



April 28, 2022

Partner ESI
ATTN: Aaliyah Endsley
1141 W. Sheridan Avenue
Oklahoma City, OK 73106

Re: Property - 1801 American Boulevard East, Bloomington, MN 55425, PID# 0202724110021

Ms. Endsley:

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 Freeway Development (Airport Runway) (FD-2(AR-22)) 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	Hotel w/waterpark	C-4(PD)(AR-22)	Community Commercial
South	Four-plexes Multiple-family residential	R-4 RM-50(PD)	Medium Density Residential High-Density Residential
East	Medical office	C-4	Office
West	Office, warehouse and cultural campus	FD-2	Office

2) Conformance with Current Zoning Requirements:

The Property use as an office and warehouse building is permitted in the FD-2 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- August 6, 1979 – Preliminary and Final Plat of Cedar Park Addition approved by the City Council (Case #1227A-79 – see attached City Council minutes).

- January 19, 1981 - City Council approved a variance to the exterior finish requirements of the FD-1 Zoning District (8810A-80).
- May 19, 1981 - City Council approved a variance to increase the distance between the building and a free-standing sign from 20 feet to 125 feet (8810A-81).
- April 16, 2001 – City initiated Comprehensive Land Use Plan designation from Industrial to office.
- December 2, 2002 – Administrative Variances to reduce the front setback from the planned widened right-of-way of a freestanding sign located at 1701 and 1801 American Boulevard East from 20 feet to 10 feet and to allow wall signage on all four sides of both buildings approved by the City Council (Case #8810AB-02 – see attached decision notices).
- May 7, 2018 – City Council approved a variance to reduce the front setback from the planned widened right-of-way from 20 feet to 15 feet for a parking lot expansion approved by the City Council (Case #PL2018-113 – see attached decision notice).
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201800113>
- July 19, 2018 – Minor Revision to Final Site and Building Plans for a 21-stall parking lot expansion at 1801 and 1701 American Boulevard East approved by the Planning Manager (Case #PL2018-221 – see attached decision notice).
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201800221>
- January 7, 2019 – City initiated rezoning from FD-1 to FD-2 (Case PL2018-347).
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201800347>

You can find all the attachments referenced above in the documents and images located at the following link: <https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=2725>

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 base fee of \$135 plus \$58 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 compliance is required by December 31, 2024. This site may require significant upgrades to the parking lot and building entries to comply with these requirements.

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

- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.206.05– Freeway Development (FD-2) District
- Section 21.209 – Use Tables
- Section 21.301.01 – Development Intensity and Site Characteristics

- Section 21.301.02 – Structure Placement
- Section 21.301.04 – Sidewalks
- Section 21.301.06 – Parking and Loading
- Section 21.301.07 – Exterior Lighting
- Section 21.301.10 – Height
- Section 21.301.15 – 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 21.302.01 – Motor Vehicle Sales
- Section 21.302.02 – Residential Uses in Commercial Zones
- Section 21.302.03 – Accessory Dwelling Units
- Section 21.302.06 – Institutional Use Standards
- Section 21.302.09 – Multiple-Family Design and Performance Standards
- 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 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 (City) 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 and warehouse building in the FD-2 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 reviewing an as-built survey, floor plans 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 when rebuilt.

City records show no open enforcement orders against the Property at this time. However, this statement does not mean the Property is free of violations or fully complies with federal, state and local applicable codes.

The City has issued a Fire Prevention license for this address. The Bloomington Environmental Health Division conducts routine inspections related to these licenses. Copies of the inspection reports, if needed, are available from the Fire Prevention Division at 952-563-8930.

5) No Further Approvals or Licenses Required:

The current use by its present owners for office and warehouse 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 acquiring the Property or before the Property may continue to be used in the manner it is presently being used.

6) Compliance with Subdivision Regulations:

The Property complies with subdivision regulations. On August 6, 1979, the Plat of CEDAR PARK ADDITION was approved and subsequently filed (Case #1227A-79).

7) No Application(s) Pending:

No application for rezoning, a special or conditional use permit or variance in connection with the Property is now pending. Further, no proceeding to challenge zoning or other governmental approval or use of the Property is pending or overtly threatened to the best of my knowledge.

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. 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 initially approved.

9) 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:

- PREL201901119 – Permit for a small office remodel issued to Xtreme Electrical Services on February 7, 2019 – no inspections completed and permit expired.
- PRFS201901407 – Permit to add heads for new wall coverage issued to Summit Fire Protection on February 15, 2019 – no inspections completed and the permit expired.
- PRFS201906322 – Permit to add a head in the garage issued to Ahern Fire Protection on June 18, 2019 – no inspections completed and the permit expired.

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.

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 designates the Property as Zone X on Panel Numbers 27053C0457F and 27053C0476 dated November 4, 2016.

This information was researched by City staff as a service. The undersigned certifies that the above information is accurate based on the information supplied for this zoning verification and the information on file with the City. 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 with questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Johnson', with a stylized, flowing script.

Nick Johnson, Planner
Community Development – Planning Division