



July 5, 2019

SMB Enterprises LLC (dba Midland Title)  
 Attn: Lindsey Lingl  
 7760 France Avenue South  
 Bloomington, MN 55435

Re: Zoning Letter for 1321 E. 78<sup>th</sup> Street, PID# 02-027-24-12-0021

Dear Ms. Lingl:

In response to your request for zoning verification and related 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 C-4 (AR-22), Freeway Office (Airport Runway) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Community Commercial. 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	I-494 and City of Richfield, MN	NA	NA
South	Office/Warehouse	FD-2	Office
East	Hotels	C-4	Community Commercial
West	Hotel and Office/Warehouse	C-4(PD)(AR-22) and FD-2	Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as full service hotel is a permitted use in the Overlay District (AR-22) Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- February 7, 1972 – City Council approved a Conditional Use Permit for an Integrated Roadside Development (7716A-72)
- April 3, 1972 – City Council approved Final Site and Building Plans for an Integrated Roadside Development (7716A-72)

- July 10, 1972 – City Council approved Preliminary and Final Plat of Roadway Inn 1<sup>st</sup> Addition (7716B-72)
- June 25, 1990 – Denied a variance for increasing signs for a restaurant (7716AB-90)
- March 22, 2018 – City Council approved a Conditional Use Permit for up to 27 parking space hotel airport parking, subject to conditions. (Case PL201700273 – all case records can be viewed and downloaded at [www.blm.mn/portal](http://www.blm.mn/portal). NOTE: The Conditions were not satisfied so the Conditional Use Permit is not applicable.

A review materials and records on file does not verify the level of City Code development performance standard compliance since the original construction. To complete an in depth performance standards review, plans, including but not limited to as-built surveys, any floor plans, use details, or other information is not included in this letter must be provided. A performance standards review has a separate fee of \$131 plus \$56 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 would 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 19.38.03 – Airport Runway (AR) Overlay Districts
- Section 19.52 – Landscaping and screening
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.205.04 – Freeway Office (C-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 21.301.16 – Exterior Storage
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

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

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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.

4) Right to Rebuild Following Casualty:

The 273 room hotel and 271 seat restaurant with 3,205 square feet of meeting space in the C-4 (AR-22) Zoning District without any airport parking from a park/stay and fly operation may continue following casualty, in accordance with the performance standards at the time it is rebuilt and in accordance with City Code Section 21.504, Non-conformity. If the property is non-conforming from any performance standards, which cannot be accurately determined without a full review of an as built survey and development details, and in the event of casualty, the Property could be rebuilt to the legally non-conforming development. Any changes may require compliance with the applicable codes at the time it is rebuilt.

City records show no open current enforcement orders against the property at this time. There have been past orders with regard to an illegal airport parking violations and operation of a stay and fly package where the vehicles are parked at the site while the owner is not staying at the site. This statement does not mean that the property is currently free of violations or is in full compliance with federal, state and local applicable codes.

The City has issued a pool, lodging and food establishment 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 273 room hotel and 271 seat restaurant with 3,205 square feet of meeting space without any airport parking from a park/stay and fly operation is permitted under the Zoning Ordinance without necessity of any rezoning, special exceptions, use permit, variance or other approval. A Conditional Use Permit for 27 space hotel parking was approved, but the owner never met the required condition of approval so it is not valid. 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 complies with the applicable subdivision regulations. On July 10, 1972, a Plat of RODEWAY INN 1ST ADDITION was approved and subsequently filed. (Case 7716B-72)

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 continue use and occupancy of the Property which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

There are no known current violations. Based on the aerial photograph, it appears the site may not provide the required landscaping. In 1972, the City Code required a three foot high screen between all street and off-street parking. This is not provided at several location of the site. Any non-compliance could be verified with a full performance standard review as stated in Section 2 of this letter.

**The property management has routinely created a violation by operating an illegal park/stay and fly program resulting in remote airport parking, which is not allowed. The parking of vehicles on-site is limited to employees and patrons who are staying at the site. The vehicle is not allowed to remain on site for additional days in between stays or beyond the stay.**

In 2017, a parking complaint was verified which the result of the excessive remote airport was parking. The property owner applied for a Conditional Use Permit for a limited 27 parking space hotel airport parking as an accessory use. The proposal was approved subject to conditions. The owner never submitted the required documents and therefore, the permit is not valid at this time. (See attached letter and conditions.)

In the winter of 2018/2019 the Environmental Health staff and Fire Marshal found significant violations of fire lane parking. It was related to the illegal stay and fly program creating a parking supply issue. This is a recurring issue during the "spring break" season. Therefore, there are no verified violations today. The City staff will continue to monitor the site to verify that a park/stay and fly program is not conducted, or if the Conditional use Permit conditions are met, it be limited to 27 parking spaces.

This review does not mean the property is free of other 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 2753C0457F 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 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](mailto:lpease@BloomingtonMN.gov) for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Londell Pease", written in a cursive style.

Londell Pease, Senior Planner  
Community Development – Planning Division