

November 17, 2016



**Conditional Use Permit case no. CU 16-12: Charles and Anita Szabuniewicz**

**CASE DESCRIPTION:** approval of a Conditional Use Permit to allow zero lot line (patio) homes on property zoned Residential – Neighborhood Conservation District (R-NC)

**LOCATION:** 1.225 acres of vacant land adjoining the southwest side of South Texas Avenue between East Brookside and Hensel Drives, being Lots 3 through 5 and 25’ of Lot 2 in Block 3 of the North Oakwood Addition

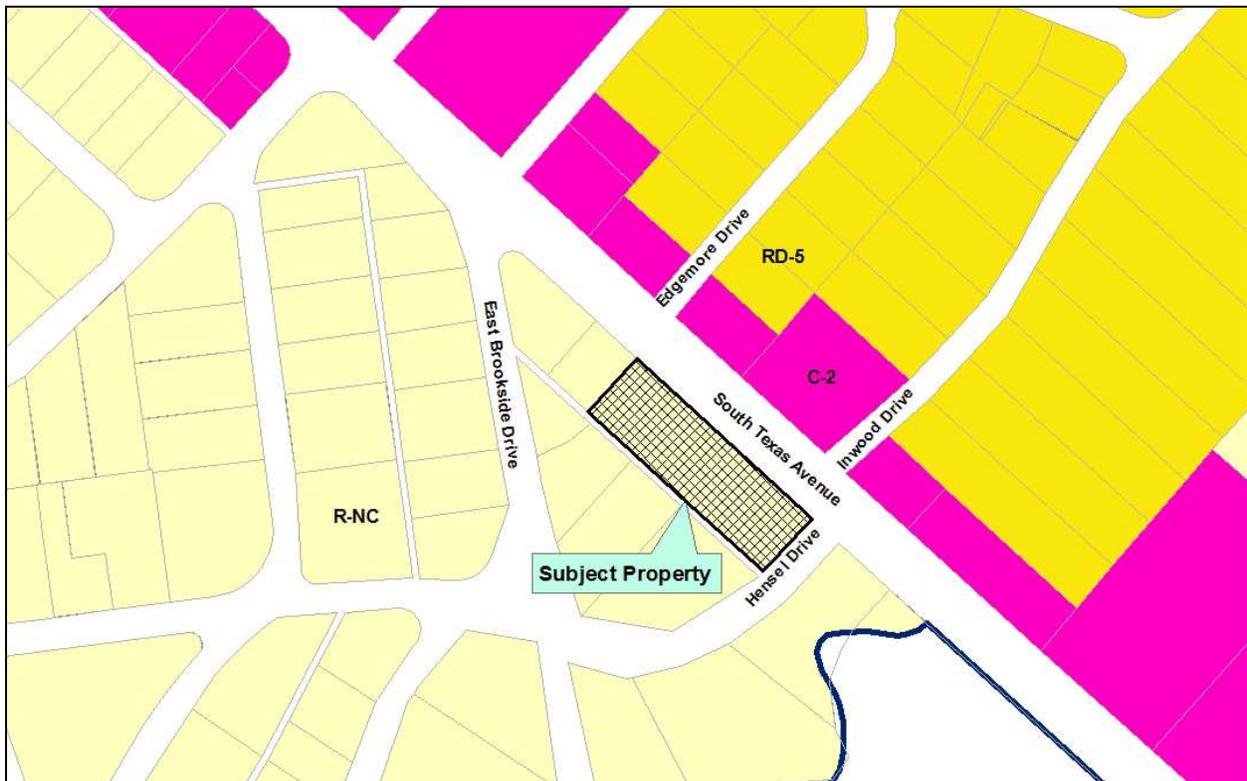
**EXISTING LAND USE:** vacant land

**PROPERTY OWNER:** Texas A&M Foundation

**APPLICANT(S):** Charles and Anita Szabuniewicz

**STAFF CONTACT:** Randy Haynes, AICP, Senior Planner

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





## **BACKGROUND:**

The applicants, Charles & Anita Szabuniewicz, desire to develop patio (zero lot line) homes on undeveloped land in the North Oakwood Addition in the 4000 block of South Texas Avenue. Patio homes are potentially allowed on property zoned Residential - Neighborhood Conservation District (R-NC), but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. If approved, the existing three North Oakwood Addition lots will be subdivided into seven patio home lots to accommodate the construction of the new houses.

The North Oakwood Addition was originally developed in the late 1930's to take advantage of the newly-paved State Highway 6 (Texas Avenue) and the need for what would have been at the time, upscale housing. The increased demand was due to a number of factors, one of which was the fact that the A&M College had recently begun the process of eliminating on-campus housing for faculty and staff. The final plat of the North Oakwood Addition was recorded September 27, 1938, 22 days before the successful vote by area citizens to incorporate the new City of College Station. The recorded final plat drawing is labeled "The North Oakwood Addition to the City of College Station."

Most of the lots in North Oakwood have been developed; one exception is the subject property which is comprised of Lots 3 – 5 and 25' of Lot 2 in Block 3. Apart from 8 lots that front Texas Avenue between College View and North Avenue, North Oakwood deed restrictions reserve most of the addition for single-family residential use. The applicant's property is subject to the North Oakwood deed restrictions which have been regularly renewed over the past 78 years, most recently in 2014.

Once the subject property was placed under contract for purchase, the applicants began the development process by first consulting with the North Oakwood Home Owners Association to identify their concerns and attempt to mitigate against potential negative impacts to the existing neighborhood. The design of the proposed patio home plan is in a large part the result of that collaboration. To most efficiently utilize the available land while also incorporating design attributes to minimize impact to the existing neighborhood, the proposal includes the following features:

- seven two-bedroom patio homes
- homes are to have between 1,400 and 1,750 square feet of floor area (heated)
- homes are to be one-story with a maximum height 28 feet
- minimum front building setback (along Texas Avenue) shall be 20 feet
- minimum rear building setback shall be 30'
- minimum lot area to be 5,800 square feet, which is 61% greater than the minimum required 3,600 sq. ft. by Bryan Code of Ordinances Chapter 62, Land and Site Development
- four parking spaces per two-bedroom unit is proposed, which is 100% more than the minimum required 2 spaces for a two-bedroom house by Chapter 62
- decorative precast concrete screening fences along Texas Avenue and also along the common rear property line adjacent to the alley and the existing residences
- over 10,000 square feet of conservation / common area adjacent to the intersection of Hensel Drive and South Texas Avenue to preserve the entrance to the North Oakwood Addition
- all new residences to be built with Type "13D" residential fire sprinkler systems

The arrangement of lots, access and common area is illustrated on the site plan that is attached to this staff report.

During its October 20, 2016 regular meeting, the Planning and Zoning Commission voted to postpone action on the request until the Commission's regular meeting on November 17, 2016. The Commission found that more information was needed regarding the proposed appearance of the project as viewed from Texas Avenue. Commissioners expressed concern that the specific location of the subject property, being the first private property encountered along the southwest side of Texas Avenue when traveling northbound from College Station, was critical to the image of the community. The applicant has submitted revised illustrations of proposed screening and landscaping. The revised materials are attached to this staff report. In addition to the illustrations, the applicant has amended the site plan to depict a landscape 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.

**The Residential-Neighborhood Conservation District (R-NC) is intended to be composed of detached dwelling units on lots of not less than 5,000 square feet. The proposed patio homes on the subject property were reviewed by the Site Development Review Committee (SDRC) and staff finds that the proposed development will meet or exceed to all applicable regulations and standards for patio homes, including lot size, minimum building setback and off-street parking.**

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.

**Given the proposed set of standards for this Conditional Use Permit, to mitigate against harmful impact, staff believes the proposed use of patio homes on the subject tract will be compatible with existing uses on all abutting sides. All submissions made by the applicants meet or exceed the minimum requirements set forth in Bryan's Code of Ordinances for patio homes.**

**Although the proposed seven lots will face Texas Avenue, classified as super arterial roadway on Bryan's Thoroughfare Plan, which has a 100-foot wide right-of-way, access to the properties will be taken from the rear, via a 30-foot wide shared access easement which, in turn, provides access to Hensel Drive, 150 feet southwest from its intersection with South Texas Avenue.**

**A building permit has recently been issued for construction of a new single family residence to be located on the adjacent tract to the northwest of the subject property which also faces South Texas Avenue. The proposal submitted by the applicants features a 20-foot minimum building setback along the property line shared with that lot and is intended to buffer the proposed patio home development from the conventionally sited residence in order to reduce potential (if any) negative impact. Should this request be approved, then the distance between the newly permitted structure to the northwest and the closest patio home on the subject property will be 42 feet.**

**All of the existing residences in Block 3 of North Oakwood Addition adjacent to the subject property are one story in height. The applicants have proposed to limit the seven new homes planned for the subject property to one story in height. The minimum building area for homes in the development is proposed to be 1,400 square feet, the maximum proposed heated building space is 1,750 square feet.**

**Along the 5-mile length of Texas Avenue between Texas State Highway 21 and the southern city limits of Bryan there are only 8 parcels of land zoned for residential use. Of the 8, 3 are developed with existing houses and 5 are vacant. Of the 5 vacant parcels only 2 do not have alternative access that will allow driveways onto local streets rather than directly onto Texas Avenue. The subject property and the abutting tract to the northwest are the only two undeveloped properties zoned for residential use along this 5-mile section of Texas Avenue. Given the circumstances and the proposed building standards and site arrangement, staff believes that the proposed patio home development is appropriate at this particular location adjoined by residential use on two sides; separated from commercial development by an arterial roadway (South Texas Avenue).**

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.

**The subject tract is 130 feet deep and 420 feet wide. Based on the minimum standards adopted for residential single family development in an R-NC District, the land could potentially be divided into 8 new lots to accommodate a conventional detached single-family development. This conventional development scenario would be subject to the measures the applicants have proposed to shield the existing established neighborhood from potential negative impact. Some of the proposed measures include: concrete screening walls, wider minimum setback areas,**

**reduced building area and height, fire sprinkler systems or natural area conservation of nearly 20% of the subject tract.**

**Staff believes that given the proposed arrangement, seven patio homes at this location will produce fewer unfavorable effects or impacts (if any) on abutting properties than 8 detached single-family homes that could currently be developed here without Conditional Use Permit approval. Staff contends that the proposed arrangement offers an attractive option for residential development on the subject property.**

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 anticipates that the proposed 7 patio homes will generate no more traffic than what 8 new detached single-family homes allowed by right at this location can reasonably be expected to generate on these 1.2 acres. As noted previously, the subject property stretches 420 feet along South Texas Avenue, a super arterial roadway. The proposed patio homes will not take access from South Texas Avenue but rather a 30-foot access easement from Hensel Drive. The distance from South Texas Avenue to the proposed easement entrance will be 150 feet which is three times the distance required of commercial driveways accessing major roadways. The proposed plan will also provide twice as many off street parking spaces than what the ordinance requires of 2 bedroom homes.**

**Staff believes that, approval of this Conditional Use Permit will not negatively impact the safety and convenience of traffic flow in the area to a greater extent than that expected of conventional detached single-family homes.**

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 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. To accommodate the requirement of the ordinance for stormwater detention on properties of this size, the applicants are proposing a system of underground detention in order to reduce the impact of a surface pond and allow conservation of the large oak trees at the southwest corner of the property adjacent to Hensel Drive and South Texas Avenue.**

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 R-NC District and the proposed use of the land is single-family homes in a patio home arrangement. Therefore, per the Bryan Code of Ordinances, no signs or commercial lighting will be allowed on the property, except for the 1-square foot identification signs that the Zoning Ordinance allows for home occupations. Based on the all of the properties taking access only to Hensel Drive via a 30-foot wide access easement and providing twice the required off-street parking, staff contends that the control of the expected increased traffic will be unimpaired.**

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

street parking and loading facilities.

**Development standards require that each 2-bedroom single family dwelling provide at least 2 off-street parking spaces. The applicants are proposing a layout that will provide 4 spaces for each patio home; twice the required number of off-street parking. 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 R-NC 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 conform to the objectives and purpose of the R-NC zoning district within which they are proposed.**

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 vacant subject property is suitable for the development of patio homes in the manner proposed by the applicants.**

#### **RECOMMENDATION:**

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