



STAFF MEMORANDUM

DATE: April 16, 2020

TO: To File

FROM: Glen Markegard, Planning Manager

RE: Planning Commission Approval of U-Haul Self Storage Facility
Case #PL2020-26

On April 9, 2020, the Planning Commission considered Conditional Use Permit (CUP) and Final Site and Building Plans (FSBP) applications submitted by U-Haul of Southern Minnesota for a four-story, 903-unit self-storage facility located at 8901 Lyndale Avenue South and 515 Halsey Lane (Case #PL2020-26). The Planning Commission meeting was conducted virtually using the platform Webex as required by new meeting procedures adopted in light of the COVID-19 Pandemic. Following a staff presentation and discussion, the Planning Commission adopted a motion approving the subject CUP for the proposed self-storage facility. After the approval of the CUP, a second motion typically would have been considered by the Planning Commission to take action on the FSBP application. Due to unfamiliarity with new virtual meeting dynamics, the second motion approving FSBP was inadvertently omitted. The lack of a motion on the FSBP application is reflected in the meeting minutes for the April 9th, 2020 Planning Commission meeting.

City staff has reviewed the official public record of the April 9th, 2020 Planning Commission meeting. It is clear that it was the legislative intent of the Planning Commission to approve both the CUP and FSBP for the proposed self-storage facility. Throughout the discussion of the applications, comments of the commission did not differentiate between the CUP and FSBP applications. The conditions of approval adopted for the Conditional Use Permit mirror the conditions recommended by staff for the approval of the Final Site and Building Plans. In addition, Condition #21 of the CUP specifically references the site and building improvements submitted as part of the official record in Case #PL2020-26. The precise condition language is as follows:

21. Ongoing The site and building improvements are limited to those as shown on the approved plans in Case File #PL2020-26.

Appropriate conditions have been adopted by the Planning Commission that ensure conformance with the approved plans in Case #PL2020-26 and the City Code. At the end of the consideration of the applications, the acting chair announced that the Planning Commission's decision was the final decision needed unless an appeal was received within three business days. That is the

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standard practice when the Planning Commission concludes its consideration of any group of applications on a given site. All Commissioners assumed that the item was complete and no further action was required. The commission then moved on to its next item on the agenda.

Based upon the legislative intent and action of the Planning Commission, the failure to adopt a specific motion pertaining to the FSBP application was an error by omission and does not invalidate the approval of the FSBP. This memorandum is intended to provide additional clarity and context to the official public record for Case #PL2020-26. Based upon both the official record and discussion of the Planning Commission of the City of Bloomington and in consultation with the Bloomington Legal Department, the clear intent of the Planning Commission was to approve the FSBP application on April 9, 2020 in conjunction with the CUP application. Final actions by the Planning Commission are subject to a three-day appeal period. The appeal period expired on April 14th, 2020 at the end of business day, and the final action of the Planning Commission is now affirmed.

Please contact Nick Johnson, Planner, at (952) 563-8925 or nmjohnson@bloomingtonmn.gov for questions.

A handwritten signature in cursive script that reads "Glen Markegard".

Glen Markegard, AICP
Planning Manager

CC: Megan Rogers, Asst. City Attorney