
ORDINANCE NO. O-1314-43

ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	SKM Development, L.L.C.
REQUESTED ACTION	Special Use for a Mixed Building
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: I-1, Light Industrial District and C-2, General Commercial District East: RM-6, Medium Density Apartment District South: C-2, General Commercial and I-1, Light Industrial District West: C-2, General Commercial District
LOCATION	480 24 th Avenue N.W.
SIZE	4.7 acres, more or less
PURPOSE	Allow up to two residential units on the third floor only
EXISTING LAND USE	Commercial
SURROUNDING LAND USE	North: Mini-Storage Facility East: Apartments South: Veterinarian West: Office
LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, SKM Development, L.L.C., is requesting Special Use for a Mixed Building at the subject address.

ANALYSIS: This property lies north of Hemphill Drive and west of 24th Avenue NW. The property was zoned C-2, General Commercial District in three phases. In 1984 this entire subject tract was zoned I-1, Light Industrial District. In that same year Park Central

Development Corporation rezoned approximately seventy-one acres of land stretching from Interstate 35 east to 24th Avenue NW to C-2, General Commercial District, a portion of this subject tract was at the most southeastern corner of that large rezoning request, adjacent to Hemphill Drive. In that rezoning request a mix of commercial uses allowed under C-2 were proposed. In 2004 an additional piece of this subject tract was rezoned C-2. This second rezoning was to allow for a family laser tag facility. In 2006 the third and final piece of this subject tract was rezoned to C-2, proposing commercial and office uses.

The applicant began construction of the first phase of this commercial development in early 2005, under the original plat, Madison Square Addition, for the Sherwin Williams Paint Store. In 2008 the applicant initiated development, under concurrent construction, for the remaining area, one L-shaped two and three story commercial and office building. The applicant final platted the entire subject tract in 2009 as SKM Addition, Block 1, Lots 1 and 2. The Sherwin Williams Paint Store is on Lot 1 and the office building is on Lot 2.

The applicant designed a third floor in the corner portion of the L-shaped building, currently under construction. The original intent was to have the third floor area for a "night watchman or caretaker"; however, to allow that use in this C-2 zoning district a Special Use is required for the lot and that specific zoning was never requested or approved. After discussion with the applicant and his representative regarding economic market demands it is understood that requesting, instead of the night watchman or caretaker component, a Special Use for a Mixed Building to allow for the use of two residential units on the third floor is appropriate. This request will better suit the development proposed. The applicant will have flexibility to hire a night watchman, if needed, or lease the unit(s) if the security component is not required and market demands call for a residential use.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The applicant will be required to pay a parkland fee with the proposed residential use. The applicant will need to negotiate the park land fee with Parks and Recreation Department. Required park land fee will be required prior to the issuance of a building permit for the residential use.
- **PUBLIC WORKS/ENGINEERING** As previously stated, this area was platted in 2009 and there are no additional Public Works/Engineering requirements.

STAFF RECOMMENDATION: This development has the required zoning in place to develop both commercial and office uses. The only component changing in this request is the ability to add a residential component to the site, on the third floor.

Staff recommends approval of Ordinance No. O-1314-43.