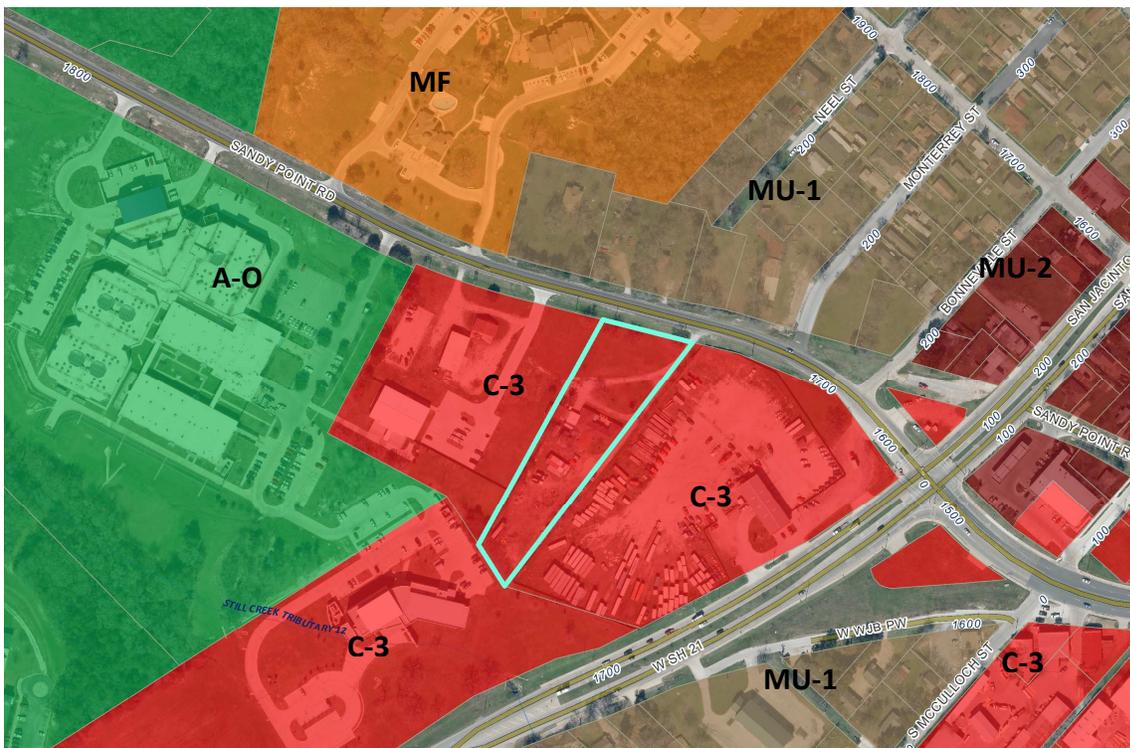


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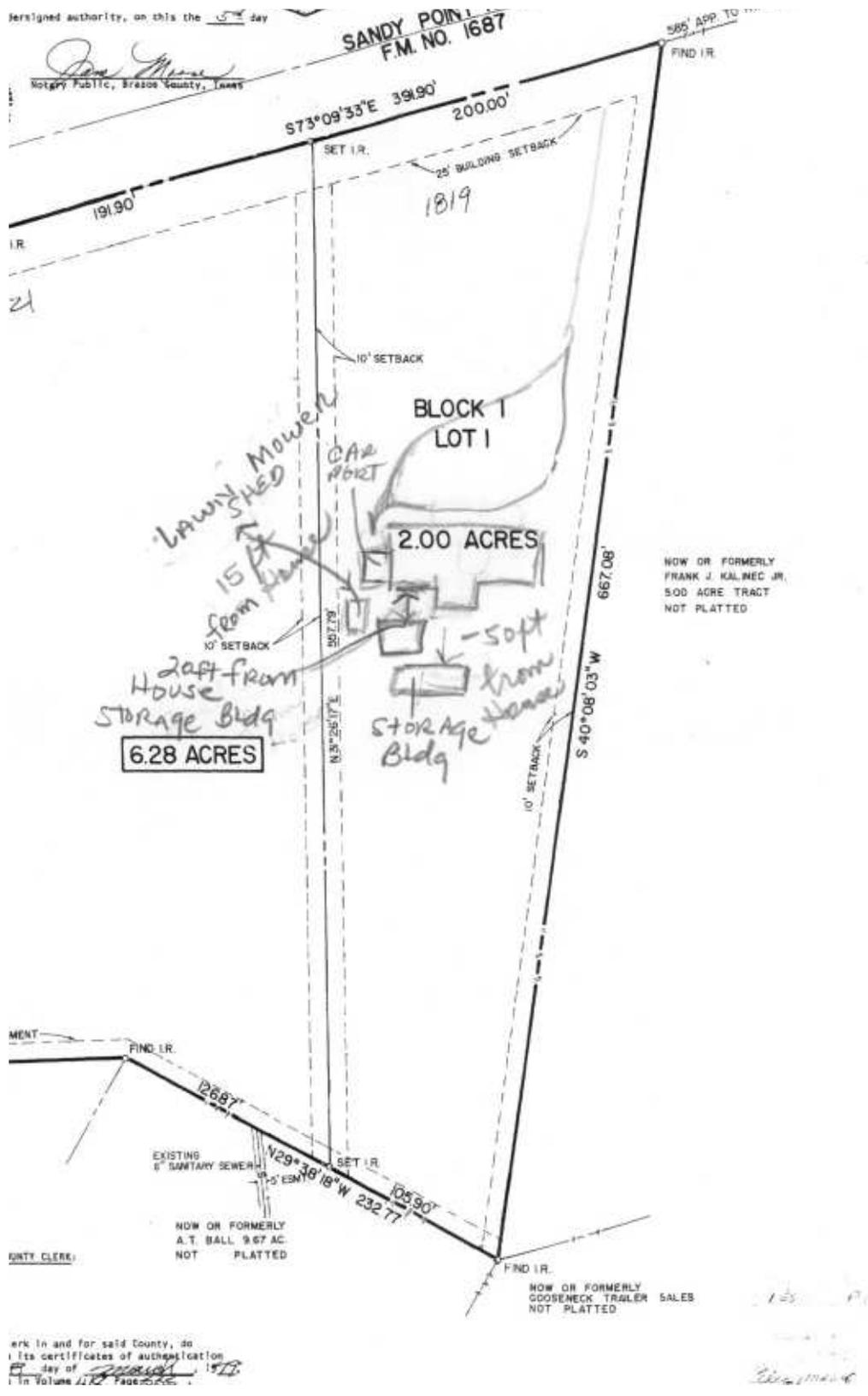
Conditional Use Permit case no. CU14-10: Johnny and Julia Ramirez

- CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow a single-family residence on property in a Commercial District (C-3)
- LOCATION:** 1817 Sandy Point Road, located approximately 560 feet to 760 feet west of the intersection of State Highway 21 and Sandy Point Road, being Lot 1 in Block 1 of the Ramirez Addition Subdivision
- ZONING:** Commercial District (C-3)
- EXISTING LAND USE:** single-family residence
- APPLICANT:** Johnny and Julia Ramirez, property owner
- STAFF CONTACT:** Matthew Hilgemeier, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this Conditional Use Permit request.

Zoning Map



Property Survey



BACKGROUND:

The subject property consists of one lot which is currently occupied by a single-family residence and commercial business (B/CS Dozer) totaling 2 acres of land zoned Commercial District (C-3) located 1817 Sandy Point Road. The subject property is located approximately 560 feet to 760 feet west of the intersection of State Highway 21 and Sandy Point Road. The subject property has been zoned for commercial use since the City of Bryan adopted zoning in 1989, and has continued to be used for residential and commercial purposes since then. The single-family residential structure located on the property was constructed in 1979 and is currently considered a legal non-conforming use since it existed on the site before the City of Bryan adopted zoning regulations. The property owners, Mr. and Mrs. Ramirez, are requesting approval of a Conditional Use Permit to allow the continued use of the single-family residence on the property. This request is the result of the Ramirez's attempt to refinance their home on the property and being denied due to the nonconforming status of the single-family residence.



Ramirez residence at 1817 Sandy Point Road

The subject property is located in an area that is bounded by Sandy Point Road and State Highway 21 which was zoned for commercial uses with the adoption of zoning in Bryan in 1989. This area is made up predominantly of commercial uses. The Ramirez's have been living at this location and operating a small bulldozing and dump trucking business from this property since 1979. When the City of Bryan adopted zoning in 1989, the decision to classify this property as a Commercial District was most likely made because of its close proximity to the intersection of State Highway 21 and William J. Bryan Parkway. The thought being that the commercial classification would encourage future development of the property for commercial uses and the residential use would no longer be a viable option. In this case, the Ramirez's have been able to continue ownership of the property and maintain the residential portion of the property.

C-3 zoning potentially allows for single-family uses, 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.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Owing to the fact that Bryan developed without zoning for most of its history, clear development patterns are not always distinguishable. Older neighborhoods are occasionally sprinkled with small commercial areas containing scalable storefronts, offices and service uses. This pattern, although prohibited by most modern Euclidian zoning codes was not viewed as altogether undesirable by the Bryans residents who participated in the Comprehensive Plan input 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.

Currently, if the non-conforming residential structure located on the subject property were to be damaged or destroyed in a manner so that the cost of reconstructing the structure is more than sixty percent of the appraised value (as determined by the Brazos County Appraisal District), no building permit would be issued for the reconstruction of the structure. If the requested Conditional Use Permit were approved, the existing residential structure on this property will be allowed to be reconstructed regardless of the extent of any damage or full demolition. Any new residential structure will be required to conform to all applicable regulations and standards established by the Zoning Ordinance. No variations from existing development standards are being requested with this Conditional Use Permit request.

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 mainly of commercially zoned and commercially developed properties. The subject property was developed in 1979 as a single-family residential use, and over time commercial uses have developed around it. In 1979, the Ramirez's owned the both the subject property and adjacent property (4.28 acres located to the west) and operated a bulldozing and construction business on both properties until 2009 when Brazos County purchased the adjacent property and constructed the Brazos County Detention Center. At that time, the Ramirez's moved the construction business wholly onto the subject property with the single-family residence. The neighboring property to the east of the subject property is occupied by a tow truck service and storage yard. Based on information that staff could obtain, this business has been in place adjacent to the subject property since at least 1987. Staff contends that this residential use will continue to be compatible with existing or permitted uses on abutting sites in this particular environment.

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 uses within a C-3 zoning district are the least intense of all land uses possibly permitted within that district. Staff does not believe that residential occupancy of this property

has created or will create any more unfavorable effects or impacts on abutting properties than a commercial development allowed by right on this property without Conditional Use Permit approval. If approved, no more than 4 individuals unrelated by blood, marriage or adoption would be allowed to occupy this 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.

This property is not encumbered by FEMA recognized floodplain. Any new development on this property, including the replacement of a single-family residence, would be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts.

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 continued single-family residential use of this particular property will not have any adverse effects on traffic control or adjacent properties. Because the single-family use already exists, this use should not adversely affect traffic control nor should it add any inappropriate lighting or signage.

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

Adequate off-street parking is currently provided on the subject property. The Land and Site Development Ordinance requires off-street parking be provided for single-family residences. If the residential structure were to be demolished, at the time of reconstruction a site plan showing that minimum off-street parking requirements of the Land and Site Ordinance have been met will be required.

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

The C-3 District is intended for many general commercial uses such as retail and office establishments. However, single-family residences are potentially allowed with approval of a Conditional Use Permit to allow residential development in areas zoned for commercial purposes, but for whatever reason historically, have not developed into commercial areas. In this particular case, while the surrounding area is zoned C-3 District, this particular property has remained as a single-family residential use since 1979. Approval of the requested Conditional Use Permit appears to meet 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 that continued single-family residential use of this property will have no ill effects on properties or improvements in the vicinity nor would it be detrimental to other properties in the vicinity.

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

The subject property exceeds the minimum standards typically required for property zoned RD-5 District (minimum lot width, minimum lot depth, minimum lot size, etc.). The subject property has been utilized for single-family residential use since before the City of Bryan adopted zoning regulations in 1989. Since that time, commercial properties have developed around this subject property, while it has continued to be utilized for single-family residential purposes. As such, the current lot configuration is, and has continued to be, suitable for the proposed conditional use. Based on all of the aforementioned considerations, staff contends that the subject property is suitable for a continued use as a residential home site.

RECOMMENDATION:

Staff recommends **approving** the requested Conditional Use Permit to allow a single-family residence on this property in a C-3 District.