

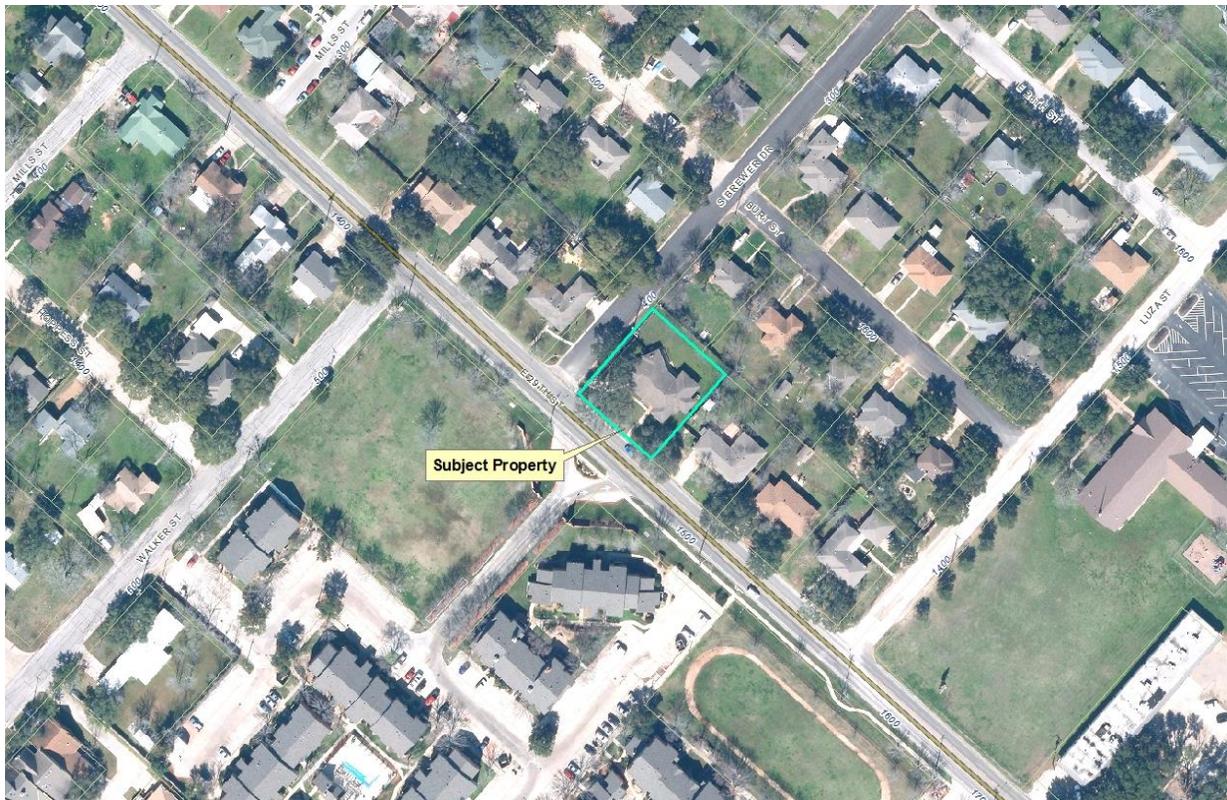
**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**August 6, 2015**



**Conditional Use Permit case no. CU15-07: Ginny Gregg**

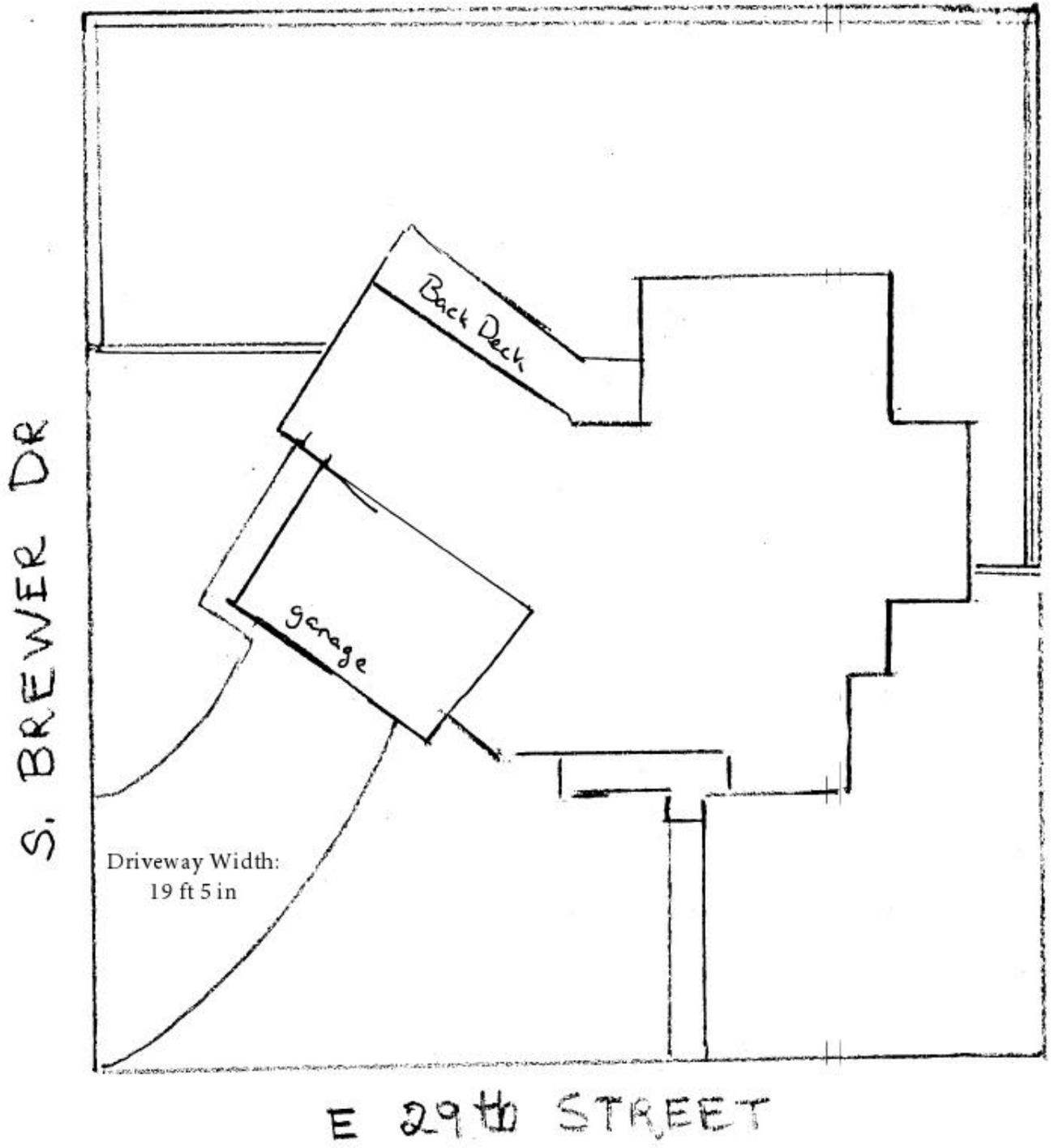
- CASE DESCRIPTION:** request for approval of a Conditional Use Permit, to allow a professional office use on property in a Residential District – 5,000 (RD-5)
- LOCATION:** 1500 East 29<sup>th</sup> Street at the east corner of East 29<sup>th</sup> Street and South Brewer Drive
- LEGAL DESCRIPTION:** Lot 28 and part of Lot 27 in Phase 2 of the Durwood Thompson Subdivision
- EXISTING LAND USE:** single-family home
- APPLICANT(S):** Ginny Gegg, Brazos Premiere Properties, property owner
- STAFF CONTACT:** Matthew Hilgemeier, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approval** of this request.



**ZONING MAP**



SITE PLAN:



## SUBJECT PROPERTY, 1500 E. 29<sup>TH</sup> STREET



### BACKGROUND:

The subject property is located on the northeast corner of the intersection of East 29<sup>th</sup> Street and South Brewer Street. The property is located in an area that is predominately zoned Residential District- 5,000 (RD-5) and the subject property has been zoned as such since the City of Bryan adopted zoning regulations in 1989. The subject property was originally platted in 1952, with the current 2,152 square foot single-family home being constructed sometime in 1955. Since that time, the structure on the property has been utilized as a single-family residence.

Earlier this year, ownership of the property changed and the new owner, Ginny Gegg, with Brazos Premiere Properties, wishes to market the property for lease with the option of being a residential use or as a professional office. The Zoning Ordinance defines “professional office” as a

*single-family structure or multifamily structure used solely for the provision of executive, management, or legal services. Typical uses include engineering, architectural, and legal offices. Medical offices are excluded from this definition. No more than 3 personnel per dwelling unit are permitted to work in the office and the hours of operation are limited to 8:00 to 6:00 Monday through Friday and 10:00 to 5:00 Saturday and Sunday.*

Professional office uses are allowed in RD-5 zoning districts with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicant is requesting approval of such a Conditional Use Permit, to allow the subject property to be utilized as a professional office. If approved, the structure on the property could be used either as a professional office or as a single-family residence in the future.

## 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 professional office use will conform to all applicable regulations and standards established by the Zoning Ordinance. 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 directly adjacent to East 29<sup>th</sup> Street, which is classified as a minor arterial street on the City of Bryan's Thoroughfare Plan, and is one of the more heavily travelled streets in Bryan. The property is surrounded on all sides, except the south, by properties that are also zoned and developed as single-family, residential uses. Property to the south, across East 29<sup>th</sup> Street, is zoned for, and developed with, a multiple-family residential development. While the subject property is located on the side of East 29<sup>th</sup> Street and in an area that is predominately developed for residential uses, there are some commercial uses located in the vicinity. Approximately 460 feet southeast from the subject property, along East 29<sup>th</sup> Street, are properties zoned for and developed for commercial uses (a small office complex and medical office). However, these uses are located on the peripheral and not as far into the established single-family neighborhood as the subject property.**

**When the applicant originally came in to discuss this possible uses of the property, they were inquiring into rezoning the property to a non-residential zoning district classification. Staff suggested the Conditional Use Permit process instead, because changing the zoning classification does not appear to be appropriate at this location since the property is located deep in a residential neighborhood. Land uses allowed in non-residential zoning districts, such as automobile sales/repair, gaming establishments, night clubs, or lumberyards, are not uses that are generally compatible within or nearby residential environments. However, staff contends that due to the subject property's location directly along a minor collector street (East 29<sup>th</sup> Street) and given the restrictions the Zoning Ordinance already places on the number of employees, hours of operation, types of professional office uses allowed, and appearance, the request appears to be compatible with surrounding land uses in this particular area.**

**If the Commission is inclined to approve the applicant's request, staff recommends that it be with the additional condition that the outside appearance of the existing structure cannot be substantially altered from its current configuration (basic maintenance excluded), and that the existing attached, two-car garage may not be converted into additional office or living space, but that it must be used for off-street parking, to further help guarantee continued compatibility with existing nearby residences.**

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.

**Professional office uses, as defined by the Zoning Ordinances, are a less intense use than typical office uses since the types of professions allowed under this definition is purposefully limited to help compatibility with single-family residential uses. Staff contends that with the restrictions and conditions being recommended for the requested use, a professional office at this location should not create any more unfavorable effects or impacts on existing or permitted uses on abutting sites than those which reasonable may result from the use of the site by the current residential use. If, in the future, a professional office use were to locate at this location and then later move out, the property could revert back to residential use.**

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 professional office use at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity. Traffic generation by a professional office use at this location may reasonably be expected to be similar, if not less, when compared to that of a single-family residence at this location.**

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 a professional office at this location should not have any more adverse effects on traffic control or adjacent properties than occupancy of this property by a single-family residential use. In order to help preserve the overall residential character of this neighborhood, staff recommends that signage advertising a professional office at this location should be limited to one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building. This same limitation on signage currently applies to home occupations, which are allowed by right in all residential zoning districts. Without this condition limiting signage, a 5-foot high sign with up to 60 square feet of sign area would be allowed on this property, if the Conditional Use Permit were approved. Staff contends that this could negatively impact the residential neighborhood where this property is located.**

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 off-street parking be provided for professional offices use. The driveway space on the subject property is 45 feet long and 19.5 feet wide and can accommodate four automobiles. Additionally, the existing two-car garage may be utilized for off-street parking. Staff contends that, therefore, ample off-street parking is**

**currently provided on the subject property and does not believe that additional off-street parking improvements should be required for the proposed use, so as to not make the property “look commercial”, but, rather, allow the property to keep its “residential feel” should it be used as a professional office in the future.**

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

**General office uses generally do not conform to the objectives and purpose of the RD-5 District. However, due to the subject property’s location being immediately adjacent to a minor collector street, and due to the less intense nature of a professional office use as defined by the Zoning Ordinance, staff contends that, in this particular case, approval of the requested Conditional Use Permit, meets with the overall spirit of the Zoning Ordinance and the Comprehensive Plan, so long as the recommended conditions are made part of any such permit approval.**

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 permitting the requested professional office use at this location will have no negative impact upon properties or improvements in the vicinity.**

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

**The existing premises are suitable for the requested professional office use.**

#### **RECOMMENDATION:**

Staff recommends **approving** this Conditional Use Permit to allow a professional office use on the subject property, **subject to the following conditions:**

1. **That the existing two-car garage may not be converted to additional office or living space and shall be utilized for off-street parking.**
2. **That alterations substantially changing to the outside appearance of the existing structure shall not be allowed.**
3. **That modification of the paint color of the exterior facades of the existing structure shall meet the requirements of the City’s Code of Ordinances regulating such color for non-residential buildings, should the property be occupied by a professional office use.**
4. **That signage advertising a professional office at this location shall be limited to one (1) sign, not exceeding one (1) square foot in area, nonilluminated, and mounted flat against the wall of the principal building.**