



Case number:	9391A-10
Address:	8124 Pillsbury Avenue
Application type:	Interim Use Permit for outdoor storage as a primary use
Applicant:	Lakeview Electric

This file will contain the following items as they become available:

1. Agenda information
2. Staff report
3. Location map

Additional information

To receive copies of submitted development applications, supplemental documents, and (in some cases) building and site plans please contact the Planning Division at 952-563-8920 or planning@ci.bloomington.mn.us.

Your comments are important!

If you wish to communicate to the Planning Commission about this agenda item, please include:

- Your name
- E-mail address
- Full mailing address (number, street name, city, state, ZIP)
- Daytime telephone number
- Case file number
- Date of hearing

You may not receive a detailed response to your e-mail, but your comments, if received in time, will be presented to the Planning Commission.

If you wish to send comments via e-mail, write to planning@ci.bloomington.mn.us. Anonymous e-mails will not be forwarded.

Originator Community Development	Item Interim Use Permit		#
Agenda Section HEARINGS/PUBLIC INPUT Development Business	By LDP	Approved	Date February 18, 2010

Item 1

Case 9391A-10

GENERAL INFORMATION

Applicant: Lakeview Electric c/o Galeon Company

Location: 8124 Pillsbury Avenue

Request: Interim Use Permit for outdoor storage in an I-3 zoning district

Existing Land Use and Zoning: Open storage; zoned I-3

Surrounding Land Use and Zoning: East – Single family residential; zoned R-1
North and West – office/warehouse; zoned I-3
South – Open Storage; zoned I-3

Comprehensive Plan: The Comprehensive Land Use Plan recommends Industrial land use for the property

PROPOSAL

The applicant requests approval of an Interim Use Permit for outdoor storage of construction equipment as the primary use of the property at 8124 Pillsbury Avenue. The applicant operates Lakeview Electric Company at 8116 Pillsbury Avenue and used adjacent lot for open storage since 1987. The lot has a gravel surface and is screened by an eight-foot fence that was constructed pursuant to an October 2002 Temporary Conditional Use Permit condition of approval for the use. Access to the lot is provided from the alley to the west of the property.

APPLICABLE REGULATIONS Section 19.33(e)(3)

REQUIRED FINDINGS Section 21.501.05(e)(1), (2), (3), (4), (5) and (6)

Council Action

Motion by _____ Second by _____ to _____

HISTORY

City Council Action: 08/13/84 -- Approved a one-year Temporary Conditional Use Permit with three conditions and 2 Code requirements

City Council Action: 02/05/87 -- Approved a two-year Temporary Conditional Use Permit with four conditions

City Council Action: 10/07/02 -- Approved a one-year Temporary Conditional Use Permit with seven conditions

City Council Action: 01/05/04 -- Approved a three-year Interim Use Permit with five conditions

City Council Action: 02/05/07 -- Approved a three-year Interim Use Permit with five conditions

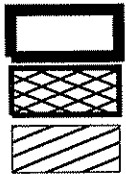
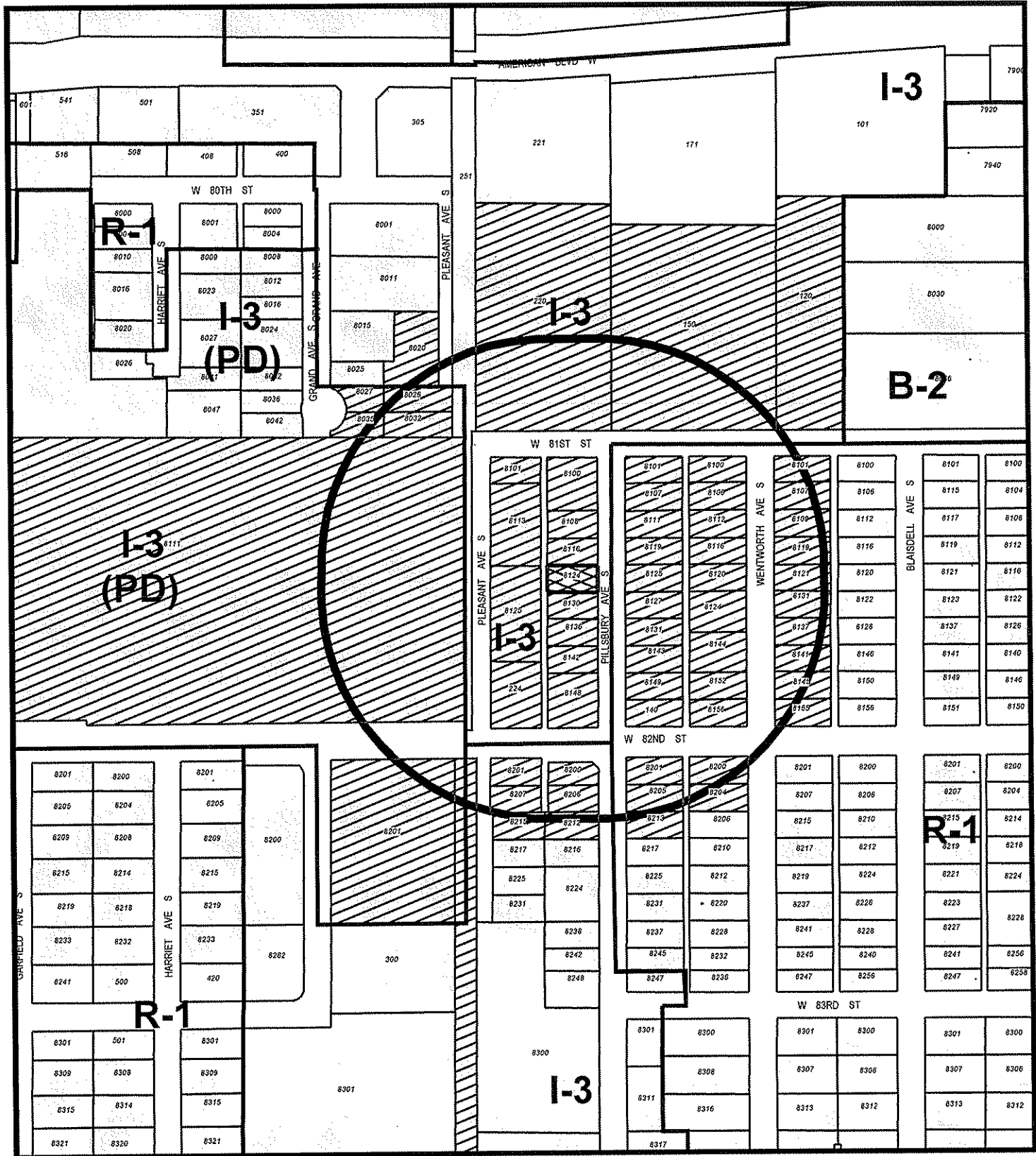
CHRONOLOGY

Planning Commission Agenda: 02/18/10 – Public Hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date: 12/31/09
60 Days: 03/01/10
Extension Letter Mailed: No
120 Days: 04/30/09

City of Bloomington Notification Map

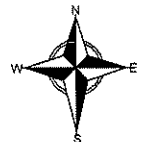


Notification Boundary
 Applicant Property
 Notified Properties

Zoning District Boundary
 (Labels Refer to Zoning District)

9391A-10

(A notice of this application was sent to the registered owner of these properties)



Scale: 1:3600

Plot time: 01/04/2010 17:00:43

Section 21.501.05(e)

...The following findings must be made prior to the approval of a interim use permit:

- (1) The proposed use will not delay permanent development of the site;
- (2) The proposed use will not adversely impact implementation of the Comprehensive Plan or adopted District Plan for the area;
- (3) The proposed use will not be in conflict with any provisions of the City Code on an ongoing basis;
- (4) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare;
- (5) The date or event that will terminate the use has been identified with certainty; and
- (6) The property on which the use is situated is currently in compliance with all applicable City Code standards, property maintenance standards and there are no nuisance characteristics associated with the property or its current use.

Lakeview Electric

8116 Pillsbury Ave South
Bloomington, MN 55420

December 31, 2009

Planning Commission/City Council
1800 West Old Shakopee Road
Bloomington, MN 55420

To Whom It May Concern:

The property at 8124 Pillsbury Ave South intended use is for storage of our construction related equipment. The outside storage is in conjunction with our office which is located adjacent to the property at 8116 Pillsbury Ave South. General hours of operation is Monday – Friday 6am – 6pm. I also store a fish house on the property.

In new finding with the city we found out that we are in violation at our property 8116 Pillsbury Ave South with our front yard. In accordance with the IUP we will green the boulevard. We assert, and staff concurred, the front yard is grandfather in and will remain.

We are seeking approval of a 5 year IUP permit.

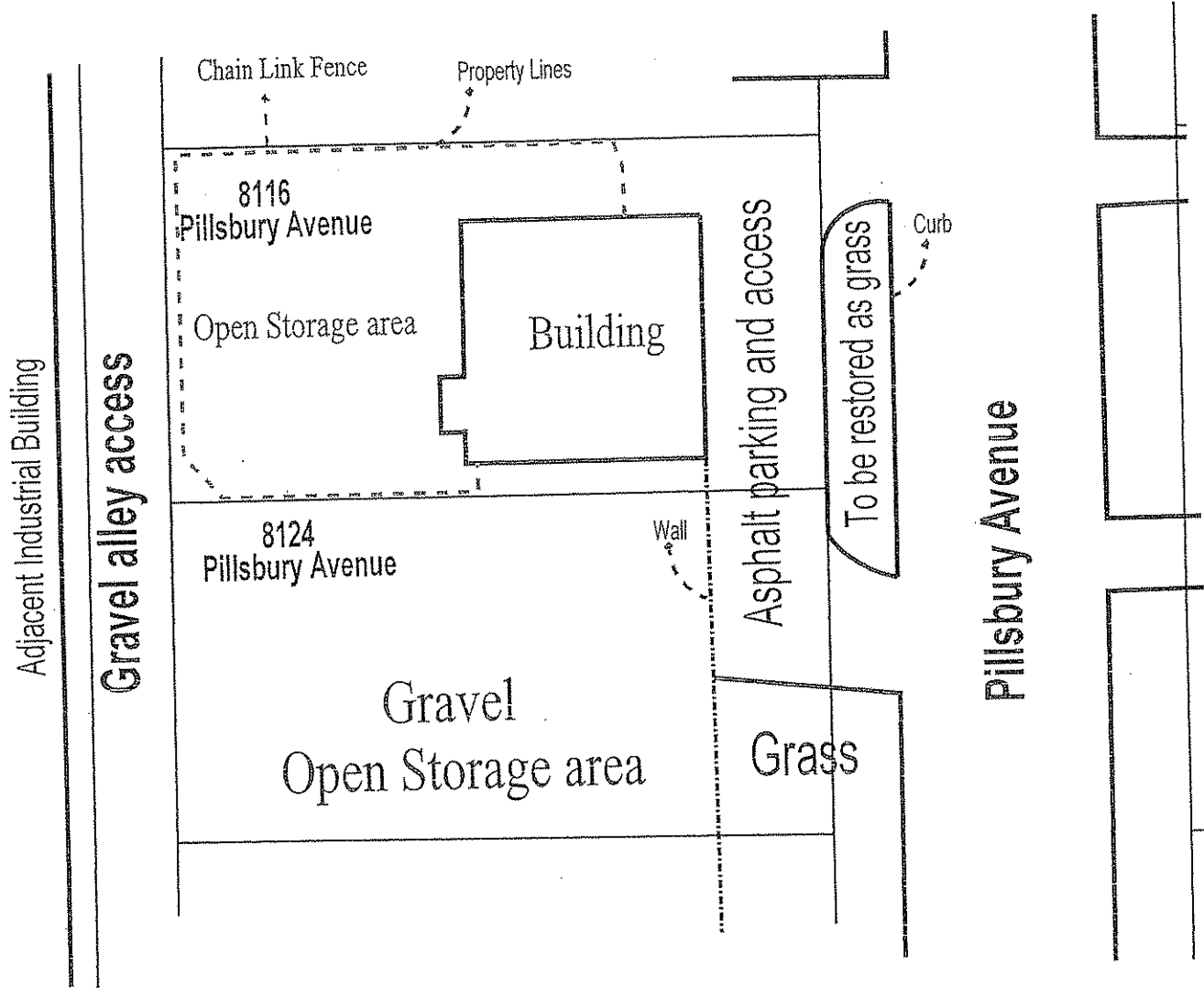
Thank you,
Todd Froysa

Lakeview Electric | 8116 Pillsbury Ave South | Bloomington, MN 55420
Business: 952.888.6565 | **Fax:** 952.888.6568 | **Mobile:** 612.369.4288
todd@lakeviewelectric.com | www.lakeviewelectric.com

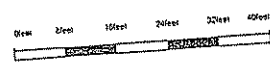
9891 A 10

Lakeview Electric

8116 Pillsbury Ave South
Bloomington, MN 55420



1" = 30'



9891 A

16

CITY OF BLOOMINGTON
Division of City Planning
REPORT TO THE PLANNING COMMISSION
February 18, 2010

Item 1

GENERAL INFORMATION

Applicant: Lakeview Electric
(Case 9391A-10)

Location: 8124 Pillsbury Avenue South

Request: Interim Use Permit for the open storage of construction equipment in an I-3 Zoning District

PROPOSAL

The applicant requests Interim Use Permit approval for outdoor storage of construction equipment as the primary use at 8124 Pillsbury Avenue South. The applicant operates Lakeview Electric Company at 8116 Pillsbury Avenue and uses the adjacent lot for open storage. The lot has a gravel surface and is screened by an eight-foot fence along Pillsbury Avenue. Access to the lot is provided from the alley to the west of the property.

ANALYSIS

The applicant's property is zoned I-3, General Industry. It is located across from single-family residential dwellings, zoned R-1, Single-family Residential and designated for Medium Density Residential. The two land uses are incompatible and the on-going review and monitoring the use must continue to emphasize protecting the single-family homes from potentially adverse industrial use activities.

The applicant maintained outdoor storage as the property's primary use since the 1980's. In 1987, a complaint regarding outdoor storage as a primary use was received. The applicant applied for and received approval of a Temporary Conditional Use Permit allowing open storage as the primary use subject to four conditions. A second Temporary Conditional Use Permit was granted in October 2002, followed by three-year Interim Use Permits approved in 2004 and 2007.

The use is proposed to continue on an interim basis without compliance with several City Code performance standards. The use could be established as a permitted use accessory to the adjacent office/warehouse uses with Code complying improvements. These improvements include but are not limited to:

- Setbacks
- Landscaping
- Parking lot surface
- Storm water management
- Security lighting

- Subdivision (Combine the lots into a single property).

All vehicle access would remain from the alley with no direct access to Pillsbury Avenue. The alley is accessed from West 81st Street and West 82nd Street. The existing screen fence was constructed as part of a condition of approval in October 2002. The fence is eight feet in height and provides adequate screening of larger vehicles and the property.

This aging property is in a transitional area. Past applications have indicated plans to eventually construct an office/warehouse building to include the adjacent lots. The primary use of the property as outdoor storage has been suitable as a continued short-term use provided adequate improvements are maintained. Staff believes 22 years with minor changes would not be considered a short term use while preparing for the development of the site. The temporary approvals to date have allowed 22 years of use without compliance with the City Code performance requirements.

Although staff supports the continued use with hesitation, the property to the south had a five year interim use permit for outdoor storage approved on August 24, 2009. The property at 8100 Pillsbury Avenue operated an outdoor storage yard under an Interim Use Permit which expires on September 22, 2011. Approval of an Interim Use Permit for the proposed use to expire on August 24, 2014 would be consistent with the adjoining property and allow the property owners adequate time to plan and prepare for improvements in accordance with the City Code for the use. Therefore, staff recommends approval of the proposed Interim Use Permit for a period to expire August 24, 2014.

TRAFFIC

No traffic issues have been identified regarding this site or use.

FINDINGS

Section 21.501.05(e)(1), (2), (3), (4), (5) and (6) -- The following findings must be made prior to the approval of an interim use permit:

- (1) The proposed use will not delay permanent development of the site.
 - * The continued use as open storage with minimal improvements as part of the adjacent permitted use would not delay permanent development of the site. The recommended time period would allow for planning and evaluating City Code complying alternatives for the property.
- (2) The proposed use will not adversely impact implementation of the Comprehensive Plan or adopted District Plan for the area;
 - * The proposed use would be open storage on the adjacent lot would not have any impact on the implementation of the Comprehensive Land Use Plan.

- (3) The proposed use will not be in conflict with any provisions of the City Code on an ongoing basis;
- * The proposed use is not in conflict with the City Code in that it is exterior storage for the adjacent business in the I-3 zone. The lot in question is a separate parcel and would be a permitted use if it were part of the adjoining business on the same lot and in compliance with the performance standards for the use.
- (4) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare;
- * The lot has been used since 1987 for outdoor storage without any significant impact onto the public health, safety and welfare.
- (5) The date or event that will terminate the use has been identified with certainty.
- * The applicant owns the property to the north and is evaluating City Code complying alternatives to redevelop the property. The maximum period an interim use permit is allowed is five years which provides ample time to plan and prepare for Code Complying options.
- (6) The property on which the use is situated is currently in compliance with all applicable City Code standards, property maintenance standards and there are no nuisance characteristics associated with the property or its current use.
- * Under current policy for the conversion of Temporary Conditional Use Permits the City intended an Interim Use Permit would allow for a continued use for a defined period when planned City Code improvements for the site could be made without undue hardship on the operations and financial well-being of the user. The use has not been a nuisance and the applicant is aware of the actions necessary to accomplish compliance with the City Code.

RECOMMENDATION

In Case 9391A-10, Staff recommends approval of an Interim Use Permit expiring August 24, 2014 for the outdoor storage of construction equipment at 8124 Pillsbury Avenue South subject to the following conditions:

- 1) The permit expires on August 24, 2014;
- 2) The existing fence be maintained in good repair;
- 3) The asphalt be removed from the boulevard and boulevard restored as approved by the City Engineer;
- 4) No on-street parking allowed; and
- 5) No exterior storage of construction debris allowed.

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