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CASE #PL2021-251

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January 4, 2022

nmjohnson@BloomingtonMN.gov

Nick Johnson, Planner
1800 West Old Shakopee Road
Bloomington, MN 55431-3027

Re: Case File Number: PL 2021-251

Applicants: United Properties LLC and Bloomington HRA
Property Address: 7851 Normandale Blvd ("Development Property")

Dear Mr. Johnson,

Please be advised that I represent Sunspot Associates, LLC, the entity which owns the land to the North (on the east side) of the Development Property with a street address of 5241 Viking Dr. (See Exhibit 1). My client has concerns about the proposed development and rezoning of 7851 Normandale. In the Easement Agreement dated January 19, 1965, recorded December 17, 1965 as Document No. 832238, the Development Property (and property to the east of 5241) were granted an easement for ingress and egress over a 20 foot strip on the far east side of 5241 Viking Drive (the "Easement"). Days Inn, the previous owner of the Development Property, had a primary access to the Development Property from Normandale Blvd (see Exhibit 1). As a secondary ingress and egress, customers of Days Inn would use the Easement. The Easement is adjacent to or partly covers a parking lot used by 5241 Viking Drive (see Exhibit 2). My understanding is the Applicants wish to change the zoning of the Development Property from Community Commercial to Regional Commercial to allow Motor Vehicle Sales, High Density. This re-zoning is causing a number of concerns for my client.

First, it appears that the Easement may be subject to a substantial increase in traffic volume from the new use of the Development Property. This may cause a substantial increase in safety concerns from use of the parking lot by occupants of 5241 Viking Drive. The Easement was designed as an alternated route for Days Inn, not for a high density vehicle sales operation.

Second, the Easement does not provide for cost sharing. As a result, 5241 Viking Dr is responsible for all repair work, maintenance, parking, snow plowing and other expenses of the Easement without contribution from the benefitted parcels. (The owners of 5241 Viking recently incurred re-pavement costs for the Easement.) Increased use of the Easement would result in increased expenses to my client.

Finally, the Easement was granted for Community Commercial zoning. To change the zoning to Regional Commercial would subject 5241 Viking Drive to burdens not anticipated when the Easement was granted.

Based upon the above, without consideration to my client's concerns, Sunspot Associates, LLC objects to the rezoning of the Development Property. Sunspot Associates would withdrawal its objection if the Applicants will terminate their interests in the Easement.

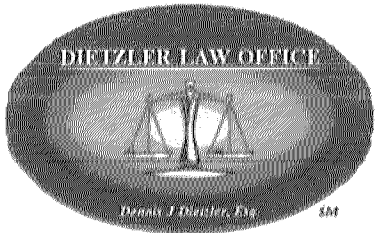
I ask that you present this letter to the Planning Commission to be entered into the record.

Very truly yours,

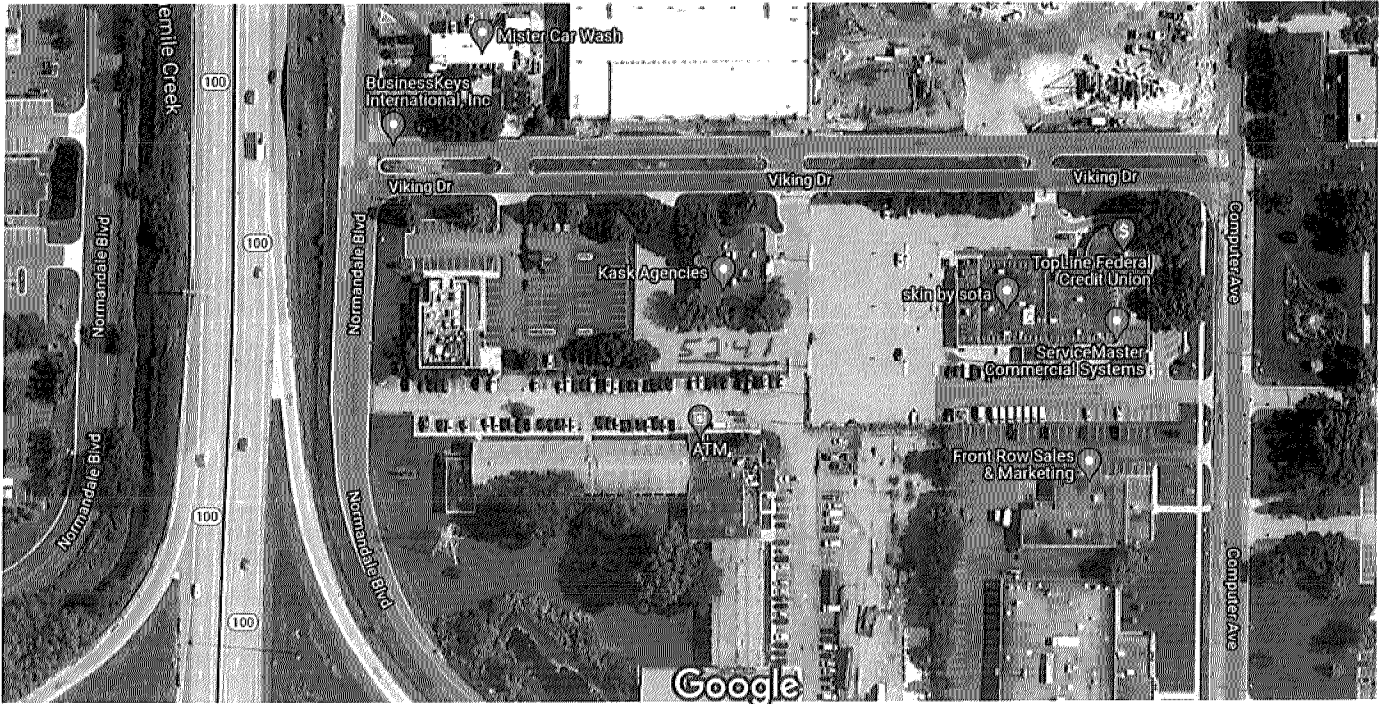


Dennis J. Dietzler
DJD/plh

Enclosure



Google Maps



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, Map data ©2022 100 ft

PHOTOGRAPHS OF SUBJECT PROPERTY



Johnson, Nick M

From: Jay Larson [REDACTED]
Sent: Wednesday, January 5, 2022 11:33 PM
To: Johnson, Nick M
Cc: 'Dennis Dietzler' [REDACTED]; Keith Ulstad
Subject: RE: Case File Number: PL2021-251

Follow Up Flag: Follow up
Flag Status: Completed

Hi Nick,

This is Jay Larson with Sunspot Associates, LLC for the record on January 4, 2021, We, Sunspot Associates LLC, the owner of 5241 Viking Drive ("Sunspot"), submitted a letter of objection to Case File Number: PL2021-251. Sunspot agrees to waive such objection provided that the owner of the former Days Inn Property (such property identified by Hennepin County PID No. 0602724220004) and the owner of the Mack Property (such property identified by Hennepin County PID No. 0602724220005) terminate their right to access and egress their respective properties and Viking Drive via the ingress and egress easement encumbering the Sunspot property that was granted in the Land Deed dated June 15, 1977, recorded in the Office of the Hennepin County Registrar of Titles as Document No. 1251660. For the avoidance of doubt, Sunspot will not require the Days Inn Property owner or the Mack Property owner to terminate existing rights regarding drainage and utility facilities that were granted in Document No. 1251660.

Thank you for your attention to this matter.

Jay R Larson

Jay R. Larson
Advance Insurance Agency, Inc
5241 Viking Drive
Edina, Minnesota 55435



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