plan that will govern the requested conditional use permit depicts no additional lighting or signage. Any such additions to the site will conform to existing standards for lighting and signage outlined in the City of Bryan Code of Ordinances.

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

   Off-street parking and loading facilities adequate for the proposed use are present on the subject site.

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

   The stated purpose of the C-2 zoning district is "various types of general retail trade, business and service uses." and Bryan's Comprehensive Plan suggests that the City should "encourage and promote compatible infill and redevelopment". Staff believes that an automobile sales and service facility at this particular location appears to conform to these objectives.

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 that an automobile sales and service facility at this location will have no greater unfavorable impacts on properties or improvements in the vicinity than those that may reasonably result from land uses permitted by right in the C-2 District. The proposed business will be properly screened from the surrounding residential uses, thus further mitigating harmful impact.

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

    As a Department of Public Safety Area Office, the design of the subject property was suitable for its role as a busy public office. Staff contends that the existing structures and site design will also serve adequately the proposed retail use.

RECOMMENDATION:

Staff recommends **approving** a Conditional Use Permit to allow an automobile sales and service facility at this location, **subject to the following conditions:**

- **Approval of the Bryan City Council by second reading of an ordinance changing the zoning classification on the subject property from C-1 to C-2.**

- **Outdoor paging systems or other environmental music or sound systems shall be prohibited.**

An automobile sales and service facility at this particular location appears to conform to the objectives of the C-2 zoning district and land use recommendations of Bryan's Comprehensive Plan.