



February 27, 2017

Bremer Bank, National Association
Commercial Real Estate
225 South 6th Street, Suite 200
Minneapolis, MN 55402

Re: Zoning Verification Letter
2901, 2950, 3001 and 3050 Metro Drive and 7801, 7850 and 7851 Metro Parkway,
PID #'s: 01-027-24-11-0005, 01-027-24-11-0006, 01-027-24-11-0008, 01-027-24-11-0009,
01-027-24-11-0010, 01-027-24-0013 and 01-027-24-11-0014

To Whom It May Concern:

In response to a request from Tracy Puchtel, Legal Assistant with Frauenshuh Commercial Real Estate requesting certain land use information regarding the Properties listed above, please be advised of the following as of the date hereof:

- 1) Zoning and Comprehensive Land Use Plan Designation: The properties are zoned C-4(PD), Freeway Office (Planned Development) and subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Office. The adjoining property uses, zoning and Comprehensive Plan designations are:

East – Office and Hotel, Zoned C-4, designated Office
North – Office and I-494; Zoned C-4 (PD), designated Office
West – Vacant land; Zoned C-4 (AR-17), designated Public.
South – Electric Substation and Bloomington Central Station Phase II; Zoned HX-R (PD)(AR-17); Guided South Loop Mixed Use.
- 2) Conformance with Current Zoning Requirements: The Properties use as offices, not including call centers, are permitted in the C-4 Zoning District, subject to the applicable performance standards. A Conditional Use Permit for a post-secondary educational institution at 7801 Metro Parkway was approved in 2006. That Conditional Use Permit remains as approved, unless this use was vacated for 365 consecutive days.

At the initial zoning by the City of Bloomington in 1958, the properties were zoned I-1, Industrial. In 1967, the sites were rezoned to I-1(PD) for a multiple building office development. In 1981 the properties were rezoned to C-1(PD), although no changes were made other than the Zoning designation. In 2015, the City initiated a rezoning from CO-

1(PD) to C-4(PD), again, only the Zoning District was changed, no changes to the structures were completed.

As this site was rezoned twice since the original development, there have been no performance standard reviews completed. Therefore, most of the performance related questions such as compliance with the land area, height, parking, setbacks and floor area can't be verified without a full performance standards review. Such a review is not part of the basic zoning verification letter. A quick review found several lots do not meet the minimum 120,000 square foot lot size, however, this is legal pursuant to the Planned Development.

To complete a performance standards 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 \$124 for the full analysis plus \$52 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years and there are no original building related plans on file.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- 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 21.205.04 – Freeway Office (C-4) District
- 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 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan
- Section 21.501.04 – Conditional Use Permit

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Therefore, by December 31, 2018, the site will require significant upgrades to the parking lot and building entry's to comply with these minimum requirements.

Several Planning and Zoning reviews have occurred over the years. The following zoning approvals have been granted for the Property

- 10/28/1974 – City Council approved a Preliminary and Final Development Plan for an additional four five story buildings, a restaurant, a two level parking structure and a two level parking garage subject to conditions, subject to conditions. (Case 6366A-74) (NOTE: The six building north of Metro Drive were already constructed and became part of the Planned Development. This development was for the two properties at 2901 and 3001)
 - 11/03/1975 – City Council approved a Preliminary and Final Plat of Metro Office Park 4th Addition, subject to conditions. (Case 6366B-75)
 - 08/30/1976 - City Council approved a revised Final Development Plan replacing the four five story buildings, a restaurant, a two level parking structure and a two level parking garage with two five story buildings connected by a restaurant subject to conditions. Required parking was reduced from 929 spaces to 928 spaces, subject to conditions. (Case 6366B-76)
 - 02/22/1977 - City Council approved a Preliminary and Final Plat of Metro Office Park 5th Addition, subject to conditions. (Case 6366A-77)
 - 12/28/1987 - City Council approved a revised Final Development Plan for a car rental service at 7851 Metro Boulevard, subject to conditions. (Case 3974A-87)
 - 09/28/1994 – Community Development Director approved a revised Final Development Plan for additional free-standing signs. (Case 6366A-94)
 - 10/30/2006 - City Council approved a Conditional use Permit for a Post-Secondary Educational Institution not to exceed 24,025 square feet and a maximum of 50 students daytime and 250 students nighttime, subject to conditions. (Case 6610A-06)
- 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 office use in the C-4(PD) Zoning District 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 with any of the 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 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.

During this review, it was noted the properties at 2901 and 3001 Metro Drive area in violation of the approved landscape Plan. A significant number of shrubs that must provide a Code complying three foot screen along each street as well as several trees as shown on the approved landscape plan are missing.

- 5) No Further Approvals or Licenses Required: The current use by its present owners for office purposes (excluding call centers) is permitted under the Zoning Ordinance without necessity of any rezoning, special exceptions, conditional use permit, variance or other approval. In addition, provided there has been no cessation of use, the post-secondary educational institution may continue in accordance with the limitations in the Conditional Use Permit. I am not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Project or before the Project may continue to be used in the manner in which it is presently being used.
- 6) Compliance with Subdivision Regulations: The properties are part of three approved and filed Plats. Metro Office Park Addition, Metro Office Park 2nd Addition and Metro Office Park 5th Addition.
- 7) No Application(s) Pending: No application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Property or Project, is now pending. No proceeding to challenge zoning or other governmental approval or use of the Project 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 Project from our records. I have no reason to believe, given the case file history described above, one was not properly issued, and the absence of a Certificate of Occupancy under such circumstances would not give rise to any enforcement action affecting the Project. It is not necessary for a new purchaser of the Property to obtain either a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order too own, use and occupy the Project in the manner which it is approved.
- 9) Violations Outstanding or Development Related Fees Paid: Through this review it was noted 2901 and 3001 Metro Drive are in violation of the landscape plan approved on November 22, 1978. This plan is available in City offices for review. While no enforcement action has commenced at this time, the violation exists.

I am unaware of any additional violations or alleged violations applicable to any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years, or any pending or contemplated enforcement proceedings against the Project. There are no open enforcement orders against the property at this time. This statement does not mean the property is free of additional violations or is in full compliance with federal, state and local applicable codes. Records indicated there are not required fees due in connection with the development and use of the Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project are otherwise pending or known at this time.

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- 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 2753C0476F dated November 3, 2016.

This information was researched by the person signing this letter on behalf of the City of Bloomington, on request, as a service. The undersigned certifies that 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) 563-8921 or mcentinario@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Londell Pease", written over a horizontal line.

Londell Pease, Senior Planner
Community Development – Planning Division