

# M E M O R A N D U M

**Date:** April 8, 2025  
**To:** Plan Commission  
**PC:** All Alders  
**From:** Alex Saloutos  
**Re:** **Land Use Applications for 2230 Pennsylvania Avenue, Legistar ID No. 87471 and 87475**

This memo provides a detailed review and analysis of the Conditional Use Permit (CUP) and Certified Survey Map (CSM) applications for 2230 Pennsylvania Avenue, which is on your agenda tonight. Key findings and recommendations include:

1. The proposed non-accessory surface parking facility is arguably inconsistent with the goals of the Comprehensive Plan and its adopted supplements, including the Oscar Mayer Special Area Plan and the Emerson East Eken Park Yahara Neighborhood Plan. These plans prioritize higher-density, transit-oriented, mixed-use development. In contrast, this project introduces a low-intensity, auto-centric use on a large, undeveloped site. Despite the Staff Report's assertion that it would not preclude future development aligned with the plans, granting a CUP for a surface parking facility establishes a long-term entitlement that undermines the area's redevelopment potential.
2. If the CUP is granted, the Plan Commission should limit its duration to five to seven years under MGO 28.151, which explicitly allows time-limited conditional uses for non-accessory parking facilities. This discretionary authority was not mentioned in the Staff Report. A time limit would ensure future reconsideration as land use patterns and development pressures evolve.
3. The UDC ordinance (MGO 33.24(g)) does not explicitly define "minor" alterations, nor does it specify who determines what constitutes "minor" alterations. Thus, the ordinance does not leave interpretation and compliance explicitly to the UDC Secretary.
4. The proposal significantly exceeds typical definitions of "minor" development, given its scope of converting a vacant, undeveloped 116,160 square-foot (2.7 acres) lot into a new private parking facility covering approximately 75,504 square feet (65% of the lot), including 229 parking spaces, motorcycle and bike parking, a bus loading area, landscaping, EV charging stations, and a bus shelter. Given the scale of the proposed project review by the Urban Design Commission is appropriate and recommended
5. The Staff Report lacks detailed analysis of CSM approval standards required by MGO 16.23(5)(g). Detailed documentation demonstrating compliance with all required standards for approving a CSM should be provided before approval.

## **Detailed Analysis & Recommendations**

### 1. Comprehensive Plan & Conditional Use Permit Compliance.

Assuming the Comprehensive Plan and its supplements—the Oscar Mayer Special Area Plan and the Emerson East Eken Park Yahara Neighborhood Plan—apply to this application, the proposed project arguably does not comply with their stated goals and objectives. These plans prioritize

higher-density, sustainable, transit-oriented development that maximizes land use efficiency and supports walkability, employment, and housing. The proposed surface parking facility is a low-density, single-use development that underutilizes a prominent, vacant redevelopment parcel and falls short of fulfilling the land use vision articulated in these adopted plans.

The Oscar Mayer Special Area Plan identifies this area as a key redevelopment zone and prioritizes job creation, transit-oriented development, and the transformation of underutilized sites into vibrant, mixed-use environments. A new, large-scale private surface parking facility consuming 65% of a 2.7-acre lot is arguably inconsistent with this vision. The plan focuses on sustainable modes of transportation and reducing the reliance on single-occupancy vehicles, yet this project is auto-centric in both design and use.

Similarly, the Emerson East Eken Park Yahara Neighborhood Plan promotes infill development that contributes to walkability, safety, and mixed-use environments. A surface parking facility fails to activate the street, creates visual and physical gaps in the urban fabric, and misses opportunities for higher-value land use.

In conclusion, granting a conditional use permit for a non-accessory parking facility on this site would, in effect, establish a permanent entitlement for a use that is inconsistent with the plans and that occupies the majority of a significant redevelopment parcel. Despite claims in the Staff Report that this project does not preclude future development consistent with the plans, that logic is flawed. The installation of a surface parking facility across 65% of the lot materially alters the site's development potential for the foreseeable future and sends a message that long-term auto-centric uses are acceptable here. This effectively forecloses opportunities to pursue land uses that align with the city's stated planning priorities.

Recommendation: The proposed conditional use arguably does not comply with the vision, goals, and policies of the applicable adopted plans. The Plan Commission should weigh these inconsistencies heavily when determining whether the standards for approval are met.

## 2. Consider Limiting Duration of Conditional Use.

If the Plan Commission finds that the conditional use standards are met despite the concerns noted above, it should consider placing a time limit on the use, as provided for in MGO 28.151 for Parking Facility, Non-Accessory:

"In considering the conditional use, the Plan Commission may limit the duration of the use."

This important discretionary tool was not mentioned in the Staff Report. Whether this was an oversight or intentional is unclear, but the ordinance clearly allows the Commission to impose such a condition.

Recommendation: If approved, the CUP should be limited to a term of five to seven years, after which it would need to be reviewed and renewed by the Plan Commission. This would allow the City to revisit whether the use is still appropriate in light of changing land use, transportation patterns, or redevelopment pressures.

## 3. Administrative Approval Not Expressly Granted to UDC Secretary.

MGO 33.24(g) authorizes the UDC Secretary to administratively approve minor building alterations or additions but does not explicitly define "minor alterations," nor does it delegate the authority to determine what is "minor" explicitly to the UDC Secretary. In the past, such interpretive authority has rested with the Secretary; however, given the significant scale and potential impacts of this proposal, review by the Urban Design Commission would be prudent.

Recommendation: The Plan Commission should determine if the project scope genuinely qualifies as a “minor alteration” under MGO 33.24(g).

#### 4. Scope of Project Requires UDC Review.

Even though the Staff Report states the UDC Secretary has determine this project is “minor” and subject to administrative review, MGO 33.24(g) does not explicitly define what constitutes “minor” nor does it specify who has the authority to make that determination. Therefore, the UDC Secretary does not have explicitly delegated authority within the ordinance to independently interpret or define what projects qualify as “minor.” In addition, the Staff Report narrowly describes the project's scope as limited to landscaping and minor accessory structures. In fact, the proposal is for a large new project on a vacant parcel totaling approximately 2.7 acres (116,160 square feet) that includes:

- Construction of a parking facility covering approximately 75,504 square feet (about 65% of the lot).
- 229 parking spaces.
- 2 motorcycle parking spaces.
- 6 bike parking spaces.
- A dedicated bus loading area.
- Extensive landscaping features.
- Two electric vehicle (EV) charging stations, with additional future EV stations.
- A bus shelter structure.

Given the lack of clear authority delegated to the UDC Secretary to determine what is “minor”, and the scope of this new development, the proposed work is not “minor” and constitutes a major new development project, significantly impacting site aesthetics, functionality, and urban form. Projects of this scale warrant review by the Urban Design Commission review rather than administrative approval.

Recommendation: Due to the scope of this project and authority to determine what is “minor” is not explicitly vested with the Secretary of the Urban Design Commission in the ordinance, the Plan Commission should determine if the project's scope qualifies under the intended meaning of “minor” as implied in MGO 33.24(g) and, based on the facts, the Plan Commission should refer the project to the UDC for review prior to considering approval.

#### 5. Lack of Discussion and Analysis for CSM Approval.

The Staff Report states, "Staff believe that the applicable standards for land divisions can be found met, subject to the recommended conditions of approval." However, it provides no explicit analysis demonstrating compliance with the detailed requirements of MGO 16.23(5)(g). These standards include:

- Lot layout and design.
- Conformance with comprehensive and neighborhood plans.
- Adequate provision for access, utilities, and stormwater management.
- Compliance with zoning requirements.

These items represent a summary only; the ordinance sets forth these standards in significantly more detail, and each criterion must be addressed in the context of the specific application. The absence of a criterion-by-criterion analysis in the Staff Report prevents adequate verification and transparency, preventing the Plan Commission from making clear findings of fact and an appropriate quasi-judicial decision based on those findings.

Recommendation: Require an amended or supplemental Staff Report explicitly documenting detailed compliance with each criterion listed in MGO 16.23(5)(g). Approval should only be granted once comprehensive compliance documentation is provided.

Thank you for your careful attention to these detailed analyses and recommendations.