

## GENERAL INFORMATION

Applicant: Jodi Johnson, GS Labs (user)  
MAOC Land Holdings, LLC (property owner)

Location: 7900 24th Avenue S.

Request: Interim use permit for a temporary pandemic facility at 7900 24th Ave. S.

Existing Land Use and Zoning: Mall of America overflow parking lot; zoned CX-2(PD)(AR-17)

Surrounding Land Use and Zoning: North – Vacant land; zoned CX-2(AR-17)  
East – Runway Protection Zone  
South and West – Mall of America surface parking; zoned CX-2(PD)(AR-17)

Comprehensive Plan Designation: High-Intensity Mixed-Use

## HISTORY

City Council Action: 01/10/2022 – Adopted an ordinance amending the City Code to create a definition for temporary pandemic, epidemic, or emergency service facility, add the use as an interim use throughout the City, and establish performance standards for the use.

## CHRONOLOGY

Planning Commission 05/26/2022 Public Hearing Scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 04/13/2022  
60 Days: 06/12/2022  
120 Days: 08/11/2022  
**Applicable Deadline: 06/12/2022**  
Newspaper Notification: Confirmed – (05/12/2022 Sun Current – 10-day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10-day notice)

**STAFF CONTACT**

Mike Centinario  
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E-mail: mcentinario@BloomingtonMN.gov

**PROPOSAL**

GS Labs is requesting an interim use permit to continue a COVID testing site at 7900 24<sup>th</sup> Avenue S. A mobile testing facility was established during the State of Minnesota’s Emergency Declaration. As such, the facility began operating without City of Bloomington zoning review. The applicant is seeking to operate the facility as it has been and has requested an approximately 2.5-year interim use permit to continue the temporary pandemic facility until December 31, 2024.

**ANALYSIS**

**Code Compliance**

Additional Performance Standards for temporary pandemic, epidemic, or emergency service facilities were established as part of the City Code amendment adopted by the City Council in January 2022. Because the facility at 7900 24<sup>th</sup> Avenue S. has been in operation for some time, staff has reviewed the existing conditions, as shown in the photos submitted by the applicant, instead of the *proposed* conditions. The performance standards and whether the operation complies with those standards are identified below in Table 1.

**Table 1: Temporary Pandemic, Epidemic, or Emergency Service Facility Performance Standards – Section 21.302.34**

<b>Standards</b>	<b>Compliance</b>
(1) Deliveries must be made on site and outside of the public right-of-way	Yes – all deliveries are made on site and outside of the public right-of-way.
(2) The facility must have sufficient trash storage on site and be located in a manner that reduces potential nuisances, but the facility is not subject to refuse, solid waste, and recyclable materials handling requirements in Section 21.301.17.	Yes – two dumpsters are being utilized on-site for trash and recycling. However, the dumpsters are in a location fully visible from the public right-of-way which does not comply with 21.301.17. The containers must be relocated to the northeast and screened with the existing trees or screening be provided. Medical waste is picked up by another vendor, Mediwaste, on a weekly basis. Staff is unaware of, and has not observed, any issue with insufficient waste handling.

<p>(3) For facilities with drive-through operations, sufficient vehicle stacking must be provided to avoid congestion within the public right-of-way, as determined by the City Engineer</p>	<p>Yes – ample stacking space is accommodated in the overflow parking lot. Access to the site from 24<sup>th</sup> Avenue S. is via W. 79<sup>th</sup> Street. W. 79<sup>th</sup> Street is private.</p>
<p>(4) For nighttime operations, site lighting, as required in Section <u>21.301.07</u>, must be provided to ensure adequate visibility</p>	<p>To be determined – staff will be conducting a nighttime lighting inspection to determine if additional lighting is necessary—several light poles on the site, including one pole with four light fixtures. Nighttime lighting is not an issue during the summer months; the facility operates during daylight and closes at either 5 or 6 pm.</p>
<p>(5) Temporary structures and tents are permitted. Temporary structures and tents must meet all relevant Building and Fire Code requirements, but are not subject to City Code time limitations for tents or exterior materials requirements</p>	<p>To be determined – temporary structures are being utilized. Proposed conditions of approval would require inspections to confirm compliance within 30 days of interim use permit approval.</p>
<p>(6) When operating within residential zoning districts, the pandemic or emergency service facility must be located on a site that is occupied by a non-residential use</p>	<p>Not applicable – the temporary pandemic facility is not located within a residential zoning district.</p>
<p>(7) The Planning Commission or, if appealed, the City Council may approve flexibility from use standards if it finds that such flexibility is warranted to protect the community's health, safety, and general welfare</p>	<p>Not applicable – no flexibility from the performance standards has been requested or is warranted for the temporary facility.</p>

Related to compliance with performance standards, interim use permits must meet several findings, which are addressed in a following section of this report.

**FINDINGS**

**Required Interim Use Permit Findings – Section 21.501.05(e) (1-6)**

Required Finding	Finding Outcome/Discussion
<p>(1) The proposed use will not delay permanent development of the site</p>	<p>Finding Made – Before the pandemic, the site was used as overflow parking for the Mall of America. The site is identified as a forthcoming development phase – the interim use permit will not delay permanent development of the site.</p>

(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The use is not in conflict with the South Loop District Plan. The use occupies an overflow parking lot that was sparsely used.
(3) The proposed use will not be in conflict with any provisions of the city code on an ongoing basis	Finding Made – Several conditions of approval related to environmental health are proposed that will ensure the COVID testing operation is compliant with City Code.
(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 if the use is continued to the end of 2024.
(5) The date or event that will terminate the use has been identified with certainty	Finding Made – The interim use permit will terminate on December 31, 2024. The operations may end before that date should robust testing operations no longer be necessary.
(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 known enforcement actions, outstanding code violations, or nuisance characteristics on the site.

**RECOMMENDATION**

**Note the Planning Commission has final approval authority on this interim use permit application unless an appeal to the City Council is received by 4:30 p.m. on June 1, 2022.**

Staff recommends the following motion:

In Case PL2022-18, having been able to make the required findings, I move to approve an interim use permit for a temporary pandemic service facility at 7900 24<sup>th</sup> Avenue S., subject to the conditions and Code requirements attached to the staff report.

## **RECOMMENDED CONDITIONS OF APPROVAL**

**Case** PL202200018

**Project Description:** Interim Use Permit for a Temporary Pandemic Service facility

**Address:** 7900 24th Avenue S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. The temporary pandemic facility must cease operations no later than the end of business day on December 31, 2024.
2. The temporary pandemic facility must be operated as shown in the approved plans in Case File #PL2022-18.
3. All pickup and drop-off must occur on site and off public streets.
4. Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
5. All trash and recyclable materials must be stored inside waste receptacles screened from public view. All trash must be removed from the site in a timely fashion.
6. Within 30 days of an interim use permit approval, inspections related to generators, Fire Codes, and sanitary conditions must be conducted by the appropriate City department.