



February 12, 2023

Partners Engineering and Science
ATTN: Tonian Morgan
611 Industrial Way West, Suite A
Eatontown, NJ 07724

Re: Basic zoning letter for 8170 33rd Avenue South – PID 06-027-23-23-0630, 3001 E 82nd Street – PID 01-027-24-41-0026, 8170 31st Avenue – PID 01-027-24-14-0026, and 8171 and 8191 30th Avenue – PID 01-027-24-14-0025 and PID 01-027-24-14-0027

To Tonian Morgan:

Responding 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. In addition, for 8171 30th Avenue, approximately 1,000 square feet at the southwest corner of the property have an AR-17, Airport runway designation. 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 Property adjoining property use, zoning, and Comprehensive Plan designations are:

Direction	Use	Zoning	Comprehensive Plan
North	Apartment, transit station, and park	HX-R(PD)	South Loop Mixed Use
South	Office/vacant land	C-4(PD)(AR-17)(BP)	Office
East	Condominiums	HX-R(PD)	South Loop Mixed Use
West	Office, manufacturing, and parking ramp	LX(PD)(AR-17) and IT(PD)(AR-17)	Innovation and Technology / Lindau Mixed Use

- 2) **Conformance with Current Zoning Requirements:**
The properties are part of a larger Planned Development that includes a light rail transit station, a public park, three apartment buildings, a hotel, and a residential condominium. The Property use as 14 story office building and the associated 8-level parking ramp are permitted uses in the HX-R Zoning District. The office building was constructed in 1970 as Control Data Corporate offices. Therefore, there was no separate zoning review for the development.

The Planning and Zoning reviews on file, only directly related to the office, parking and parking ramp development and not the entire Planned Development, include but are not limited to the following:

- January 8, 1968 – City Council approved rezoning from R-3(Residential) and I-2 (Industrial) to IN (Institutional) for an office building. (Case 6593A-67)
- February 6, 2006 - Application for revised Preliminary Development Plan for transit-oriented mixed-use development. Approved by the City Council (Case 2830C-05).
- July 24, 2006 – City Council approved revised Preliminary and Final Development Plans for a temporary parking lot. Application approved by the City Council (2830CD-06).
- October 6, 2008 – City Council approved a Preliminary and Final Plat for Bloomington Central Station 2nd Addition. (Case 2830A-08).
- October 24, 2016 – City Council approved a Preliminary and Final Plat for Bloomington Central Station 5th Addition and Final Development Plans for an eight-level parking ramp structure and associated site improvements. (Case PL2016-146). All reports, plans, and related review and approval information is available online at: <https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=1187>

The property is part of the South Loop District Plan. The plan is scheduled for a review later this year. For information see <https://www.bloomingtonmn.gov/plan/south-loop-district>

The office structure requires 1,894 parking spaces. Records indicate 158 parking spaces are provided at 8170 33rd Avenue and 1,667 parking spaces in the parking ramp for 1,825 parking spaces. In addition, according to the Planned Development approved in 2016, the office building has access to 465 parking spaces on the adjacent parcels that are part of the overall planned development (3001 E 82nd Street, 8170 31st Avenue, and 3098 East Old Shakopee Road. Therefore, parking in compliance with the City Code is provided. In addition, with the approval of the Planned Development, the property is in compliance with the applicable performance standards.

Building record retention is 15 years, and most related documents are no longer available. I have attached all information available for that development. The existing office building in the planned development complied with the required setbacks. No landscaping inspection to verify compliance has not been completed since 2016, when compliance was verified.

The parking structure was constructed in 2016. All plans, reports, and information are available online at: <https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=1187>

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 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.38.03 – Airport Runway Overlay Districts

- Section 19.63.01 – Exterior Materials and Finish
- Section 19.113 – Signs
- Section 21.301.04 – Sidewalks
- Section 21.301.05 – Drive Through Facilities
- 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 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan

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 office and associated parking ramp in the HX-R Zoning District may continue following casualty if complying with City Code Section 21.504, Non-conformity, and the applicable performance standards. The property was in complete compliance in 2016, and no City Code changes have occurred since that would impact the current development. Even if the site had a non-conforming characteristic, provided a permit is issued within 365 days of a casualty date, the structure may replace its original development.

5) No Further Approvals or Licenses Required:

The current use by its owners for office and associated parking ramp 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 with a Plat of BLOOMINGTON CENTRAL STATION 2ND ADDN approved and subsequently filed. (Case 2830A-08)

7) No Application(s) Pending:

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

8) Certificate of Occupancy:

I am unable to locate a certificate of occupancy for the office building. I have no reason to believe 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. The Certificate of Occupancy for the parking structure is attached.

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. There is no record of pending or contemplated enforcement proceedings against the Property.

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

- PRBD202008775 - A building permit issued to Gardner Builders-for-the 12th floor - approximately 25,000 sf. demo all existing walls (private offices and meeting rooms), remove carpet, grind floors smoothly, and remove existing ceiling tiles. The ceiling grid is to remain. No inspections have been requested or completed, and the permit has expired.
- PRCRF202003341 - A roofing permit was issued to BCS 8170 Building LLC for a complete tear-off and replacement of an existing flat roof. No inspections have been requested or completed, and the permit has expired.
- PREL202103109 - An electrical permit issued to-Hunt Electric Corporation for Bloomington Central Station ramp security, provide and install a dedicated duplex receptacle in the electrical room. No inspections have been requested or completed, and the permit has expired.
- PREL202103790 - An electrical permit was issued to BCS 8170 BUILDING LLC for a panel addition, add a switch to existing MCC., run primary feed to 75kva transformer, and run secondary feed to 208v panel. No inspections have been requested or completed, and the permit has expired.
- PREL202107005 - An electrical permit was issued to Life Safety Systems Inc for a fire alarm wiring for a 12th-floor remodel. No inspections have been requested or completed, and the permit has expired.
- PREL202204302 - An electrical permit was issued to BCS 8170 BUILDING LLC to add 35 total 120v 20a dedicated normal power receptacles to network closets and add new receptacles fed from the adjacent electrical room. No inspections have been requested or completed, and the permit has expired.

- PREL202204305 - An electrical permit was issued to Hunt Electric Corporation to add five receptacles for monitors in conference rooms). No inspections have been requested or completed, and the permit has expired.
- PRFS201910746---A fire suppression permit was issued to BCS 8170 Building LLC to relocate eight sprinkler heads for tenant remodeling. No final inspection was requested or completed, and the permit has expired.
- PRGR202104687 - A grading permit was issued to BCS 8170 Building LLC to remove a 200-foot by 30-foot section of private concrete roadway to be replaced with bituminous paving and replace 17 cracked sidewalk panels and adjacent curb/gutter to the road. No final inspection was requested or completed, and the permit has expired.
- PRPL201908417 - A plumbing permit was issued to BCS 8170 Building LLC to replace a drinking fountain with the break room sink. No final inspection was requested or completed, and the permit has expired.

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. However, 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) 563-8926 or lpeace@BloomingtonMN.gov.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division