



May 22, 2021

Commercial Partners Title, LLC
ATTN: Michelle Zerfas
200 S Sixth Street, Suite #1300
Minneapolis, MN 55402

Re: Zoning information request, 5233 West 82nd Street (Property) - PID# 06-027-24-32-0009
CP File No. 58484

To Ms. Zerfas:

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 B-4, Neighborhood Commercial Center and subject to the applicable Bloomington City Code performance standards (See section 2). 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	Office and Hotel	C-4	Office
South	Office and Restaurant	B-4(PD)	Office
East	Health Club and Multiple Family Residential	B-4(PD) and B-4	General Business
West	Highway 100 and 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 the Property development being subject to a City Council approved Conditional Use Permit in 1963. The Property was rezoned from the residential zoning district to the B-4, Neighborhood Commercial Center District in 2009. As a legally non-conforming use, the Property owner is advised to consult with planning staff before initiating improvements, alterations, or additions.

The Property lies within and is subject to the Normandale Lake District Plan (NLDP) as adopted. Further information on the NLDP can be obtained by contacting Ms. Julie Farnham, Senior Planner, Planning Division at (952) 563-4739 or jfarnham@bloomingtonmn.gov.

Any Property sale or significant changes could result in additional City Code requirements in Housing Opportunity and Preservation Ordinance (attached). Please contact Ms. Aarica Coleman, Housing and Redevelopment Administrator at acoleman@BloomingtonMN.gov or (952) 563-8940 for questions related to the Housing Opportunity and Preservation Ordinance applicability.

The Planning and Zoning reviews on file include but are not limited to: •

- 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 a larger package of rezoning actions consistent 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 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 the parking lot and security lighting ordinance which requires full City Code compliance at a future date. Currently, the City Code required compliance date is December 31, 2024. This site requires parking lot and building lighting upgrades to comply with these minimum requirements.

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

- Section 19.52 – Landscaping and screening
- 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 21.301.16 – Exterior Storage
- 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 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

NOTE: To access the City Code, go to www.code.blm.mn_ and use the index on the left to navigate to the desired section.

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. Non-City providers provide all other utilities. 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 all wells. The information is for one in which there is a City record.

4) Right to Rebuild Following Casualty:

As a legally non-conforming use in the B-4 Zoning District, the apartments may continue following casualty, although only as approved in 1963 provided the owner obtain a permit for reconstruction within 365 days of the destruction or building removal. 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 the 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 after a case file history review, one was not duly issued. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. A new purchaser doesn't need to obtain a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order to continue the use and occupancy of the Property for which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

I am unaware of any ongoing or alleged violations of any zoning, subdivision, building Fire, or similar ordinances or regulations applicable to the Property. 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 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 Property's development and use, including any impact-related fees, have been paid. No such fees applicable 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 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 lpease@bloomingtonmn.gov or (952) 563-8926 with questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division