

PLANNING AND ZONING COMMISSION
STAFF REPORT



September 18, 2014

Conditional Use Permit case no. CU14-12 Luis Carmona

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

LOCATION: 1223 and 1217 North Texas Avenue, between North Washington Avenue and East 15th Street

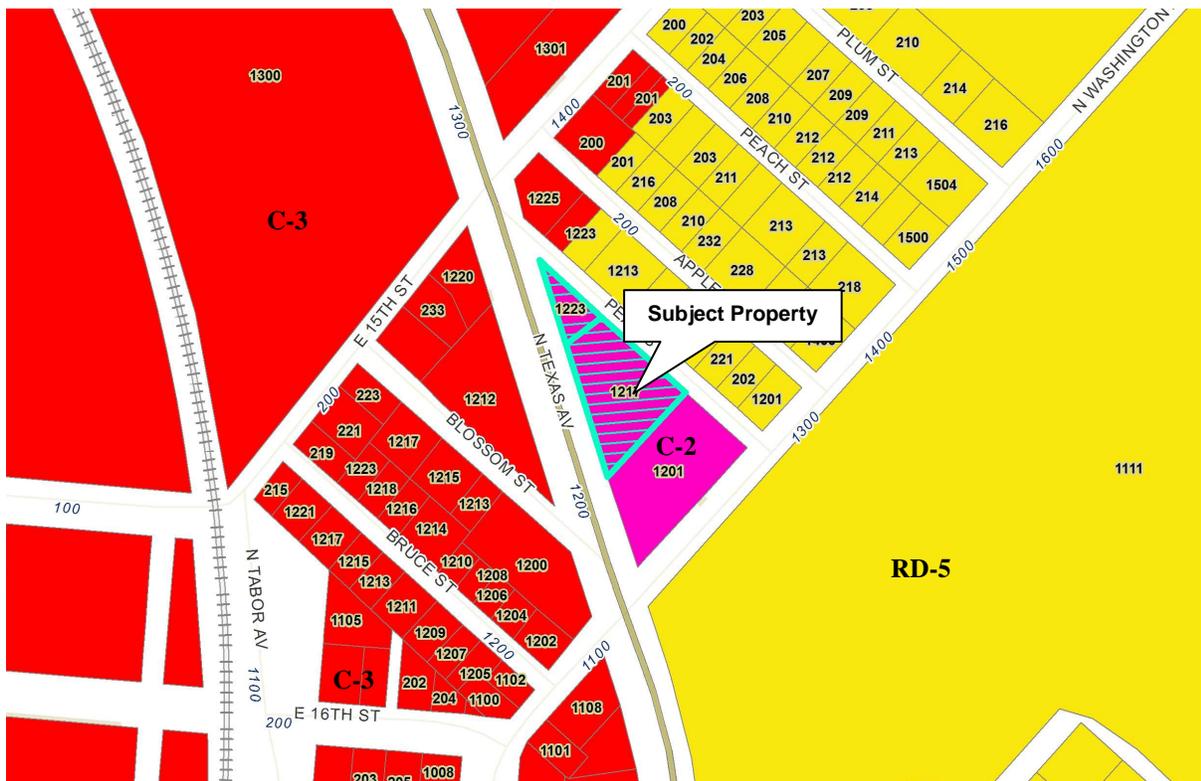
LEGAL DESCRIPTION: 0.75 acres of land being parts of Blocks 11 & 12 of Bryan's First Addition (unrecorded plat)

EXISTING LAND USE: vacant retail building and carwash

APPLICANT(S): Luis Carmona

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this request, subject to certain conditions. Please see page 6 of this staff report for a more detailed description of staff's recommendation.



BACKGROUND:

The applicant, Mr. Luis Carmona is requesting approval of a conditional use permit to allow the operation of an automobile sales business on the subject property. Mr. Carmona intends to utilize a 1,200 square foot portion of the existing building as sales office. The remaining 1,700+ square feet will be used as personal storage by the property owner. Of the existing 19 off-street parking spaces currently located on the property, 15 parking spaces are proposed to be utilized for the display of automobiles. The remaining 4 parking spaces will be for customer parking, in conformance with City Ordinance. There is a self-serve carwash located on the property which will remain in operation as a separate use on the subject property.

The subject tract is 0.75 acres of land and adjoins the northeast side of the North Texas Avenue, addressed as 1217 and 1223 North Texas Avenue, between North Washington Avenue and East 15th Street. Existing area land uses consists of single-family residences to the northeast across Pear Street and an auto sales business building immediately south of the subject property. The west edge of the property lies along the 100-foot wide right-of-way of North Texas Avenue.

The subject property was originally developed in 1976 for retail uses and has been utilized as various retail uses (liquor store, convenience store, etc.) since that time. The site was originally developed before the City of Bryan had adopted commercial development standards and therefore was developed without a defined, curbed, driveway entrance to the property. In 1989, when the City of Bryan adopted zoning regulations, the property was designated C-2 (Retail) District.

In 2011, the owner of the subject property, J.J. Ruffino, submitted a site plan for the subject property in order to make improvements to the parking area and provided a curbed driveway entrance. Landscaping and parking islands were also added.

The C-2 zoning classifications are intended to provide development opportunities 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.

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

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.

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 all applicable regulations and standards established by the Zoning Ordinance. The subject property was previously utilized as a liquor store and car wash. Car wash facilities still remain on the subject property and will remain in use if the requested auto sales use is approved.

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. Upon final approval the applicants will complete the normal change of owner/use/tenant process. Auto sales businesses are located directly adjacent to the subject property to the south and to the west across North Texas Avenue. Residential uses are separated from the subject property by Pear Street. Due to the layout of the existing site, all display of automobiles for sale will be located along North Texas Avenue, away from residential uses.

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 facility creates greater unfavorable impacts on existing or permitted uses on abutting sites than, for example, the former liquor store use. Auto sales businesses typically have lower traffic rates than traditional retail uses. The proposed use will have less of an impact on surrounding properties than an automobile service station, a restaurant or a bank, all of which are 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 subject property has two driveway entrances located along North Texas Avenue and one along Pear Street. As stated above, staff believes that the proposed auto sales business would generate less traffic than that of other uses that are allowed by right in C-2 zoning districts.

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.

Four parking spaces are required to be reserved for customer parking for this site based on the size of the existing structure and proposed use. 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 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 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.

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

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:**

1. **That a minimum of four (4) parking spaces must be set aside for customer parking and not used for display area.**
2. **That all maneuvering areas (drive aisles, non-striped paved areas) must remain open and unobstructed at all times cannot be utilized as display or off-street parking areas.**
3. **That 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.