

Department of Community Planning and Economic Development
Appeal of the Decision of the Zoning Administrator
BZZ-5910

Date: February 14, 2013

Applicant: Eric H. Galatz, Leonard, Street and Deinard P.A. on behalf of Megabus USA, LLC

Address of Property: 247 Chicago Avenue

Project Name: Appeal of the determination of the Zoning Administrator

Contact Person and Phone: Eric H. Galatz, (612) 335-1509

CPED Staff and Phone: Jacob Steen, (612) 673-2264/Steve Poor (612) 673-5837

Date Application Deemed Complete: January 9, 2013

End of 60-Day Decision Period: March 9, 2013

End of 120-Day Decision Period: May 8, 2013 (*Staff sent the extension letter on February 6, 2013*)

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: B4N Downtown Neighborhood District, DP Downtown Parking Overlay District

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Principal parking facility (commercial parking lot) operating as a loading and unloading Bus Turnaround for Megabus passengers.

Appeal of the decision of the Zoning Administrator: 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 is classified as a Bus Turnaround under the Minneapolis Code of Ordinances, thus requiring a conditional use permit (CUP).

§ 525.170. Appeals of decisions of the zoning administrator.

All findings and decisions of the zoning administrator, director of regulatory services, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with

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service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180

Continuance: Megabus is an intercity bus carrier that operates in cities across the United States. Megabus patrons in Minneapolis purchase tickets online and passenger loading and unloading is conducted in the commercial surface parking lot located at 247 Chicago Avenue. The parking lot, which is a legal nonconforming use in the Downtown Parking Overlay District, was not designed specifically to accommodate passengers who are waiting for bus arrivals and departures. There is a sign indicating the location of the “bus stop,” but no shelter is provided for the waiting passengers. Portable bathroom facilities are located on the parking lot.

In the spring of 2012, zoning enforcement staff received multiple complaints related to Megabus passenger loading and unloading in the commercial parking lot located at 247 Chicago Avenue. Many of the complaints came from tenants at 901/903 Washington Avenue South, a multi-tenant commercial property immediately to the east of 247 Chicago Ave. Complaints include littering, loitering, excessive non-customer use of the bathrooms, and during hours that the building is not open to the public—use of the entry alcove as a bathroom. Many of these issues appear to be exacerbated by cold weather. On April 4, 2012, a zoning inspector investigated the complaint and wrote a violation notice stating that the “property may not be used for bus loading or unloading without a conditional use permit.” Shortly after the notice was issued, Mr. Galatz contacted city staff to begin a discussion regarding the necessary steps to bring the site into compliance as well as identify possible alternative locations for the Megabus operations. These discussions involved numerous meetings with staff from CPED, Business Licensing, Public Works, and the City Attorney’s office. While these discussions took place, zoning enforcement orders were temporarily stayed and staff received no new complaints about Megabus operations until early January 2013. In early January, Business Licensing staff received renewed complaints and forwarded them to Zoning Enforcement. The zoning inspector then issued a final warning letter stating that if the continued operations would require a conditional use permit to operate. The appellant’s application for appeal was in response to the final warning letter issued on January 28, 2013.

The applicant is requesting a continuance in order to pursue alternative locations and expects to have a lease by March 1, 2013. Therefore, staff is recommending that the Board of Adjustment continue the application two-cycles to the March 21, 2013, public hearing to allow the Megabus operations to relocate to a permitted location.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the appeal of the decision of the zoning administrator:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment **continue** the appeal of the Zoning Administrator’s determination that the bus passenger loading and unloading at 247 Chicago Avenue is classified as a Bus Turnaround under the Minneapolis

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Code of Ordinances, thus requiring a conditional use permit (CUP) two-cycles to the March 21, 2013, Board of Adjustment public hearing.

Attachments:

- 1) Zoning map