

**Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687**

Date: 7/26/04

Applicant: Minneapolis Public Works Department, Room 223 City Hall

Address of Property: 5028 and 5044 Ewing Ave. S., Minneapolis, MN

Project Name: Ewing Parking Lot

Contact Person and Phone: Rebecca Law, 612-673-3252

Staff Contact Person and Phone: J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Date Application Deemed Complete: 7/8/04

End of 60-Day Decision Period: 9/6/04

End of 120-Day Decision Period: N/A

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1A, Single Family District

Proposed Zoning: Transitional Parking Overlay District (TPOD)

Zoning Plate Number: 35

Legal Description: Lots 1-6, Block 4, Girard Park Addition

Proposed Use: Applications by the Minneapolis Public Works Department to expand the existing 60-stall parking lot located at 5028 Ewing Ave. S by one lot (5044 Ewing) to the south to accommodate an additional 24 stalls by redesigning the parking lot layout.

Prior approvals: None

Concurrent Review:

- Rezone the entire site to Transitional Parking Overlay District to allow the parking lot
- Conditional Use Permit for the use [551.430 (1)]
- Parking and drive aisle variance to allow parking in a front yard setback [541.260 (2) (a)]

**If you need more information or have special needs, please call the
Minneapolis Planning Department at 612-673-2597.**

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

- Variance of the overlay district standard that restricts the maximum width of the lot to 75 ft. to allow it to be 240 ft. wide.
- Variance of the overlay district standard that requires the parking lot about the commercial district on a side yard.
- Major Site Plan Review

Background: The Public Works Department owns the current parking lot at 5028 Ewing Ave. S. (Attachment 5). The lot serves the businesses at the 50th and France commercial area. The City has evaluated the usage of the lot and concluded that there is considerable unmet demand for parking to serve the users of the businesses (refer to analysis in Attachment 3). Because of this, Kalsybro Inc., the owner of the platted lot at 5044 Ewing Ave S (to the immediate south of the parking lot) has committed to donating this vacant lot provided the City uses it to significantly expand the capacity of the parking lot. If the City approves the subject six applications, the Public Works Department can expand the lot by 24 stalls, a 40% increase. Most of this is accomplished by the parking and drive aisle variance that would allow parking in the front yard setback and the variance of the overlay district standards that restrict the maximum width of the lot to 75 ft. The expanded parking lot would be 240 ft. wide. Without the variances, the new lot might expand the capacity by only about 8 stalls, a 13% increase, and, according to the Public Works Department, the company may not donate the land because of the paltry increase.

The property at 5048 Ewing Ave S was sold by Kalsybro to Centerpiece Development on 12/31/03 but due to a “glitch” in the County records, Kalsybro is still shown as the owner. (Centerpiece Development also owns the adjacent lots at 5052 and 5056 Ewing Ave S.) The project will affect the next lot to the south, 5048 Ewing Ave. S. The existing house on this lot is located three feet from the north lot line, two feet less than the minimum required for a side yard in the R1A District. However, the owners of Centerpiece Development have previously stated that they plan to demolish the houses on 5048, 5052, and 5056 Ewing and develop new residences.

The project will affect landscaping. Currently, the parking lot meets the front yard setback requirements of the Zoning Code along Ewing Ave., and the site includes 13 mature trees. The proposal would remove these trees and replace them with 7 additional boulevard trees and 4 new trees internal to the site. Also the site will be surrounded on all sides by a four-foot-high wrought iron fence, and a hedge and shrubbery will screen all but the alley side of the property. The existing trees along the alley will remain. The proposed parking lot design will also reduce the current three curb cuts to one in order to promote safer traffic flow, both within the lot and along the street.

One neighbor submitted an email message in opposition to the project (Attachment 3). Staff have received no comment to date from the neighborhood group.

REZONING

Findings as Required By the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

- a. The following is a review of the project relative to the applicable plans and policies of the *Minneapolis Plan* (adopted by the City Council in 2000 (emphasis added):

4.1 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Implementation Steps (selected)

- Ensure that commercial uses do not negatively impact nearby residential areas.

4.2 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Implementation Steps (selected)

- Ensure that commercial uses do not negatively impact nearby residential areas.
- Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.
- Ensure that parking structures and surface lots conform with identified design principles. (See discussion of traditional urban form in Chapter 9.)

4.3 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps (selected)

- Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.
- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

4.4 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Implementation Steps (selected)

- Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.
- Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.
- Ensure that regulations balance the transition between high traffic land uses and adjoining residential areas.

9.8 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Implementation Steps (selected)

- Require the landscaping of parking lots.
- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.
- Implement parking solutions based on shared parking facilities and critical parking permits for residential districts

c. Petition's Consistency with City Plans and Policies: The following describes how the petition relates to the above plans and policies:

- The Plan designates 50th St., located half a block to the north of the site, as a Commercial Corridor. Currently, un-served parking demand from the 50th and France commercial area overflows into the adjacent residential areas. The proposed petition to TPOD would maximize the use of the site for parking purposes in support of this commercial area and to protect the existing neighborhood from overflow parking pressures. This is consistent with Policies 4.1, 4.2, 4.3, and 4.4.
- The fact that the lot is a shared parking facility located to the rear of the commercial area is consistent with Policy 4.2 and 9.8.
- The project will comply with the landscaping and screening requirements of the Code. This is consistent with Policy 4.2 and 9.8.

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

- The Plan designates the 50th and France area as an Activity Center. The provision of parking to serve the businesses in an Activity Center is consistent with Policy 4.4.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

Rezoning to allow the City to expand an existing public parking lot on to a vacant parcel is in the City's interest. The additional parking will serve the adjacent commercial area and help stem overflow parking pressures from adversely impacting the residential area.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The commercial area adjacent to the west and north is zoned C1, C2, and OR1. The residential area to the east and south is zoned R1A and R2B (Attachment 4) and low-density single-family homes dominate. Rezoning the site to the TP Overlay District will provide the least intensive zoning that would permit the existing parking use. The underlying R1A zoning that limits uses to residential (other than the restricted parking uses) will remain on the site. Continued use of the site for parking is compatible with the surrounding commercial, office, and residential uses.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

As stated above, the TP Overlay District does not affect the underlying R1A zoning except to allow parking as a conditional use.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The residential character of the area to the east and south of the site has not substantially changed. It is a stable low-density neighborhood. The commercial area to the west and north has continued to thrive.

CONDITIONAL USE PERMIT

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

1. **Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

City staff serving on the Preliminary Plan Review committee reviewed the project on 4/7/04. Since the project is an expansion of a use already present in the neighborhood, no significant increase in off-site impacts are expected.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Refer to the prior response.

3. **Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The project includes adequate utility service and driveways consistent with all pertinent regulations.

4. **Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

This is a Public Works project. The Department has reviewed it for compliance with all regulations regarding access, curb cuts (which will be reduced for three to one), and drainage.

5. **Is consistent with the applicable policies of the comprehensive plan.**

Refer to the analysis in Finding 1 above for the rezoning petition.

6. **And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit and site plan review.**

Additional Findings Required for the TPOD:

Per 551.430 (1): Parking lot, serving customers and employees only. Parking lots for customer and employee automobiles may be located in the TP Overlay District, subject to Chapter 541, Off-Street Parking and Loading, and the following standards:

- a. **The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.**

The parking lot abuts the commercially zoned parcels to the rear, a situation to be allowed by means of the subject variance.

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

- b. The width of the parking lot shall not exceed seventy-five (75) feet.**

The parking portion of the lot is 240 feet wide. This is the subject of accompanying variance application.

- c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.**

This is currently the case and will continue as a condition of the approvals.

- d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.**

Public Works has in the past placed a sign stating that no parking is allowed after 10 p.m. but the lot has never been gated. This lot is now part of the Public Works SnOasis program which allows off-street free parking so residents can get their cars off the street during snow plowing operations. Closing off the parking lot between 10 p.m. and 6 a.m. would defeat the purposes of the SnOasis program at the parking lot. Public Works wishes to keep the lot gate-free.

- e. The parking lot shall at no time be used for outdoor sales, display or storage.**

This is currently the case and will continue as a condition of the approvals.

- f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.**

The project complies with this provision.

- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.**

The project complies with this provision.

VARIANCE: Parking and drive aisle variance to allow parking in a front yard setback.

Findings as Required by the Minneapolis Zoning Code:

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

The site is vacant and zoned R1A appropriate for a single-family house. The applicant's statement is in Attachment 2.

This is an existing parking facility proposed for expansion. According to analyses by the Public Works Department, the businesses in the 50th and France commercial area generate parking demands that cannot be met by the current parking and so parking spills over into the surrounding residential neighborhood and results in excess traffic and noise and it reduces the on-street supply available for the residents. As a designated Activity Center in the Minneapolis Plan, the 50th and France area is appropriate for commercial growth and for City infrastructure improvements to accommodate that growth. The project needs a parking and drive aisle variance to allow parking in the front yard setback area per 541.260 (2) (a), and a variance of the overlay district standards that restrict the maximum width of the lot to 75 ft. to allow the lot to be 240 ft. wide. The project will expand the parking portion of the lot by about 33 feet.

As stated above, Kalsybro Inc., the owner of the 5044 Ewing (the platted lot to the immediate south of the parking lot), has committed to donating the lot provided the City use it to significantly expand the capacity of the parking lot. If the City approves the subject six applications, the Public Works Department can expand the lot by 24 stalls, a 40% increase. Without the variances, the new lot might expand the capacity by only about 8 stalls, a 13% increase, and, according to the Public Works Department, the company may not donate the land unless there is a significant increase in supply.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

There are very few Activity Centers in the City where land is available address parking issues.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

As stated above, this is an existing parking lot. The expansion will continue to be compatible with the surrounding uses.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

This is a low-density residential area that generates a very low amount of traffic on Ewing. (Comment: Residents have voiced concerns about the higher volume of traffic created by drivers who use Ewing solely as a route to avoid the congested intersection of 50th and France.) The additional 26 stalls will generate additional traffic but not in an amount that would cause

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

congestion, noise, or other impacts in the area beyond what would be expected on a city street. The project does not increase the demand for parking but rather serves more of the existing demand in an off-street lot. As such, the additional parking may decrease traffic in other parts of the residential area from users of the commercial area who drive the neighborhood looking for on-street spaces.

VARIANCE: Variance of the overlay district standard that restricts the maximum width of the lot to 75 ft. to allow it to be 240 ft. wide.

Findings as Required by the Minneapolis Zoning Code:

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant's statement is in Attachment 2. As stated above, this is an existing parking facility already in excess of the 75 ft. limit (200 ft. currently). The proposed expansion for needed parking to serve the users of the adjacent Activity Center is consistent with the Comprehensive Plan. The project will expand the parking portion of the lot by about 33 feet.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Refer to the corresponding respond for the first variance.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

As stated above, this is an existing parking lot. The expansion will continue to be compatible with the surrounding uses.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Refer to the corresponding respond for the first variance.

VARIANCE: Variance of the overlay district standard that requires the parking lot about the commercial district on a side yard.

Findings as Required by the Minneapolis Zoning Code:

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant's statement is in Attachment 2. As stated in the first variance findings #1, this is an existing parking facility proposed for expansion for needed parking to serve the users of the adjacent Activity Center consistent with the Comprehensive Plan.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Refer to the corresponding respond for the first variance.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

As stated above, this is an existing parking lot. The expansion will continue to be compatible with the surrounding uses.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Refer to the corresponding respond for the first variance.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning Code:

1. Required Findings for Major Site Plan Review

- a. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A below for evaluation.)
- b. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).
- c. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

**Section A: Conformance with Chapter 530 of Zoning Code
Building Placement and Façade:**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Planning Division Evaluation of Building Placement and Façade Requirements:

- The parking lot is behind the commercial area consistent with the Code.

Access and Circulation:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for on-site snow storage are provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Planning Division Evaluation of Access and Circulation:

- Access from the parking lot to the commercial area is via two breaks in the fence on the alley side of the site.
- The project conforms with the Code and to the requirements of the Public Works Dept. as regards vehicular access and circulation.
- The project eliminates two of the existing three curb cuts along Ewing Ave.
- All areas not needed for parking and access are landscaped.

Landscaping and Screening:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**

- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

Planning Division Evaluation of Landscaping and Screening:

- The site (30,312 sq. ft.) includes 5,131 sq. ft. of landscaping, which equals 17% of the site.
- The project meets the Codes requirements for a five-foot landscaped yard along Ewing Ave. and on the north and south sides of the site.
- The project will comply with the requirements of 530.160 (b) and (c) regarding landscaping and screening through the use of an ornamental fence and a hedge on all but the alley side of the site (alley access will be prevented via a fence).
- The project exceeds the minimum requirements for trees and bushes. The City's landscape consultant has reviewed and approved the landscape plan (Attachment 5).

Additional Standards:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Division has reviewed the plans.**

- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Planning Division Evaluation of the Additional Standards:

- The lighting fixtures will prevent glare from escaping the site.
- The landscaping and screening will prevent headlight glare from impacting the surrounding residential area.
- The Police Division reviewed the design as regards crime prevention design elements.

2. Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Planning Division Analysis regarding Alternative Compliance:

- The site includes 17% landscaping instead of the required 20%. As mitigating measures, the project includes intensive landscaping on all available land with more canopy trees than minimally required by the Code, and effective screening via a combination of an ornamental fence, a hedge, and shrubbery.

RECOMMENDATIONS

- A. Petition to Rezone to the Transitional Parking Overlay District:** The Community Planning and Economic Development Department—City Planning Division recommends that the City Planning Commission **approve** the rezoning to the Transitional Parking Overlay District of 5028 and 5044 Ewing Ave. S.
- B. Conditional Use Permit:** The Community Planning and Economic Development Department—City Planning Division recommends that the City Planning Commission **approve**

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

the conditional use permit for the project at 5028 and 5044 Ewing Ave. S., subject to the following conditions:

1. Approval of the rezoning of the site to the Transitional Parking Overlay District.
2. Approval by the Planning Division of the final drawings including the site, lighting, and landscape plans.
3. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
4. The parking lot shall not be required to be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. as long as the lot is a participating facility in the Public Works SnOasis program (or an equivalent program that allows off-street free parking so residents can get their cars off the street during snow plowing operations).
5. The parking lot shall at no time be used for outdoor sales, display or storage.

C. Variance: The Community Planning and Economic Development Department—City Planning Division recommends that the City Planning Commission **approve** the parking and drive aisle variance to allow parking in a front yard setback for the project at 5028 and 5044 Ewing Ave. S., subject to the following conditions:

1. Approval of the rezoning of the site to the Transitional Parking Overlay District.
2. Approval by the Planning Division of the final drawings including the site, lighting, and landscape plans.

D. Variance: The Community Planning and Economic Development Department—City Planning Division recommends that the City Planning Commission **approve** the variance of the overlay district standards that restrict the maximum width of the lot to 75 ft. to allow it to be 240 ft. wide for the project at 5028 and 5044 Ewing Ave. S., subject to the following conditions:

1. Approval of the rezoning of the site to the Transitional Parking Overlay District.
2. Approval by the Planning Division of the final drawings including the site, lighting, and landscape plans.

E. Site Plan Review: The Community Planning and Economic Development Department—City Planning Division recommends that the City Planning Commission **approve** the site plan review application for the project at 5028 and 5044 Ewing Ave. S., subject to the following conditions:

Department of Community Planning and Economic Development—Planning Division
Rezoning, Conditional Use Permit, Variances, Site Plan Review
BZZ-T687

1. Approval of the rezoning of the site to the Transitional Parking Overlay District.
2. Approval by the Planning Division of the final drawings including the site, lighting, and landscape plans.
3. The site improvements shall be completed by July 31, 2005 or the application may be revoked for noncompliance, unless extended by the Zoning Administrator or the City Council.

ATTACHMENTS

1. Zoning Code Information Sheet
2. Statement of use and findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos