



**Request for City Council Committee Action
from the Department of Community Planning and Economic Development**

Date: July 11, 2013

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the Board of Adjustment granting the appeal of the Zoning Administrator's determination that the bus passenger loading and unloading at 247 Chicago Avenue South is classified as a Bus Turnaround under the Minneapolis Code of Ordinances, thus requiring a conditional use permit (CUP).

Recommendation: The following action was taken by the Board of Adjustment on June 6, 2013, (BZZ-5910):

247 Chicago Avenue South (BZZ #5910, Ward 7)

This item was Continued from the February 14, March 21, April 4, and April 18 Board of Adjustment meetings.

Appeal: Application by Eric H. Galatz, on behalf of Megabus USA, LLC, for an appeal of the Zoning Administrator's determination that the bus passenger loading and unloading at 247 Chicago Avenue South is classified as a Bus Turnaround under the Minneapolis Code of Ordinances, thus requiring a conditional use permit (CUP).

Action: Notwithstanding staff recommendation, the Board of Adjustment **granted** the appeal of the Zoning Administrator's determination that the bus passenger loading and unloading at 247 Chicago Avenue South is classified as a Bus Turnaround under the Minneapolis Code of Ordinances, based on the following findings:

1. Megabus, an intercity bus carrier, utilizes the commercial parking lot located at 247 Chicago Avenue as a bus stop for the regular loading and unloading of passengers.
2. Megabus' use of the parking lot, in conjunction with the right-of-way, is not a Bus Turnaround.

Aye: Finlayson, Johannessen, Meier and Ogiba

Nay: Ditzler, Sandberg and Thompson

Abstain: Cahill

Motion Passed

Ward: 7

Prepared by: Steve Poor, Zoning Manager, 612-673-5837 Approved by: Doug Kress, Director of Development Services, 612-673-3310 Presenters in Committee: Steve Poor, Zoning Manager, 612-673-5837

Community Impact:

- Neighborhood Notification: Downtown Minneapolis Neighborhood Association was notified of the appeal application.
- City Goals: See staff report

- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 120-day decision period: The Zoning Administrator requested a three-cycle continuance to June 6, 2013, of the appeal of the Decision of the Zoning Administrator in order to accommodate ongoing efforts to find a resolution to this matter. The applicant granted an extension to August 20, 2013.

Background/Supporting Information:

Ann M. Roess on behalf of 903 Washington Partners, LLC, has appealed the decision of the Board of Adjustment granting the appeal of the Zoning Administrator's determination that the bus passenger loading and unloading at 247 Chicago Avenue South is classified as a Bus Turnaround under the Minneapolis Code of Ordinances, thus requiring a conditional use permit (CUP). At its meeting on June 6, 2013, the Board of Adjustment voted 4-3 to deny staff's findings and approve the appeal of the Zoning Administrator's decision. The appeal (attached) was filed on June 14, 2013. The appellant's complete statement of the action being appealed and reasons for the appeal are attached. The Board of Adjustment minutes and Planning Division staff report are also attached.