



June 14, 2016

Commercial Partners Title, LLC
ATTN: Michelle Christensen
200 South Sixth Street, Suite 1300
Minneapolis, MN 55402

Re: CP File No. 50851
Zoning Verification for 1901 American Boulevard West
PID# 0402724240006,

To Ms. Christensen:

In response to your request for certain land use information regarding 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 Freeway Mixed Use (C-5) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Community Commercial. The adjoining property use, zoning and Comprehensive Plan designations are:
 - East: Auto dealership and office; zoned C-5(PD) and C-4(PD) – Designated Regional Commercial
 - North: Vacant building retail sales; zoned C-5(PD) and C-3(PD) – Designated Community Commercial and Regional Commercial
 - West: Retail sales and restaurant; Zoned C-5 – Designated Community Commercial
 - South: Multiple family residential; Zoned RM-50(PD) – Designated High Density Residential
- 2) Conformance with Current Zoning Requirements: The listed Property use provide on your request was multiple family residential. Multiple family residential is not allowed as the primary use without rezoning and Comprehensive Land Use Plan Amendments. The current use is a vacant retail sales tenant spaces and a dance studio. Multiple family residential is only allowed as accessory in the C-5 District. Staff is aware and supportive of land use changes for multiple family residential consistent with the Penn American District Plan, although no application for a change has been submitted.

Since the proposed use has not been reviewed or constructed, this letter provides no review or comment on the conformance with the performance standards for the site. The following zoning approvals have been granted for the Property:

- March 13, 1978 – Variance for two extra signs on a retail building. (Case 8390A-78)

- December 5, 2011 – City Council approved a Conditional Use Permit for a Dance Studio in an existing retail structure. (Case 8390A-11)
 - July 15, 2013 – City Council approved a City initiated rezoning from B-3 to C-5. (Case 10002A-13)
- 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 retail sales and dance studio currently existing on the property may be reconstructed as it exists today 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.

City records show 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.

- 5) No Further Approvals or Licenses Required: The current use as a dance studio and retail structure is allowed without necessity of any rezoning, special exceptions, use permit, variance or other approval. The listed use of Multiple Family Residential requires a rezoning and Comprehensive Land Use Plan change. I am not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Project or before the Project may continue to be used in the manner in which it is presently being used.
- 6) Compliance with Subdivision Regulations: The Project complies with, or is otherwise exempt from, applicable subdivision regulations. In 1974, Hays Penn Avenue 2nd Addition Plat was approved and subsequently filed.
- 7) No Application(s) Pending: No application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Property or Project, is now pending. However, we do anticipate an application for rezoning and Comprehensive Land Use Plan amendment in the future. No proceeding to challenge zoning or other governmental approval or use of the Project 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 retail structure from our records. I have no reason to believe, given the case file history described above, that one was not properly issued, and the absence of a Certificate of Occupancy under such circumstances would not give rise to any enforcement action affecting the Project. It is not necessary for a new purchaser of the Property to obtain either a new

Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order to own, use and occupy the Project in the manner which it is approved.

- 9) Violations Outstanding or Development Related Fees Paid: I am unaware of any violations or alleged violations applicable to any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years, or any pending or contemplated enforcement proceedings against the Project. There are no/ are 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 Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project are otherwise pending or known at this time.
- 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 of Bloomington designates the Property as Zone X on Panel Number 2753C0456E dated September 2, 2004.

This information was researched by the person signing this letter on behalf of the City of Bloomington, on request, as a service. The undersigned certifies that 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) 563-8926 or lpease@BloomingtonMN.gov for any questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division