

GENERAL INFORMATION

Applicant: The Luther Company, LLLP

Location: 8824, 8860 and 8870 Wentworth Avenue South

Requests: 1) Conditional use permit for exterior storage as a primary use; and
2) Final Site and Building Plans for an outdoor auto inventory storage lot.

Existing Land Use and Zoning: Indoor and outdoor auto inventory storage; zoned I-3 General Industry

Surrounding Land Use and Zoning: North, South and West – Industry; zoned I-3
East – Multi-family residential; zoned R-4

Comprehensive Plan Designation: Industrial

HISTORY

City Council Action: 05/19/14 – Approved a four year interim use permit for the open storage of motor vehicles at 8824 Wentworth Avenue South (Case 10928A-14).

City Council Action: 01/26/15 – Approved an interim use permit to expire on May 19, 2018 for the open storage of motor vehicles at 8860 and 8870 Wentworth Avenue South (Case 10867A-14).

CHRONOLOGY

Planning Commission	10/27/2016	Public hearing scheduled
Council	11/07/2016	Tentative review date

DEADLINE FOR AGENCY ACTION

Application Date: 09/13/2016
60 Days: 11/12/2016
120 Days: 01/11/2017
Applicable Deadline: 11/12/2016

Report to the Planning Commission
Planning Division/Engineering Division

10/27/2016

Newspaper Notification: Confirmed – (10/13/16 Sun Current – 10 day notice)
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

The Luther Company requests a conditional use permit to establish an approximately five acre outdoor storage lot at 8860, 8870, and 8824 Wentworth Avenue South as the primary use and final site and building plans to construct the outdoor storage lot. The applicant intends to use the lot for auto inventory and plans identify 756 inventory stalls. Opaque screening is proposed along Wentworth Avenue. Multiple existing industrial buildings would be demolished to accommodate the proposed open storage.

Multiple-family residential uses are located across the street. To minimize residential disturbances, delivery trucks would enter the site through the south gate away from public right-of-way, drop off inventory within the lot, and exit through the gate located at the northeast corner. Landscaping is concentrated along Wentworth Avenue South and the side yards near the street frontage.

The applicant has also applied to consolidate the three tax parcels into one tax parcel, which is a prerequisite for designation as a “zoning lot.” A zoning lot designation allows adjacent lots under common ownership to be treated as one site for zoning purposes without the need to combine the lots through the preliminary and final plat process. The approval process for tax parcel combinations is administrative; the application is necessary to ensure common ownership and to keep accurate records of zoning lots.

BACKGROUND

Permanent outdoor storage as a primary use is allowed in the I-3 Zoning District through approval of a conditional use permit; conditional use permits afford a degree of discretion in reviewing development proposals. Permanent outdoor storage requires code complying upgrades to the proposed site including stormwater management, asphalt or concrete paving, curb and gutter, landscaping, screening, and lighting if the storage is unsecured. By past practice, where it is clear the use is truly temporary in nature, open storage has been allowed to establish or continue for periods of time through interim use permits (IUP) without full Code compliance, except where required by condition of approval. The applicant received IUPs for storage at this site in 2014 and 2015. The IUP process allows temporary use of the property, but the intent is to

bring the property up to full-compliance at the end of the defined IUP term or for the temporary use to cease at the end of the term. The applicants IUPs expire May 2018, so in that regard, the proposal to implement a Code-complying storage lot is in advance of IUP expiration.

The applicant’s stated original intent for the site was to have outdoor inventory storage, but also to maintain, renovate, or reconstruct the buildings on site. There are no plans to construct new buildings after the existing structures are demolished.

ANALYSIS

Code Compliance

Table 1 identifies City Code requirements related to exterior storage, the applicant’s proposal, and whether or not the proposal is consistent with City Code. Additional information regarding specific components of the plan are in the sections that follow the table.

Table 1: City Code Requirements for Exterior Storage

Standard	Code Requirement	Proposal	Compliance
Surface – Section 21.301.06(c)(2)(D)	Paved with concrete or asphalt	Paved lot	Standard met
Curbing – Section 21.301.06(c)(2)(E)	Poured-in-place concrete curb along perimeter	Concrete perimeter curb	Standard met
Parking setback (along street – Section 21.301.06(c)(2)(I)	20 ft. along street; 5 ft. along side and rear property boundaries	20 ft. along Wentworth; at least 5 feet along side and rear property boundaries	Standard met
Screening – Section 19.52(d)(1)(D)	Screening required along any property that directly abuts residentially zoned or guided property	6-foot screen proposed along Wentworth and portions along north and south property boundaries	Standard met
Trees – Section 19.52	93 trees	93 trees	<i>Quantity</i> standard met – see comments
Shrubs – Section 19.52	233 shrubs	193 shrubs; 160 perennial grasses	<i>Quantity</i> standard met – see comments
Lighting – Section 21.301.07(c)(13)	No lighting requirement when lot is secured	Secured lot – applicant proposing lighting for	Standard met – staff recommends additional lighting

		inventory area	at gates for security purposes
Parking – Section 21.301.06(d)	1 stall per 2,500 square feet of outside storage; approximately 203,400 square feet or storage area – 81 stalls	Inventory stalls only – no stalls for employees	Standard not met – stalls not compliant with parking design standards in Section 21.301.06(e)

Landscaping and Screening

Wentworth Avenue is a transition area between industrial and residential uses and because there are residential uses across the street, storage must be fully screened from the residential uses. A six-foot fully opaque fence is proposed along Wentworth Avenue as well as the north and south sides of the 8824 Wentworth Avenue property until they are “in-line” with buildings to the north and south. The fence, along with dense landscaping, will provide screening from storage and meets the screening requirement.

While the proposed landscape plan meets the landscape *quantity* standards, staff is concerned with the lack of landscaping distribution throughout the storage area. The plan depicts five acres of uninterrupted paving. The approved *Landscaping and Screening Policies and Procedures* guide, referenced in City Code Section 19.52(b)(3), indicates that landscaping should add visual interest, visually break up large areas of paving, and provide shade in the summer months to reduce the urban heat island effect (See attached study).

In order to meet the landscaping quantity standard, trees are proposed in dense rows along the site’s perimeter. This particularly apparent along the south property boundary between 8824 and 8850 Wentworth Avenue. A densely planted line of trees is proposed in a five foot setback. Staff does not believe there is sufficient space for trees to survive long term.

Further, except for landscaping along Wentworth, most of the landscaping is proposed on the inside of the fence instead of between the property line and the fence. This, to a large degree, negates the visual benefit of landscaping in front of fencing. Staff recommends that landscaping, to the extent practicable, is planted between fences and property lines. This would require the relocation of existing chain link fence in some locations to accommodate landscaping between the fence and the property boundary.

Currently, there are only striped parking islands with no curbing proposed. To better distribute trees throughout the site and to provide shade within the storage area, staff recommends curbed parking islands with landscaping to replace the striped islands. The applicant would also be able to use recessed curbing to allow stormwater infiltration within the islands and to make snow plowing easier.

Access, Circulation, and Parking

City Code requires one parking stall for every 2,500 square feet of outdoor storage space. With over 200,000 square feet of outdoor storage space, Code required parking is 81 stalls. Section 21.301.06(e) includes a number of design standards for parking which include, but are not limited to, minimum drive aisle width and stall dimensions, curb and gutter, and landscaped parking islands. Code required parking could be implemented within the storage lot and the proposed design meets most of the City's requirements – only parking islands at least 8 feet wide with at least one deciduous tree must be added. Regardless of staff's recommendation noted above to incorporate parking islands throughout the site, several parking islands are required by Code. A variance would be necessary to remove the parking island requirement for the 81 required parking stalls.

Storage as a primary use was not contemplated at this scale when the 1 per 2,500 square foot parking standard was adopted. Staff acknowledges the applicant would not need 81 stalls for the storage operation and is recommending a condition allowing stalls to be occupied by auto inventory when not needed for employee use.

Circulation throughout the site would remain mostly as it is today. Vehicles enter the site through a private shared driveway along the south property line. Vehicles would then exit through the gate located in the north east corner of the site. The applicant has indicated that vehicle deliveries will always be accompanied by a Luther employee to close gates ensuring that trucks do not idle outside the lot. Staff believes this is the most effective arrangement and has recommended a condition that would prohibit truck idling within public right-of-way.

Stormwater Management

Stormwater will be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume.

The Stormwater Management plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

Status of Enforcement Orders

There are no open enforcement orders for the properties.

FINDINGS

Section 21.501.04(e)(1-5) Conditional Use Permits

1. T
he proposed use is not in conflict with the Comprehensive Plan;
 - The Comprehensive Plan designates the property for Industrial land use, which allows open storage as a conditional use. Open storage as a primary use is conditionally permitted in the I-3 zoning district zoning district and is consistent with the Comprehensive Plan's Industrial designation.
2. **The proposed use is not in conflict with any adopted District Plan for the area;**
 - The property is not in a location with an adopted district plan.
3. T
he proposed use is not in conflict with City Code provisions;
 - O
pen storage is a conditional use in the I-3 zoning district. However, the proposed storage lot is in conflict with City Code requirements related to parking and City policies related to landscaping. Appropriate conditions of approval are necessary to ensure City Code conflicts will be resolved prior to construction.
4. T
he proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and
 - An inventory lot has been in operation at the site for a couple years, albeit at a smaller scale. Subject to compliance with the City Code, the proposal is not anticipated to create an excessive burden on public facilities and utilities.
5. T
he proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.
 - An open storage lot is generally inconsistent with the surrounding neighborhood, which is a transitional area between industrial and residential uses. Although the use is existing, expanding an open storage lot without considerations to screening and landscaping would be injurious to the surrounding neighborhood. Appropriate conditions of approval are necessary to ensure the proposal will not be injurious to the surrounding neighborhood.

Section 21.501.01(d)(1-4) – the following findings must be made prior to the approval of final site and building plans or revisions to final site and building plans:

1. The proposed development is not in conflict with the Comprehensive Plan;

- The Comprehensive Plan designates the property for Industrial land use, which allows open storage as a conditional use. Open storage as a primary use is conditionally permitted in the I-3 zoning district zoning district and is consistent with the Comprehensive Plan’s Industrial designation.

2. The proposed development is not in conflict with any adopted District Plan for the area;

- The property is not in a location with an adopted district plan.

3. The proposed development is not in conflict with the City Code provisions; and

- Open storage is a conditional use in the I-3 zoning district. However, the proposed use is in conflict with City Code requirements related to parking and City policies related to landscaping. Appropriate conditions of approval are necessary to ensure City Code conflicts will be resolved prior to construction. O

4. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- An open storage lot is generally inconsistent with the surrounding neighborhood, which is a transitional area between industrial and residential uses. Although the use is existing, expanding an open storage lot without considerations to screening and landscaping would be injurious to the surrounding neighborhood. Appropriate conditions of approval are necessary to ensure the proposal will not be injurious to the surrounding neighborhood.

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-161, having been able to make the required findings, I move to recommend City Council adopt a resolution approving the conditional use permit for outdoor storage as a primary use and approve final site and building plans for an outdoor inventory lot at 8860, 8870, and Report to the Planning Commission
Planning Division/Engineering Division

10/27/2016

8824 Wentworth Avenue South, subject to the conditions and Code requirements attached to the staff report.