



September 14, 2021

Mr. Michael Roebuck
Ron Clark Construction and Design
7500 W 78th Street
Bloomington, MN 55439

Bloomington Hotel Ventures L.L.C.
Attn: Carl Kaeding
7900 International Drive, Suite 155
Bloomington, MN 55425

Bloomington Ooz, LLC and/or its assign
Attn: Carl Kaeding
7900 International Drive, Suite 155
Bloomington, MN 55425

Mr. Brad Steiner
MinnWest Bank
14820 Highway 7
Minnetonka, MN 55345

Mr. Jim Erickson
First American Title Insurance Company
121 South Eighth Street, Suite 1250
Minneapolis, Minnesota 55402

Re: Properties – 3 & 4 Appletree Square, Bloomington, MN 55425
PID# 0602723240006 & 0602723240007

In response to your zoning verification request for Property information, please be advised of the following as of the date hereof:

- 1) Zoning and Comprehensive Land Use Plan Designation:
The Properties are zoned HX-R(PD) High-Intensity Mixed Use with Residential (Planned Development) and are subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation properties is South Loop Mixed Use. The Zoning and Comprehensive Land Use Plan maps can be viewed at <https://www.bloomingtonmn.gov/plan/zoning-guide-plan-maps>.

The adjoining property use, zoning and Comprehensive Plan designations are:

Direction	Use	Zoning	Comprehensive Plan
North	Hotel	HX-R(PD)	South Loop Mixed Use
South	Office	HX-R(PD)	South Loop Mixed Use
East	Structured parking	HX-R(PD)	South Loop Mixed Use
West	Multi-family apartments	HX-R(PD)	South Loop Mixed Use

2) Conformance with Current Zoning Requirements:

The Properties intended uses for a hotel and multi-family apartments are permitted in the HX-R Zoning District. Recent Planning and Zoning reviews on file include but are not limited to:

- May 3, 2021 – City Council approved a major revision to the Appletree preliminary development plan and final development plan to convert a portion of the Crowne Plaza Hotel into 229 apartments at 3 and 4 Appletree Square (Case PL2021-30).

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

- Section 19.29 –High Intensity Mixed Use with Residential (HX-R) District
- Section 19.38.01 – Planned Development (PD) Overlay District
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- 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 21.301.15 – Landscaping and screening
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- 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 21.501.04 – 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.

As part of the zoning entitlements, deviations from some City Code standards were approved by the City Council. For example, relief from minimum dwelling unit floor area and parking requirements was approved. Unless deviations were approved by the City Council, the development must follow all City Code requirements.

3) Utilities serving the Property:

According to the City of Bloomington Public Works Division records, the Properties are 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 Properties.

4) Right to Rebuild Following Casualty:

The hotel and multiple-family apartment building in the HX-R(PD) may continue following casualty, if complying with City Code Section 21.504, Non-conformity and the applicable performance standards.

City records show no open enforcement orders against the Properties at this time. This statement does not mean the Properties are 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 as a full-service hotel may continue without any rezoning, special exceptions, use permit, variance or other approval. I am not aware of any other permit or license required by this jurisdiction a purchaser must obtain before it may acquire the Properties or before the Properties may continue to be used in the manner in which it is presently being used.

In order to convert the existing building into apartments, building permits must first be issued. City staff will conduct a detailed review of the permit application materials to confirm compliance with City Code. No permit applications have been submitted as of the date of this letter.

6) Compliance with Subdivision Regulations:

The Property complies with subdivision regulations. The APPLETREE SQUARE 2ND ADDITION plat was approved and subsequently 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) Open Permits, Known Violations or Fees Due:

I am unaware of any active or alleged violations of 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. However, this statement does not mean the Property is free of violations or is in full compliance with federal, state and local applicable codes as no performance standard review has been completed.

There are substantial tax delinquencies related to hotel operations. Invoices are attached to this letter and some payments have been made. As of September 13, 2021, below are outstanding amounts:

Invoice Number and Date	Balance Amount Owed	Comment
16835 3/29/2019	\$26,595.67 (invoice amount is \$50,391.76 of which \$23,796.09 is paid)	Invoice raised by Internal Audit
18668 2/17/2021	\$148,219.49 (invoice amount	2020 unpaid LLA taxes

	is \$168,321.66 of which \$20,102.17 is paid)	
19639 8/9/2021	\$71,252.23 (invoice amount is \$106,878.35 of which \$35,626.12 is paid)	January to June 2021 unpaid LLA taxes
Total	\$246,067.39	

It is important to note that tax delinquencies will result in delayed building permit issuance.

9) 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 4, 2016.

This information was researched on behalf of the City of Bloomington staff 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 (952) 563-8921 or mcentinario@BloomingtonMN.gov for any questions.

Sincerely,



Mike Centinorio, Planner
Community Development – Planning Division