

Department of Community Planning and Economic Development – Planning Division
Expansion of Non-Conforming Use
BZZ-5385

Date: November 14, 2011

Applicant: Bakken Museum

Addresses of Property: 3537 Zenith Avenue South

Project Name: Bakken Museum

Contact Person and Phone: David Rhees, on behalf of the Bakken Museum, (612) 926-3878

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: October 19, 2011

End of 60-Day Decision Period: December 18, 2011

End of 120-Day Decision Period: Not applicable for this application.

Ward: 13 **Neighborhood Organization:** West Calhoun Neighborhood Council and Linden Hills Neighborhood Council

Existing Zoning: R1, Single-family District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 23

Legal Description: Not applicable for this application

Proposed Use: Sign

Concurrent Review:

Expansion of a Non-Conforming Use: to allow for the construction of a monument sign for a museum located in the R1 zoning district

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures

Background: The applicant is proposing to construct a monument sign, identifying the Bakken Museum, on the corner of West 36th Street and West Lake Calhoun Parkway. The property is zoned R1, Single-family District and is in the SH Shoreland Overlay District. Museums are not an allowed use in the R1 zoning district. Given this the applicant needs to apply for an expansion of non-conforming use application.

The proposed monument sign will be “L” shaped and will flank the corner of the property. The sign will be approximately 20 feet in length and eight feet in height. The base of the sign will be made out of stone that is similar to the museum building itself. There will be two arched sign panels on top of the stone base. Each of the sign panels will be approximately 21 square feet in size. The signs will be internally illuminated. When lit only “The Bakken Museum” will be illuminated. There will be three lanterns incorporated into the design of the sign that will also be illuminated.

EXPANSION OF NONCONFORMING USE

The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

1. A rezoning of the property would be inappropriate.

The Planning Division believes that it would be inappropriate to rezone the property to accommodate a museum. A museum is first allowed in the OR2, High Density Office Residence District. The surrounding area is primarily zoned R1 with scattered individual parcels zoned R2 and R2B. Land uses in the surrounding area include single-family homes, a golf course and Lake Calhoun. The museum has been located on this site since 1976.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The expansion of the non-conforming use application is necessary for the museum to allow for a new monument sign to be constructed on the corner of West 36th Street and West Lake Calhoun Parkway. The proposed sign will be incorporated into the existing decorative fence that runs along the perimeter of the property and will be made out of stone that matches the museum itself. The sign will be compatible with the entry gates located on the adjacent property to the north.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The Planning Division does not believe that the expansion of the museum to allow for a new monument sign will result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion. The proposed sign should help to identify the museum for those visiting it.

4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

The Planning Division believes that the proposed monument sign will enhance the corner of the property. Again, the proposed sign will be incorporated into the existing decorative fence that runs along the perimeter of the property and will be made out of stone that matches the museum itself. In addition, the sign will be compatible with the entry gates located on the adjacent property to the north.

5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

No dwelling units will be constructed as part of this development.

6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

The site is not located in the Floodway District.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the change of non-conforming use:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the Expansion of Non-Conforming Use to allow for the construction of a monument sign for a museum located in the R1 zoning district for the property located at 3537 Zenith Avenue South subject to the following conditions:

1. Approval of the final sign plans by the Department of Community Planning and Economic Development – Planning Division.
2. The sign installation shall be completed by November 14, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of the project
2. Responses to the findings for an Expansion of Non-Conforming Use

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3. July 14, 2011, email correspondence to Council Member Hodges, the West Calhoun Neighborhood Council and the Linden Hills Neighborhood Council
4. Zoning Map
5. Site plan and sign information
6. Photographs of the site and surrounding area
7. Photographs of the existing signage on the site