

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, and Variances
BZZ-2396

Date: June 27, 2005

Applicant: Ritz Theater Foundation

Address Of Property: 343 13th Avenue NE and 1101 University Avenue NE

Project Name: Ritz Theater/Ballet of the Dolls

Contact Person And Phone: John Kremer 612-788-5551

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 3, 2005

End of 60 Day Decision Period: August 2, 2005

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning for Theater: C1 Neighborhood Commercial District

Proposed Zoning for Theater: C2 Neighborhood Corridor Commercial District

Existing Zoning for Sheridan School: R1A single-family District

Proposed Zoning for Sheridan School: TP Transitional Parking Overlay District

Zoning Plate Number: 9

Legal Description for the Theater: The east 57 feet of Lot 8 and the West 23 feet of Lot 9, Block 8, Marshall Addition to St. Anthony.

Legal Description for Sheridan School: Block 16 including adjacent 7 feet of Broadway vacation, Marshall Addition and all of Sheridan Field.

Proposed Use: Indoor Theater.

Concurrent Review:

Rezoning: From C1 Neighborhood Commercial to C2 Neighborhood Corridor Commercial District to allow a indoor theater at 343 13th Avenue NE.

Rezoning: To add the TP Transitional Parking Overlay District to the Sheridan School site.

Conditional Use Permit: For an indoor theater at 343 13th Avenue NE.

Conditional Use Permit: For extended hours for the theater until 11:00 p.m. Sunday through Thursday.

Conditional Use Permit: To allow a parking lot in the Transitional Parking Overlay District.

Variance: To reduce the required parking for the theater from 70 spaces to zero spaces.

Variance: To increase the maximum width of a parking lot in the TP Overlay from 75 feet to 106 feet on 4th Street NE and to 116 feet on University Avenue NE

Variance: To reduce the required front yard setback (east side of parking area) from 20 feet to 7.5 feet.

Variance: To reduce the required front yard setback (west side of parking area) from 20 feet to 5 feet.

Variance: To reduce the required interior yard setback (north side of parking area) from 5 feet to 0 feet.

Variance: To increase the maximum allowable fence height to 10 feet for the school playground.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variance, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.”; Article XI Variance, specifically Section 525.520(5) “to permit an increase in the maximum height of a fence”; and Chapter 530 Site Plan Review.

Background: The Ritz Theater Foundation proposes to purchase the vacant Ritz Theater at 343 13th Avenue NE from the City of Minneapolis for the new home of the Ballet of the Dolls theater and dance group. In addition, they propose to resurface the playground area of Sheridan School for a shared parking facility. The parking requirement of the theater will be varied to zero, but an approximately 87 space lot will be created in the playground area that will only be utilized during non-school hours.

Indoor theaters are first allowed in the C2 district and require a conditional use permit. To allow the parking on the Sheridan School site a rezoning to add the TP transitional Parking Overlay District, a conditional use for a parking lot, and lot width and setback variances are required.

Although it is staff’s understanding that the neighborhood group supports this project, as of the writing of this staff report, the Sheridan Neighborhood Organization has not provided any written commentary to planning staff. Staff will forward comments from the neighborhood group, if any are received, at the Planning Commission meeting.

REZONING (from C1 to C2 for 343 13th Avenue NE)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan shows the intersection of 13th Avenue NE and University Avenue NE as a neighborhood commercial node. The plan states that “Neighborhood Commercial Nodes are the small scale service locations and focal points for neighborhoods. Their character is defined by the limited impact and scale of businesses operating in these locations, making them good neighbors to the largely low-density residential areas that surround them. Commercial uses in Neighborhood Commercial Nodes operate with little negative impact on their neighborhoods, such as the production of fumes or noise or

negative aesthetics, or even blight through minimal or deferred maintenance of buildings and land. These areas are generally pedestrian oriented in scale and design. Neighborhood commercial nodes have usually developed at intersections, and the intersecting streets are often designated as community corridors. Related to the city's historical growth pattern, these nodes generally consist of traditional commercial storefront buildings, and maintain a building typology that is appropriate for the surrounding residential neighborhoods." The C2 district can be an appropriate district in Neighborhood Commercial Nodes where it supports the above noted goals.

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

The rezoning will allow the rehabilitation of a vacant building into an indoor theater that will serve as a cultural resource for the neighborhood and the City. This is in the public interest.

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.

This block of 13th Avenue NE has storefront commercial uses, including a bar and restaurants, as well as educational and office uses all zoned C1 Commercial. Beyond the commercial area there are residential uses. Although staff has some concern about the range of uses allowed in the C2 district, the proposed zoning should not be out of character with the area.

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.

The C1 District allows a range of commercial uses.

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 commercial node was zoned C1 as a part of the general remapping of the City with the adoption of the 1999 zoning ordinance. This area has seen a general improvement as business owners have reinvested the commercial buildings.

REZONING (To add the TP Overlay District to the Sheridan School site)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan shows the intersection of 13th Avenue NE and University Avenue NE as a neighborhood commercial node. The plan states that “Neighborhood Commercial Nodes are the small scale service locations and focal points for neighborhoods. Their character is defined by the limited impact and scale of businesses operating in these locations, making them good neighbors to the largely low-density residential areas that surround them. Commercial uses in Neighborhood Commercial Nodes operate with little negative impact on their neighborhoods, such as the production of fumes or noise or negative aesthetics, or even blight through minimal or deferred maintenance of buildings and land. These areas are generally pedestrian oriented in scale and design. Neighborhood commercial nodes have usually developed at intersections, and the intersecting streets are often designated as community corridors. Related to the city’s historical growth pattern, these nodes generally consist of traditional commercial storefront buildings, and maintain a building typology that is appropriate for the surrounding residential neighborhoods.”

The Transitional Parking Overlay District is designed to allow parking lots in residential districts when adjacent to commercial districts in need of additional parking. The commercial node at 13th and University Avenues has very little parking as the many of the buildings cover their lots. This rezoning will allow parking for the theater during performances without creating any additional paved area as the site to be utilized is already a paved playground.

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

The rezoning will allow the rehabilitation of a vacant building into an indoor theater that will serve as a cultural resource for the neighborhood and the City. This is in the public interest.

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.

This block of 13th Avenue NE has storefront commercial uses, including a bar and restaurants, as well as educational and office uses all zoned C1 Commercial. Beyond the commercial area there are residential uses. The proposed zoning should not be out of character with the area.

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.

The R1A District allows single-family homes and limited institutional uses such as churches and schools.

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 commercial node was zoned C1 as a part of the general remapping of the City with the adoption of the 1999 zoning ordinance. This area has seen a general improvement as business owners have reinvested the commercial buildings.

CONDITIONAL USE PERMIT (to allow an indoor theater)

Findings as required by the Minneapolis Zoning Code:

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

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

This area is a commercial node. The use of this building as a theater should not be out of character with the area. It has historically been a theater. With the shared parking lot and other conditions of approval it should not be detrimental to surrounding properties.

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.

The surrounding area is fully developed. The use of this building that was originally built as a theater, as a theater should not be injurious to the surrounding area. The number of seats is being reduced from 900 to 225, so it should have less of an impact on nearby properties.

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

Adequate utilities are existing or will be constructed. Public Works and the Fire Department have reviewed the access and circulation and find it acceptable.

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

A shared parking lot will be built on the Sheridan School site that will provide parking for the use during its greatest periods of demand.

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

Please see finding number 1 under the rezoning sections of this report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezonings, conditional use permits, and variances.

The theater will conform to the applicable regulations of the district upon the approval of the rezonings, conditional use permits, and variances.

CONDITIONAL USE PERMIT (for extended hours)

Findings as required by the Minneapolis Zoning Code:

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

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

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

- a) Proximity to permitted or conditional residential uses. The site is bordered by commercial, institutional, and office uses to the east, west, and south and residential uses to the north.

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- b) Nature of the business and its impacts of noise, light and traffic.
The business is a theater. There is a potential for large groups of people to be leaving late from events at the site. This could generate noise and traffic that would have an effect on the nearby residential properties, but the extension of time is only for one hour so this should not be an significant impact.
- c) Conformance of use. The proposed use is a permitted use in the C2 zone if the rezoning is approved. The zoning code limits operating hours to 10 p.m. (11 p.m. Fri/Sat). The applicant is requesting extended hours until 11:00 p.m. Sunday through Thursday. If the conditional use permit for extended hours is approved then the proposed hours will be in conformance with the code.
- d) Complaints received. The proposed use is new. There have been no complaints received for the use.

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.

While there are residential properties nearby, the theater is in a commercial node and is bordered by commercial, office and institutional uses to the east, west, and south. Allowing the use to be open one hour later Sunday through Thursday should have little effect on the surrounding area.

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

Adequate utilities are existing or will be constructed. Public Works and the Fire Department have reviewed the access and circulation and find it acceptable.

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

A shared parking lot will be built on the Sheridan School site that will provide parking for the use during its greatest periods of demand.

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

Please see finding number 1 under the rezoning sections of this report.

6. And, does in all other respects conform to the applicable regulations of the district in which

it is located upon approval of the rezonings, conditional use permits, and variances.

The theater will conform to the applicable regulations of the district upon the approval of the rezonings, conditional use permits, and variances.

CONDITIONAL USE PERMIT (to allow a parking lot in the TP Overlay)

Findings as required by the Minneapolis Zoning Code:

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

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

A parking lot in the TP Overlay District requires a conditional use permit. The use of an existing paved playground area for shared parking to facilitate the rehabilitation of a building that has historically been used as a theater should not be detrimental to or endanger the public health, safety, or general welfare. However, staff has a concern with debris and oil patches on the playground and recommends that it be professionally swept at least twice a year.

- 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.**

The proposed lot will be utilized as a playground during most of the time. It will be landscaped and screened. The surrounding area is fully developed. The lot should not be injurious to the use and enjoyment of other properties in the area.

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

Adequate utilities are existing or will be constructed. Public Works and the Fire Department have reviewed the access and circulation and find it acceptable.

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

This parking lot will provide a shared parking solution for the area that should reduce congestion in the public streets.

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

Please see finding number 1 under the rezoning sections of this report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezonings, conditional use permits, and variances.

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.
- b. The width of the parking lot shall not exceed seventy-five (75) feet.
- 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.
- 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.
- e. The parking lot shall at no time be used for outdoor sales, display or storage.
- 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.
- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

The parking lot will meet all of the above noted standards except for a maximum width of 75 feet, the limitation on hours until 10:00 p.m., and the landscaping and screening standards of Chapter 530. It will meet the lot width standard if the variance to increase lot width is granted.

The applicant has asked for the lot to be open until 3:00 a.m. Staff has a concern with the lot being open this late due to possible negative impacts on surrounding residential properties; therefore staff recommends that the lot be closed at midnight.

Screening is required on the east and west sides in a landscaped area of at least 7 feet in width. The east side will be 7.5 feet wide and the west side will be 5 feet wide (9 if the interior boulevard is included). The screening shall be at least three feet tall and 60 percent opaque. In addition, 1 tree per each linear foot of parking area shall be provided. The landscaping plan does not show these plants and trees. The applicant states that the Minneapolis Public School will not allow this landscaping. Staff recommends that this landscaping be provided on the final site plan. Chapter 530 requires that no parking space be less than 50 feet from a parking space. This is not possible for this proposal, because the lot is also used as a playground for a public school. Staff recommends that the Commission allow the applicant to avoid planting tree islands, which may be practically infeasible in the middle of an existing playground, but that trees are provided on the east and west sides of the lot/playground. This will be required at the final site plan stage.

VARIANCE (to reduce the parking from 70 to zero for the theater)

Findings Required by the Minneapolis Zoning Code:

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

The Ritz theater was originally built with 900 seats. The renovation will reduce this to 225 seats. This will require seventy parking spaces. The theater has no parking available at all as it covers almost all of its lot. The theater building can be used as it is originally designed unless a parking variance is granted. This is a hardship. The negative impacts of the variance will be mitigated by the provision of shared parking lot on the Sheridan School site that will be utilized during non-school hours, which should be the times when the theater has its performances and greatest parking demand. This is a reasonable use of the property.

- 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.**

This site is an existing theater that has no parking on site, but will have access to a shared parking lot. This is a circumstance that is not generally applicable in the City.

- 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.**

The intent of the ordinance is to provide reasonable parking requirements for specific uses. While the variance is to zero, there will be a shared parking lot that will be available during the theater's performance times and its greatest parking demand. This variance should not circumvent the intent of the ordinance.

- 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 parking lot will provide a shared parking solution for the area that should reduce congestion in the public streets. Granting the variance should not be detrimental to the public welfare or safety.

VARIANCE (to reduce the parking lot width)

Findings Required by the Minneapolis Zoning Code:

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

Parking lots are limited to a width of 75 feet in the TP Overlay districts. This lot will be 106 feet wide on 4th Street NE and 118 feet wide on University Avenue NE. the area to be used for parking will be paved regardless as a part of a Minneapolis Public School parking lot. Requiring a reduction of the parking lot will not reduce the amount of paved area, so strict adherence could be considered a hardship. Letting the parking width match the playground area is a reasonable use of the property.

- 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.**

This parking lot will utilize the same area used for a Minneapolis Public School playground. This is a situation that is not generally applicable to other properties in the residential districts.

- 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.

The intent of width requirement is to prevent parking lots from dominating residential areas, to preserve a pedestrian friendly environment, and to preserve the street wall. Because the area is already paved as a playground granting the variance should not alter the character of the area. This variance should not circumvent the intent of the ordinance.

- 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 parking lot will provide a shared parking solution for the area that should reduce congestion in the public streets. Granting the variance should not be detrimental to the public welfare or safety.

VARIANCE (to reduce the parking lot setbacks)

Findings Required by the Minneapolis Zoning Code:

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

The lot for Sheridan School has two front yards, one facing University Avenue NE and the other facing 4th Street NE. The front yard setback in the R1A District is 20 feet. The applicant proposes to reduce these setbacks to 5 feet on University and 7.5 feet on 4th Street NE. The north interior yard is required to be 5 feet. The applicant is requesting a variance to zero feet on the north side. The area to be used as a shared parking lot is also utilized as a Minneapolis Public Schools playground. It is currently paved in the setbacks and would remain that way if the variance were denied. Strict adherence would not allow parking in an area that will be paved for playground use. This could be considered a hardship. In addition, there are no residential uses adjacent to the playground/parking lot. To the north are institutional and office uses that front 13th Avenue NE and to the south is the school so larger setbacks are less necessary.

- 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.**

This parking lot will utilize the same area used for a Minneapolis Public School playground. This is a situation that is not generally applicable to other properties in the residential districts.

- 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.**

The intent of width requirement is to prevent parking lots from dominating residential areas, to preserve a pedestrian friendly environment, and to preserve the street wall. Because the area is already paved as a playground granting the variance should not alter the character of the area. This variance should not circumvent the intent of the ordinance.

- 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 parking lot will provide a shared parking solution for the area that should reduce congestion in the public streets. Granting the variance should not be detrimental to the public welfare or safety.

VARIANCE (to increase the fence height)

Findings Required by the Minneapolis Zoning Code:

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

The applicant is replacing the playground fence on the east side of the site and staff is recommending that the fencing be replaced on the west side of the site. While the property could be put to reasonable use if the fencing were limited to eight feet, it may not be reasonable to require the school to meet a height limit that was basically intended for the front yards of residential properties. This would be a hardship.

- 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.**

The hardship is caused by the zoning code not recognizing the unique requirements of school athletic fields and playgrounds.

- 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.**

The intent of the ordinance was to prevent large fences from being installed in front of residential properties giving them the look of a fortress and obstructing views up and down the street. It was not necessarily intended to apply to a large athletic field or school playground. Fencing around an athletic field is a unique situation that is not generally applicable to other properties in the area.

- 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.**

The height of the fencing will have no impact on traffic congestion nor will it increase the danger of fire. The fencing should not be detrimental to the surrounding area. Vinyl coated chain link fencing will be utilized, the fence will be setback five to seven feet from the sidewalk, and the area between the fence and the sidewalk will be landscaped.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning to C2:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District for property located at 343 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning to add the TP Transitional Parking Overlay District:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application to add the TP Transitional Parking Overlay District for property located at 1101 University Avenue NE.

Recommendation of the Community Planning and Economic Development Department –

Planning Division for the conditional use permit for a theater:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for an indoor theater for property located at 343 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit to allow extended hours for a theater:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow extended hours until 11:00 p.m. Sunday through Thursday for an indoor theater for property located at 343 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit for a parking lot:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit application for a parking lot in the TP Transitional Parking Overlay District for property located at 1101 University Avenue NE subject to the following conditions:

- 1) If the School Board ever ceases to use this area as a playground and converts it to a parking lot then an amendment to the cup is required and all parking shall meet the district setbacks of 20 feet on the east and west and five feet on the north.
- 2) The parking lot shall be closed with a gate to the general public at 12:00 a.m. It may open again after 6:00 a.m.
- 3) The chain link fencing on the east and west sides of the lot shall be replaced with black vinyl coated chain link fencing.
- 3) A final site and landscaping plan shall be reviewed and approved by staff before the parking lot may be installed. All improvements shall be completed by June 27, 2006. this plan shall be more detailed than the one provided staff in the report and shall list and show all plant types.
- 4) The parking lot and all areas on which vehicles may maneuver on the site shall be swept not less than two (2) times per year consistent with the techniques recommended in the *Minnesota Urban Small Sites BMP Manual*.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the parking variance:

The Community Planning and Economic Development Department – Planning Division recommends

that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required parking from 70 spaces to zero spaces for property located at 343 13th Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the parking lot width:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the maximum parking lot width from 75 feet to 106 feet on 4th Street NE and to 118 feet on University Avenue NE for property located 1101 University Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the front (east) setback variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required front (east) yard setback along 4th Street NE from 20 feet to 7.5 feet for property located at 1101 University Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the front (west) setback variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required front (west) yard setback along University Avenue NE from 20 feet to 5 feet for property located at 1101 University Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the interior (north) setback variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required interior (north) yard setback from 5 feet to 0 feet for property located 1101 University Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the fence height variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application for the maximum allowable height of a fence to be increased from 8 feet to 10 feet for a school playground for property located at 1101 University Avenue NE.

Attachments:

1. Statement and findings from the applicant.
2. Site map and aerial photo.
3. Site plan, floor plans, and elevations.
4. Photos.