



June 29, 2017

Drury Southwest Inc
Elaine Hendrix
101 S Farrar Drive
Cape Girardeau, MO 63701

Re: Property - 4100 W 78TH ST and 3901 MINNESOTA DR
PID# 0602724110017 and 0602724110018

To Ms. Hendrix:

In response to a request from Drury Southwest Inc, 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 CS-1 (PD) Commercial Service 1.0 (Planned Development) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Office. The adjoining property use, zoning and Comprehensive Plan designations are:

- East – France Place, zoned CS-1, Commercial Service 1.0, guided Community Commercial
- North – Edina, MN
- West – Southdale 494 Center, zoned CR-1 (PD) Regional Commercial (Planned Development), guided Regional Commercial
- South – Minnesota Center Oulot A and B, zoned CS-1 (PD), Commercial Service (Planned Development), guided Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as Office is a permitted use in the Commercial Service Zoning District. Several Planning and Zoning reviews have occurred over the years. The following zoning reviews were completed:

- Ordinance 85-37, rezoning the area that included the subject properties from FD-2 Freeway Development to FD-2 Freeway Development PD Planned Development Overlay was approved by the City Council on August 12, 1985 (Case 5440A-85).
- A Preliminary Development Plan for the Homart Development, a hotel/office complex, and a Final Development Plan for the Phase I office building on what is

now 4100 West 78th Street were approved with conditions on August 12, 1985 by the City Council (Case 5440A-85).

- The Preliminary and Final Plat of One Minnesota Center, creating the subject properties, was approved with conditions by the City Council on March 24, 1986 (Case 9284A-86).
- On December 15, 1986, Ordinance 86-74 establishing the Homart Project Overlay district was adopted and the subject properties were rezoned from FD-2(PD) to FD-2(PD) Homart Project Overlay District (HP) (Case 5540A-86).
- The Final Development Plan for Phase II, the office building and parking ramp on 3901 Minnesota Drive was approved with conditions by the City Council on January 23, 1989 (Case 5440A-88).
- A revised Final Development Plan for an interim parking lot serving 4100 West 78th Street and 4201 Minnesota Drive was approved with conditions by the City Council on October 13, 1989 (Case 5440D-89).
- A revised Final Development Plan for the expansion of surface parking for 4100 West 78th Street onto 3901 Minnesota Drive was administratively approved with conditions on July 2, 1990 (Case 5440B-90).
- As part of a larger rezoning in accordance with the adopted Northwest District Plan, The City Council adopted Ordinance 91-38 on June 3, 1991 which rezoned the subject properties from FD-2(PD)(HP) to Commercial Service CS-1(PD)(HP). Ordinance 2008-30, rezoning the subject properties from CS-1(PD)(HP) to CS-1 (PD) by removing the Homart Project Overlay District, was approved by the City Council on September 8, 2008 (Case 10791B-08).

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 building related plans on file.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Currently, the City Code required compliance by December 31, 2020. This site may require significant upgrades to the parking lot and building entry's to comply with these minimum requirements.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.40.07 – Commercial Service Districts CS-0.5 and CS-1

- 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 21.209 – 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 21.501.01 – Final Site and Building Plans
- 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 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 office use in the Commercial Service 1.0 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, 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.

5) No Further Approvals or Licenses Required:

The current use by its present owners for office purposes 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, or is otherwise exempt from, applicable subdivision regulations. 4100 West 78th Street and 3901 Minnesota Drive is described as a lot and block and a plat was filed on July 23, 1990. 3901 and 4001 West 78th Street are described as Outlots A and B respectively of a plat.

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. In 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.

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. There are 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. 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 properties are in Federal Emergency Management Agency (FEMA) Zone X, FEMA Map/Panel # 27053C0452E, effective September 02, 2004.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth O'Day". The script is cursive and fluid.

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