

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit, Variance and Site Plan Review  
BZZ-2344

**Date:** June 13, 2005

**Applicant:** The American Swedish Institute

**Address of Property:** 2636 Park Avenue

**Project Name:** The American Swedish Institute

**Contact Person and Phone:** Aaron Parker with B. Aaron Parker & Associates/Metropolis, (612) 824-2915

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

**Date Application Deemed Complete:** May 5, 2005

**End of 60-Day Decision Period:** July 4, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 8      **Neighborhood Organization:** Midtown Phillips Neighborhood Organization

**Existing Zoning:** R6, Multiple-family District and OR2, High Density Office Residence District

**Proposed Zoning:** OR2, High Density Office Residence District

**Zoning Plate Number:** 25

**Legal Description of 2636 Park Avenue:** Lots 7 through 18, Block 1, Home Addition to Minneapolis, Hennepin County, Minnesota, together with that part of adjacent alley which accrued thereto by reason of vacation thereof, and that part of lot 19, Block 1, Home Addition to Minneapolis, Hennepin County, Minnesota, lying westerly of the East 8 feet of said Lot 19.

**Proposed Use:** Festival grounds and surface parking lot

**Concurrent Review:**

**Rezoning:** of the property located at 2636 Park Avenue from R6 to OR2

**Conditional use permit:** for a 95-space surface parking lot

**Variance:** of the surfacing requirements of Chapter 541, Off-Street Parking & Loading to allow crushed rock or gravel in lieu of pavement

**Site plan review**

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(16) “to vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading”, and Chapter 530, Site Plan Review.

**Background:** The American Swedish Institute has under purchase agreement the property located at 2636 Park Avenue. The current owner of the property is Ebenezer Fairview Health Services. The property had been used as a transitional care facility. The former structure on the property was recently demolished and the site has been graded. It is the applicant’s intention to construct an addition to the existing museum within the next five years. In the interim, the museum is proposing to utilize the site for a surface parking lot and festival grounds. After the construction of the addition to the building the festival grounds will remain.

The property where the museum is located is zoned OR2. The property proposed to be utilized as a parking lot and festival grounds is zoned R6. Parking facilities for institutional uses are not a permitted use in the R6 District. In order to construct the parking lot the site needs to be rezoned to OR2. Please note that the expansion of the museum would also require a rezoning as museums are not permitted in the R6 District.

In addition to the rezoning, parking lots require a conditional use permit. Also, the applicant is not proposing to pave the parking lot so a variance of the surfacing materials is required. Site plan review is also required. If The American Swedish Institute owned the property, neither the conditional use permit or the site plan review application would be required as the parking lot would be considered an accessory parking lot.

## **REZONING**

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

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

The site is designated as Group Quarters in the comprehensive plan. This site is also located in the designated Wells Fargo/Hospitals Area Growth Center. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage both private and public development that provides gathering spaces in city neighborhoods (Policy 1.2).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
- Designate and develop selected Growth Centers which will be well served by transit and alternative transportation, have superior amenities, accommodate a range of housing needs and offer attractive employment opportunities (policy 9.34).

Rezoning this parcel of land from R6 to OR2 would be in conformance with the foregoing policies of the comprehensive plan. Not only will the applicant be constructing an outdoor gathering space on the property but in the future the applicant will be constructing an addition to the museum which has been a cultural amenity in the City of Minneapolis since 1929.

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

The amendment will allow the applicant to construct a surface parking lot and festival grounds on the site which will be utilized by the museum. In the future, the amendment will allow the applicant to construct an addition to the existing museum. The American Swedish Institute has been a cultural destination in Minneapolis since 1929. Approving this rezoning supports the City's decision to designate this area as a Growth Center which calls for superior amenities.

**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.**

The site is bordered by OR2 zoning to the north and west, R6 zoning to the south and both R4 and R6 zoning to the west. Adjacent uses include a mixture of institutional uses, offices and residential buildings of varying densities. Given the varying zoning classifications and the mixture of the adjacent land uses the proposed OR2 zoning district is compatible with the immediately surrounding 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.**

There are reasonable uses of the property permitted under the R6 zoning district. The R6 zoning district is a multiple-family district. Permitted uses in the R6 district include, but are not limited to, the following:

- Multiple-family dwelling, three (3) and four (4) units
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

**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.**

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

**CONDITIONAL USE PERMIT** - for a 95-space surface parking lot

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

The Department of 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, morals, comfort or general welfare.**

The Planning Division does not believe that a 95-space surface parking lot will be detrimental to the surrounding area given that it will be only temporary. The applicant has indicated that within the next five years they intend on constructing an addition to the existing museum.

**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 Planning Division does not believe that a 95-space surface parking lot would be injurious to the use and enjoyment of other property in the area. The parking lot is a temporary use of the site. The applicant is proposing to screen the parking lot from Park Avenue with a berm. The parking lot is not proposed to be screened from East 27<sup>th</sup> Street or Oakland Avenue. Please see the Site Plan Review section below for a more detailed description of the Planning Division’s recommendation regarding this issue.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The museum has a parking requirement of 87 spaces. Located on the same lot as the museum is a parking lot that can accommodate up to 71 vehicles. The proposed parking lot (an additional 95 spaces) will bring the museum into conformance with its parking requirement.

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

The site is designated as Group Quarters in the comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).

- Require the landscaping of parking lots (Implementation Step for Policy 9.12).

The applicant is proposing to screen the parking lot from Park Avenue with a berm. The parking lot is not proposed to be screened from East 27<sup>th</sup> Street or Oakland Avenue. With the changes to the site plan that are being recommended by the Planning Division, the parking lot would be in compliance with the provisions of the comprehensive plan.

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

With the approval of the rezoning, conditional use permit, variance and site plan review this development will meet the requirements of the OR2 zoning district.

**VARIANCE** - of the surfacing requirements of Chapter 541, Off-Street Parking & Loading to allow crushed rock or gravel in lieu of pavement

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

- 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.**

**Surfacing requirements:** The applicant is seeking a variance of the surfacing requirements of Chapter 541, Off-Street Parking & Loading to allow crushed rock or gravel in lieu of pavement. The applicant has indicated that because the parking lot is only temporary that it would not be practical to have to construct the parking lot twice. The applicant has indicated that the plan for the permanent parking lot calls for the parking surface to be developed as a “canvas” by a commissioned artist which for design purposes would be better to design on a smooth surface not a hodgepodge of asphalt surfaces. In addition, in order to maintain dust levels in the area, the applicant has indicated that irrigation will be provided.

- 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.**

**Surfacing requirements:** The Planning Division finds no unique circumstance of this parcel of land that would warrant the granting of the variance.

- 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.**

**Surfacing requirements:** The granting of the variance would alter the essential character of the surrounding area as there are no other large surface parking lots constructed out of crushed rock or

gravel. In addition, even with an irrigation system installed, the amount of dust that would be generated from the parking lot could be injurious to the surrounding property owners.

**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.**

**Surfacing requirements:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed surfacing material be detrimental to welfare or public safety.

### **SITE PLAN REVIEW**

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

- 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 and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

#### **Section A: Conformance with Chapter 530 of Zoning Code**

##### **BUILDING PLACEMENT AND FACADE:**

- 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.**
- 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. In the case of a corner lot, the principal entrance shall face the front lot line.**
- 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 walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**

- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- 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 fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
      - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
      - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
      - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
  - Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway

shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**PLANNING DEPARTMENT RESPONSE:**

- No buildings are proposed to be constructed as part of this development project.

**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 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

**PLANNING DEPARTMENT RESPONSE:**

- The parking spaces are not connected to the building entrance via a walkway. Visitors to the site could walk through the green space and to the public sidewalk during the non-snowy months of the year. However, during the winter months, visitors would have to walk through the drive aisles to get to the museum. If after five years the parking lot remains in the proposed configuration, the Planning Division is recommending that the applicant install walkways that connect the parking lot to the public sidewalk.
- There are four existing curb cuts leading to the site. No changes in their location or dimensions are proposed as part of this development.
- The maximum percentage of impervious surface that is allowed on the site is 85 percent. Forty-six percent of the site is proposed to be impervious.

**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, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, 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.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public

**street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**

- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 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 530.210.**
- **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 530.80, as provided in section 530.220.**

**PLANNING DEPARTMENT RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by a building be landscaped. The lot area of the site is 77,100 square feet. There is no building on this site. Twenty percent of the site area is 15,420 square feet. The applicant has a total of 42,000 square feet, or 54 percent of the site landscaped.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 31 and 154 respectively but not less than would also be required to meet the landscaped yard provisions of Chapter 530. The applicant is not proposing to have any trees or shrubs on the site. The Planning Division is recommending that the applicant design a landscaping plan that incorporates a variety of plant materials and that the applicant comply with the minimum tree and shrub requirement required by the zoning code.
- The zoning code requires that a 7-foot wide landscaped yard be provided along a public street, sidewalk or pathway. The applicant is providing an 80-foot wide landscaped yard along Park Avenue, a 20-foot wide landscaped yard along East 27<sup>th</sup> street and a 57-foot wide landscaped yard along Oakland Avenue.
- To screen the parking lot from the Park Avenue, the applicant is proposing to use a berm. The applicant is not proposing to screen the parking lot from East 27<sup>th</sup> Street or Oakland Avenue. Instead, the applicant is proposing to have a drainage swale located along Oakland Avenue for runoff purposes. The Planning Division is recommending that instead of a berm, that the applicant screen the parking lot on all three sides with landscaping or a combination of landscaping and fencing.
- For each 25 linear feet along a public street, at least one tree needs to be provided. To meet this requirement trees need to be located along Park Avenue, East 27<sup>th</sup> Street and Oakland Avenue.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. Because no trees are proposed to be planted on the site these requirements are not being met. The Planning Division is recommending that the commission grant alternative

compliance to not require a tree within 50 feet of every parking space and to not require 7-foot wide tree islands in the parking lot. However, if after five years the parking lot remains in the proposed configuration, the Planning Division is recommending that the applicant comply with these code provisions.

**ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- 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.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, 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 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, 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.

**PLANNING DEPARTMENT RESPONSE:**

- The applicant is proposing to drain the water towards the west side of the site where a drainage swale will be located. Given this, the applicant is not proposing to have continuous 6 by 6-inch curbing around the perimeter of the parking lot.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This parking lot should not block views of important elements in the city.
- This parking lot should have minimal light and air effects on the surrounding area.
- This parking lot should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has not reviewed the project in regards to crime prevention design elements. This project will be reviewed by the Crime Prevention Specialist at an upcoming Preliminary Design Review meeting with Public Works.

- The proposed five-foot high berm along Park Avenue would not meet the requirement of the Crime Prevention Specialist as it does not allow views into and out of the site between 3 and 7 feet. The Planning Division is recommending that instead of a berm, that the applicant screen the parking lot on all three sides with landscaping or a combination of landscaping and fencing.
- The American Swedish Institute is a historically designated building. The expansion to the building will be reviewed by the Heritage Preservation Commission (HPC). However, it was determined that the parking lot did not need to be reviewed by the HPC.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:**

- **Use:** Museums are a permitted use and parking facilities are a conditional use in the OR2 District.
- **Off-Street Parking and Loading:** The zoning code requires 87 parking spaces. The applicant proposes to have a total of 166 parking spaces.
- **Maximum Floor Area:** Not applicable for this application.
- **Building Height:** Not applicable for this application.
- **Minimum Lot Area:** The minimum lot area requirement for a museum in the OR2 District is 20,000 square feet and the minimum lot area requirement for a parking facility in the OR2 District is 5,000 square feet.
- **Yard Requirements:** This property is classified as a through lot. Therefore the property has two front yards; Park Avenue and Oakland Avenue. The front yard setback requirement in the OR2 District is 15 feet. The corner side yard requirement is  $8+2x$ , where  $x$  equals the number of stories above the first. However, where a corner side yard is required, it shall not exceed the applicable front yard setback. In this case the corner side yard setback would be 15 feet.
- **Specific Development Standards:** There are no specific development standards for museums or parking facilities.
- **Hours of Operation:** In the OR2 District, uses may be open to the public during the following hours: Sunday through Thursday, 7 am to 10 pm and Friday and Saturday, 7 am to 11 pm.
- **Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. The applicant proposes no signage at this time.
- **Refuse storage:** No refuse storage containers are proposed to be located on the parking lot.

**MINNEAPOLIS PLAN:**

The site is designated as Group Quarters in the comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Require the landscaping of parking lots (Implementation Step for Policy 9.12).

The applicant is proposing to screen the parking lot from Park Avenue with a berm. The parking lot is not proposed to be screened from East 27<sup>th</sup> Street or Oakland Avenue. With the changes to the site plan that are being recommended by the Planning Division, the parking lot would be in compliance with the provisions of the comprehensive plan.

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any 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, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, 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.**

**PLANNING DEPARTMENT RESPONSE:**

- The Planning Division is recommending that the Planning Commission grant alternative compliance to not require a tree within 50 feet of every parking space and to not require 7-foot wide tree islands in the parking lot. Presumably any trees located in the middle of the parking lot that would satisfy this code provision would be removed when the addition to the museum occurs. The Planning Division believes that if the perimeter of the parking lot is landscaped that the intent of the zoning code will be met during the interim time period before the addition is constructed. However, if after five years the parking lot remains in the proposed configuration, the Planning Division is recommending that the applicant comply with these code provisions.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 2636 Park Avenue from R6 to OR2.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a 95-space surface parking lot located at 2636 Park Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance of the surfacing requirements of Chapter 541, Off-Street Parking & Loading to allow crushed rock or gravel in lieu of pavement for the property located at 2636 Park Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a 95-space surface parking lot located at 2636 Park Avenue subject to the following conditions:

1. If after five years the parking lot remains in the proposed configuration, the applicant shall install walkways that connect the parking lot to the public sidewalk.
2. The applicant shall design a landscaping plan that incorporates a variety of plant materials and that the applicant comply with the minimum tree and shrub requirement required by section 530.160.
3. The parking lot shall be screened on all three sides with landscaping or a combination of landscaping and fencing as required by section 530.170.
4. Not less than one tree shall be provided for each 25 linear feet or fraction thereof of parking or loading area lot frontage along Park Avenue and East 27<sup>th</sup> Street and Oakland Avenue as required by section 530.170 of the zoning code.
5. If after five years the parking lot remains, the applicant shall redesign the parking lot so no parking space is located more than 50 feet from an on-site deciduous tree and that the tree islands in the parking lot measure 7 feet in any direction as required by section 530.170.

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6. The applicant shall submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
7. The Community Planning and Economic Development Department – Planning Division shall approve the final site and landscaping plans.
8. All site improvements shall be completed by June 13, 2006, 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. Conditional use permit and variance findings
3. Letters to Council Member Lilligren and Midtown Phillips Neighborhood Organization
4. Zoning Map
5. Site plan
6. Light fixture examples
7. Photographs of the site and surrounding area