



August 07, 2020

Mr. William Griffith
Larkin Hoffman Attorneys
8300 Norman Center Drive, Suite 1000
Bloomington, MN 55437

RE: Case # PL2020-102
Park N Fly – 3700 and 3750 American Blvd. E.

Mr. Griffith:

At its regular meeting of August 3, 2020, the City Council adopted the attached resolution approving an interim use permit with modifications to previously adopted development milestones for phased development but denying an extended expiration date at 3700 American Blvd. E. subject to the listed conditions of approval and denying an interim use permit with a new expiration date at 3750 American Blvd. E. (Case # PL202000102).

The approval is subject to ongoing conditions. While the conditions list includes selected City Code requirements of particular interest, the development must comply with all applicable local, state and federal codes.

1. Ongoing Failure to meet any of the milestones identified in Exhibit C will result in termination of this interim use permit for remote airport parking, provided the City makes available sufficient sewer infrastructure capacity to be available. In any event, termination of this interim use permit is subject to Applicant's right to cure an event of default or otherwise undertake corrective measures. In no case may the use of the Property for remote airport parking extend beyond July 1, 2024, unless a subsequent interim use permit is issued.
2. Ongoing The conditions attached to this approval of an Interim Use Permit for remote airport parking (Case PL2020-102) replace and supersede all previous conditions of approval related to the remote airport parking use on the Property.
3. Ongoing The Applicant must sign a new Site Development Agreement relating to the remote airport parking use with the City that incorporates all conditions of approval attached to Case PL2020-102 and confirms the interim nature of the use
4. Ongoing Upon expiration of the Interim Use Permit (Case PL2020-102), the physical surface parking lot and the physical parking ramp may remain on site and be used in support of uses allowed in the base zoning district, however, the use

- of the site for remote airport parking must cease.
5. Ongoing The remote airport parking use is limited to 1,063 vehicles.
 6. Ongoing Any physical changes to the site must follow the relevant approval process outlined in the City Code
 7. Ongoing Motor vehicles must be parked at all times in a manner that allows Fire Department access.
 8. Ongoing Landscaping and required screening must be maintained in the current state during the term of the interim use permit
 9. Ongoing No maintenance or cleaning of customer or employee vehicles is allowed.
 10. Ongoing All trash and recyclable materials be stored inside the principal building. (Sec. 21.301.17).
 11. Ongoing Fire lanes be posted as approved by the Fire Marshal. (Uniform Fire Code Sec. 901.4).

Should you have any questions regarding this action, please contact Mike Centinario, Planner, at (952) 563-8921 or mcentinario@BloomingtonMN.gov.

Sincerely,



Glen Markegard, AICP
Planning Manager

PHASE I PROJECT MILESTONES – AS APPROVED BY CITY COUNCIL AUGUST 3, 2020

<u>Milestone</u>	<u>Description</u>	<u>Due</u>
Identify Phase I Project Site	Applicant will submit to the City the approximate boundaries of a three to four acre development site within the Property.	August 1, 2019
Amend Alternative Urban Areawide Review (AUAR)	Applicant and City will amend existing AUAR as needed to include the Project within the AUAR.	Concurrent with the City's five year AUAR update due in 2022
Concept Master Plan	Applicant will submit a concept master plan for entire site including 3700 American Blvd and 3750 American Blvd that identifies the proposed major uses, the development square footage projected, phasing, public and private infrastructure and location of structured parking.	October 31, 2019
Project Pro Forma	Applicant will submit a development proforma for the Phase I Project that identifies sources and uses of public and private funds and the need for public support of the Project.	October 31, 2019
Application for Public Financial Assistance	If public financial assistance is desired, Applicant will submit to the City, Port Authority and/or the Housing and Redevelopment Authority, as applicable, a written request for tax increment financing or other public subsidies requested for the Phase I Project.	December 31, 2019
Revised Preliminary and Final Development Plans	Applicant will submit to the City a complete application for major revision to Preliminary Development Plans for the Property and Final Development Plans for	December 31, 2019

	the Phase I Project.	
Preliminary and Final Plat	Applicant will submit an application for preliminary and final plat to subdivide the Property into parcels for phased development of the Project and for continued use of the remnant Property for remote airport parking in the interim or some other approved use. The application may be accompanied by a platting variance request to defer park dedication for future development phases.	March 31, 2020
Building Permit	Applicant will submit a complete application for a building permit for the Phase I Project.	June 1, 2021
Construction Start	Applicant will commence construction of the Phase I Project.	September 1, 2021
Development Concept Plan: Phase II	Applicant will submit a development concept plan for Phase II with projected uses, development schedules, projected cost and support requirements from the City.	July 1, 2023

RESOLUTION NO. 2020-116

A RESOLUTION APPROVING A NEW INTERIM USE PERMIT MODIFYING PREVIOUSLY ADOPTED INTERIM USE PERMIT DEVELOPMENT MILESTONES FOR PHASED DEVELOPMENT, DENYING EXTENSION OF THE INTERIM USE PERMIT EXPIRATION DATE AT 3700 AMERICAN BOULEVARD EAST AND DENYING A NEW INTERIM USE PERMIT WITH AN EXTENDED EXPIRATION DATE AT 3750 AMERICAN BOULEVARD EAST, BLOOMINGTON, MINNESOTA.

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, the Bloomington City Council is empowered under State Law and the Bloomington City Code to act upon interim use permits (IUPs); and

WHEREAS, City Council approved a variance to increase the interim use permit term from five to 10 years on February 23, 2015 and a 10-year interim use permit for a remote airport parking facility for the parcel located at 3750 American Blvd. E. legally described as:

Lot 2, Block 1, INTERNATIONAL AIRPORT PARK 4TH ADDITION
Hennepin County, Minnesota; and

WHEREAS, the City Council approved a five-year interim use permit for remote airport parking subject to development milestones on April 15, 2019 for the parcel located at 3700 American Blvd. E. legally described as:

Lot 1, Block 1, INTERNATIONAL AIRPORT PARK 5TH ADDITION,
Hennepin County, Minnesota; and

WHEREAS, pursuant to those adopted development milestones, the City Council approved, among other entitlements, a major revision to preliminary development plans for a multi-phase planned development at 3700 and 3750 American Boulevard E. and final development plans to convert a portion of the Park N Fly remote airport parking facility into a six-story, 183-unit apartment building located at 3700 American Blvd. E. (Phase I) on April 6, 2020; and

WHEREAS, due to the COVID-19 pandemic, the applicant has applied for a new interim use permit with extended development milestones for the 3700 American Boulevard property requiring submission of a complete building permit application for the Phase I development by June 1, 2020; Phase I construction by September 1, 2021; and submission of conceptual development plans for Phase II by July 1, 2022; and

WHEREAS, applicant has requested to extend the interim use permit expiration dates at 3700 and 3750 American Blvd. E. from July 1, 2024 to July 1, 2025; and

WHEREAS, the Planning Commission reviewed said request at a duly called public meeting on July 23, 2020 and held a public hearing to consider the application; and

WHEREAS, the Planning Commission recommended approval of the interim use permit with development milestone modification for the 3700 American Blvd. E property but denial of the time extension; and

WHEREAS, the Planning Commission recommended denial of the new interim use permit for 3750 American Blvd. E; and

WHEREAS, the City Council is empowered to approve an interim use permits when the proposed use will not delay permanent development of the site, the use is not in conflict with the Comprehensive Plan or an adopted district plan for the area, the proposed use will not be in conflict with any provisions of the city code on an ongoing basis, the proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare, the date or event that will terminate the use has been identified with certainty, and the property on which the use is situated has no open enforcement orders and there are no nuisance characteristics associated with the property or its current use; and

WHEREAS, the City Council has reviewed said request at a public meeting on August 3, 2020, and considered the report of City staff, the findings and recommendation of the Planning Commission, all information provided in the agenda materials, interim use permit applications, and the requirements in Bloomington City Code and state law; and

WHEREAS, pursuant to City Code Section 21.501.05(e)(1-6), the City Council finds the following:

Modification of Development Timelines at 3700 American Blvd. E.

Required Finding	Finding Outcome/Discussion
(1) The proposed use will not delay permanent development of the site	Finding Made- the requested modification to the development timelines result in permanent development of the site and are reasonable based upon the impacts of the COVID-19.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – the extension of the development milestones is not in conflict with the Comprehensive Plan’s and South Loop District Plan’s long term vision for the site and surrounding area for high-density, mixed use, pedestrian oriented development. As approved, the proposed Phase I construction will achieve the long term vision for the site and the additional time needed for construction is reasonable based upon the disruption caused by COVID-19 to construction services and financial markets.
(3) The proposed use will not be in conflict with any provisions of the city code on an ongoing basis	Finding Made – The HX-R zoning district specifically restricts remote airport parking to being an interim use within the district. Permanent use of the site for remote airport parking would be in conflict with the HX-R zoning district. Phased development within the large site is consistent with the intent of the IUP.
(4) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm	Finding Made – The use has not adversely impacted nearby properties in the past and there is no reason to expect adverse nuisance impacts based on the extension of development

the public health, safety, and welfare	milestones.
(5) The date or event that will terminate the use has been identified with certainty	Finding Made – The applicant’s request to modify the development timeline provided by the existing IUP provides a date certain at which development will occur and provides flexibility for the applicant to navigate the complexities of COVID-19.
(6) The property on which the use is situated has no open enforcement orders and there are no nuisance characteristics associated with the property or its current use	Finding Made – There are currently no enforcement actions, outstanding code violations, or nuisance characteristics on the site.

Time Extensions at 3700 and 3750 American Blvd. E.

Required Finding	Finding Outcome/Discussion
(1) The proposed use will not delay permanent development of the site	Finding Not Made – The requested new IUPs, with a termination date of July 1, 2025 rather than the existing termination date of July 1, 2024, serves to incrementally delay development of the site and creates uncertainty and delay in the permanent development of the site. The existing IUP’s allow the applicant flexibility in use of the site until 2024.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Not Made – The requested IUPs with a longer duration than the existing IUPs is in conflict with the Comprehensive Plan’s and South Loop District Plan’s long term vision for the site and surrounding area for high-density, mixed use, pedestrian oriented development.
(3) The proposed use will not be in conflict with any provisions of the city code on an ongoing basis	Finding Made – The HX-R zoning district specifically restricts remote airport parking to being an interim use within the district. Permanent use of the site for remote airport parking would be in conflict with the HX-R zoning district. Phased development within the large site is consistent with the intent of the IUP.
(4) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare	Finding Made – The use has not adversely impacted nearby properties in the past and there is no reason to expect adverse nuisance impacts during an extended interim period.
(5) The date or event that will terminate the use has been identified with certainty	Finding Not Made – The applicant’s request to approve new IUPs, which effectively delays termination of the IUPs one year from 2024 to 2025, without progress towards future phases in the form of completed development, reduces the certainty the remote airport parking use will terminate in a timely, phased manner.
(6) The property on which the use is situated has no open enforcement orders and there are no nuisance characteristics associated with the	Finding Made – There are currently no enforcement actions, outstanding code violations, or nuisance characteristics on the site.

property or its current use	
-----------------------------	--

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, based on Case File #PL2020-102, the Planning Commission recommendation, staff report, public testimony, and materials provided by the applicant, the City Council finds that due to the COVID-19 pandemic, the applicant has been and will be unable to comply with development milestones that require the applicant to: submit a complete building permit application for the Phase I development by June 1, 2020; commence Phase I construction by September 1, 2021; and submit conceptual development plans for Phase II by July 1, 2022; and

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BLOOMINGTON hereby APPROVES an interim use permit with no time extension but with the modifications requested by the applicant to previously adopted development milestones for permanent development at 3700 American Blvd. E. subject to the following conditions:

1. Failure to meet any of the milestones identified in Exhibit C will result in termination of this interim use permit for remote airport parking, provided the City makes available sufficient sewer infrastructure capacity to be available. In any event, termination of this interim use permit is subject to Applicant's right to cure an event of default or otherwise undertake corrective measures. In no case may the use of the Property for remote airport parking extend beyond July 1, 2024, unless a subsequent interim use permit is issued; and
2. The conditions attached to this approval of an Interim Use Permit for remote airport parking (Case PL2020-102) replace and supersede all previous conditions of approval related to the remote airport parking use on the Property; and
3. The Applicant must sign a new Site Development Agreement relating to the remote airport parking use with the City that incorporates all conditions of approval attached to Case PL2020-102 and confirms the interim nature of the use; and
4. Upon expiration of the Interim Use Permit (Case PL2020-102), the physical surface parking lot and the physical parking ramp may remain on site and be used in support of uses allowed in the base zoning district, however, the use of the site for remote airport parking must cease; and
5. The remote airport parking use is limited to 1,063 vehicles; and
6. Any physical changes to the site must follow the relevant approval process outlined in the City Code; and
7. Motor vehicles must be parked at all times in a manner that allows Fire Department access; and
8. Landscaping and required screening must be maintained in the current state during the term of the interim use permit; and
9. No maintenance or cleaning of customer or employee vehicles is allowed; and
10. All trash and recyclable materials be stored inside the principal building. (Sec. 19'51); and
11. Fire lanes be posted as approved by the Fire Marshal. (Uniform Fire Code Sec. 901.4); and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, based on Case File #PL2020-102, the Planning Commission recommendation, staff report, public testimony, and materials provided by the applicant, the City Council finds:

1. The proposed interim use permit time extensions would delay permanent development of 3700 and 3750 American Blvd. E., in conflict with required finding in Section 21.501.05(e)(1) of the City Code; and
2. The proposed interim use permit time extensions are inconsistent with the City of Bloomington Comprehensive Plan and South Loop District Plan, therefore in conflict with the required finding in Section 21.501.05(e)(2) of the City Code; and
3. Extending the interim use permit terminations incrementally delays termination of the IUPs one year from 2024 to 2025, without progress towards future phases in the form of completed development, thereby reducing the certainty that the remote airport parking use will terminate in the timely, phased manner as required by Section 21.501.05(e)(5) of the City Code; and

BE IT FINALLY RESOLOVED THAT THE CITY COUNCIL OF THE CITY OF BLOOMINGTON hereby DENIES an interim use permit for remote airport parking at 3750 American Blvd. E. and DENIES the time extension component of the requested interim use permit at 3700 American Blvd. E., Bloomington, Minnesota.

Passed and adopted this 3rd day of August, 2020.

DocuSigned by:
ATTEST:
Denise Christenson
751432E1811745D
Secretary to the Council

DocuSigned by:
Tim Bense
531490D391D44BF...
Mayor