

Item 2

GENERAL INFORMATION

Applicant: Kassick Motors, Inc.
Location: 1000 West 94th Street
Request: Conditional use permit for Class II Motor Vehicle Sales

PROPOSAL

The applicant has operated a Class II Motor Vehicle Sales (used cars) business at this location under a continuous series of temporary conditional use permits since 1994 with the current three-year temporary conditional use permit having been approved with eight conditions by the City Council on September 26, 2005. In accordance with the City policy of not issuing Temporary Conditional Use Permits unless specifically required for a use by the Zoning Code, the applicant has applied for a Conditional Use Permit in order to continue the Class II Motor Vehicle Sales (used cars) business at this location.

The business now occupies all of the 5,000 square-foot building on the 31,987 square-foot lot that shares two curb cuts onto West 94th Street. The mechanical maintenance and inspection work is now done "in-house" and occupies about 750 square feet while the cleaning and preps work is now done off-site. About 3,000 square feet is used for the inside storage and display of up to 11 vehicles and the remaining 1,250 square feet consists of office, bathroom, mechanical and storage space. There are a total of six employees in the business with up to four or five on site at one time.

Exterior inventory storage ranges up to 60 vehicles with no more than 13 vehicles located in the building-side of the front parking area, no more than four (4) vehicles on the street-side of the front parking area between the driveways to 94th Street, three (3) vehicles adjacent to the west side of the building, and up to 40 vehicles inside the secured lot in the rear including those vehicles awaiting service in the northeast corner of the fenced area. Additional vehicles may be in transit to off-site cleaning and repair locations. Five signed customer parking spaces are maintained in the front of the building and one accessible space is maintained along the east side of the building. Employees park outside the west side of the secured lot where four spaces are available.

No changes are proposed to the site, nature or scale of the business as it is operating under the current temporary conditional use permit.

ANALYSIS

An on-site inspection found the property and building to be reasonably clean and well maintained with all vehicles arranged in an orderly fashion both inside and outside of the secured lot. The applicant appears to have complied with those conditions of approval addressing the striping of parking spaces, the parking of vehicle inventory, and provision of customer parking.

There were 13 inventory vehicles in angled striped spaces on the building side of the front parking lot, four inventory vehicles in parallel striped spaces the street side of the front parking lot, three inventory vehicles in angled striped spaces on the west side of the building, 38 inventory vehicles neatly arranged in the secured lot, for a total of a total of 58 exterior inventory vehicles. Eleven inventory vehicles were displayed inside the building for an inventory total of 69 vehicles. No inventory vehicles were parked on the east side of the building. Five customer signed and striped customer spaces are provided with two parallel spaces in front, two spaces in the secured lot, and a signed accessible space on the east side of the building. Those same conditions on inventory placement and limits will be recommended for the conditional use permit.

Some of the striping has become worn and the applicant has already contracted for it to be repainted, to include all of the customer spaces.

The applicant has operated the business in a responsible manner over the 14 years it has been in existence with only several minor periods of exceeding inventory exterior display limits when those limits had been set much lower. No changes to the site, the building or the scale and character of the business are proposed as part of the future business operation. The condition of the existing building and site can allow an easy conversion back to a typical industrial use with minimal problem should the use cease, so the property is not being removed from the industrial inventory. The use has been compatible with the abutting properties over the years – the one to the east had been an auto service/repair business, but is now vacant - and there is no reason to anticipate any change to that relationship while operating in the future under the same conditions establishing intensity parameters for the use.

However, it should be noted that as a temporary conditional use, a number of standard site development features have never been required to be provided due to the economic impact on the property. Most of those improvements would have required a literal redevelopment of the property in order to be effective and that is still the case with most of them. One improvement that could, and should, be implemented with the change in status to a “permanent” use would be provision of the required screening in the front yard area. The applicant has provided some front yard landscaping over time that should now be brought into conformance by completing the three-foot high screening – nothing fancy, just some additional plant material or other simple elements that would meet Code. This has been discussed with the applicant.

The application was reviewed informally by the Development Review Committee on August 12, 2008 and was found not to require a formal review.

FINDINGS

Section 19.22(3)(A),(B),(E) and (F)

No Conditional Use Permit shall be granted unless the Council finds the following:

- (A) Nuisance generated by the use will not have an adverse effect upon existing and future development in adjacent areas.**

- * The use has not exhibited any nuisance characteristics during the past 14 years that would have any adverse impact on either existing or future development in the immediate area. The scale, intensity, and character of the use has been consistent with the capabilities of the site and compatible with the abutting properties and industrial neighborhood.
- (B) The use will provide an economic return to the community commensurate with other industrial uses for which the property could feasibly be used.**
- * The proposed use has provided a reasonable economic return to the City by maintaining an older and nonconforming industrial property in good order, operating a viable business, and not requiring more than basic City services. The operation of the business has been consistent with applicable regulations and has not required undue services in terms of administration, enforcement, and security/life safety issues. The use of the property can be considered to have had a positive effect on the immediate area that, under reasonable circumstances, can be expected to continue in the future.
- (E) The use is consistent with the purposes of the Zoning Code as they are enumerated in Section 19.01 and the purposes of the zoning district in which the applicant intends to locate the proposed use.**
- * The use is consistent with both the purpose of the Zoning Code and of the I-3 Zoning District that allows a broad spectrum of land uses ranging from pure industrial such as manufacturing to full retail and even hotels. The use has shown compatibility with the neighboring "industrial" uses that have ranged from office/warehouse through auto repair and service. The property has been maintained, operated consistent with City Code and other applicable regulations, and has not required undue enforcement attention from the City or other agencies.
- The property has not been altered to serve the use in any manner that would prevent occupation of the property by a more typical "industrial" use or require extraordinary investment to do so.
- (F) The proposed use is not in conflict with the development plan of the City.**
- * The proposed use is not in conflict with the development plan of the City as no site or building changes are proposed that would prevent future redevelopment or industrial use of the property in a reasonable manner.

RECOMMENDATION

In Case 7073A-08, staff recommends approval of a conditional use permit for Class II Motor Vehicle Sales at 1000 West 94th Street subject to the following conditions:

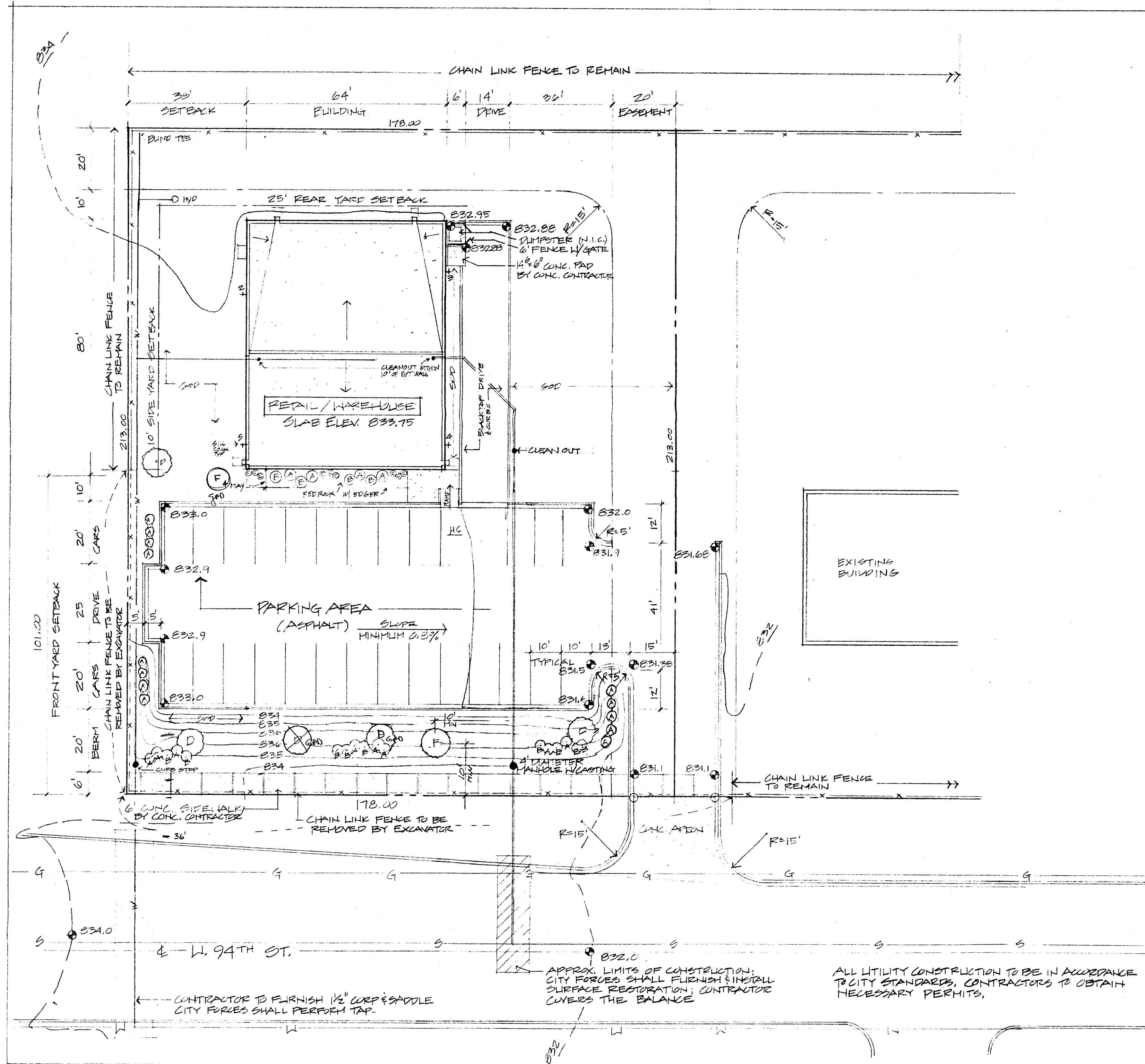
- 1) All approved exterior inventory and customer parking spaces shall be restriped in accordance with the approved number and location of exterior parking spaces by November 1, 2008;

- 2) No more than a total of 60 applicant inventory are allowed be parked, displayed or stored outside on the site in the numbers and at the locations described as follows at any time without approval in writing by the Planning Manager:
 - a) No more than 13 inventory vehicles shall be parked, displayed or stored in striped parking spaces not to exceed 13 in number on the building side of the front parking area;
 - b) No more than four (4) inventory vehicles shall be parked, displayed or stored at any time in four (4) striped parallel spaces on the street-side edge of the front parking/circulation drive area adjacent to the landscaped yard;
 - c) No more than three (3) inventory vehicles shall be parked, displayed or stored at any time in three (3) striped spaces against the west side of the building;
 - d) All other allowed exterior inventory vehicles must be parked, displayed, or stored in the secured lot;
- 3) A minimum of five (5) standard signed and striped customer parking spaces must be maintained either in the front of the building or within the secured lot in the rear of the building and have approved directional signs to identify their location;
- 4) One "accessible-handicapped" parking space must be provided, properly signed, and maintained adjacent to and immediately beside east wall of the building. No other parking, display, or storage is allowed along the east side of the building, as that area is an approved circulation drive;
- 5) The common driveways on the east and west sides of the building shall be kept free and clear for their intended use;
- 6) All inventory or stock loading and unloading shall occur on site and off of public streets; and
- 7) The site and development shall continue to be maintained in a neat and orderly manner;

and subject to the following Code requirements:

- 1) All trash collection and storage must occur in a designated area within the building as approved by the Fire Marshal;
- 2) Three foot high solid screening be provided along West 94th Street as approved by the Planning Manager (Sec. 19.52) by June 1, 2009; and
- 3) Signage shall comply with the requirements of Chapter 19, Article X of the City Code;

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August 14, 2009

Location: 1000 W. 94th Street
Bloomington, MN 55420

Hours of Operation: Monday-Friday 8:00am-5:00pm
Saturday By appointment
Sunday Closed

Business Description: Besner Bus is an authorized dealer for Ameritrans, Starcraft Bus and Eclipse Specialty. Providing new and used shuttle, transit, church, paratransit, handicapped, and mini buses. Besner Bus also offers service, parts, rentals and D.O.T. inspections by a certified on-site mechanic. Over the last 3 years Besner Bus has developed a long standing and loyal customer base, with buyers returning year after year for continuing service and equipment. All vehicles are well maintained and in good condition allowing Besner Bus to present a quality image.

Building: Approximately 5,000 square feet.
PIN: 090272440057
Lot: 2 Block: 1
Plat Name: Whitney Addition

Usage: 25% of the building will be used for office space

75% of the building will be used for service of customer and company owned vehicles.

Grounds: Building and grounds will always be kept neat and clean. In order to maintain a professional image, buses will be lined up and kept clean and lawn and shrubs will be maintained on a regular basis.

Inventory: Both new and used vehicles will be kept in inventory. Based on the attached site plan we anticipate a maximum of 26 vehicles parked on the site at any one time.

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Case 7073A-09

Referral Base: Crown Bank – Edina, MN
Ramada – Mall of America
Country Inn and Suites – Mall of America
CSM Corporation – Minneapolis, MN
Silvercrest Properties – St. Louis Park, MN
Sheraton Hotel – Bloomington, MN

Customers: We specialize in sales to:
Hotels
Churches
Senior living facilities
Parking shuttles

Organizations: Bloomington Visitors and Convention Bureau

Respectfully,



Bruce Besner
Pres, Besner Bus and Equipment, Inc.

Case 7073A-09

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CONFIDENTIAL

(X = CAR'S PARKED²⁵)

Kassick Motors, Inc.

Since 1981

1000 West 94th Street
Bloomington, MN 55420

1-800-392-0328
952-884-9555
Fax: 952-884-9642

Location:

1000 W. 94th Street
Bloomington, MN 55420

Hours of Operation:

Monday --Thursday	8:30am-9:00pm
Friday	8:30am-6:00pm
Saturday	8:30am-5:00pm
Sunday	Closed

Business Description:

Wholesale and Retail sales of previously owned vehicles. On average 50 vehicles per month are sold. We have an excellent customer base with 27+ years of returning customers and their referrals. Our vehicles are priced well below retail to maintain customer satisfaction. All of our vehicles are middle to upper scale models and are in excellent condition. This continues to present a nice image for the neighborhood.

Building:

Approximately 5,000 Square Feet. A few years back we had a long time city inspector who performed an inspection of the entire property. He said that Kassick Motors was the first one to receive a 100% inspection by him in Bloomington and that I should give a copy for the inspection on my next renewal, which I did.

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Usage:

60% of the building is used for display of vehicles for sale.

25% of the building is used for office space.

15% of the space is used for the maintenance and inspections of the vehicles for sale or sold by Kassick Motors. This area is located on the East end of building. This is where all vehicles are inspected prior to availability by an ASC Certified Technician who is an employee of Kassick Motors.

Grounds:

Building and grounds are always kept neat and clean to maintain a professional appearance. Cars are always lined up and kept clean. The lawn and shrubs are maintained regularly and kept trimmed.

Inventory:

Vehicles in inventory are all late models. Most of our late model vehicles are still under factory warranty. All of these factors have helped eliminate drivability problems for our customers, and because of this, we have maintained a strong customer base that goes back to 1981 (since 1994 at our current location).

60 vehicles are located outside the building on the lot.

11 vehicles are located inside on the show floor.

Approximately 10 are being driven, at the clean up shops, at body shops, or upholstery shops being prepared to replace sold inventory.

Referral Base:

We have a very active referral base such as:

N. W. Air (Wings Financial Credit Union)

Richfield/Bloomington Credit Union

Oak Trust Credit Union

US Federal Credit Union

Retail Employees Credit Union

US Auto

St. Paul Federal

And Many Others.

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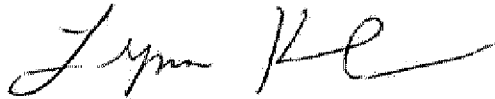
Customers:

We have sold more than 15,000 vehicles since 1981. We have returning customers/families that over time have purchased 10 to 25 vehicles. With one family currently at the highest with a count of 122 vehicles purchased.

Reputation:

Reputation is 100% as advertised weekly in local newspaper. I am a member of the Better Business Bureau, Chamber of Commerce, among others. I continually donate to the local schools and organizations.

Sincerely,



Lynn R. Kassick

CITY OF BLOOMINGTON
Division of City Planning
REPORT TO THE PLANNING COMMISSION
October 8, 2009

Item 1

GENERAL INFORMATION

Applicant: Besner Bus and Equipment, Inc
(Case 7073A-09)

Location: 1000 West 94th Street

Request: Conditional use permit for heavy equipment sales

PROPOSAL

The applicant requests approval to conduct bus sales and service operations in the I-3 Zoning District. The 4,800 square foot building has 839 square feet of mezzanine for a total floor area of 5,639 square feet. The building would primarily provide area for vehicles storage and repair with approximately 1,250 square feet divided into office and associated uses.

The 31,987 square-foot lot shares two curb cuts onto West 94th Street. One shared with the property on the east and one shared with the property on the west. Exterior inventory for up to 26 vehicles would be provided with no more than two vehicles along West 94th Street. The area behind the building is secured with a chain link fence with access gates on each side of the property. This allows vehicle circulation around the building. Four employee parking spaces are provided west of the secured lot. Six customer parking spaces are provided in the front of the building. The applicant does not provide for a handicap accessible space which was previously located along the building's east side.

ANALYSIS

The proposed bus sales and service use would occupy a property previously used for Class II auto sales. The larger bus is considered heavy equipment which requires a conditional use in the I-3 Zoning District. The proposed use would maintain an inventory of up to 26 vehicles which is reasonable for the lot size and layout. The applicant would provide a maintenance component as part of the business, which is a permitted use.

The property is code complying with the exception of parking lot islands and associated landscaping. There would be six customer parking spaces along the south side of the building, four employee parking spaces at the northwest side of the security fence and secured parking at the rear of the building for vehicles needing for service. The applicant shall install parking islands and associated landscaping in at each end of the customer parking along the south side of the building. The total parking exceeds the City Code for the proposed use. The applicant does not show a handicapped accessible space, which would be required.

The site plan shows two vehicles to be displayed along west 94th Street. The proposed location would not be permissible as they are proposed in the required 24 foot drive aisle for the proposed customer parking area. The applicant shall work with staff to assure suitable display areas would allow the required 24 foot drive aisle serving the parking areas and to install parking lot islands at the ends of each parking tier. There are no exterior changes proposed as part of the application. The landscaping and screening installed in 2008 along West 94th Street remains in good condition.

The proposed bus sales and service operation has been classified as heavy equipment sales which are a conditional use permit in the I-3 Zoning District. The proposed use would not be inconsistent with the previous use nor several adjacent uses. With the proper operational controls, the use would be appropriate at this location.

Traffic

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

FINDINGS

Section 19.22(3)(A),(B),(E) and (F)

No Conditional Use Permit shall be granted unless the Council finds the following:

(A) Nuisance generated by the use will not have an adverse effect upon existing and future development in adjacent areas.

- * The use would not exhibit nuisance characteristics due to low volume sales generally associated with heavy equipment sales. The property was previously occupied with a higher intensity use, Class II auto sales, which existed for 15 years without any adverse impact on either existing or future development in the immediate area. The scale, intensity, and character of the use has been consistent with the capabilities of the site and compatible with the abutting properties and industrial neighborhood.

(B) The use will provide an economic return to the community commensurate with other industrial uses for which the property could feasibly be used.

- * The proposed use would provided a reasonable economic return to the City by maintaining an older and nonconforming industrial property in good order, operating a viable business, and not requiring more than basic City services. The operation of the business would be consistent with applicable regulations and has not required undue services in terms of administration, enforcement, and security/life safety issues. The use of the property can be considered to have had a positive effect on the immediate area that, under reasonable circumstances, can be expected to continue in the future.

(E) The use is consistent with the purposes of the Zoning Code as they are enumerated in Section 19.01 and the purposes of the zoning district in which the applicant intends to locate the proposed use.

- * The use is consistent with both the purpose of the Zoning Code and of the I-3 Zoning District that allows a broad spectrum of land uses ranging from pure industrial such as manufacturing to full retail and even hotels. The use is compatible with the neighboring "industrial" uses that have ranged from office/warehouse, heavy equipment sales and auto repair, leasing and service. The property has been maintained, operated consistent with City Code and other applicable regulations, and has not required undue enforcement attention from the City or other agencies.

The property would not be altered to serve the use in any manner that would prevent occupation of the property by a more typical "industrial" use or require extraordinary investment to do so.

(F) The proposed use is not in conflict with the development plan of the City.

- * The proposed use is not in conflict with the development plan of the City as no site or building changes are proposed that would prevent future redevelopment or industrial use of the property in a reasonable manner.

RECOMMENDATION

In Case 7073A-09, staff recommends approval of a conditional use permit for heavy equipment sales at 1000 West 94th Street subject to the following conditions:

- 1) All customer parking areas be delineated with parking lot islands and landscaping as approved by the Traffic Engineer;
- 2) No more than a total of 26 vehicle inventory are allowed be parked, displayed or stored outside on the site;
- 3) A minimum of five (5) standard signed and striped customer parking spaces be provided;
- 4) One "accessible-handicapped" parking space must be provided, properly signed, and maintained.
- 5) No other parking, display, or storage is allowed along the east side of the building, as that area is an approved circulation drive;
- 6) The common driveways on the east and west sides of the building shall be kept free and clear for their intended joint access use;

and subject to the following Code requirements:

- 1) All trash collection and storage must occur in a designated area within the building as approved by the Fire Marshal;
- 2) Three foot high solid screening be maintained along West 94th Street approved by the Planning Manager (Sec. 19.52); and
- 3) Signage shall comply with the requirements of Chapter 19, Article X of the City Code;

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