

Wells Fargo Parking Lot  
112 W. Magnolia Street.

### **Modification Request**

Division 3.2.2(J) - D-Downtown

### **Reason for the Request**

The Land Use Code states that the decision-maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good; and the decision-maker must also find that the Modification meets **one** of the following four criteria described in the LUC, section 2.8.2(H).

*(1) The plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested*

The standard per Section 3.2.2(J) states that a 15' setback is required along an arterial (in this case, College Ave.) and a 5' setback is required from the other lotlines. The proposed parking lot layout provides the required 5' setbacks on the north and south property lines; the setback provided along the alley (west property line) is 3' and the setback provided along College Ave is 8' (at the narrowest point).

Allowing narrower setbacks on the west and east property lines will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for the following reasons:

1. Although the setback along College Ave. is only 8' (at the narrowest point), a 3' tall, 61'-6" long masonry wall is proposed along 70% of the length of the parking lot to provide a screen/buffer from the sidewalk and College Ave. The proposed material is brick veneer with a sandstone cap which will help visually tie it into the neighboring property and surrounding context.
2. In addition to the wall, a dense layer of planting will be provided on the front side (College Ave. side) of the wall and it will include deciduous shrubs, ornamental grass and small flowering trees to provide year-round color, texture and screening capabilities.
3. There will be no vehicular access to the parking lot from College Ave. A CDOT access permit is in process to close the existing access, so only pedestrians will move in and out to the site from the east side.
4. The parking setback along College Ave. aligns very closely with that of the setback of the existing building to the north and provides a wider setback from the sidewalk to the parking lot than that of the existing building to the north.

5. Although the setback along the Alley is 3' (rather than the required 5'), the proposed 3' setback is provided with a defined concrete edge (curb and gutter) and will provide room for vehicle overhang without encroachment into the alley. This proposed 3' setback is wider than that of the parking adjacent to the alley to the north where there is no defined line between the parking and the alley at all.

In conclusion, with the exception of the narrower setback widths on the west and east property lines, the proposed site meets the standards set forth in Section 3.2.2 of the Land Use Code and we do not believe that granting this request will be detrimental to the public good and will continue to advance the purposes of the Land Use Code.