

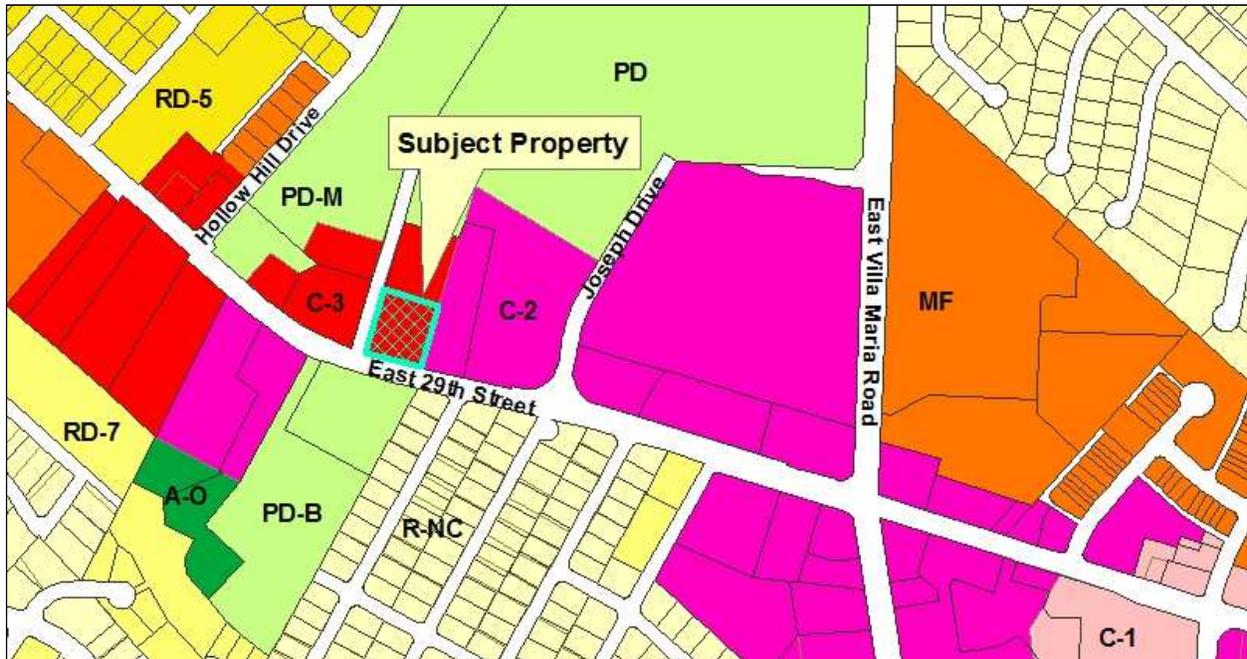
PLANNING AND ZONING COMMISSION
STAFF REPORT



September 15, 2016

Conditional Use Permit case no. CU16-04: Stephen Sweet

- CASE DESCRIPTION:** request for approval of a Conditional Use Permit, to allow a new detached single-family dwelling in a Commercial District (C-3)
- LOCATION:** 2000 East 29th Street, approximately 450 feet west of the intersection of Joseph Drive and East 29th Street
- LEGAL DESCRIPTION:** 1.14 acres of land out of John Austin League, A-2 (proposed Lots 15-1R and 15-2R of Sweet’s Enclave Subdivision)
- EXISTING LAND USE:** single-family home and commercial salon
- APPLICANT(S):** Stephen Sweet
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approval** of this request.



AERIAL VIEW, 2015:



BACKGROUND:

The subject property is located on the northern side of East 29th Street between Hollow Hill and Joseph Drives. East 29th Street is classified as a minor arterial roadway on Bryan's Thoroughfare Plan. In either direction within 1000 feet from the subject property along East 29th Street there is land classified under 4 different zoning classifications from the least intense Residential District – 7000 (RD-7) to the most intense Commercial District (C-3). The subject property is zoned C-3 District and has been so designated since the adoption of zoning in Bryan in 1989.

To the south, a Planned Development - Business District (PD-B) allows a nursing home at the rear of that property and offices up to two stories tall on the undeveloped parcel adjacent to East 29th Street. The land immediately west, zoned C-3 District, is occupied by a convenience store and the adjacent land to the east and north is part of the 80-acre Blinn College Bryan Campus (zoned PD District).

The applicant is requesting approval of a Conditional Use Permit to, allow the use of an existing building on the eastern half of the property as a residence. If approved, the interior of this existing building will be suitably finished as a residence. In addition, the property will be platted to create a separate lot for the new residence in the configuration depicted on the attached site plan. The dimensions and area of the new lot will exceed the minimum standards required of lots zoned C-3 District.



EXCERPT FROM APPLICATION:

Dear City of Bryan;

Several years ago my parents purchased the property at 2000 E 29th St. They were precisely interested in using the home on the property to live in while replacing the existing run down beauty parlor with a new one...which they promptly did. Their intention was to live and work there the remainder of their years. Subsequently, I was invited to construct my place of business there (Green Igloo -A remodeling firm specializing in "green building and construction"). As of today, we have been operating from this location now for some six years. The "green barn" is currently a warehouse with an adjacent slab ready for expansion. No interior finish was ever done save for some rough electric.

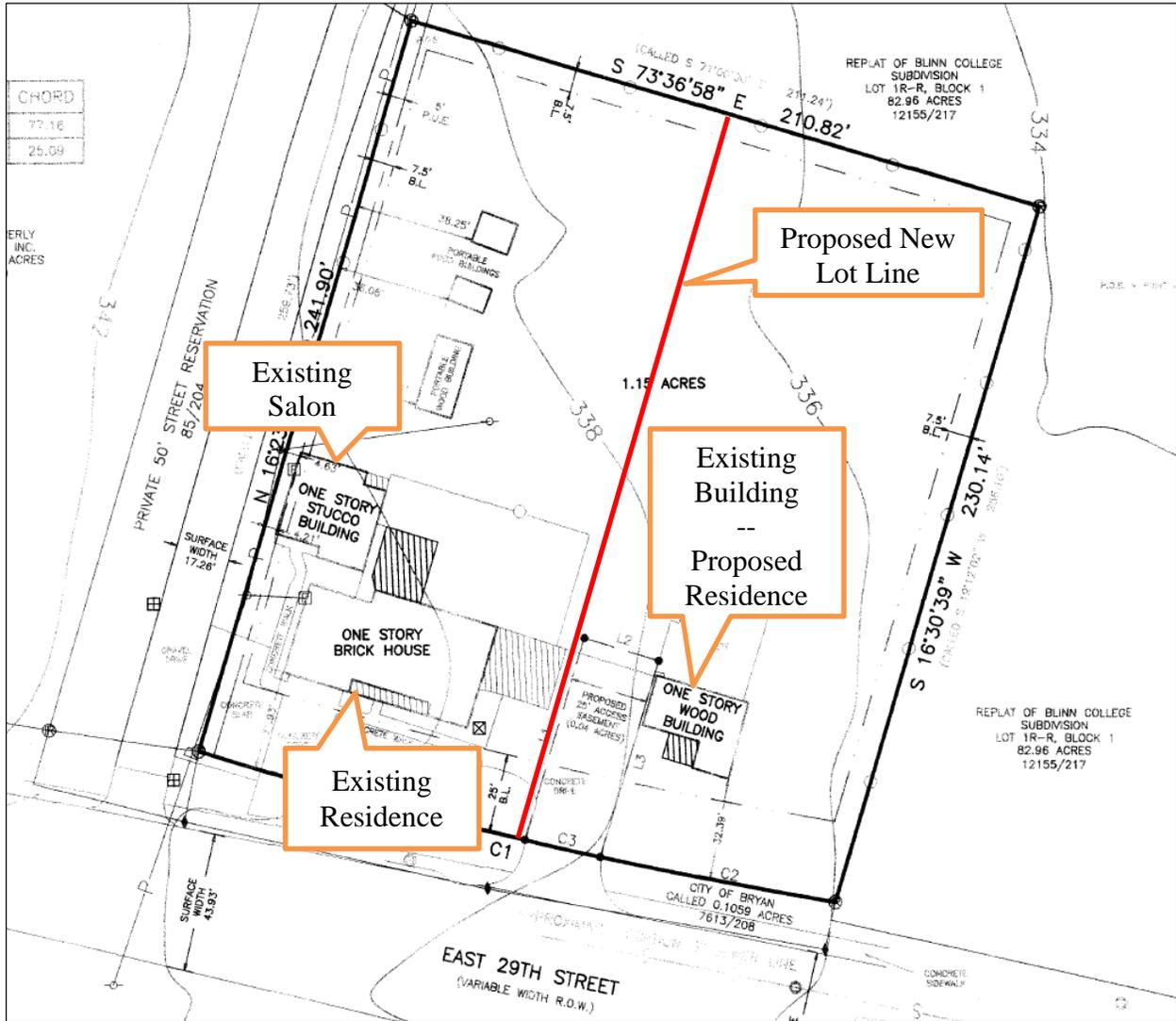
We currently use the building for storage. Recently my parents suggested that we move into the Green Igloo and complete it as a residence...this way they would have family close by as they retired into a more relaxed retirement for their remaining years.

My wife and I have now two options...remain off site and commute or complete the Green Igloo as an residence.....we opt for the later as it is a safer alternative vis-a-vis mom and dad. SO, to this end...we request that you allow us to complete the Green Igloo building as a nice residential bungalow.

Sincerely;

Stephen & Danya Sweet

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 features a mix ranging from low density residential to heavy commercial. Moreover, the underlying zoning in the area represents a similar mix.

Since East 29th Street is classified a minor arterial roadway, additional residential use directly abutting the road would normally be ill advised. Staff contends however that given the circumstances of this case, adding an additional residence on the subject site, while not considered generally appropriate, would not have the effect of preventing orderly redevelopment on this tract or in the area.

Staff finds that the subject property is already in mixed use, currently accommodating a business and a residence; although the residential use is legally nonconforming. Further, staff contends that due to the fact that the structure proposed to be converted to residential use already exists on the property, and would not likely be suitable for most 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.

Regarding the potential that allowing residential use of the existing building may serve as a barrier to appropriate redevelopment of the property for a more suitable use, staff finds that since the building that is proposed to be converted to a residence already exists on the property and the investment required to convert that structure to residential use should be comparatively small, the likelihood that such an additional investment in the subject property would represent a barrier to a future transaction resulting in redevelopment of the property is somewhat reduced. In addition, staff observes that the proposed residential structure, due to its small size and foundation design, may be considered relatively portable, thus mitigating a loss of investment should the land be converted to commercial use.

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.

The driveway location and parking area that will serve the proposed residential use is already in place. Staff contends that using the proposed structure as a residence will produce smaller impacts affecting safety or convenience than most other uses that would be permitted by right on this property zoned for heavy commercial use or other properties in the immediate 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 proposed additional single-family residential use of this particular tract will produce substantially less adverse effects on traffic control or adjacent properties than those permitted by right.

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

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-3 District. While the area is zoned C-3, the pattern of development in the immediate area is a mix of light commercial and residential uses, none of which would require the underlying C-3 zoning.

The land use chapter of the 2006 Comprehensive Plan identifies specific issues regarding redevelopment, infill development and the arrangement created by mixing commercial and residential uses in close proximity. To address those issues, specific goals and policy statements were adopted to guide the decision process when confronted with such issues. In general, the Comprehensive Plan calls for flexibility when considering questions of redevelopment and infill.

Because of this flexibility recommended by the Comprehensive Plan and the latitude the Zoning Ordinance grants the Planning and Zoning Commission in the conditional use process when considering the mix of specific land uses, and given the aforementioned characteristics in the 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. Alterations to the structure proposed to be converted to residential use will be required to conform to the International Residential Code. To ensure such compliance, building permits, inspections and a Certificate of Occupancy will be required prior to occupying the building for residential use.

RECOMMENDATION:

Staff recommends **approving** the requested Conditional Use Permit to allow the existing building on the subject property as identified on the submitted site plan to be converted for and placed into residential use, **subject to the following conditions:**

- 1. That the residential development shall specifically conform to the site plan on page 4 of this staff report. No future expansion of the structure will be permitted without prior approval by the Planning and Zoning Commission of an amended site plan.**
- 2. That recording of a formal plat of the property into two new lots be required prior to the issuance of any building permits.**
- 3. That all building permits and inspections shall be obtained and a Certificate of Occupancy be issued before the building is to be occupied by a residential use.**