

October 15, 2015

Conditional Use Permit Case no. CU15-13: Brazos Trace, LLC

CASE DESCRIPTION: approval of a Conditional Use Permit to allow zero lot line (patio) homes on property zoned Residential District – 5000 (RD-5)

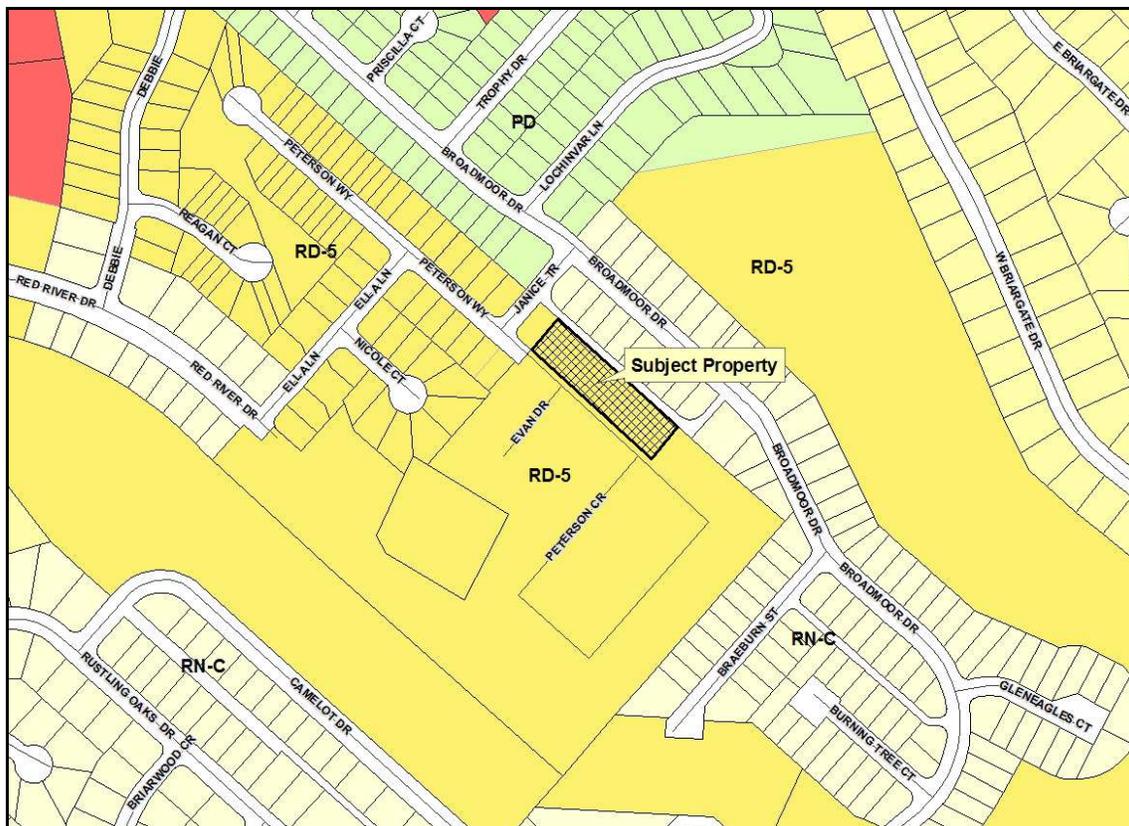
LOCATION: approximately 1.136 acres of land out of the John Austin League, A-2 adjoining the northeast side of a proposed extension of Peterson Way, which is currently under construction, approximately 85 feet to 535 feet southeast from its intersection with Janice Trail (proposed Lots 1 through 9 in Block 1 of Briar Meadows Creek Subdivision – Phase 5)

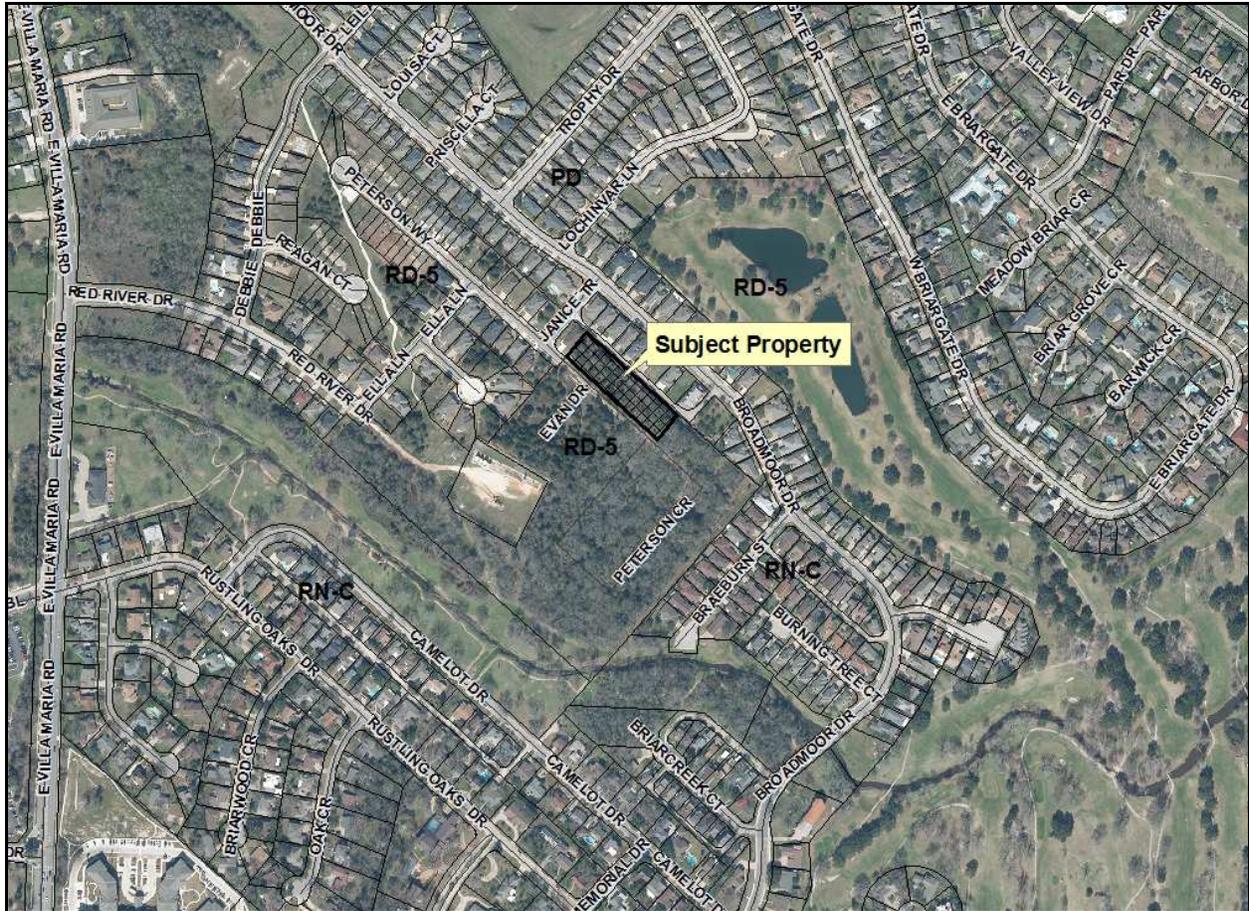
EXISTING LAND USE: vacant land

APPLICANT(S): Brazos Trace, LLC

STAFF CONTACT: Stephanie Doland, Staff Planner

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





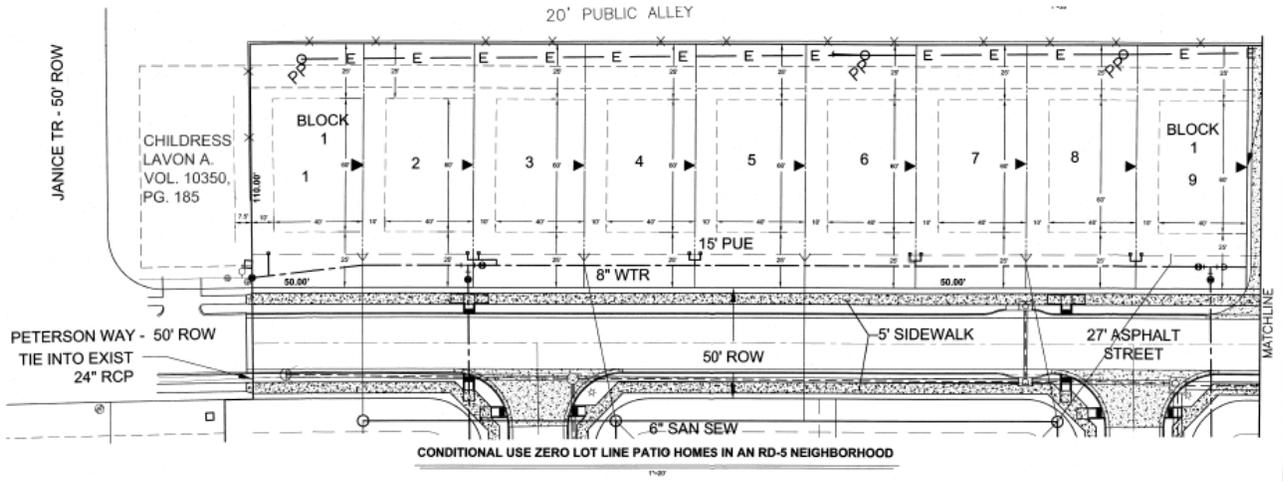
BACKGROUND:

The applicants, Brazos Trace, LLC, desire to develop zero lot line homes (patio homes) on 9 lots in the latest installment of the Briar Meadows Creek Subdivision. The land is currently undeveloped and the applicants desire is to build single-family residential homes on the property. The Final Plat of Briar Meadows Creek Subdivision – Phase 5 Phase was approved by the Planning and Zoning Commission on April 10, 2015.

Patio (zero lot line) homes are allowed on property zoned RD-5 District, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The 9 proposed lots adjoin the northeast side of an extension of Peterson Way. The lots are 50 feet in width and 110-feet in depth, exceeding minimum requirements for patio homes. The patio home lots will have off-street parking areas to the rear of the structure (away from Peterson Way) from an existing 20-foot wide public alley way.

The developable areas of the proposed patio homes are to be 40-feet in width and 60-feet in depth. The remaining area meets or exceeds the minimum building setback standards for patio homes with minimum 10-foot setbacks from one side lot line and 25-foot front building setbacks. The zero lot line side is indicated with the ► symbol on the drawing below.

SITE PLAN: LOTS 1 – 9 BLOCK 1 BRIAR MEADOWS CREEK – PHASE 5



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 Residential District – 5000 (RD-5) is intended to provide locations for development of single-family homes. The proposed patio homes on the subject property were reviewed by the SDRC and the committee found that the proposed development will conform to all applicable regulations and standards, including off-street parking. The proposed patio home lots conform to all standards of the Land and Site Development Ordinance and, with the Commission's approval of this Conditional Use Permit, will also conform to the applicable zoning requirements.

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.

Staff believes the proposed use of patio homes on these nine lots will be compatible with existing uses on all abutting sides. The nine lots will face Peterson Way (50-foot right-of-way) and the rear of the properties will take access from a 20-foot public alley. All submissions made by the applicant meet or exceed the minimum requirements set forth in Bryan's Code of Ordinances for patio homes. The Final Plat of Briar Meadows Creek Subdivision – Phase 5 was approved by the Planning and Zoning Commission on April 16, 2015. Lot 1, adjacent to the subject property, is developed with a detached single-family home. Should this request be approved, then the distance between that home and the closest patio home on the subject property will be 17.5 feet. Staff believes that patio homes are appropriate in this particular area because there is adequate space between homes and no encroachments will ensue with approval of the

conditional use permit. Similar patio homes have been constructed in other parts of the Briar Meadows Creek Subdivision.

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 patio homes at this location would not create greater unfavorable effects or impacts on abutting properties than a single-family home currently allowed by right on this property without conditional use permit. The design of the patio homes on the subject properties offers the best options for natural buffering and separations from adjacent properties along Peterson Way.

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 does not anticipate that the proposed patio homes at this location will generate any more traffic than what a single-family home allowed by right could reasonably be expected to generate on these 1.136 acres. The subject property stretches along the northeast side of the extension of Peterson Way (currently under construction). The patio homes will take access from a 20-foot public alley way and will also provide off street parking. Staff believes that, approval of this Conditional Use Permit will not generally decrease the safety and convenience of traffic flow in Briar Meadow Creek Subdivision or surrounding subdivisions any more so that with what could be expected if conventional detached single-family homes were built 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.

Any new development on these lots, including the proposed patio homes, 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 current zoning of the property is Residential District – 5000 (RD-5) and the proposed use of the land is single-family homes. Therefore per the Bryan Code of Ordinances no signs or commercial lighting will be allowed on the property, except for 1-square foot identification signs that the Zoning Ordinance allows for home occupations. Based on the properties taking access from the public alley way and providing sufficient off street parking, no adverse traffic affects will be created by the development of these patio homes.

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

Sufficient off-street parking for each of the homes will be provided. Staff believes that with the approval of the requested Conditional Use Permit, there will be adequate and convenient off-street parking being provided at this location in accordance with adopted standards.

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

Patio homes are potentially allowed in RD-5 zoning districts, but only with prior approval of a Conditional Use Permit. Staff contends that in this particular case patio homes are appropriate in this location and conforms to the objectives and purpose of the RD-5 zoning district within which it is located.

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 development will have few (if any) ill 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 undeveloped land is suitable for the development of patio homes.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow patio homes (zero lot line homes) on the subject property.