



November 16, 2021

DRFC Metro LLC
7101 West 78th Street, Suite 100
Minneapolis, MN 55439

First American Title Insurance Company
ATTN: Jason Thomas
1900 Midwest Plaza, 801 Nicollet Mall
Minneapolis, MN 55402-2504

Wings Financial Credit Union
14985 Glazier Avenue
Apple Valley, MN 55124

Re: Zoning Verification Letter
2901, 2950, 3001 and 3050 Metro Drive and 7801 and 7851 Metro Parkway
PIDs # 0102724110005, 0102724110006, 0102724110008, 0102724110009,
0102724110010, 0102724110013, 0102724110014

To Mr. Thomas:

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 Property is 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 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	I-494	NA	NA
South	Electric Substation and Bloomington Central Station Phase II	HX-R(PD)(AR-17)	South Loop Mixed Use
East	Office and Hotel	C-4	Office
West	Vacant land and Office	C-4 and C-4(PD)	Public and Office

- 2) Conformance with Current Zoning Requirements:

The Property use as offices are permitted in the C-4 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- October 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. (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).
- November 3, 1975 – City Council approved a Preliminary and Final Plat of Metro Office Park 4th Addition, subject to conditions (Case 6366B-75).
- August 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 building connected by a restaurant subject to conditions. Required parking was reduced from 929 parking spaces to 928 spaces subject to conditions. (Case 6366B-76).
- February 22, 1977 – City Council approved a Preliminary and Final Plat of Metro Office Park 5th Addition, subject to conditions (Case 6366A-77).
- December 28, 1987 – Revised Final Development Plan for an automobile rental use at 7851 Metro Parkway subject to conditions. (Case 9517A-87). See attached.
- October 30, 2006 – Conditional Use Permit for a post-secondary educational institution in an office building subject to conditions. (Case 6610A-06). See attached.
- April 2, 2018 – Uniform Sign Design for Metro Office Park. Click the link below:
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=1628>
- April 8, 2019 – Minor revision to Final Development Plans for sun shade structures over two existing patios. Click the link below:
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=1929>

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 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.

Considering materials and records on file, determining the level of City Code development performance standard compliance is unknown. 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 must be provided. A performance standards review has a base 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 a parking lot lighting and security ordinance which required full compliance with the City Code at a future date. Currently, the City Code compliance required by December 31, 2024. The site has compliant parking lot lighting in the underground garages. This site may require significant upgrades to the parking lot and building entry's to comply with these requirements. See attached lighting and landscaping plans.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.205.04 – Freeway Office (C-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 21.301.14 – Tree preservation
- Section 21.301.15 – Landscaping and screening
- Section 21.301.16 – Exterior Storage
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.02 – 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.

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.

4) Right to Rebuild Following Casualty:

The office use in the C-4 (PD) Zoning District may continue following casualty, if complying with City Code Section 21.504, Non-conformity and the applicable performance standards. Without a full performance standards review, it is unknown without a full review of an as-built

survey and related development details. Rebuilding the Property to the legally non-conforming development level is allowed provided a permit is issued within 365 days of the casualty date. 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 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 office purposes is permitted under the Zoning Ordinance 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 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 properties are part of three approved and filed Plats, Metro Office Park Addition, Metro Office Park 2nd Addition and Metro Office Park 5th Addition.

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.

7) 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. A new purchaser does not need to obtain either an original Certificate of Occupancy or an amendment to the existing Certificate of Occupancy to continue using the Property as originally approved.

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.

A review finds the following building permits remain open with unresolved inspections:

- PRPL202005131– RPZ rebuild – expired due to no final inspection completed.
- PREL201803520 - Wiring for 3 single pole dimmer switches – no inspections completed.
- PRFS201906607 - Move existing pendent heads as needed for new wall locations.
FVB Energy – still under review. Please call Fire Prevention for an update.
- PREL202003457 - Tenant finish for suite 115, Lighting, Power – no inspection completed.

- PRFS201705677 - demo (1) existing pendant head that will be too close to the other sprinkler heads after GC demos a wall. – no inspections completed.
- PRBD202111637 - Tenant Improvements – no inspections completed.
- PREL201800397 - Hook up of new signage. – no inspections completed.
- PREL201808866 - Tennant build out(blow out) – expired due to no inspections.
- PREL202003313 - New lights, New devices and covers for lobby and Corridors, 1 Data ring – expired due to no inspections.
- PREL202113149 - Lighting wiring for 1 single pole light switches, wall mount occupancy sensors, dimmer switches. Install recess can lights, exit lights. Low voltage data rings with pull strings- provide temp lighting and power – no inspections completed.
- PRMH202114586 - Install2- fire dampers to existing ductwork for bathrooms and install side wall registers for open ceiling on existing ductwork. – no inspections completed.
- PRPL202113679 - Remodel of two office tenant suites (same tenant, Boyum Barensheer) - Suites #200 & #300. Includes relocating two break room sinks and connecting tenants breakroom appliances (dishwashers, icemaker, coffeemaker). – no final inspections.
- PRDE201914356 - Demolition of existing finishes, offices and conf rooms. Demolition will occur on the 3rd, 4th and 5th floors – no final inspections completed.
- PREL201914665 - MISCELLANEOUS REMODEL OF THE 4th FLOOR LIGHTING,RECEPTACLES,& FURNITURE – no final inspections completed.
- PRFS201915081 - Add relocate per new walls – expired due to no final inspections.
- PRFS202001970 - Modify existing fire sprinkler system to accommodate new ceiling layout in accordance with plans dated 11/27/19, NFPA standards, and the city of Bloomington requirements – expired due to no final inspections.
- PRMH201708135 - Direct replacement of (5) existing rooftop units with DX Cooling. Replace existing gas piping and demo existing boilers and chiller. – no inspections completed.
- PRMH201814030 - Install three return transfers at three offices with walls extended to deck. – expired due to no inspections completed.
- PRMH201915200 - Reconfigure duct and diffusers as required for new tenant layout.
- Install new diffusers and eggcrate where needed. Install new transfer fan for IT/Server room. – expired due to no inspections completed.
- PRPL201914597 - Rough-in and install 2 break sink, 1 dishwasher and 1 6 gallon water heater – expired due to no inspections completed.
- PRPL202000575 - Disconnect, salvage and reinstall on 3rd floor 5 water closets, 2 urinals, 1 mop basin, 1 water cooler and 4 soap dispensers. Disconnect salvage and reinstall on 5th floor 6 water closets, 2 urinals, 7 soap dispensers. Relocate ADA stall rough-in only. – expired due to no inspections completed.

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. 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.

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 952-563-8919 or eoday@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth O'Day".

Liz O'Day, Planning Technician
Community Development – Planning Division