

**RESOLUTION NO. 2024-177****A RESOLUTION DENYING A FIVE-YEAR INTERIM USE PERMIT FOR REMOTE AIRPORT PARKING AT THE PARK ‘N GO REMOTE AIRPORT PARKING FACILITY LOCATED AT 7901 INTERNATIONAL DRIVE IN THE CITY OF BLOOMINGTON, MINNESOTA**

WHEREAS, the Bloomington City Council is empowered under State Law and the Bloomington City Code to act upon interim use permit (“IUP”) applications for remote airport parking uses; and

WHEREAS, an application for a five-year IUP for remote airport parking was submitted on behalf of Airport Construction of Minnesota, Inc., operating as Park ‘N Go (hereinafter the “Applicant”), owner of the premises located at 7901 International Drive in the City of Bloomington, Minnesota (hereinafter the “Property”), and legally described as:

Lot 1, Block 1, NEW B ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota

WHEREAS, City Code provides that the City Council is empowered to approve an IUP application when all of the following findings are made:

1. The proposed use will not delay permanent development of the site.
2. The proposed use will not adversely impact implementation of the Comprehensive Plan or adopted district plan for the area.
3. The proposed use is not in conflict with City Code provisions on an ongoing basis.
4. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.
5. The date or event that will terminate the use has been identified with certainty.
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.

WHEREAS, because a current IUP exists on the Property for the same use, City Code provides that an additional affirmative finding must be made in order to approve an IUP application:

7. All previous conditions of approval have been satisfied and that the use meets all code requirements or has received appropriate variances from those requirements.

WHEREAS, the City’s Comprehensive Plan and South Loop District Plan each include provisions that envision dense, transit-oriented, and pedestrian-oriented permanent development of the Property and areas adjacent to the Property. The Property is located within the South Loop District and subject to the South Loop District Plan. Key provisions from the Comprehensive Plan and South Loop District Plan that apply include:

Comprehensive Plan

- Page 2.2 – Adopted strategy to “capitalize on regional infrastructure improvements.”

- Page 2.2 – Adopted strategy to “foster additional employment opportunities, services and amenities for the City and the region.”
- Page 2.2 – Adopted strategy to “support higher land use intensities and mixed-use development in areas currently or proposed to be well served by transit.”
- Page 2.2 – Adopted strategy to “encourage redevelopment of outdated, underutilized, or incompatible land uses.”
- Page 2.4 – Adopted strategy to “promote additional high intensity development along the I-494 Corridor, especially within the City’s three primary growth nodes (South Loop, Penn American, and Normandale Lake).”
- Page 2.43 – Adopted strategy to “where land use conflicts currently exist, encourage mitigation measures such as the provision of screening or the redevelopment of one of the incompatible land uses.”
- Page 2.44 – Adopted strategy to “promote redevelopment of incompatible land uses and outdated buildings.”

### South Loop District Plan

- Page 1.8 – Adopted vision to “transform the District’s densities and character from suburban to urban.”,
- Page 1.8 – Adopted vision to “accelerate the District’s development.”
- Page 1.8 – Adopted goal to “leverage the District’s assets... sites available for development.”
- Pages 3.27 and 3.29 – Graphics depicting development concepts with significant development shown on the remote airport parking sites.
- Page 3.31 - Adopted key opportunity: “interim land uses (e.g., remote airport parking), currently occupy about two-thirds (24.6 acres) of the developable land in this area. This amount of under-developed land immediately adjacent to an LRT station presents an excellent opportunity for new, TOD development.”
- Page 3.32 – Adopted principle to “establish the American Boulevard LRT Station as a neighborhood focal point.”

WHEREAS, Applicant currently operates the Property as a remote airport parking facility pursuant to an IUP granted by the City Council on September 10, 2019. The IUP expires on October 13, 2024; and

WHEREAS, the IUP as originally approved contained conditions of approval in the form of development milestones, intended to transition the Property from remote airport parking, an interim use, to an approved permanent development, in two phases; and

WHEREAS, on June 29, 2020, the City provided written notice to Applicant that it was in default of several of the development milestones; and

WHEREAS, in response, Applicant applied to modify the development milestone compliance dates. The City Council approved the modification to development milestones on December 9, 2020. Current development milestones approved by the City Council and current status are as follows:

<b>Development Milestone</b>	<b>Compliance Date</b>	<b>Status</b>
Identify Phase I Site	2.1.2020	Completed
Concept Master Plan	5.1.2020	Completed
Update Development Pro Forma (if requested)	2.1.2021	Not Completed
Application for Financial Assistance (if requested)	5.1.2021	Not Completed
Preliminary Development Plan Application Phase I Final Development Plan Application	7.1.2021	Not Completed
Preliminary and Final Plat Application	9.1.2021	Not Completed
Building Permit Application	2.1.2022	Not Completed
Construction Start	4.1.2022	Not Completed
Phase II Concept Plan	10.13.2023	Not Completed
IUP Expiration	10.13.2024	N/A

WHEREAS, on March 31, 2022, February 14, 2023, and May 3, 2023, the City provided written notice that Applicant was in default of several development milestones.

WHEREAS, Applicant set up two pre-application Development Review Committee (“DRC”) meetings, one on May 24, 2022, and one on June 20, 2023. City staff provided comments on Applicant’s proposal for a mixed-use development on the Property consisting of residential and remote airport parking. Despite the DRC meetings, Applicant did not submit any complete development applications to the City; and

WHEREAS, in Spring 2024, Planning staff referred Applicant’s default to the City’s Environmental Health Division for civil enforcement. Environmental Health followed its standard procedures. Several written notices to correct were issued to Applicant without a response. On July 24, 2024, Environmental Health issued an administrative citation to Applicant, as authorized by Bloomington City Code, carrying a fine of \$1,000; and

WHEREAS, Applicant did not request an administrative conference with the City Attorney’s Office, or pay the \$1,000 fine, within 25 calendar days of the administrative citation. City Code Section 1.15 provides that this operates as an admission of the charges. All of this information is contained in the administrative citation document; and

WHEREAS, the City’s Environmental Health Division has an open enforcement file for Applicant and the Property; and

WHEREAS, the Planning Commission held a public hearing to consider the IUP application during its August 29, 2024 regular meeting; and

WHEREAS, Applicant’s representative stated to the Planning Commission on August 29, 2024 that the Property owner will not spend any money on development of the Property, including preliminary work for a development application, unless development plans have been approved. This is consistent with past statements to City staff and the DRC; and

WHEREAS, Applicant’s representative, when asked by the Planning Commission what Park ‘N Go would do after October 13, 2024 if the City Council did not approve the IUP application, stated that Park ‘N Go would keep parking cars; and

WHEREAS, following the public hearing and discussion, the Planning Commission recommended the City Council deny the IUP application due to the Planning Commission’s inability to make several required findings; and

WHEREAS, the City Council has reviewed said request at duly called public meeting on September 9, 2024 and has considered the report of the City staff, all information provided in the agenda materials, the Planning Commission recommendation, and the requirements in Bloomington City Code; and

WHEREAS, City Code Section 21.501.05(e)(1-6) provides that interim use permits may only be permitted when:

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The use will not delay permanent development of the site;	<b>Finding Not Made</b> – The continued existence of remote airport parking on this site will delay permanent development of the Property. Based on the current five-year interim use permit, the milestone approach intended to encourage incremental redevelopment has not worked. Development milestones have not been met, despite the City notifying Applicant three times of its current default and allowing ample time to cure the default. Planning Staff have had several discussions and meetings with Applicant, and two DRC meetings were held to discuss Applicant’s proposed plans. Despite the City’s efforts, Applicant has not complied with any of the development milestones after May 1, 2021. Applicant’s representative’s statements to City staff, the DRC, and Planning Commission reflect Applicant’s unwillingness to engage with the City on permanent development of the Property. Applicant has not responded to the City’s enforcement efforts, including the July 24, 2024 administrative citation. Applicant’s actions, lack of action, and statements all reflect a willingness to delay permanent development of the Property.
(2) The proposed use will not adversely impact implementation of the Comprehensive Plan or adopted district plan for the area;	<b>Finding Not Made</b> – The Comprehensive Plans and South Loop District Plans provide a long-term vision for the Property and surrounding area, containing high-density, mixed-use, pedestrian oriented development. Continued remote airport parking on the Property precludes implementation of the Comprehensive Plan and South Loop District Plan vision for the South Loop District. Further extending remote airport parking as an interim use on the Property beyond its 33-year history is in direct violation of the Comprehensive Plan and South Loop District Plan goals and policies outlined in the Staff Report.

<p>(3) The proposed use is not in conflict with City Code provisions on an ongoing basis;</p>	<p><b>Finding Made</b> – The HX-R zoning district specifically restricts remote airport parking to being an interim use within the district. The property owner has the right to apply for a new interim use permit as outlined by City Code. Remote airport parking operated in the HX-R zoning district pursuant to a valid interim use permit is not in conflict with City Code.</p>
<p>(4) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare;</p>	<p><b>Finding Made</b> – While the use negatively impacts the surrounding neighborhood by bringing regional trips and emissions onto City streets, these impacts do not currently rise to the level of being injurious.</p>
<p>(5) The date or event that will terminate the use has been identified with certainty;</p>	<p><b>Finding Made</b> – The applicant proposes a five-year duration for the interim use permit. The date that will terminate the use has been identified with certainty and would be reflected in any decision notice that approves the application.</p>
<p>(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.</p>	<p><b>Finding Not Made</b> – There is an open enforcement order related to continued non-compliance with interim use permit conditions of approval related to development milestones. Applicant made no formal application(s) to remove the default conditions on the property after receiving default notices from the City, leading to an administrative citation and open enforcement order. Applicant did not request an administrative conference or pay the \$1,000 fine within 25 calendar days of the administrative citation. Per City Code Section 1.15, this operates as an admission of the violation.</p>

WHEREAS, when an applicant has a current interim use permit and is seeking a new interim use permit to replace it, an additional finding must be made (Section 21.501.05(h)(2)):

<p>(h)(2) ...All previous conditions of approval have been satisfied and the use meets all code requirements or has received appropriate variances.</p>	<p><b>Finding Not Made</b> – The use meets all City Code requirements. However, Applicant has not met all previous conditions of approval, as outlined above, and has been cited by the City for failure to do so.</p>
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NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the findings of the Planning Commission, contained in the Recitals to this Resolution, are affirmatively adopted by the City Council and incorporated herein.
- B. That the requested interim use permit is denied due to the City Council’s inability to make required Findings #1, 2, 5, and 6 in City Code Section 21.501.05(e), and inability to make the additional required finding in City Code Section 21.501.05(h)(2).

Passed and adopted this 9<sup>th</sup> day of September 2024.

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*Tim Beuse*  
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Mayor

ATTEST:  
Signed by:  
*Safaa Mercer*  
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Secretary to the Council