



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

Date: November 21, 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 City Planning Commission associated with the denial of all land use applications related to the 129 Plymouth development located at 129 Plymouth Avenue North.

Recommendation: The following actions were taken by the Planning Commission on October 28, 2013 (BZZ-6276):

7. 129 Plymouth Ave S (BZZ-6276, Ward: 5 and 7), 129 Plymouth Ave S (Hilary Dvorak).

A. Conditional Use Permit: Application by Plymouth & Second, LLC for a conditional use permit to allow a shopping center located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow a shopping center located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

B. Conditional Use Permit: Application by Plymouth & Second, LLC for a conditional use permit to allow a fast food restaurant located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow a fast food restaurant located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

C. Conditional Use Permit: Application by Plymouth & Second, LLC for a conditional use permit to allow an accessory parking lot located within the DP Downtown Parking Overlay District at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow an accessory parking lot within the DP Downtown Parking Overlay District located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

D. Variance: Application by Plymouth & Second, LLC for a variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

E. Site Plan Review: Application by Plymouth & Second, LLC for a site plan review for a new principal non-residential building located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the site plan review for a new principal non-residential building located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

Ward: 7 and adjacent to 5

Prepared by: Hilary Dvorak, Principal Planner, 612-673-2639 Approved by: Jason Wittenberg, Planning Manager Presenters in Committee: Hilary Dvorak, Principal Planner

Community Impact:

Neighborhood Notification: Notice of the Planning Commission hearing was mailed on October 4, 2013, and notice of the appeal was mailed on November 8, 2013.

- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 120-day decision period: January 25, 2014
- Other: Not applicable

Background/Supporting Information:

Plymouth & Second, LLC is appealing the decision of the City Planning Commission to deny the following applications to develop a shopping center with a fast food restaurant and accessory surface parking lot located at 129 Plymouth Avenue North:

- Conditional Use Permit to allow a shopping center.
- Conditional Use Permit to allow a fast food restaurant.
- Conditional Use Permit to allow an accessory parking lot located within the DP Downtown Parking Overlay District.
- Variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District.
- Site Plan Review for a new principal non-residential building.

The minutes from the October 28, 2013, City Planning Commission meeting are attached. The appellant's complete statement and reasons for the appeal are attached.