



June 09, 2017

The Planning and Zoning Resource Company
ATTN: Ann Beabout
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

Re: Property - 1700 American Boulevard East, Bloomington, MN 55425, PID# 0202724110056

Ms. Beabout:

In response to your letter requesting zoning and land use verification and information for 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 Development (Planned Development)(Airport Runway) FD-1(PD)(AR-22) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Community Commercial. The adjoining properties zoning and Comprehensive Plan designations are:

East – Zoned CS-1, Commercial Service and designated Office

North – City of Richfield, MN

West – Zoned FD-1(AR-22), Freeway Development (Airport Runway) and designated Community Commercial

South – Zoned FD-1 (AR-22), Freeway Development (Airport Runway) and designated Office

2) Conformance with Current Zoning Requirements:

The Property use as a full service hotel is Conditional Use in the FD-1 Zoning District. The waterpark was approved as accessory to the hotel. Accessory uses are defined as “A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use.” Several Planning and Zoning reviews have occurred over the years. The following zoning reviews were completed:

- November 2, 1998 – Preliminary Plat, Final Plat and Final Development Plans for a hotel approved by City Council (Case #6001BC-98).
- April 19, 2004 – Revised Final Development Plan for a hotel development (403 rooms, 357,980 square feet) approved by City Council (Case #6001A-04).
- September 27, 2004 – Revised Final Development Plan for building exterior modification and change in condition approved by City Council (Case #6001B-04).

- October 4, 2004 – MSP Airport Zoning Permit for two tower cranes and two mobile cranes to construct the hotel approved by the Community Development Director (Case #6001C-04).
- December 18, 2006 – Variance to increase sign area from 225 sq. ft. to 250.96 sq. ft., Variance to increase allowed sign area form 400 sq. ft. to 466.75 sq. ft. on the north elevation and Variance to increase the allowed sign area form 400 sq. ft. to 494 sq. ft. on the east elevation approved by the City Council (Case #6001ABC-06).
- February 6, 2017 – Conditional Use Permit and Major Revision to Final Development Plans to expand a hotel use (one additional hotel room) and renovate the existing motel approved by City Council (Case #PL201600233).

The aforementioned sign variances are in full force and effect unless the property is vacated and the signs are not used for 365 consecutive days.

As of the last development approval in February 2017, the site is currently under construction for the hotel renovation. As of the most recent review, the site is in conformance or planned to be in conformance with City Code requirements regarding parking, landscaping and lighting at the completion of the project. If there are any specific questions about Code compliance, an in-depth review may be completed. The in-depth review of the site includes a site visit and review of plans including but not limited to as-built surveys, any floor plans, use details, or other information is not included in this letter, that level of detail requires \$124 for the full analysis plus \$52 per hour for each hour over 2 hours.

The applicable City Code (zoning) performance standards applicable to the subject property include but are not limited to:

- Section 19.34 – Freeway Development (FD-1 and FD-2) District
- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.51 – Refuse handling and storage
- Section 19.52 – Landscaping and screening
- Section 19.52.01 – Screening of roof mounted equipment
- Section 19.63.01 – Exterior Materials
- 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 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan
- Section 21.501.04 – Conditional Use Permit

NOTE: To review a City Code Section, type www.code.blm.mn/ followed by the City Code Section number.
(For example www.code.blm.mn/21.301.07 is lighting)

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 full-service hotel with the accessory water park in the FD-1 Zoning District may continue 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. If the property is non-conforming, which cannot be accurately determined without a full review of an as built survey and development details, and in the event of casualty, the Property could be rebuilt to the legally non-conforming development. Any changes would require compliance with the applicable codes at the time it is rebuilt.

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.

The City has issued pool, food, and liquor licenses for this address. The Bloomington Environmental Health Division conducts routine inspections related to the pool and food licenses. Copies of the inspection reports for the pool and food licenses, if needed, are available through Mark Stangenes at 952-563-8980. The Bloomington Licensing Division conducts routine inspections related to the liquor license. Copies of the inspection reports for the liquor license, if needed, are available through Doug Junker at 952-563-4923.

5) No Further Approvals or Licenses Required:

The current use by its present owners for a full-service hotel with accessory waterpark purposes is permitted under the Zoning Ordinance without necessity of 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 it may acquire the Property or before the Property may continue to be used in the manner in which it is presently being used.

6) Compliance with Subdivision Regulations:

The Property complies with, or is otherwise exempt from, applicable subdivision regulations. On November 2, 1998, a Plat of DECATHLON HOTEL ADDITION was approved and subsequently filed (Case #6001BC-98).

7) No Application(s) Pending:

No application for rezoning, for a special or conditional use permit or a variance in connection with the Property, is now pending. No proceeding to challenge zoning or other governmental approval or use of the Property 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 Property. I have no reason to believe, given the case file history described above, one was not properly issued. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. It is not necessary for a new purchaser to obtain either a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order to continue use and occupancy of the Property which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

I am unaware of any active or alleged violations to 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.

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 Property, including any impact-related fees, have been paid, and no such fees which would have applicability to the Property 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 Numbers 27053C0457F and 27053C0476F dated November 4, 2016.

This information was researched by the person signing this letter on behalf of the City of Bloomington as a service. The undersigned certifies 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) 563-8925 or nmjohnson@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Johnson', with a long horizontal flourish extending to the right.

Nick Johnson, Planner
Community Development – Planning Division