



January 18, 2018

Seiler Schindel, PLLC
 ATTN: Jeremy E. Warring, Attorney at Law
 5901 Cedar Lake Road
 St. Louis Park, MN 55416

Re: Property – 5233 West 82nd Street, PID# 06-027-24-32-0009

To Jeremy E. Warring:

In response to a request from Seiler Schindel, PLLC, requesting zoning and land use verification and information for the Property, please be advised of the following as of the date hereof:

1) Zoning and Comprehensive Land Use Plan Designation:

The property is zoned Neighborhood Commercial Center and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is General Business. The Zoning and Comprehensive Land Use Plan maps can be viewed at <https://www.bloomingtonmn.gov/plan/zoning-and-guide-plan-maps>.

The adjoining property use, zoning and Comprehensive Plan designations are:

Direction	Use	Zoning	Comprehensive Plan
North	Hotel and Office	C-4	Office
South	Restaurant and Office	B-4(PD)	General Business
East	Health Club and Multiple Family Residential	B-4 and B-4 PD	General Business
West	Office	C-4(PD)	Office

2) Conformance with Current Zoning Requirements:

The Property use as a three building apartment development in the B-4 Zoning District is an Accessory Use. The use is a legally non-conforming use with property development being subject to past City Council approved Conditional Use Permit. The property lies within and is subject to the Normandale Lake District Plan (NLDP) as adopted by the Bloomington City Council on May 19, 2008 and recently updated and awaiting Metropolitan Council review. Further information on the NLDP can be obtained by contacting Ms. Julie Farnham, Planning Division, (952) 563-4739. The property owner is advised to consult with Planning staff prior to initiating any improvements, alterations or additions to the property, as the rezoning established this as a legally non-conforming use.

Several Planning and Zoning reviews have occurred over the years. The following zoning reviews and a records search found the following actions:

- October 21, 1963 – City Council approved a conditional use permit for multiple-family dwellings with conditions. (City Council Minutes attached)
- February 25, 1964 - A variance was approved to issue building permits for three multiple-family buildings on land not described by lot and block was administratively approved by City Manager.
- February 2, 2009 - City Council approved the rezoning of the subject property from Multiple-Family Residential R-4 to Neighborhood Commercial Center B-4 as part of larger package of rezoning's in accordance with the previously adopted Normandale Lake District Plan. (This action created the legal non-conforming use.)

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. To complete an in depth review, which includes a site visit and review of plans (if-provided) including but not limited to as-built surveys, any floor plans, use details, or other information is not included in this letter, that level of detail requires \$128 for the full analysis plus \$55 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years and there are no building related plans on file.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Currently, the City Code required compliance by December 31, 2020. This site may require significant upgrades to the parking lot and building entry's to comply with these minimum requirements.

The applicable City Code (zoning) sections applicable include but not limited to:

- Section 19.51 – Refuse handling and storage
- Section 19.52 – Landscaping and screening
- Section 19.52.01 – Screening of roof mounted equipment
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.204.03 – Neighborhood Commercial Center (B-4) District
- Section 21.209 – Use Tables
- Section 21.301.01 – Development Intensity and Site Characteristics
- Section 21.301.02 – Structure Placement
- Section 21.301.03 – Structure Design
- Section 21.301.04 – Sidewalks
- Section 21.301.06 – Parking and Loading
- Section 21.301.07 – Exterior Lighting
- Section 21.301.10 – Height
- Section 21.302.09 – Multiple Family Design and Performance Standards
- Section 21.504 – Nonconformity

NOTE: To review a City Code Section, type www.code.blm.mn/ followed by the City Code Section number.
(For example www.code.blm.mn/21.301.07 is lighting)

3) Utilities serving the property:

According to the City of Bloomington Public Works Division records, the property is served by water, sanitary sewer and storm sewer. All other utilities are provided by non-City providers. Please contact the appropriate provider for detailed information on other services to the property. Documents show there was a water supply well on-site. It was 31 feet deep and identified as well#223214. The well was sealed on November 5, 2009 by EH Renner & Sons, Inc. (Sealing Record H284469). This is not to be considered a full review and disclosure of any well, just lists the one of record.

4) Right to be rebuilt following casualty:

A legally non-conforming use in the B-4 Zoning District, the apartments may continue following casualty although only as approved in 1963. City records show no open enforcement orders against the property at this time. This statement does not mean that the property is free of violations or is in full compliance with federal, state and local applicable codes.

The City has issued rental and pool licenses for this address. The Bloomington Environmental Health Division conducts routine inspections related to these licenses. Copies of the inspection reports, if needed, are available through Mark Stangenes at 952-563-8980.

5) No Further Approvals or Licenses Required:

The current use by its present owners for a three building multiple family development is permitted as a legally non-conforming use under the Zoning Ordinance without necessity of any rezoning, special exceptions, use permit, variance or other approval. I am not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Property or before the Property may continue to be used in the manner in which it is presently being used.

6) Compliance with Subdivision Regulations:

The property is not described as a lot of a block of a plat and is described as a portion of a Tract of an RLS. However, the property can be conveyed in its entirety without platting. However, any proposed conveyance of any portion of the property would require a plat of the entire property. In addition, certain types of property improvements or additions could also require a plat of the entire property. Again, the property owner is advised to consult with Planning staff prior to initiating any improvements, alterations or additions to the property.

7) No Application(s) Pending:

No application for rezoning, for a special or conditional use permit or a variance in connection with the Property, is now pending. No proceeding to challenge zoning or other governmental approval or use of the Property is pending, or to the best of my knowledge, overtly threatened.

8) Certificate of Occupancy:

I am unable to locate a certificate of occupancy for the Property. I have no reason to believe, given the case file history described above, one was not properly issued. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. It is not necessary for a new purchaser to obtain either a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order to continue use and occupancy of the Property which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

I am unaware of any active or alleged violations to any zoning, subdivision, building or similar ordinances or regulations applicable to the Property within the past three years. There is no record of any pending or contemplated enforcement proceedings against the Property. There are no open enforcement orders against the property at this time.

This statement does not mean that the property is free of violations or is in full compliance with federal, state and local applicable codes. All required fees have been paid in connection with the development and use of the Property, including any impact-related fees, have been paid, and no such fees which would have applicability to the Property are otherwise pending or known at this time.

10) Flood Zone Designation:

The Property is not located in a Flood Hazard Overlay Zoning District. The Flood Insurance Rate Map (FIRM) for the City of Bloomington designates the Property as Zone X on Panel Number 2753C0451F dated November 4, 2016.

This information was researched by the person signing this letter on behalf of the City of Bloomington as a service. The undersigned certifies the above information is believed to be accurate based on or relating to the information supplied in the request for this zoning verification and the information on file with the City of Bloomington. The City assumes no liability for errors or omissions. All information was obtained from public records which may be inspected during regular business hours.

Please contact me at (952) 563-8926 or lpease@BloomingtonMN.gov for any questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division

Encl: Excerpt from 10/21/1963 City Council Minutes