

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit, Variances, and Site Plan Review  
BZZ-1948

**Date:** March 7, 2005

**Applicant:** Minneapolis Institute of Art

**Address Of Property:** 2325 Third Avenue South

**Contact Person and Phone:** Kaylen Whitmore – MIA 612-870-3178

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** February 14, 2005

**End of 60 Day Decision Period:** April 15, 2005

**Ward:** 6      **Neighborhood Organization:** Whittier

**Existing Zoning:** OR3 Institutional Office Residence District.

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this application.

**Proposed Use:** Parking facility.

**Concurrent Review:**

**Conditional Use Permit:** To allow a 149 space parking facility (surface lot).

**Variance:** To reduce the required front yard setback on 3<sup>rd</sup> Avenue South from 15 feet to 11 feet for the south six parking spaces.

**Variance:** To reduce the corner side yard setback on East 24<sup>th</sup> Street from 8 feet to 5 feet for the guard shack and from 8 feet to 4 feet for the westerly parking space in the east lot.

**Variance:** Variance to increase the number of auxiliary signs from 11 to 28; variance to increase the height of individual auxiliary signs from 4 feet to 4.1 feet, 4.4 feet, 5.5 feet, and 6.75 feet; variance to increase the square footage of two auxiliary signs from 4 square feet to 6 square feet.

**Site Plan Review.** Site plan review for a parking facility.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits. Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements...” and Section 525.520(21) “to vary the number, type, height, area or location of allowed signs....” Chapter 530 Site Plan Review.

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**Background:** The Minneapolis Institute of Art (MIA) has applied for a conditional use permit for a parking facility in the OR3 district at the northeast corner of 3<sup>rd</sup> Avenue South and East 24<sup>th</sup> Street. The zoning code defines a parking facility as “an area, either a parking lot or garage, that provides off-street parking for motor vehicles.” The MIA received an interim use permit for a surface lot at this site in July of 2000 (CU-159) for a five year period expiring in July of 2005. Interim uses can be granted for a period of up to five years. No extension or renewal beyond five years is allowed, so a conditional use permit is required to allow the lot to remain on the site. A site plan was approved for this site by Public Works (PW#6830). Planning staff has learned that this was a temporary approval based on an interim lot. If a final approval is granted a new site plan is required to route through Public Works for approval. This plan has not been to the Preliminary Site Plan review meeting, so staff does not have all of the Public Works requirements for this lot, but one item that will have to be addressed is drainage and stormwater management, as this was not done as a part of the previous plan’s approval. The Whittier Alliance passed a motion approving the MIA’s request for a conditional use permit for the parking lot at its meeting of December 16, 2004 (see attached letter).

A variance (V-294) to allow the height of the fencing to exceed four feet to five feet in the corner side yard along East 24<sup>th</sup> Street was approved by the Board of Adjustment on September 13, 2000. A variance (BZZ-8) to allow an increase in the height of two identification signs from six feet to eleven feet; a variance to increase the maximum number of auxiliary signs from eight to eleven; and a variance to increase the height of four of the auxiliary signs from four to five feet four inches and two of the auxiliary signs from four to eight feet was approved by Board of Adjustment on April 11, 2001.

This property was originally the site of the Moulton-Morrison Residence, which was constructed in 1890 and was demolished in 1956 to make way for the Fair Oaks Motel that was built in 1957. On June 13, 2000, the Heritage Preservation Commission (HPC) approved the demolition of the two-story, concrete block and stucco motel subject to the applicant receiving approvals to construct the existing temporary parking lot on the property. On November 9, 2004, the HPC approved a Certificate of Appropriateness to allow the existing surface parking lot for five years from the expiration date of the original approval date. The new extension date is June 22, 2010 (if the Planning commission approved the conditional use permit for a parking facility). In order for the lot to remain in operation after this date it will need HPC review and approval.

As a part of the approval of the Minneapolis Institute of Arts expansion (BZZ-779) in 2002 the City Council added a condition of approval that the “MIA will coordinate and undertake a neighborhood-wide parking evaluation...which will include MIA, MCAD, CTC, and neighborhood representatives.” The study was expanded to include the Whittier neighborhood’s a parking study for the “northeast quadrant” of the neighborhood that is bounded by Franklin Avenue to the north, 4<sup>th</sup> Avenue to the east, 26<sup>th</sup> Street to the south, and Nicollet Avenue to the west and a parking study for a portion of Nicollet Avenue to the west of the institute. Public Works coordinated these studies. While the study is basically done, it has not yet been signed by all of the institutes and the Whittier Alliance. The study makes no concrete recommendations for this parking lot beyond considering continued use of the site for parking. Although this lot was approved as an interim use, it provides part of the required parking for the MIA. If the conditional use permit is denied the MIA will have to modify its approved Travel Demand Management plan; apply for a variance to reduce the required parking, or provide the parking in some other place or form.

**CONDITIONAL USE PERMIT (to allow a 149 space surface parking lot)**

**Findings as required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Planning Division 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 parking lot provides 149 spaces of the required parking for the MIA. If it were eliminated it would likely have a significant impact on surrounding properties; therefore, the continued use of the site should not be detrimental to or endanger the public health safety or welfare. The site is landscaped and screened to the standards of the site plan review chapter of the zoning code to reduce negative impacts on surrounding properties and to lessen the impact on pedestrians.

**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. While a large surface lot is not a desirable as some form of development that would have active uses, such as a mixed use building, it is not injurious to surrounding properties. The site is landscaped and screened to the standards of the site plan review chapter of the zoning code to reduce negative impacts on surrounding properties and to lessen the impact on pedestrians.

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

Utilities and access are existing and adequate. A drainage and stormwater management plan is required by Public Works at the final site plan stage.

**4. Adequate measures have not been or will be provided to minimize traffic congestion in the public streets.**

The parking lot is necessary to provide a significant portion of the required parking for the MIA and it is often available for patrons of the Children's Theater and students attending the MCAD. It reduces congestion in the public streets.

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

*The Minneapolis Plan* states the following about the arts in Minneapolis:

“The Twin Cities region has always made a special place for the arts in its midst. Some of the region’s arts institutions have a long history in Minneapolis. Only a small handful are profiled in this chapter, but the number of participant institutions and the contribution they make to the community is unparalleled in the Upper Midwest.

As the arts brings people together around issues of common interest, they also make considerable monetary contributions to the immediate economy. The presence of large scale arts institutions like the Walker Art Center, the Guthrie Theater, Minnesota Orchestra, The Minneapolis Institute of Arts, the Minnesota Opera and the Children's Theatre Company entices more than 3 million people to attend performances, give courses, and perform in the Twin Cities each year. The Broadway theater market in Minneapolis was recently ranked the sixth largest in the U.S., with significant enabling contributions from the public sector in the form of support and renovation of historic theaters, such as the State and Orpheum in downtown Minneapolis. The Twin Cities dominate the state’s film and video production industry. Minneapolis’ Office of Film, Video and Recording reports that the state’s industry is worth about 249 million annually, employs 5,000 Minnesota residents. Furthermore, the music industry in the metropolitan Twin Cities area generates more than 600 million dollars annually, providing a significant talent, economic and employment base to area residents. For the economic and most importantly civic benefits the arts brings to the community that nurtures them.”

The plan has the following policy and implementation steps:

**Policy 6.5 Minneapolis will continue to promote the economic and creative vitality of arts activities based in the city, both as a regional center for art with an international presence as well as a unique arts environment that responds to local specialty interests.**

**Implementation Steps**

Enhance the city's unique arts and cultural resources that promote the city’s identity within the region and in special 'niches' within the arts community.

Encourage the growth of the film and video industry in Minneapolis by promoting the city to a national film and video production audience.

Position the Arts Commission to act as a liaison between all city agencies that sponsor public arts activities in order to enhance the cultural life and enrich the experience of citizens through the arts.

Develop closer collaboration among the Arts Commission, the Heritage Preservation Commission, the Committee on Urban Environment and the City Planning Commission.

The City Form chapter of *The Minneapolis Plan* has the following statement about institutional uses:

“Other significant changes to the city's features have come hand-in-hand with increased economic prosperity. As the city grew, so too did many of its founding institutions. Educational institutions, hospitals and corporations expanded and increased their presence in city neighborhoods, and residents and business owners grappled with the challenge of accommodating expansion and change in a compatible, mutually advantageous way. Vital, healthy institutions bring tremendous stability and presence to any city neighborhood. Balancing the need for expansion with the scale and character of pedestrian or other street level activity in city neighborhoods is a critical issue for both the livability of city neighborhoods surrounding institutions and the continued success of these organizations.”

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The plan has the following policy and implementation steps:

**Policy 9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.**

**Implementation Steps**

Concentrate the greatest density and height in the interior of institutional campuses.

Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

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

**Implementation Steps**

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.

Activity such as Offer incentives so that new parking structures built in high activity areas (e.g. Growth Centers and Centers) are designed to include a mix of uses through the presence of active street-level uses general retail or commercial services.

Establish reduced minimum and new maximum parking standards to discourage auto over-reliance.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

Provide sufficient parking enforcement in critical parking areas so those residents who need the parking have it available.

Implement parking solutions based on shared parking facilities and critical parking permits for residential districts

This parking lot provides required parking for a regional arts asset. Without this parking lot there could be significant parking problems in the area. The parking lot has been landscaped and screened to the standards of the site plan chapter of the zoning code. It is in conformance with the above noted policies of the comprehensive plan.

**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.**

The proposed development will conform with all other regulations of the zoning code if the variances and site plan review are approved.

**VARIANCE (to allow parking and a guard shack in the setbacks)**

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property may not 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 variance is necessary to reduce the front yard setback from 15 feet to 11 feet along 3<sup>rd</sup> Avenue for the southern 6 spaces (the other six spaces on third are grandfathered); to reduce the required corner yard setback on East 24<sup>th</sup> street from 8 feet to 5 feet for the westerly parking space in the east lot (the other spaces are grandfathered); and to reduce the corner yard setback on East 24<sup>th</sup> Street from 8 feet to 4 feet for the guard shack. If the stalls and guard shack were moved to comply with the setback they would not match the other parking areas. This is a hardship. To allow the encroachments into the required setbacks 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.**

A situation where the majority of a lot is already grandfathered at a certain setback and a few spaces and a guard shack need the variance is not a circumstance generally applicable to other properties in the City. In addition, there is a grade change on the site and several retain walls that makes redesigning the site difficult.

- 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 purpose of the ordinance is to provide for a setback that is a buffer for pedestrians and that matches the surrounding character of the area. The parking that is in the setback is eleven feet from 3<sup>rd</sup> Avenue property line and five feet from East 24<sup>th</sup> Street property line. The guard shack is four feet from the 24<sup>th</sup> Street property line. There will still be a reasonable buffer that matches the character of the area if the variance is granted. If the variance is denied there will still be a majority of the parking in the setback. Granting the variance will 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.**

Granting the variance will have no effect on congestion. It will not increase the danger of fire or endanger the public welfare or safety.

**VARIANCE (of signage)**

**Findings Required by the Minneapolis Zoning Code:**

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

Please see the attached sign chart for more detailed information. The applicant requests a variance to increase the number of auxiliary signs from 11 to 28; a variance to increase the height of individual auxiliary signs from 4 feet to 4.1 feet (sign #5), 4.4 feet (sign #4), 5.5 feet (sign #1), and 6.75 feet (signs #3 and #8); variance to increase the maximum allowable square footage of two auxiliary signs (sign #4) from 4 square feet to 6 square feet. This is a very large lot and due to the grade change there are actually two separate lots. All of the signage is necessary for safety, information, and directions. To reduce the signage to the required number, size and height, would hinder the ability to convey this information and would not recognize the unique situation of the two separate lots. This is a hardship. To allow the signage 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.**

A large parking lot that is separated by a grade change into two lots is not a condition generally applicable to other properties throughout 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 regulation is to limit sign clutter. As stated above, the number of signs is necessary due to the size of the lot and the grade change. These factors mitigate the sign clutter, and therefore, granting the variance should not circumvent the intent of the ordinance. The signs have received HPC approval.

- 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.**

Granting the variance will have no effect on congestion. It will not increase the danger of fire or endanger the public welfare or safety.

**In addition to the conditional use standards contained in Chapter 525 and this article, the City**

**Planning Commission shall consider, but not be limited to, the following factors when determining sign variances:**

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

As stated above the number of signs is necessary due to the size of the lot and the grade change. These factors mitigate the sign clutter and therefore, granting the variance should not circumvent the intent of the ordinance. The signs have received HPC approval.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The signs are professionally constructed and installed. They are not backlit. They have received HPC approval. The signs are not necessarily of an exceptional design, but they are metal and professionally constructed. They are mostly small auxiliary signs. Some of the signs are of an improved design that utilizes attractive fonts and sign borders.

## **SITE PLAN REVIEW**

### **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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

### **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.

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- 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).

The site is a parking lot. There are no buildings.

#### **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 snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

Public Works approved a site plan for this site in 2000 (PW#6830) that found the access and circulation acceptable. In the course of writing this report Planning Staff has been informed by Public Works that this approval reflected the temporary nature of the parking lot and that when the lot is made permanent they will require a site plan be routed, reviewed, and approved that meets current applicable standards. Public Works staff has indicated that this design is generally acceptable, but they need to review the curb cut locations. In addition, a stormwater management plan is required as a part of the Public Works review and approval. Staff will provide an update on the Public Works issues at the public hearing. The applicant shall provide a show storage and removal plan at the final site plan stage.

#### **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

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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, or 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.

Approximately 21 percent of the site is landscaped. The five foot landscaped buffers are provided from the public sidewalk. The parking area is bounded by 6 inch by 6 inch continuous concrete curbing. At a minimum, the site is required to have 13 trees and 66 bushes and to meet the three foot high screening requirement. In addition, one tree per every 25 linear feet is required along the street frontages for a requirement of 8 trees on 3<sup>rd</sup> Avenue, 6 on East 24<sup>th</sup> Street, and 8 on Clinton Avenue South. The applicant has not provided a landscaping plan. This is required at the final site plan stage.

**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.
- 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.

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The lighting will comply with Chapters 535 and 541 including the following standards:

**535.590. Lighting.** (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The City's crime prevention through environmental design (CPTED) standards recommend that all vegetation should follow the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE:**

The surface lot will comply with all other sections of the zoning code with the approval of the conditional use permit, and the setback and signage variances.

**MINNEAPOLIS PLAN:** Please see finding number 5 under the conditional use permit section of this report.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

**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.

Alternative compliance is not necessary for this site.

**RECOMMENDATIONS**

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

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 application for a surface parking lot for property located at 2325 Third Avenue South subject to the following condition:

- 1) Compliance with the HPC conditions of approval.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required front yard setback on 3<sup>rd</sup> Avenue South from 15 feet to 11 feet for the south 6 parking spaces for property located at 2325 3<sup>rd</sup> Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required front yard setback on East 25<sup>th</sup> Street from 8 feet to 4 feet for the west parking spaces in the east lot for property located at 2325 3<sup>rd</sup> Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required front yard setback on East 25<sup>th</sup> Street from 8 feet to 5 feet for the guard shack for property located at 2325 3<sup>rd</sup> Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the number of allowed auxiliary signs from 11 to 28; to increase the allowable height of individual auxiliary signs from 4 feet to 4.1 (sign#5), 4.4 feet (sign #4), 5.5 feet (sign #1), and 6.75 feet (sign #3 and sign #8); and to increase the maximum allowable square footage of two auxiliary signs from 4 square feet to 6 square feet for property located at 2325 3<sup>rd</sup> Avenue South.

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**Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a parking facility located at 2325 3<sup>rd</sup> Avenue South subject the following conditions:

- 1) Staff review and approval of the final site, landscaping, and snow removal plans. All site improvements shall be completed by March 7, 2006 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement by May 20, 2005.
- 3) The final landscaping plan shall provide the required number of bushes and trees listed in the landscaping section of this report.

**Attachments:**

- 1) Letters.
- 2) Zoning map.
- 3) Site plan.
- 4) Sign information.
- 5) Photos.