

GENERAL INFORMATION

Applicant: Airport Construction of Minnesota, Inc. DBA Park N Go
(Owner and User)

Location: 7901 International Drive

Request: Five-year interim use permit for remote airport parking

Existing Land Use and Zoning: Parking Lot; zoned HX-R, High Intensity Mixed Use with Residential

Surrounding Land Use and Zoning: North – I-494 and MSP Airport
South – Apartment building; zoned HX-R(PD)
West – Office and hotel; zoned C-4
East – Hotel; zoned HX-R

Comprehensive Plan Designation: South Loop Mixed Use

HISTORY

City Council Action: 12/07/2020 – Approved modifications to previously approved development milestones adopted as part of an interim use permit for remote airport parking (Case PL2020-194).

City Council Action: 09/09/2019 – Approved a five- year interim use permit for remote airport parking with redevelopment milestones at 7901 International Drive (Case PL2019-134).

City Council Action: 10/13/2014 – Approved a five-year interim use permit for a remote airport parking facility (Case 8962B-14).

City Council Action: 10/19/2009 – Approved a five-year interim use permit for a remote airport parking facility (Case 8962A-09).

City Council Action: 09/22/2008 – Approved a three-year interim use permit for a remote airport parking facility (Case 8962A-08).

City Council Action: 04/25/2005 – Approved rezoning from CS-1 to HX-R (Case 10000B-05).

City Council Action: 04/07/2003 – Approved a temporary conditional use permit

for a remote airport parking facility (Case 8962B-03).

City Council Action: 4/20/1998 – Approved a temporary conditional use permit for a remote airport parking facility (Case 8962A-98).

City Council Action: 05/16/1994 – Approved a temporary conditional use permit for a remote airport parking facility (Case 8962A-94).

City Council Action: 04/15/1991 – Approved a temporary conditional use permit for a remote airport parking facility (Case 8962A-91).

CHRONOLOGY

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|---------------------|---------------------------------------------------------------------------------------------------|
| Planning Commission | 08/29/2024 – Recommended the City Council deny the interim use permit for remote airport parking. |
| City Council | 09/09/2024 – Consent Agenda |

DEADLINE FOR AGENCY ACTION

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|-----------------------------|-------------------|
| Application Date: | 07/29/2024 |
| 60 Days: | 09/20/2024 |
| 120 Days: | 11/19/2024 |
| Applicable Deadline: | 09/20/2024 |

STAFF CONTACT

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PROPOSAL

The applicant is requesting a five-year interim use permit (IUP) for remote airport parking for the Park N Go remote airport parking facility at 7901 International Drive. The current interim use permit expires on October 13, 2024 and included development milestones that set deadlines for the first phase of permanent development on the site. After the City notified the Applicant that it was in default of the approved development milestone compliance dates, the development milestone compliance dates were extended to provide additional time to: update the development pro forma, apply for financial assistance, submit a preliminary development plan (PDP) and Phase I final

development plan (FDP) application, submit a preliminary and final plat application, submit building permit applications for Phase I; and commence construction of Phase I. The applicant’s IUP request does not include any proposed development milestones, but rather proposes that the site will remain entirely as remote airport parking through the five-year period.

ANALYSIS

Remote airport parking facilities have been in operation within the City of Bloomington for over 30 years. Always intended to be a temporary, holding use until demand for permanent development increased, temporary conditional use permits and interim use permits were approved multiple times for the Park N Go and Park N Fly remote airport parking facilities. In 2019, as demand for development in the South Loop District increased, interim use permits were again approved, but subject to development milestones intended to accomplish a phased elimination of remote airport parking through permanent development on the property. Each remote airport parking facility is required to implement an initial phase of permanent development by the end of their IUP period.

Development milestones were extended in 2020 for a variety of reasons. The COVID-19 pandemic greatly impacted the economy and development market for multiple sectors. While actively engaging with potential development partners, the applicant has not proceeded in seeking development approvals.

Table 1 below identifies the established development milestones for the Park N Go site and compliance status. As seen in Table 1, the applicant is in default of several key development milestones that would lead to incremental permanent development on the site. Following the December 7, 2020 extension of development milestones for its current interim use permit, the applicant has not submitted any applications to further modify the development milestones.

Table 1: Approved Development Milestones – Park N Go

| Milestone | Compliance Date | Compliance? |
|----------------------------------------|------------------------|--------------------------|
| Identify Phase I Site | 2/1/20 | Yes |
| Concept Master Plan | 5/1/20 | Yes |
| Update Development Pro Forma | 2/1/21 | Yes |
| Application for Financial Assistance | 5/1/21 | No application received |
| PDP and Phase I FDP Application | 7/1/21 | No application received |
| Preliminary and Final Plat Application | 9/1/21 | No application received |
| Building Permit Application | 2/1/22 | No application received |
| Construction Start | 4/1/22 | Construction not started |
| Phase II Concept Plan | 10/13/24 | NA |

Comprehensive Plan and South Loop District Plan Guidance

Before an interim use permit may be issued, the City Council must make a finding that “the proposed use will not adversely impact implementation of the Comprehensive Plan or adopted District Plan for the area.” The 2040 Comprehensive Plan and South Loop District Plan documents include many goals, policies, and strategies that are germane to development near transit investments. Park N Go occupies a large site (12.5 acres) immediately adjacent to the highest level of transit available in Bloomington, a Blue Line LRT Station. Bloomington has little land so well situated for transit proximity. The site is also highly visible from I-494 and well suited for development.

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.**” (emphasis added)

- Page 3.32 – Adopted principle to “establish the American Boulevard LRT Station as a neighborhood focal point.”

The original approvals for Park N Go date to 1991 (33 years). All previous approvals were temporary approvals for remote airport parking as a holding use until such time that the market was ripe for development. With the significant level of South Loop District development over the last decade, the need for a holding use while market demands increase is no longer a factor. At 12.5 acres, the permanent development of the Park N Go site represents a tremendous opportunity to further the vision, goals, and strategies of the Comprehensive Plan and South Loop District Plan. To put 12.5 acres into context, a Downtown Minneapolis block is 2.5 acres. Park N Go, well situated by the best transit resources in Bloomington, is the size of five Downtown Minneapolis blocks.

In addition to not matching the vision of the Bloomington Comprehensive Plan and South Loop District Plan for high density, mixed-use, pedestrian oriented uses at this location, remote airport parking works against that vision. Park N Go brings high numbers of regional trips and associated emissions onto the Bloomington streets, notably 34th Avenue, American Boulevard, and International Drive. To the extent that intersections such as 34th Avenue and American Boulevard have limited capacity, using that capacity for regional remote airport parking trips reduces the capacity for more synergistic, locally oriented trips.

Status of Enforcement Orders

The City has issued enforcement orders related to non-compliance with interim use permit conditions of approval (development milestones).

The City provided written notice to the Applicant in 2022 and 2023 that it was in default of several approved development milestones to give the Applicant time to cure the defaults. The applicant discussed plans with Planning staff and two Development Review Committee (“DRC”) meetings were held, one on May 24, 2022 and one on June 20, 2023. Despite staff discussions and meetings, the Applicant never submitted a complete development application to satisfy development milestones.

In 2024, staff referred the Applicant’s failure to meet interim use permit development milestones to the City’s Environmental Health Division for civil enforcement per Chapter 1 of the Bloomington City Code. Environmental Health, per its normal processes, sent several correction notices to Applicant. The correction notices did not lead to compliance with any development milestones.

On July 24, 2024, Environmental Health issued an administrative citation pursuant to Bloomington City Code § 1.12 with a fine of \$1,000 to the Applicant for violations of Bloomington City Code § 19.21(d) and 21.501.05. The violation is based on failure to meet approved development milestones related to the interim use permit approval. The Applicant did not pay the \$1,000 fine or request an administrative conference with the City Attorney’s office within 25 calendar days of the administrative citation. As a result of this failure, the Applicant is admitting that they are in violation of City Code. See City Code § 1.15(b): “Failure to pay the fine or request an

administrative conference within 25 calendar days of the date of the citation shall be deemed an admission of the charges set forth therein.”

By their actions, the Applicant has admitted to violating City Code. Environmental Health’s enforcement file for the property remains open.

Outreach/Notification

- Mailed Notice (10-day notice – 500-foot buffer)
- Newspaper Notice (10-day notice – 08/15/2024 Sun Current)
- Public hearing notice online
- E-Subscribe Group Notification

FINDINGS

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

| Required Finding | Finding Outcome/Discussion |
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| (1) The use will not delay permanent development of the site; | Finding Not Made – The continued existence of remote airport parking on this site will delay permanent development of the site. Based on the last 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 of the default and allowing it 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. |
| (2) The proposed use will not adversely impact implementation of the Comprehensive Plan or adopted district plan for the area; | Finding Not Made – The Comprehensive Plan’s and South Loop District Plan’s long-term vision for the site and surrounding area is to create a high-density, mixed-use, pedestrian oriented development. Continued remote airport parking on site precludes implementation of the Comprehensive Plan and South Loop District Plan’s vision for the District. Further extending remote airport parking as an interim use 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. |

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| <p>(3) The proposed use is not in conflict with City Code provisions on an ongoing basis;</p> | <p>Finding Made – 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>Finding Made – 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>Finding Made – The applicant proposes a five-year duration for the interim use permit.</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>Finding Not Made – 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 the open enforcement order.</p> |

Required Interim Use Permit Finding – Section 21.501.05(h)(2)

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:

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| <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>Finding Not Made – 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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RECOMMENDATION

Being unable to make several of the required findings, the Planning Commission and staff recommend denial of the interim use permit application using the following motion:

Motion by _____, seconded by _____, having been unable to make required Findings #1, 2, 5, and 6 in Section 21.501.05(e), and unable to make the additional required finding in Section 21.501.05(h)(2), I move to adopt Resolution No. 2024 - ___, a resolution denying an interim use permit for remote airport parking at 7901 International Drive.