

August 20, 2015



Conditional Use Permit Case no. CU15-09: Ignacio Mosqueda

CASE DESCRIPTION: request for approval of a Conditional Use Permit, to allow an air conditioning and heating sales and service business on property in the South College – Business (SC-B) zoning district

LOCATION: 1800 S. College Avenue, being 4.76 acres of land out of the Zeno Phillips League adjoining the west side of South College Avenue between Beason and Rebecca Streets

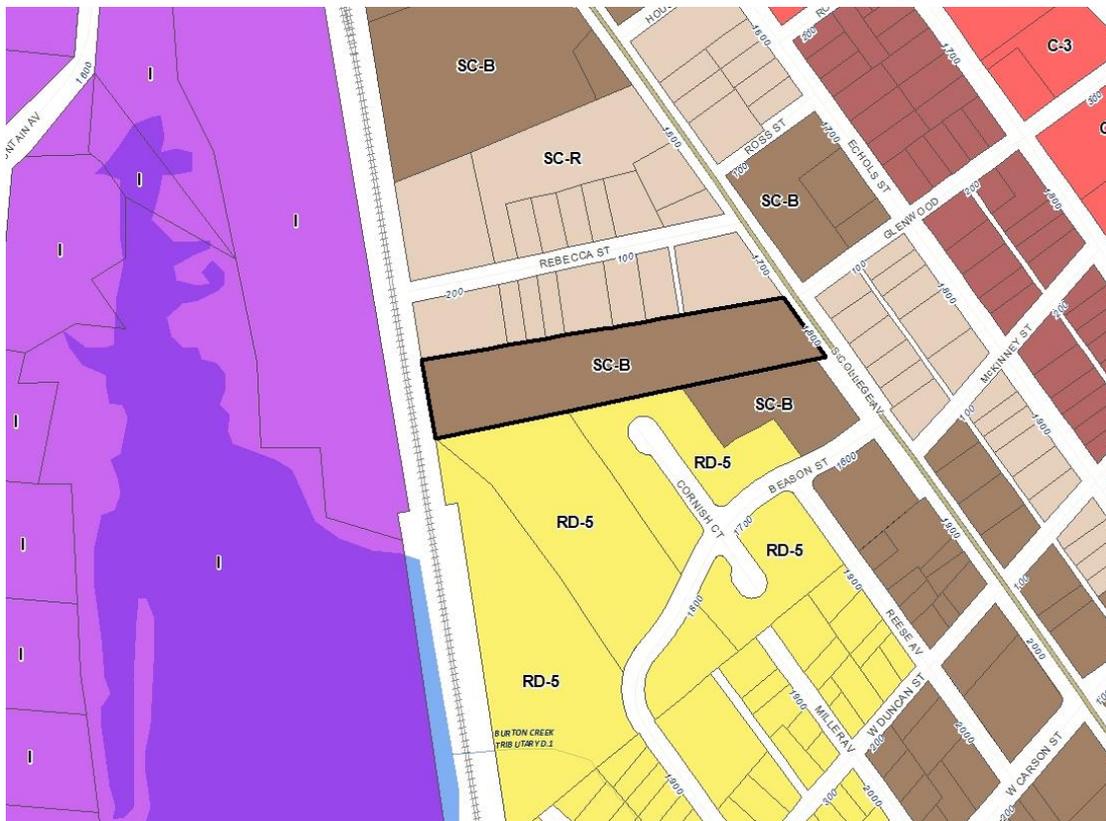
LEGAL DESCRIPTION: Zeno Phillips, Block 10, Lot 8 (Tr-140), Acres 4.76

EXISTING LAND USE: Office/Open Space

APPLICANT(S): Ignacio “Nacho” Mosqueda, Property Owner

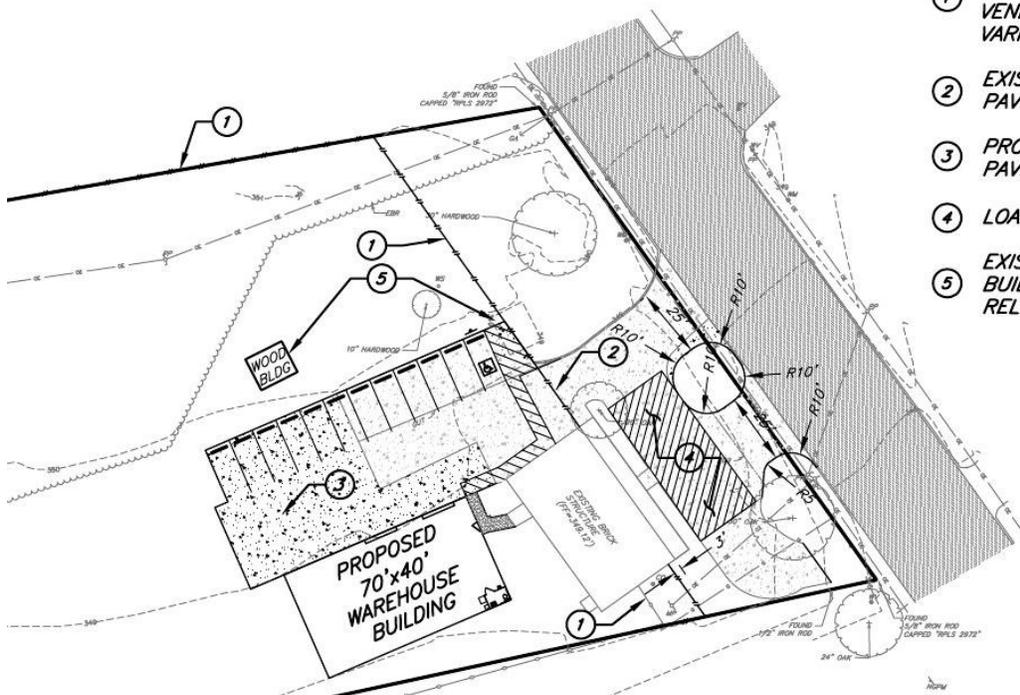
STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **conditional approval** of this request.





SITE PLAN:



- ① 6' HIGH WITH STONE VENEER COLUMNS AT VARIOUS SPACINGS
- ② EXISTING CONCRETE PAVING
- ③ PROPOSED CONCRETE PAVING
- ④ LOADING/NO PARKING
- ⑤ EXISTING PORTABLE BUILDING TO BE RELOCATED

MOSQUEDA COOLING & HEATING

BACKGROUND:

The applicant, Ignacio “Nacho” Mosqueda, is requesting approval of a Conditional Use Permit to allow for the relocation of his existing air conditioning and heating service business, Mosqueda’s Cooling and Heating, to the property located at 1800 S. College Avenue, which is zoned South College Business District (SC-B). The subject property is located in the South College Overlay Corridor, which was a special designation given to properties that were located along South College Avenue from the intersection of College Avenue and Villa Maria Road, north to Downtown Bryan in 2002.

Mr. Mosqueda recently purchased the property from the previous owner who operated a landscaping business from this location for many years. The subject property contains an existing 2,300 square foot structure that was once a residence, but is now utilized as a small commercial office. Mr. Mosqueda intends to continue to use this structure as an office, but also plans to construct an additional 2,800 square foot warehouse building to be located to the rear of the existing office. The proposed building will be used to house equipment necessary for Mr. Mosqueda’s air conditioning business and as a work shop to repair client’s equipment. The proposed structure will be constructed as a metal building, but all facades will be covered in non-metallic materials as required by Section 130-28 (c)(1). The maximum height of the proposed building is 25-feet measured at the top of the roof and a 6-foot screening fence with masonry columns at least every 20 feet will be built to screen the property from all residential uses. The applicant will also be removing all parking from the front of the building and closing one access driveway to South College Avenue.

The area surrounding the subject property is an area that was once predominately residential in the 1950’s and 60’s; however as the area aged, a number of properties adjacent to South College Avenue have redeveloped, resulting in a mix of residential and small commercial uses along the corridor. The abutting property located south of the subject property, also along South College Avenue and sharing approximately 357 feet of the southern property line, is also zoned SC-B but remains in residential use. The remaining property located south of the subject property is zoned Residential District – 5,000 (RD-5). This property, consisting of 19.98 acres was originally platted in 1983 to accommodate offices, condominiums and single family residences, but due to environmental and economic concerns has never developed. The property located north of the subject property, is zoned South College Residential District (SC-R) and contains a small place of worship (Baha’i Faith), and single-family or multiple-family residential uses. Across South College Avenue, east of the subject property, but south of Glenwood Drive, are properties also zoned SC-R that are developed as single-family residences. The property north of Glenwood Drive, also on the east side of South College Avenue is zoned SC-B and is occupied by Ike’s Small Engines.

As required by the Zoning Ordinance, along with their application for approval of the Conditional Use Permit, the applicant submitted a conceptual site plan for review by the Site Development Review Committee (SDRC). The drawing shows the location of the proposed new building, parking and other site improvements. A full 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, will be required to be submitted and approved by the SDRC before any building permits are issued.

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. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

Redevelopment:

“The adaptive reuse of buildings and redevelopment of existing commercial structures supplements the tax base and beautifies the area. Residents sought to translate Bryan’s success in Downtown and with the Tejas Center for other areas in need of redevelopment. Because of the number of areas in need of redevelopment, this effort was viewed by most as a top priority for Bryan.”

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.

The proposed use, an air conditioning and heating sales and service business, is listed in Section 130-21 of the Code of Ordinances as a use potentially allowed in the SC-B District with prior approval of a Conditional Use Permit. Based on the submitted conceptual site plan, staff contends that the proposed use conforms to spirit of the regulations and standards established by the Zoning Ordinance for business development along the South College Corridor. 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 SDRC before building permits are issued.

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 South College Business District and South College Corridor Overlay was established “to provide locations for various types of general retail trade, business and service uses. The district allows uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhood.” It was also established to exercise greater control over the aesthetic and functional characteristics of development along the South College Corridor, where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop”.

As stated above, the subject property is located in an area that consist of a mix of small non-residential/commercial uses (small engine repair, places of worship, etc) and residential use. Based on the requirements of the Land and Site Development Ordinance for properties located in the SC-B District with regard to building materials, screening and parking; staff believes the proposed use on the subject property will be compatible with existing surrounding 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 believes that the proposed air conditioning and heating sales and service business at this location would not create greater unfavorable effects or impacts on abutting properties than other uses currently allowed by right on this property without conditional use permit such as a commercial bakery, fitness center, or medical clinic. Chapter 130-21 prohibits outdoor storage in SC-B District, and in most cases, services provide by this type of business are done off-site of the subject property at a client's home or place of business. The subject property will mainly be utilized for storing tools and equipment indoor in the proposed new building.

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.

Due to the nature of the business, there is very little traffic to the site from the general public; it is mainly contractors and employees (15 total employees) at various times of the day. Staff does not anticipate that the proposed air conditioning and heating service at this location will generate any more traffic than what a retail business allowed by right could generate at this site. The applicant will be closing one existing driveway, reducing the number from three to two and will be removing the existing parking from in front of the building. Parking will be located behind the proposed 6-foot screening fence.

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.

Any new development on this property, including the proposed 2,800 square foot warehouse building, is required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested.

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 does not indicate the location of any proposed signage. With approval of this Conditional Use Permit, any freestanding sign would be subject to the standards and limitations provide in Section 62-595 of the Land and Site Development Ordinance which limits signage to 60 square feet in total area and to a total height of 5 feet tall. Staff is confident that these standards will prevent the installation of distracting signs in inappropriate locations on this property.

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

Twelve off-street parking spaces will be provided, per requirements in the Land and Site Development Ordinance for this type of use (office/warehouse). Existing parking located at the front (two 9ft X 20ft spaces) of the property is being relocated to the rear to eliminate possible points of conflict. The paved area in front of the existing building will be marked as a Loading Zone only.

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

Staff believes that the proposed use at this location is appropriate and conforms to the land use recommendations of the Comprehensive Plan and to the purpose statement of the South College Business District and South College Corridor Overlay. The proposed use can be considered one that generates less traffic and will have a reduced impact on neighboring properties than some uses allowed by right under the South College Business District zoning classification, for example a fitness studio, convenience store, or motel/hotel; all of which would produce greater negative impact.

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 the proposed air conditioning and heating service business will produce few (if any) negative effects on properties or improvements in the vicinity.

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

Staff believes that the existing office structure and proposed 2,800 square foot warehouse (when conforming to the standards of the Land and Site Development Ordinance) are suitable for the proposed use.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow an air conditioning and heating business to locate and operate at the subject property with the following conditions:

1. **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 SDRC before building permits are issued.**
2. **The southernmost driveway taking access to South College Avenue will be closed prior to issuance of a certificate of occupancy.**
3. **The width of the second/middle driveway taking access to South College Avenue will be reduced to a maximum measurement of 25 feet wide.**