



Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

Date: November 21, 2013

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

Referral to: Zoning & Planning Committee

Subject: Tyrone Terrill (dba Seed, Inc.) is appealing the City Planning Commission's decisions regarding the proposed 98-space surface parking lot at 1401, 1407, 1413, 1419, 1427 8th Avenue North in Ward 5.

Recommendation: The following action was taken by the Planning Commission on October 28, 2013 (BZZ-6270):

A. Conditional Use Permit: Application by Seed, Inc. for a conditional use permit to allow a parking lot in the R4-Multiple-Family District located at 1401-1427 8th Ave N.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the conditional use permit application to construct an additional 98-space surface parking lot on the properties located at 1401 8th Ave N, 1407 8th Ave N, 1413 8th Ave N, 1419 8th Ave N, and 1427 8th Ave N, based on the following findings:

1. Moving parking further into the interior of a neighborhood will be detrimental to or endanger the public health, safety, comfort or general welfare.
2. Will be injurious to the use and enjoyment of other property in the vicinity. The properties across 8th Ave N are vacant and will be very difficult to develop if this parking lot is approved.
3. Adequate measures have not been provided to minimize traffic congestion in the public streets. A travel demand management plan should be provided in order to have a better grasp of the school's transportation issues and needs.
4. This application is not consistent with the comprehensive plan. A surface parking lot is not sustainable and is not growing residential density in the community.
5. The proposed project is on a high-frequency bus route and a future light rail stop is likely to be located within a half mile of the school.

B. Variance: Application by Seed, Inc. for a variance to increase the maximum allowed vehicle parking located at 1401-1427 8th Ave N.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the variance application to increase the maximum allowed parking requirements on the properties located at 1401 8th Ave N, 1407 8th Ave N, 1413 8th Ave N, 1419 8th Ave N, and 1427 8th Ave N, based on the following findings:

1. The proposed variance will alter the essential character of the locality and will be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties..
2. The proposal is not being used in a reasonable manner and will not be in keeping with the spirit and intent of the ordinance and the comprehensive plan to grow a strong and healthy Minneapolis.

C. Site Plan Review: Application by Seed, Inc. for a site plan review for property located at 1401-1427 8th Ave N.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the site plan review application to allow a 98-space surface parking lot on the properties located at 1401 8th Ave N, 1407 8th Ave N, 1413 8th Ave N, 1419 8th Ave N, and 1427 8th Ave N, based on the following finding:

1. With denial of the conditional use permit and variance, the development cannot be accomplished as proposed.

Prepared by: Mei-Ling Anderson, City Planner, 612.673.5342 Approved by: Jason Wittenberg, Planning Manager, 612.673.2297 Presenters in Committee: Mei-Ling Anderson, City Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The neighborhood group, Northside Residents Redevelopment Council, was notified of the application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-120-day decision period: On November 7, 2013, staff sent a letter to the applicant extending the 60-day decision period to no later than January 31, 2014.

Background/Supporting Information

Tyrone Terrill, on behalf of Seed, Inc., has filed an appeal of the decision of the City Planning Commission to deny the conditional use permit, variance, and site plan review applications to allow a 98-space surface parking lot at the property located at 1401-1427 8th Avenue North. The parking lot would serve the Seed Academy/Harvest Preparatory School. At its meeting on October 28, 2013, the City Planning Commission voted 7-0 to deny the conditional use permit, 7-0 to deny the parking variance, and 7-0 to deny the site plan review, notwithstanding the staff recommendation to approve the applications. The appeal (attached) was filed on November 7, 2013.