

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

February 19, 2015



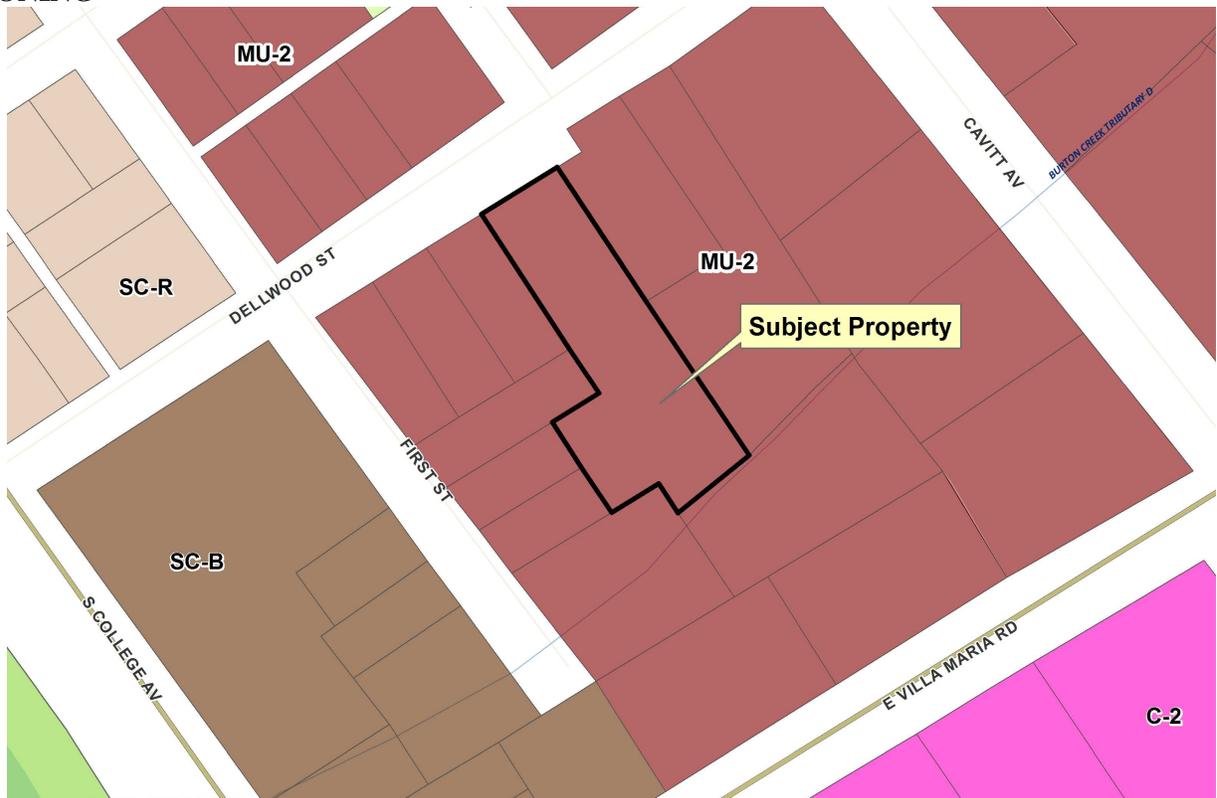
Conditional Use Permit case no. 15-01: Shear Form Inc.

- CASE DESCRIPTION:** request for approval of a Conditional Use Permit to allow the proposed expansion of a machine shop use on land zoned Mixed Use District (MU-2)
- LOCATION:** 0.725 acres of land adjoining the south side of Dellwood Street between First and Second Street and currently addressed as 207 Dellwood Street
- LEGAL DESCRIPTION:** all of Lots 4 and 8 and parts of Lots 9 and 10 in the Miltree Place Subdivision
- EXISTING LAND USE:** machine shop
- APPLICANT(S):** Doug Krebs, Shear Form Inc.
- STAFF CONTACT:** Matthew Hilgemeier, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this request, **subject to certain conditions**. Please refer to page six of this report for a more detailed description of staff's recommendation.

AERIAL VIEW (2013)



ZONING



BACKGROUND:

The subject property, consisting of 0.725 acres, is located at 207 Dellwood Street, between the intersections of Dellwood Street with South College Avenue and Cavitt Street. The property is currently zoned Mixed Use District (MU-2) and is utilized as a machine shop. The applicant, Doug Krebs of Shear Form, Inc., is requesting approval of a conditional use permit to allow for the expansion of the existing machine shop to a new 2,400 square foot building and an 8-ft by 40-ft storage container, as shown on the attached conceptual site plan. Currently a 1,800 square foot building and an 8-ft by 20-ft storage container exists on the property which is utilized as a machine shop by the applicant.

Shear Form, Inc. began operations at this location in 2005. The company’s main operation is to design and machine small scale, metal apparatuses for the federal government and military defense contractors. In the context of Bryan’s Zoning Ordinance, the company’s operations are considered a machine shop use.

Machine shop shall mean a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts. (130-3)

Expanding the machine shop use at this location is potentially allowed, but requires approval of a conditional use permit from the Planning and Zoning Commission.

The subject property is surrounded on all sides by properties that are also zoned MU-2 District. Three properties located to immediately west of the subject property are developed with single-family residential uses. Property further west at the corner of Dellwood Street and South College Avenue is occupied by a funeral home. Property directly to the east of the subject property is occupied by a residential structure that has been condemned by the City of Bryan’s Building Standards Commission and that is in the process of being removed. Property further east at the intersection of Dellwood Street and Cavitt Avenue is a commercial all-terrain vehicle sales and service shop (“Greathouse Motorsports”). The southern portion of the subject property as well as land further south is encumbered by FEMA recognized floodplain and floodway areas. Properties further south adjoin the north side of W. Villa Maria Road and are either in commercial use (car wash, office, restaurants) or vacant. The MU-2 District is intended for areas which were primarily residential at one time, but have evolved into an area which has numerous nonresidential uses. The district is intended as a temporary district classification to aid in transition of certain areas of the city to a permanent zoning district classification in the future, and to allow certain uses which are compatible with existing land uses.

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 proposed machine shop use will conform to all applicable regulations and standards established by the Zoning Ordinance for properties zoned Mixed Use District (MU-2). No variations from existing development 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.

The subject property is located along a local street (Dellwood Street) and is situated midway between a major collector street (Cavitt Street) and a minor arterial street (South College Avenue) in an area that, due to its development pattern over time has become a mix of light industrial, labor and service offices (A/C repair shop, small engine repair, plumber's office, etc.), retail, and residential uses. The conceptual site plan shows that all proposed buildings will be located within required setbacks and that landscaping will be installed along the portion of the property that fronts Dellwood Street.

A machine shop has occupied the subject property for almost 10 years and staff is not aware of any prior issues or complaints regarding this use at this location. The proposed 2,400 square foot building will be constructed to a similar height of the existing building (20-feet) and will be built of similar materials (metal exteriors). The use will be screened from adjacent residential properties by an existing 8-foot screening fence.

There currently exist three shipping containers on the property which are used for storage of materials and the housing of hydraulic pumps that are used in the operation of the machine presses located inside the existing building. One of the shipping containers is proposed to be removed from the property if the conditional use permit is approved, while the two other shipping containers are proposed to remain. One will be located in between the existing building and proposed new 2,400 square foot building. The other will be located behind the new building and used for storage of materials.

Staff believes that since the shipping container will not be visible from any public right-of-ways, these structures should not have any negative effects on neighboring properties. Staff contends that the relatively small size of the machine shop operation at this location and the fact that a machine shop operation has been in existence at this location for almost 10 years without apparent negative impact on the surrounding neighborhood make the proposed development compatible with adjacent land uses 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.

A machine shop use is typically considered to be a more intense land use than some of the other land uses that are allowed by right in MU-2 Districts (e.g., home occupations, child care or a duplex). However, due to the relatively small size of the operation and the subject property's location in a transitional area where no clear pattern of land use has been established staff believes that the proposed use is just as appropriate in this particular environment than other nonresidential land uses that could locate here without prior approval of a conditional use permit, such as a paper and chemical supplier, a hardware store, or a welding shop. The proposed site improvements (including paved parking and landscaping where none exists today) will make this property a more valuable and conform to modern commercial development standards.

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.

Shear Form, Inc. currently employs four employees and generates no commercial or public traffic. All of their work is contract-based and there is no customer traffic typically associated with their operation. Expansion of the existing machine shop should therefore not have the effect of generating additional traffic to and from the site.

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.

The submission and approval of detailed site and building plans will be required for all new structures at this location. City of Bryan development review process will help prevent additional adverse impacts concerning erosion, flood or water damage, noise, glare, fire and other hazards. The proposed building and shipping container are shown to be located on a portion of the property that is classified as FEMA Floodplain. The applicant will have to provide engineered drawings and documents showing that the installation of these structures will not increase the flood hazard on neighboring properties.

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 expansion of the existing machine shop use will not change the safety level of vehicular or pedestrian traffic on abutting sites than those which could be created by land uses currently permitted by right at this location in the existing MU-2 zoning district, such as a convenience store, landscape service, laundromats, or pawnshop. No new signage is proposed in conjunction with this conditional use permit request. If requested at a future date, based on the standards of the City's Sign Ordinance (Chapter 98 of the Code of Ordinances) a freestanding sign with 50 square feet of sign area would be allowed on this property. This is would be smaller than most signs found on other commercial properties in the vicinity. Based on the available space remaining on the site after construction of paved parking and required parking lot end islands, it is estimated that any such sign could be no more than 5 feet in height.

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

Five off-street parking spaces will be required for the existing and proposed structures as part of the requirements of the site planning process. Additionally as stated above, paved parking, which includes a 24-foot wide drive aisle will be provided which will serve as a loading area for any delivery truck that are required to access the site.

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

Staff contends that the proposed use conforms to the objectives and purpose of the base zoning district. The MU-2 zoning classification is intended for areas which were primarily a residential area at one time but have evolved into an area which has numerous nonresidential uses. Due to

the size of the proposed use, it can be considered a low impact use that is compatible with neighboring uses in this particular case. Staff contends that in this case, approval of the requested conditional use permit meets with the overall spirit of the Zoning Ordinance and the Comprehensive Plan.

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.

At this time, staff cannot identify any factors that would cause the proposed use to be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

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

For the same reasons given above, staff believes that the subject property is suitable for the proposed expansion of the existing machine shop and shipping containers.

RECOMMENDATION:

Staff recommends **approving** this requested Conditional Use Permit, as requested. Staff's positive recommendation is **subject to the following conditions:**

1. **That a site plan fulfilling all the technical requirements for development, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**
2. **That any such site plan shall substantially conform to the conceptual site plan and that are attached to this staff report.**
3. **That all activities associated with the operation of a machine shop use at this location are conducted indoors.**