



December 19, 2022

Morgan Guthier
Partner ESI
100 E California Ave, Suite 400
Oklahoma City, OK 73104

Re: Property – 3200 E. 81st Street, Bloomington, MN 55425
PID# 0602723230645

Morgan Guthier:

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 HX-R(PD) High Intensity Mixed Use with Residential (Planned Development) and subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation 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	Office	C-4	Office
South	Park/Office	HX-R(PD)	South Loop Mixed Use
East	Multi-family residential	HX-R(PD)	South Loop Mixed Use
West	Multi-family residential and retail (under construction); surface parking	HX-R(PD)	South Loop Mixed Use

The Property is located within the City of Bloomington's South Loop District. In addition to the Comprehensive Plan, detailed land use policies are established within the South Loop District Plan, which may be viewed at:

<https://www.bloomingtonmn.gov/plan/south-loop-district>

2) Conformance with Current Zoning Requirements:

The Property use as a full-service hotel in the HX-R Zoning District. The City Council approved a 302-room, eight-story hotel on May 6, 2013 (Case 2830ABCDE-13). The Certificate of Occupancy was issued on December 11, 2015. In addition, a parking expansion was approved in early 2022. Information related to original approval as well as this zoning letter is available here:

<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=2886>

Information related to the recently approved parking lot expansion is available here:

<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=2584>

In 1996, the City Council approved a parking lot and security lighting ordinance, which required full compliance with the City Code at a future date. Currently, 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.

Considering materials and records on file, determining the level of City Code development performance standard compliance is unknown. To complete an in-depth performance standard review, plans, including but not limited to as-built surveys, any floor plans, use details, or other information must be provided. Performance standards review base fee of \$139 plus \$59.75 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years, and no building-related plans are on file.

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

- Section 19.29 –High-Intensity Mixed Use with Residential (HX-R) District
- Section 19.63.01 – Exterior Materials and Finish
- 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 21.301.15 – Landscaping and screening
- 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: Access the City Code at www.code.blm.mn and use the index on the left to navigate.

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 hotel in the HX-R(PD) Zoning District may continue following casualty if complying with City Code Section 21.504, Non-conformity, and the applicable performance standards. Without full performance standards review, it is unknown what non-conformity may exist. Rebuilding the Property to the legal non-conforming development level is allowed, provided a permit is issued within 365 days of a casualty date. Any changes would require compliance with the applicable codes when rebuilt.

City records show no open enforcement orders against the Property currently. 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 food, lodging, and pool licenses for this address. The Bloomington Environmental Health Division conducts routine inspections related to these licenses. If needed, copies of the inspection reports are available through Mark Stangenes at 952-563-8980.

5) No Further Approvals or Licenses Required:

The current use by its owners for hotel 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 that 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 applicable subdivision regulations or is otherwise exempt. The BLOOMINGTON CENTRAL STATION 3RD ADDN was approved and subsequently filed.

7) No Application(s) Pending:

No application for rezoning, special or conditional use permit, or variance in connection with the Property is pending. Further, no proceeding challenging zoning or other governmental approval or Property use 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, that 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 pending or contemplated enforcement proceedings against the Property. There are no open enforcement orders against the Property currently.

However, this statement does not mean the Property is free of violations or fully complies 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 Number 2753C0476F 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 data was obtained from public records, which may be inspected during regular business hours.

Please contact me with questions at (952) 563-8921 or mcentinario@BloomingtonMN.gov.

Sincerely,



Mike Centinario, Planner
Community Development – Planning Division