



CASE FILE #PL201700050

April 07, 2017

Messerli and Kramer
ATTN: Cheryl Rithmiller
100 South 5th Street
Minneapolis, MN 55402

Re: Property - 9101 Old Cedar Avenue South, Bloomington, MN 55425, PID# 1202724320012

Ms. Rithmiller:

In response to your letter 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 Multiple-Family Residential (RM-50) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is High Density Residential. The adjoining property use, zoning and Comprehensive Plan designations are:

East – Single-family residential; zoned R-1; guided Low Density Residential
North – Multiple-family dwelling; zoned R-4; guided High Density Residential
West – Multiple-family dwelling and townhomes; zoned R-4; guided High Density Residential
South – Retail sales and services (vacant); zoned B-2; guided General Business

2) Conformance with Current Zoning Requirements:

The Property's use as multiple-family dwelling is a permitted use in the Multiple-Family Residential (R-50) Zoning District. Several Planning and Zoning reviews have occurred over the years. The following zoning reviews were completed:

- 05/29/1973 – City Council approved Final Site and Building Plans for a 46-unit apartment building (Case 7376B-72) – see the attached minutes.
- 06/25/1973 – City Council approved a Preliminary and Final Plat of Orest 2nd Addition (Case 7376C-73) – see the attached minutes.
- 11/02/1981 – City Council approved Final Site and Building Plans to convert a party room to one additional apartment (Case 7276A-81) – see the attached minutes.

- 01/23/2017 – City Council approved Rezoning the site from R-4 to RM-50 and Final Site and Building Plans for a 32-unit apartment building (Case PL201600196) – see the attached minutes.

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 \$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 approved building related plans on file. Building plans have been submitted to construct the 32-unit apartment building approved on January 23, 2017 (Case PL201600196), but have yet to be approved.

In 1996, the City Council approved a parking lot and security lighting ordinance which required full compliance with the City Code at a future date. Currently, the City Code requires lighting compliance by December 31, 2018. This site may require significant upgrades to the parking lot and building entry's to comply with these minimum requirements. Although, new lighting is proposed as part of the new apartment building project. The whole site is anticipated to be in full compliance following construction.

The applicable City Code (zoning) sections applicable to the subject Property include but are 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 21.203.08 – Multiple-Family (R-50) 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 21.501.01 – Final Site and Building Plans
- 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.

4) Right to Rebuild Following Casualty:

The multiple-family dwelling in the Multiple-Family Residential (RM-50) 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. The Property could be rebuilt according to the approved Final Site and Building Plans for the site. 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.

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 as a multiple-family dwelling 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 applicable subdivision regulations. On June 25, 1973, a Plat (OREST 2ND ADDITION) was approved and subsequently filed (Case 7376C-73).

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. 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. The Certificate of Occupancy for the proposed 32-unit apartment building is also not available, as the building permit has not yet been issued.

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 2753C0478F dated November 3, 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) 563-8925 or nmjohnson@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Johnson', with a stylized flourish at the end.

Nick Johnson, Planner
Community Development – Planning Division