
ORDINANCE NO. O-1213-30

ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	TJ Food & Fuel, dba Greek House
REQUESTED ACTION	Rezoning to C-2, General Commercial District, with Special Use for a Bar
EXISTING ZONING	RO, Residence-Office District
SURROUNDING ZONING	North: R-3, Multi-Family Dwelling District East: R-3, Multi-Family Dwelling District and C-1, Local Commercial District South: C-1, Local Commercial District West: C-1, Local Commercial District
LOCATION	768 Jenkins Avenue
SIZE	6,910 Square Feet
PURPOSE	Special Use for a Bar
EXISTING LAND USE	Restaurant and Storage
SURROUNDING LAND USE	North: Residential East: Commercial and Residential South: Office West: Commercial
LAND USE PLAN DESIGNATION	Office
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding a second commercial business to this location. The applicant is requesting to rezone this site from RO, Residence-Office District to C-2, General Commercial District with Special Use for a Bar or Tavern.

ANALYSIS:

C-2, General Commercial District:

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

The applicant is requesting C-2, General Commercial District with Special Use for a Bar in order to have a bar and smoke shop, a water pipe system, on the west end of the building. The proposal of the bar and smoke shop consists of approximately 768 square feet. Currently, the restaurant is on the east end of the building utilizing approximately 1,512 square feet. The seating area for the restaurant is approximately 720 square feet with 38 to 40 chairs. The remaining 800 square feet in the building is used for storage of supplies for the restaurant.

Parking: The requirements for parking in the C-2, General Commercial District for the specific uses of restaurant and bar are as follows:

- Restaurant: 1 parking space per 50 square feet of CSA
- Bar or Tavern: 1 parking space per 50 square feet of CSA
(CSA: Customer Service Area)

At a minimum with the restaurant being the only use, the site requires fourteen parking spaces. The site currently provides nine parking spaces. There are six parallel parking spaces available along the south side of the building, in what is designated as the fire lane area. These parking spaces are not striped or designated as parking. There are three parking spaces at the west end of the building however, these as well are not striped or designated as parking spaces. There is an area at the east end of the building that customers utilize for parking. This area is not legally designated parking as it is in the right-of-way and was not included as part the nine available parking spaces. The applicant stated in his narrative submitted that the restaurant and bar/smoke shop will not be open at the same time. The plan is to close the Greek House at 8:30 pm and then open the bar and smoke shop. However, even with the staggered business hours the parking required for the bar and smoke shop is still short of the minimum required parking spaces.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The request of a Special Use does not require any parkland dedication.
- **PUBLIC WORKS** The property has already been platted. Utilities, streets, public alley are existing. This Special Use will not require any modification to the site which would require additional public improvements.

STAFF RECOMMENDATION:

If commercial utilization of this property is approved sufficient parking cannot be provided on-site. This building was built in 1969 and over the years several different uses have been in this building. Staff cannot find records which clearly indicated how the restaurant use was approved in this location as it is not an approved use in the RO, Residence-Office zoning. The RO, Residence-Office zoning designation is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district. The majority of the area around this business is zoned

C-1, Local Commercial District, a less intense zoning district as opposed to the requested C-2, General Commercial District. As previously discussed, there are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. The properties in this vicinity are zoned C-1, Local Commercial District, RO, Residence-Office District and R-3, Multi-Family Dwelling District. With the lower intense zoning districts present this zoning request for C-2, General Commercial District is considered spot zoning. Spot zoning is contrary to the basic zoning principles which are set to protect adjacent properties. With the lack of parking and traffic congestion already in the area, staff cannot support the request to place this property in the C-2, General Commercial District with Special Use for a Bar. Staff recommends denial of Ordinance No. O-1214-30.