

# Planning Commission Agenda Memo

**From:** Ryan Miller, City Planner

**Meeting:** July 6, 2021

**Subject:** Conditional Use Permit for mixed business and residential in a Business B-3 heavy district at 530 1<sup>st</sup> St S.

**Person(s) Responsible:** Ryan Miller, City Planner

## **Summary:**

Granted Properties, LLC has submitted an application for a conditional use permit in order to establish contractor's shops with residential, a mixed-use in a B-3 district. The item was introduced at the May 4, 2021 Planning Commission meeting and tabled until a later date.

## **Background:**

Granted Properties, LLC recently purchased the property at 530 1<sup>st</sup> Street South and 110 6<sup>th</sup> Avenue North. Currently, the owners operate a siding and roofing shop on site. A rezoning request has been approved to rezone the property from Industrial I-1 light district to Business B-3 heavy district. The applicant plans to add additional contractor's shops and/or temporary personal storage on the property with residential units above. The mixed business and residential development would require a conditional use permit in the B-3 district.

## **Item Details:**

The property is located at the corner of 1<sup>st</sup> Street South and 6<sup>th</sup> Avenue South near the viaduct. A legal nonconforming building containing an existing siding and roofing shop is located on the north of the property along 1<sup>st</sup> St. The building is legal nonconforming due to its location within the required front yard setback. An existing single-family dwelling will be demolished. The applicant will need to replat three existing lots into one lot for redevelopment on the site.

The applicant would like to develop the site with a new mixed use building that would house contractor's shops (7-units) on the ground level and residential (4 two-bedroom units) on a second floor. The site would have access along both 1<sup>st</sup> St S and 6<sup>th</sup> Ave S as well as access from the alleyway to the west.

A mixed business/residential use is allowed by conditional use permit in the B-3 zoning district with the following standard:

- Such business uses shall be only those uses permitted in the respective zoning district.

Contractor's shops are a special permitted use in the B-3 district under the condition that all equipment and materials be contained within a completely enclosed building. Contractor's shops with outdoor storage would be allowed only by conditional use permit in the B-3 zoning district. A temporary storage facility is allowed in the B-3 district.

With four two-bedroom residential units, twelve off-street parking spaces would be required. The site plan indicates that twelve parking spaces could be located along the north and east perimeter of the site. Additional parking is shown for contractor use adjacent to the new building.

Construction plans call for sufficient fire ratings to meet building codes when second floor residential units are included. The applicant has drafted potential tenant covenants intended to regulate the storage of equipment and materials and limit all noise producing activities to between the hours of 7 AM and 8 PM.

Mixed use developments are promoted in commercial areas where retail and service stores are combined with residential units. The proposed project seeks to mix contractor's shops with residential units. These uses are less compatible and would not be recommended. Compatible mixed use developments traditionally combine residential with retail and service shops that minimize noise, dust, and other nuisances.

A variance has been granted by the Board of Adjustment for a reduced bufferyard setback to the south from a 30-foot setback to structure to a 20-foot setback to structure. The project would not meet the required 5-foot side landscaping area due to its location adjacent to an alleyway. All remaining setbacks, bufferyards, and landscaping requirements appear to be met.

#### **Options and Recommendation:**

The Planning Commission has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Table until a later date

The Development Review Team does not support the request. Staff recommends denial due to the incompatibility of uses (contractors shops with residential units).

#### **Supporting Documentation:**

1. Notice
2. Application
3. Site Plan (Updated)
4. Aerial Map
5. Zoning Map
6. Examples of Contractors Shops (New)