

### **SPR-3 WRITTEN STATEMENT**

The properties located at the NE corner of Market St NE and Hawthorne Ave NE, Taxlot Numbers: 073W24AD0500, 073W24AD0202 are located within the MU-III (Mixed Use III) Zone. Per section Sec.535.010.

Following the reconstruction of I-5 and Market Street inter change, the property was lawfully developed under the applicable standards of 1997. The development has remained largely the same since that time. Previously the Newport Seafood Grill, we are continuing the use of the building as a restaurant (3,757sf), with the remainder (3,268sf) to be used as car sales. The majority of the parking will be converted to display parking.

Motor vehicle sales are a Conditional Use within the MU-III (Mixed Use-III) zone per Sec. 535.010. A Class 3 Site Plan Review is also required for a Conditional Use Permit. The properties are located within the MU-III zone. Other than the addition of security fencing, requisite pedestrian connection, and the removal of two interior landscape islands, we are not changing the exterior of the building or the rest of the property.

Sec. 806.035(d)(1)(B), Interior landscaping is not required at vehicular display areas. Section 535.015(e)(3) requires the site to have a minimum of 15% landscaping, there is 20.4% landscaping after the requisite pedestrian connection, and the two interior planter removals. See sheets SPR-1, and SPR-2.

**Table 535-4 Zone to Zone setbacks do not apply to this project. All adjacent property is MU3 the applicable standard is:**

All vehicular use area meet 806.035(c)(2) method A except, the east side adjacent to the freeway off ramp.

(2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

(A) Method A. The off-street parking and vehicle use area shall be setback a minimum of ten feet

The East property line (adjacent to freeway off ramp) is less than 5 feet in some places. This setback need not comply.

The provisions of this chapter apply to all required landscaping and screening under the UDC.

Sec. 807.015. - Landscaping and screening.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section

These are the Nonconforming standards provided for under the UDC

The provision Sec. 270.010. - Nonconforming development.

(a) Generally. Nonconforming development is any development which met the applicable City or county development standards imposed at the time the development was constructed, but which no longer complies with development standards due to the adoption of, or amendment to, the City's land use regulations, the annexation of the property into the City, or the acquisition of public right-of-way. A nonconforming development may be continued until the development's nonconforming status is terminated as provided in subsection (d) of this section.

(c) Alteration and enlargement. Unless the alteration or enlargement is undertaken in connection with a nonconforming use under 270.005(a) nonconforming development may be altered or enlarged provided such new development complies with all applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.

Table 535.015 Setbacks

Requirement	Standard	Limitations and Qualifications	complies
Abutting Steet			
All other Uses	Min 5' 30' Max	The maximum setback of up to 30 feet is applicable to all new buildings...	Yes, All buildings are existing.
Interior Side			
All other uses	Zone-to-zone setback (Table 535-4)		There are no building adjacent to interior side yard, only parking Applicable standard is Sec. 806.035 (c)(3)

The proposed development, the required minimum off-street parking spaces is 19, including 1 van accessible parking space. Per Table 806-1, the minimum spaces for the restaurant portion is  $3,757\text{sf}/250 = 15$ , and  $3,268\text{sf}/900 = 4$  for the used car sales portion of the building. We are providing 23 spaces. See sheet SPR-1.

Sec. 800.065, new pedestrian connections are indicated at the corner of Market St NE and Hawthorne Ave NE, along with a connection to Freeway Ct NE. See sheet SPR-1.