



April 12, 2023

Altus

ATTN: Chad Mehlman

231 S. Bemiston Avenue, Suite 650

St. Louis, MO 63105

Re: Basic Zoning Letter for 4100 W 78th Street, AKA 7760 France Avenue (Property)
PID# 0602724110018

To Chad Mehlman:

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 CS-1(PD) Commercial Service 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	City of Edina, Minnesota		
South	Restaurant/service station	CS-1(PD)	Community Commercial
East	Vacant land	C-4(PD)	Office
West	Retail Center	CR-1(PD)	Regional Commercial

2) Conformance with Current Zoning Requirements:

The Property use as office building is a permitted use in the CS-1 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)
- 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)

PLANNING DIVISION

1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-8920 FAX 952-563-8949 MN Relay 711

AN AFFIRMATIVE ACTION/EQUAL
OPPORTUNITIES EMPLOYER

- 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, 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. 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 relevant, including but not limited to:

- Section 19.40.07 – Commercial Service (CS-0.5 and CS-1) Districts
- 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 21.504 – 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. Documents show there were two temporary monitoring wells on-site. They are Well ID#'s 27W0019862 (26 feet deep) and 27W0019862 (30 feet deep). They were both sealed on February 14, 1992, by Braun Intertec Inc. with sealing numbers H458711 and H458714.

4) Right to Rebuild Following Casualty:

The office in the CS-1 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.

5) No Further Approvals or Licenses Required:

The current use by its owners for an office use 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 MINNESOTA CENTER 2ND ADDITION approved and 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, 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 Property. Given the case file history described above, 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.

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.

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.

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

- PRBD201806361 - A Building Permit was issued to CS Hudson for a demo of two partition walls, relocating outlets and data jacks as needed. No inspection was requested or completed, and the permit is expired.
- PRBD201914150 - A Building Permit was issued to Opus Design Build, LLC work in the building café - light replacement, new tile and carpet, new ceiling tile above the serving (not preparation) area, a pass-through from kitchen to serving area cut out, and other items. No inspection was requested or completed, and the permit is expired.
- PRBD202102149 - A Building Permit was issued to Mark Vesta for removing all existing partition walls in a former medical clinic. Items being removed are ceiling grid and tile, light fixtures, sheet rock and steel framing, plumbing waste, vent and water, and carpet (and adhesive). Framing Inspection was completed. No other inspections were requested or completed, and the permit is expired.
- PRBD202114616 - A Building Permit was issued to Mark Vesta for demo of existing tenant space - remove all interior walls, floors, and lighting (to be replaced with new lights). The Fire final inspection was not requested or completed, and the permit expired.
- PRBD202200054 - A Building Permit was issued to Greiner Construction for interior remodeling. No inspections were requested or completed, and the permit is expired.
- PREL201808504 - An Electrical Permit was issued to Fraser Morris Electric Co. for a tenant remodel, Jostens, Suite 215. A rough-in inspection passed, not final inspection requested or completed. The permit has expired.
- PREL201809794 - An Electrical Permit was issued to Prairie Electric Co Inc. for installing a 15kva. UPS (88810). No inspections were requested or completed, and the permit is expired.
- PREL201900811 - An Electrical Permit was issued to Fraser Morris Electric Co to install a water heater. No inspections were requested or completed, and the permit is expired.
- PREL202000033 - An Electrical Permit was issued to Collins Electrical Construction Co. to remodel the café and lighting retrofit (10 - 20AMP reconnected feeders/circuits). Rough-in inspection passed, no final inspection requested to completed and the permit has expired.

- PREL202014600 - An Electrical Permit was issued to Egan Company for Egan Job 433100 - New DDC controls. No inspections were requested or completed, and the permit is expired.
- PREL202014602 - An Electrical Permit was issued to Egan Company for Egan Job 433066 - DDC controls or VAV's. No inspections were requested or completed, and the permit is expired.
- PREL202113280 - An Electrical Permit was issued to Egan Company for Egan Job 433958 - Install new actuators on AHU 1 & 2. No inspections were requested or completed, and the permit is expired.
- PREL202200602 - An Electrical Permit was issued to Burnsville Electrical Mechanical Inc. to replace fluorescent 2x4 lights with new 2x4 LED lights. No inspections were requested or completed, and the permit is expired.
- PREL202207583 - An Electrical Permit was issued to Egan Company to add VAV's on the 3rd Floor. No inspections were requested or completed, and the permit is expired.
- PRFS201700292 - A Fire Suppression Permit was issued to Olsen Fire Protection Inc. to modify 1 or 2 sprinklers to correct spray obstruction. No inspections were requested or completed, and the permit is expired.
- PRFS202007196 - A Fire Suppression Permit was issued to Olsen Fire Protection Inc. to relocate 3-4 existing concealed heads to accommodate the new wall configuration. Rough-in inspection passed. No final inspection was requested or completed, and the permit has expired.
- PRFS202201127 - A Fire Suppression Permit was issued to Frontier Fire Protection Inc. to add/relocate 18 quick response heads on existing fire protection system for interior remodel; and no change in density. No inspections were requested or completed, and the permit is expired.
- PRFS202204040 - A Fire Suppression Permit was issued to Ahern Fire Protection to add or relocate approximately 35 sprinkler heads for proper coverage - existing system. A rough-in fire inspection passed. No other inspections were requested or completed, and the permit is expired.
- PRMH202006705 - A Mechanical Permit was issued to Architect Mechanical Inc. to install and alter ductwork to accommodate tenant build out. Install six vav boxes and a liebert cooling unit for the IT room. A partial final inspection was completed. No other inspections were requested or completed, and the permit is expired.
- PRMH202201225 - A Mechanical Permit was issued to Modern Heating & Air Conditioning Inc. to rework existing HVAC for new floor plan. No inspections were requested or completed, and the permit is expired.
- PRPL202102238 - A Plumbing Permit was issued to Blaylock Plumbing Co. to demo plumbing in suite in white box. No inspections were requested or completed, and the permit is expired.
- PRPL202107675 - A Plumbing Permit was issued to Blaylock Plumbing Co. to replace a sink. A rough-in inspection as completed. No other inspections were requested or completed, and the permit is expired.

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 2753C0452F 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) 563-8921 or mcentinario@BloomingtonMN.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Centinario".

Mike Centinario, Planner
Community Development – Planning Division