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ORDINANCE NO. O-1819-36

ITEM NO. 5

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Zain Fuel, Inc.
REQUESTED ACTION	Special Use for a Mixed Building for Lots 1-6, Block 23
EXISTING ZONING	C-2, General Commercial with Special Use for a Mixed Building
SURROUNDING ZONING	North: R-3, Multi-Family Dwelling District East: R-3, Multi-Family Dwelling District South: C-1, Local Commercial District West: PUD, Planned Unit Development
LOCATION	1226 Classen Boulevard
SIZE	.5 acre
PURPOSE	Expanding the mixed building, for a total of two residential units above a retail establishment
EXISTING LAND USE	Mixed building with a residential unit above a retail establishment
SURROUNDING LAND USE	North: Single Family Homes East: Apartments South: Restaurant West: Apartments
LAND USE PLAN DESIGNATION	Commercial

**SYNOPSIS:** The applicant is requesting to expand the existing Special Use for a Mixed Building to allow for one two bedroom apartment unit above a retail space. The site is zoned C-2, General Commercial with Special Use; there is an existing convenience store with a mixed building attached to the southwest portion of the convenience store. The applicant would like to maximize use of the entire parcel, and is requesting the entire property be granted Special

Use for a Mixed Building for an additional retail space with one two bedroom apartment on the second floor on the northeast side of the parcel.

This is the applicant's second request for Special Use on this parcel; City Council approved this exact same proposal for Special Use on November 26, 2013. However, the applicant did not construct the addition of the retail space and apartment within the two year requirement for Special Use. All Special Use ordinances must be enacted within two years of the approved Special Use zoning, otherwise the Special Use expires. Therefore, the applicant is making the exact same request again for the entire parcel.

**ANALYSIS:** The applicant is proposing a mixed building that will have retail space on the first floor and a two bedroom apartment on the second floor. The new addition will be on the northeast side of the existing convenience store and will be 972 square feet as will the apartment on the second floor. The second floor residential unit will have access through a staircase located outside the building on the northeast side. This proposal is to expand the mixed building with the allowed uses in C-2, General Commercial and the same architectural style as the existing building on the southwest portion of the parcel that was approved for a Special Use in 2010.

**SITE PLAN:** The site plan submitted with this request will regulate the design of the site and the site will be constructed accordingly. Required parking for the convenience store, two retail shops and two apartments is eight parking stalls and there are 13 provided; new parking stall striping includes two new handicap parking stalls. The new dumpster location is approved and meets current standards with a dumpster enclosure.

This site has ingress and egress off Classen Boulevard directionally heading north and south and off Boyd Street directionally heading east and west which allows for good traffic circulation.

Overall, this property is able to support the expansion of the mixed building without creating adverse effects on surrounding property owners and will not negatively affect traffic in the general vicinity.

**OTHER AGENCY COMMENTS:**

- **PREDEVELOPMENT PD19-02** **March 28, 2019**  
There were no neighbors that attended the meeting.
- **PARK BOARD** Park land dedication is not required for a commercial development.
- **PUBLIC WORKS** This parcel is platted as part of the Classen Miller Plat therefore, no public improvements are required.

**STAFF RECOMMENDATION:** Staff recommends approval of Ordinance No. O-1819-36 for Special Use for a Mixed Building.