

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

January 7, 2016



Conditional Use Permit case no. CU15-15: Alberta Real Estate Holdings

CASE DESCRIPTION: request for approval of a Conditional Use Permit, to allow single family residential use in a Retail District (C-2)

LOCATION: 501 Sulphur Springs Road, at the southeast corner of Sulphur Springs Road and Holick Lane

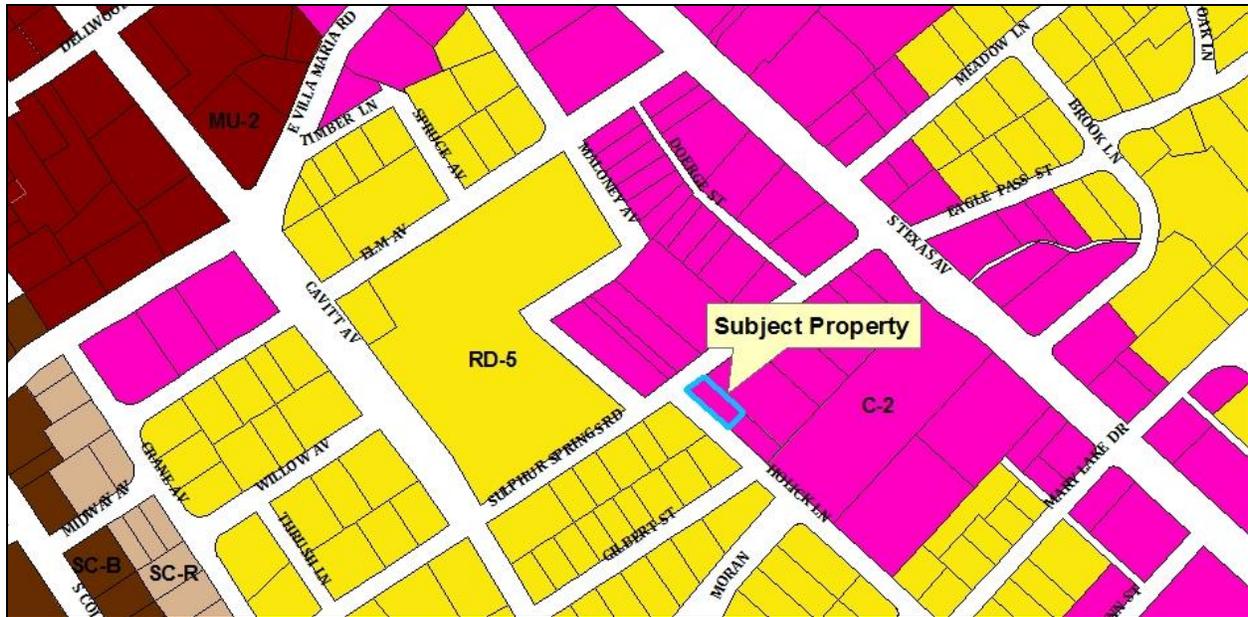
LEGAL DESCRIPTION: Lot 1 in Block 3 of the A.D. Doerge Addition

EXISTING LAND USE: single-family home

APPLICANT(S): Kyle Grant

STAFF CONTACT: Randy Haynes, AICP, Senior Planner

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



AREIAL VIEW, 2015:



BACKGROUND:

The subject property located at the eastern corner of the intersection of Sulphur Springs Road and Holick Lane is in a block that is zoned Retail District (C-2). There is an existing one-story, 1100-square foot residence on the site. As shown on the submitted site plan (see below), the owner of the property wishes to replace the existing house with one that is larger. Because of the zoning status, replacement of the existing single-family residence would not be permitted if more than 60% of the structure were removed or destroyed for any reason, including redevelopment. Therefore, the applicant is requesting a Conditional Use Permit to allow for the continued residential use of the property.

The subject property lies across Holick Lane from a 200-acre, quarter-mile-wide area zoned for residential use, extending generally from Holick Lane to just east of South College Avenue, and from West Villa Maria Road to the southern city limits. The subject property is one of the few properties along Sulphur Springs Road between Holick Lane and South Texas Avenue remaining in residential use. The Campus of Crockett Elementary School is located immediately west.

The applicant is requesting approval of a Conditional Use Permit allow redevelopment of the property. If approved, the residence will be removed and replaced with a new residence in the configuration depicted on the site plan.

EXCERPT FROM APPLICATION:

Conditional Use Permit Supplement E



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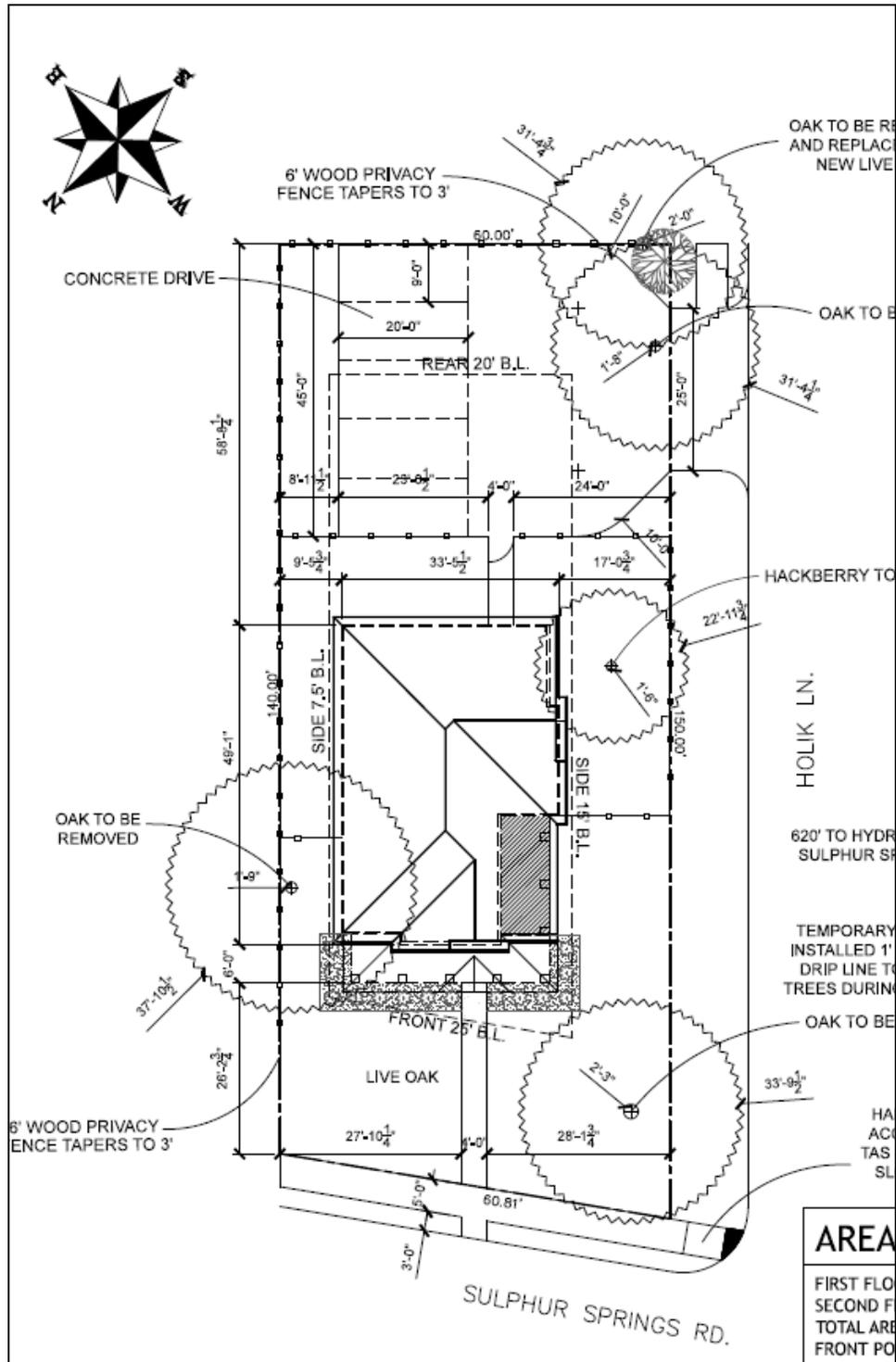
Minimum Requirements:

- 15 Folded copies of Site Plan

Please list the reasons for this conditional use permit request:

- Property is currently used as a ~~residential~~ residential property and I would like to continue using it as such by tearing down old house and building a new one. It doesn't fit the zoning but it is not a change from current use.
- Property is zoned C-2 Retail with minimum sizes of:
 - 20,000 sq. ft. minimum lot size
 - 100' minimum lot width
 - 200' minimum lot depth
- * Property does not meet any of these requirements and would have to have these variances approved to be used for its current zoning.
- * Property is too small for a commercial use. It would be a problem to try ~~and~~ ^{to} park and build a commercial use on this lot as it is way too small for Retail use.
- Property is right next to RD-S zoning so this use would not be inconsistent with its surroundings.

DETAIL FROM SITE PLAN:





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 residential 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 lies in an area where the existing land use pattern transitions from regional retail uses along South Texas Avenue, 500 feet to the east, and single family residential uses directly across Holik Lane. Staff contends that a residence on the subject site could be appropriate if measures were taken to mitigate negative impact.

To mitigate potential negative impact, the applicant proposes a screening fence along the eastern property line and also locating the driveway access and parking area to the rear of the property, away from Sulphur Springs Road, which is classified as a minor collector roadway.

In addition, the applicant has agreed to provide tree-protection measures during construction around the 27-inch-in-diameter oak tree located at the front of the property.

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.

Residential use within a C-2 zoning district ranks among the least intense of all uses possibly permitted within that district. There is little (if any) chance that continued residential use could cause unfavorable effect or impact.

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.

In the interest of safety and convenience of vehicular and pedestrian circulation, the proposed driveway location and parking area on the subject site is located to the rear of the property, away from Sulphur Springs Road, a minor collector roadway. Staff contends that continuance of the existing residential use will not change the safety level of vehicular or pedestrian traffic in the area; rather, the addition of adequate paved off-street parking, appropriately located (currently not existing on the subject site) will enhance area safety.

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 continued single-family residential use of this particular property will not have any adverse effects on traffic control or adjacent properties. The potential advertisement of a permitted home occupation at this location would be limited to a 1 square foot sign mounted to the front of the home.

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 each single-family residence. Current development standards require that five bedroom houses provide four off-street parking spaces. As proposed, ample off-street parking is currently provided 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.

Residential use generally does not conform to the objectives and purpose the C-1 District. While the area is zoned C-1, the pattern of development in the immediate area is a mix of light commercial and residential uses. Because of the flexibility granted by the Planning and Zoning

Commission in the conditional use process when considering the mix of specific land uses, and the aforementioned unique and historic characteristics in the immediate vicinity of the subject property, 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.

Staff believes that permitting the continuance of residential 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 currently in use as a residence and will remain suitable for that use.

RECOMMENDATION:

Staff recommends **approving** a Conditional Use Permit, to allow continued use of the subject property as a single-family residence.