



December 26, 2019

Commercial Partners Title, LLC
 ATTN: Julie Young
 200 South Sixth Street, Suite #1300
 Minneapolis, MN 55402

Re: Property - 8049 Morgan Circle, Bloomington, MN 55431, PID# 0402724230023

Ms. Young:

In response to your request for zoning 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 Freeway Mixed Use (Planned Development) (C-5)(PD) 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	Restaurant	C-5(PD)	Community Commercial
South	Water reservoir Multiple-family residential	R-1 RM-50(PD)	Public High Density Residential
East	Vacant (planned multiple family residential)	C-5(PD)	Community Commercial
West	Retail shopping center	C-5	Community Commercial

2) Conformance with Current Zoning Requirements:

The Property's future use as a multiple-family residential apartment building is a permitted use in the Freeway Mixed Use (C-5) Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- May 23, 1977 – Preliminary and Final Plat of Hays Penn Avenue 6th Addition approved by the City Council (Case #8159A-77) – see attached minutes.

- September 6, 1977 – Variances for sign size and quantity approved by City Council (Case #8306A-77) – see attached minutes.
- February 7, 1994 – Conditional Use Permit and Final Site and Building Plans for a commercial recreation facility approved by the City Council (Case #8306A-93) – see attached minutes.
- December 5, 1994 – Conditional Use Permit for an animal hospital or clinic approved by the City Council (Case #8191B-94) – see attached letter.
- May 7, 2001 – Conditional Use Permit for commercial recreation facility approved by the City Council (Case #8306A-01) – see attached letter.
- July 15, 2013 – Rezoning from B-2 to C-5 approved by the City Council (Case #10002A-13) – see attached letter.
- May 20, 2019 – Rezoning from C-5 to C-5(PD), Preliminary and Final Plat (Type III) of Knox American Addition, and Preliminary and Final Development Plans for two four-story multiple-family residential buildings with a total of 248 units approved by the City Council (Cases #PL2018-255 and #PL2019-40) – see attached letter. Note: Plat of Knox American Addition has not yet been recorded as of the date of this letter.

The site is currently vacant, but was recently approved for two multiple-family residential apartment buildings totaling 248 residential units. A foundation permit for the development has been issued, but the full building permit is not yet issued. As long as the development is constructed in the manner approved in Case #PL2019-40, it will be compliant with City Code or otherwise comply with deviations approved in the planned development.

City Code (zoning) sections applicable to this site include but are not limited to:

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.52 – Landscaping and screening
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.205.05 – Freeway Mixed Use (C-5) 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 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.302.02 – Residential Uses in Commercial Zones

- Section 21.302.09 – Multiple Family Design and Performance Standards
- Section 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan
- 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 25 feet deep and identified as well #27W0018660. The well was sealed on August 27, 2015 by Range Environmental Drilling.

4) Right to Rebuild Following Casualty:

The multiple-family residential use in the C-5 Zoning District may continue following casualty once constructed, 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, 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 would require compliance with the applicable codes at the time it is rebuilt.

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.

5) No Further Approvals or Licenses Required:

The current use by its present owners for multiple-family residential purposes is permitted 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 complies with subdivision regulations. On May 23, 1977, the Plat of HAYS PENN AVENUE 6TH ADDITION was approved and subsequently filed (Case #8159A-77). The Plat of KNOX AMERICAN ADDITION was approved on May 20, 2019 (Case #PL2018-255), but has yet to have been filed.

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:

As the apartment buildings are not yet constructed, no certificate of occupancy currently exists for the site, as it is currently vacant and under construction.

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.

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 2753C0456F 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) 563-8925 or nmjohnson@BloomingtonMN.gov for any questions.

Sincerely,



Nick Johnson, Planner
Community Development – Planning Division