

**PLANNING AND ZONING COMMISSION
STAFF REPORT**



October 6, 2016

Conditional Use Permit case no. CU16-08: Terry B. Roberts

CASE DESCRIPTION: request for approval of a Conditional Use Permit, to allow a single-family detached dwelling on land zoned Commercial District (C-3)

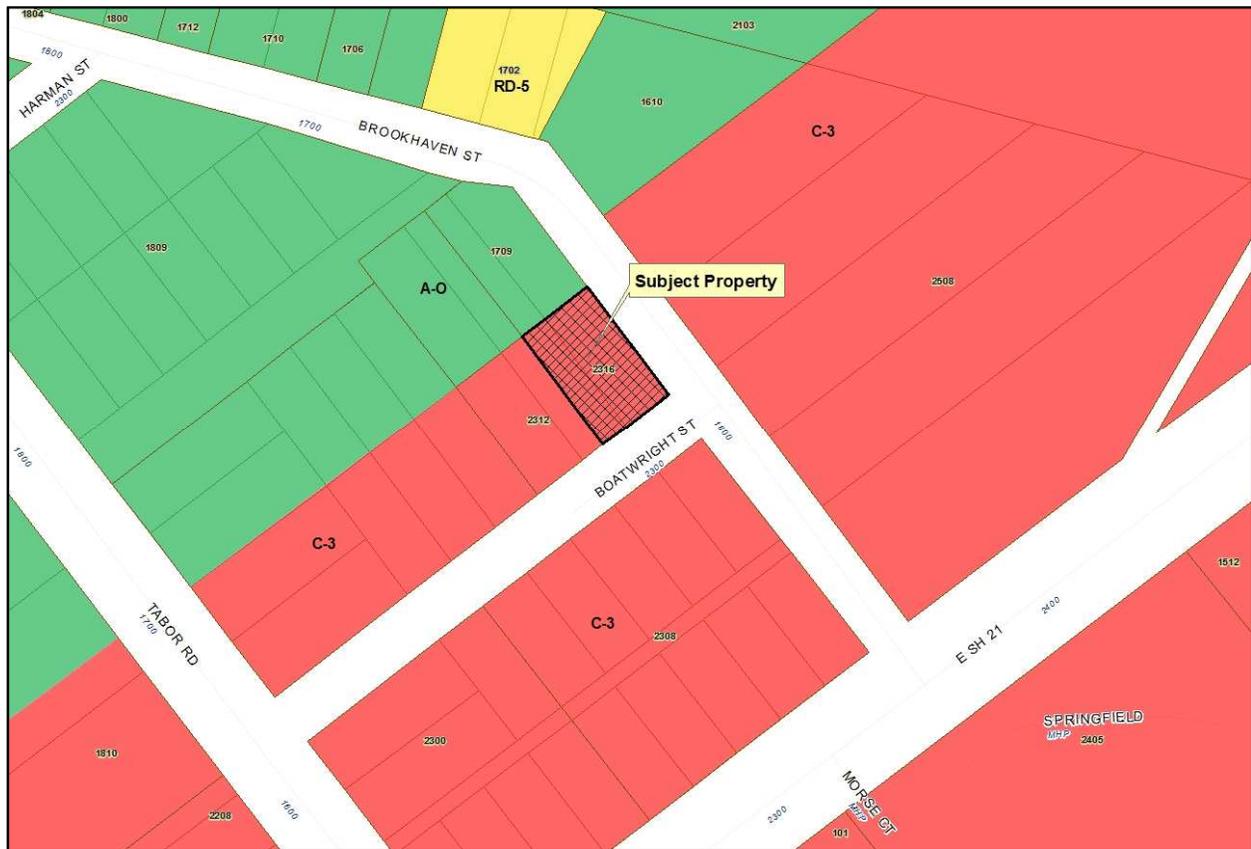
LOCATION: 2316 Boatwright Street, at the west corner of Brookhaven and Boatwright Streets, being half of Lot 7 and Lot 8 in Block 4 of the Northview Subdivision

EXISTING LAND USE: single-family home

APPLICANT(S): Terry Roberts

STAFF CONTACT: Stephanie Doland, Staff Planner

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



AERIAL VIEW, 2015:



BACKGROUND:

The subject property is located at the west corner of the intersection of Boatwright and Brookhaven Streets and is described as half of Lot 7 and Lot 8 in Block 4 of the Northview Subdivision. The Northview Subdivision was platted in April 1949 with approximately 130+ lots. Over the last 65 years the properties in the subdivision have been developed and redeveloped with a mixture of residential and commercial uses.

The subject property has been developed with a single-family detached dwelling since 1955. The subject property is zoned C-3 District and has been so designated since the adoption of zoning in Bryan in 1989. The existing home is considered a legally non-conforming (“grandfathered”) use. The applicant and property owner, Terry Roberts, is seeking a Conditional Use Permit, to allow the continued use of the existing single-family detached dwelling unit on the subject property. Single-family detached dwelling units are potentially allowed in C-3 zoning districts with prior approval of a Conditional Use Permit from the Planning and Zoning Commission.

Within 200 feet of the subject property there are a total of 3 different zoning districts. The subject property is surrounded by C-3 zoning immediately to the west, and across Boatwright and Brookhaven Streets to the south and east, respectively. Property located across Boatwright Street and Brookhaven Street is owned by Schieffer Development Co., a construction general contractor, and is developed with various metal buildings and often houses large equipment trucks. The property located to the west of the subject property is developed with a single-family detached dwelling. Property located to the rear (north) of the subject property is zoned Agricultural – Open District (A-O) and is also developed with a detached

single-family home. Located less than 150 feet north of the subject property, is a property zoned Residential District – 5000 (RD-5) which is occupied by single-family detached dwelling.

VIEW FROM BOATWRIGHT STREET:



VIEW FROM BROOKHAVEN STREET:



EXCERPT FROM APPLICATION:

Conditional Use Permit Supplement E



Minimum Requirements:

- 15 Folded copies of Site Plan

Please list the reasons for this conditional use permit request:

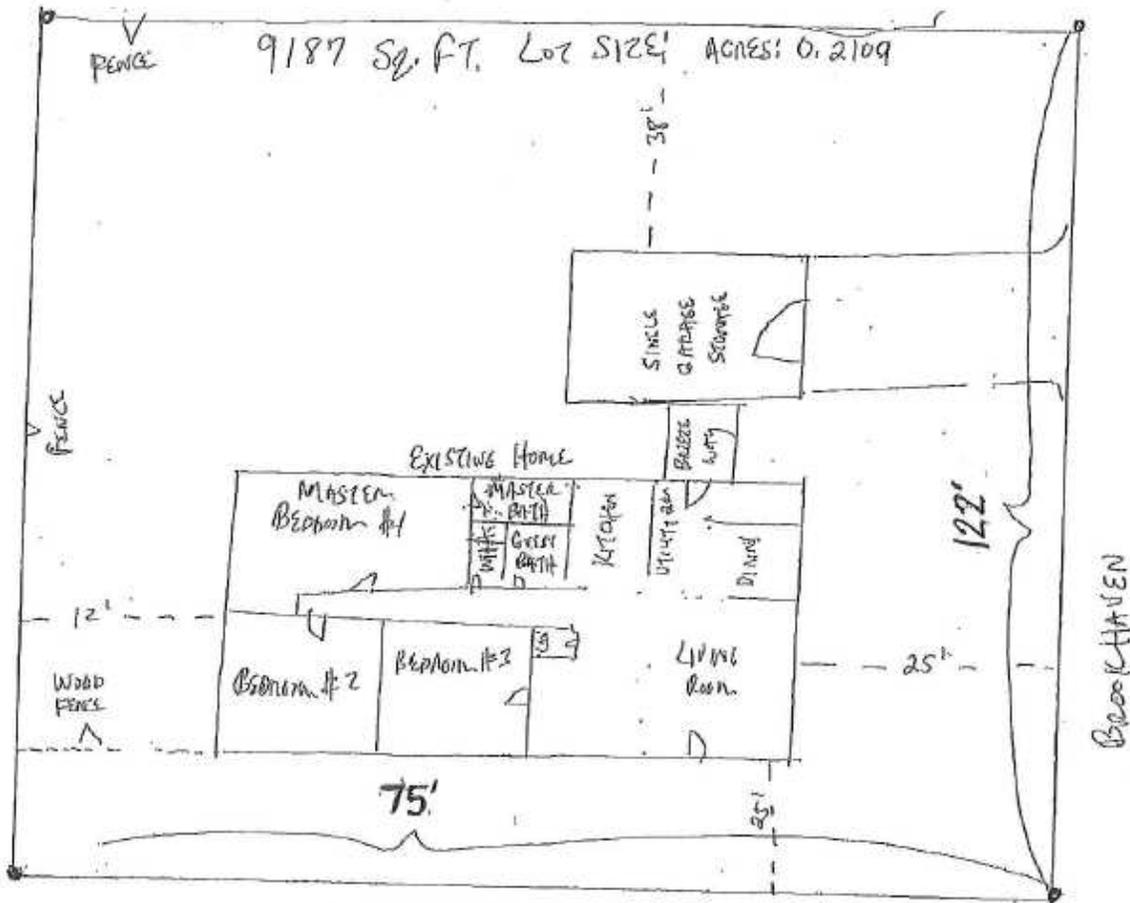
THE PROPERTY LOCATED AT 2316 BOATWRIGHT STREET IS CURRENTLY ZONED C-3. WE ARE HUMBLY REQUESTING A CONDITIONAL USE PERMIT TO ALLOW THE EXISTING HOME, WHICH WAS BUILT IN THE 1950'S AND HAS BEEN OCCUPIED UNTIL RECENTLY WHEN IT WAS UPDATED, TO REMAIN A RESIDENCE. WE ARE REQUESTING A CONDITIONAL USE PERMIT. THANK YOU

SITE PLAN SUBMITTED BY APPLICANT:

2316 BORTWRIGHT STREET, BRYAN, TX 77803. NORTH VIEW, BLOCK 4, LOT 8 + 1/2 of 7 ACRES 0.2109
ID: 34584

SITE PLAN

Development
Services
AUG 30 2016
RECEIVED



2316 BORTWRIGHT

Approximate Dimensions

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 a mixture of low-density residential uses along Boatwright and Brookhaven Streets to a mixture of heavy commercial uses along State Highway 21 and Brookhaven Street. Adjacent properties to the north and to the west of the subject property are also developed with single-family detached dwellings. Properties located immediately across Boatwright and Brookhaven Streets are zoned for commercial use owned by a construction general contractor and developed with a 6,500 square feet of warehousing and often display large trucks and 18-wheelers.

Staff contends that the residence on the subject site has existed since 1955 and would not have the effect of preventing orderly redevelopment on this tract or in the area. Further, staff contends that due to the fact that the structure or property would not likely be suitable for most modern commercial purposes, it is reasonable to determine that using the building for a residence is acceptable in this case.

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-3 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 directly 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.

Staff contends that continuance of the existing residential use will not change the safety level of vehicular or pedestrian traffic in the area.

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 granting this Conditional Use Permit to allow the existing single-family detached dwelling on the subject property will produce substantially less adverse effects on traffic control or adjacent properties than potentially any other use allowed by right at this location under C-3 zoning.

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 based on the number of bedrooms. The existing single-family detached dwelling unit currently has 3 bedrooms. Current development standards require that 3 bedroom homes provide at least 3 off-street parking spaces. The subject property is developed with a single-car garage and two parking spaces in an approximately 20-foot wide driveway. Therefore, the subject property provides adequate off-street parking for a 3-bedroom home.

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-3 District. While the area is zoned C-3 District, the pattern of development in the immediate area is a mix of light commercial and residential uses. Because of the flexibility granted to the Planning and Zoning Commission in the conditional use process when considering the mix of specific land uses, and the aforementioned unique mixture of land uses in the immediate vicinity of the subject property, staff contends that, in this particular case, approval of the requested Conditional Use Permit meets with the overall spirit of the Zoning Ordinance.

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.