



July 30, 2021

Planning and Zoning Resources
ATTN: Shannon Boudreau
1300 S Meridian Avenue, Suite 400
Oklahoma City, OK 73108

Re: Doubletree Zoning Letter, Bloomington, MN (Property)

To Shannon Boudreau:

We have received your formal request for a basic zoning review of the following properties owned by VH-Minneapolis South Inc.:

0911621340013 - 7750 Normandale Boulevard 2111616210006 - 7800 Normandale Boulevard
1611621210002 - 7816 Normandale Boulevard 1611621210003 - 7832 Normandale Boulevard
1611621210004 - 5400 West 78th Street

1611621210008 - 7808 Normandale Boulevard is owned by St. Mary's Greek Orthodox Church

Your request did not include 1611621220002 - 5700 W 78th Street, owned by DT Falcon Bloomington LLC. This property provides required parking for the hotel. In May of 2021, legal counsel for DT Falcon Bloomington LLC contacted the City regarding an issue with regard to the use of the lot. If the parking on 5700 W. 78th Street is not maintained, enforcement action may be commenced and the full hotel operation may not be allowed until the parking is replaced in a Code complying manner.

The apparent parking replacement options would be a parking ramp or purchasing an adjoining property and create additional parking. The City Code parking requirement was modified in 2008 to increase the parking required for meeting spaces and the current requirement is approximately 2,300 spaces. The current 1,471 spaces, 36 percent below Code, was approved in 1984. This is a significant reduction and pre-covid parking supply issues were frequent with the 1,471 spaces provided. Therefore any further reduction to parking requirements is not supported.

Additional information includes:

1) Zoning and Comprehensive Land Use Plan Designation:

The property is zoned CS-1(FH) - (Commercial Service)(Flood Hazard) and is subject to the applicable Bloomington City Code performance standards. The area designated Flood Hazard is a small portion of parking lot at the east-southeast corner. The Comprehensive Plan Land Use Plan designation is Community Commercial and 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 and Southeast	Hotels	CS-1	Community Commercial
South	Not Applicable – The City of Edina, MN		

2) Conformance with Current Zoning Requirements:

The Property use as full service hotel is a permitted use in the CS-1 (Commercial Service) Zoning District. Several Planning and Zoning reviews have occurred over the years. The following zoning approvals have been granted for the Property.

- June 5, 1967 – City Council approved a rezoning (Case 5960A-66), a Conditional Use Permit (Case 5960B-66), a variance to allow structure 25 feet from West 78th Street (Case 8960C-66), a variance to allow a zero lot line (Case 5960D-66), and a variance to eliminate a green strip along State Highway 5, all for a Radisson Hotel and Conference Center.
- June 17, 1968 – City Council approve Final Site and Building Plans for Radisson South development. (Case 5960B-66)
- September 23, 1968 - City Council approved a Preliminary Plat of Radisson South First Addition. (Case 5960G-68)
- November 24, 1969 - City Council approved a Final Plat of Radisson South First Addition. (Case 5960G-68)
- March 16, 1970 – City Council affirmed variances to: 1) allow a 650 square foot sign on the top of the west wall. (Case 5960I-70); 2) allow a 650 square foot sign on the top of the east wall. (Case 5960H-70); 3) allow a third sign on the fascia at the northeast facade of the building. (Case 5960J-70); and 4) allow a fourth sign on the fascia at the Southwest corner of the building. (Case 5960K-70).
- April 16, 1984 – Approved a Conditional Use Permit/ Final Site and Building Plans for a TGI Friday’s Restaurant. This development reduced the 1,257 spaces to 1,167 spaces. The applicant acquired a vacant service station at the southeast corner of the site and expanded the parking lot to provide 1,251 parking spaces. The applicants were required to, through the purchase of additional land or obtaining a lease from adjoining properties, provide 220 additional parking spaces for a total required parking of 1,471 parking spaces. (Agenda and report attached) (Case 5960AB-84)
- April 1988 – Variance to allow wall surface other then allowed by City Code.
- September 13, 1996 – Administrative approval of a minor revision Final Site and Building plans for an 8 foot high fence around the remainder of the northeast deck area. (Case 5960A-96)

- December 3, 1997 – Administrative minor Final Site and Building plan approval for 45 foot by 53.5 foot porte-cochere to the west entry. (Case 5960A-97)
- October 2000 – Variance to increase wall signs permitted from 400 square feet to 848 square feet. (Case 5960A-00)
- June 1, 2015 – Administrative approval of a minor revision Final Site and Building plans for parking expansion to remove the violation resulting the removal of a parking lease from the adjoining properties. (Case 5960B-15) **NOTE: This approval was replaced by the May 4, 2017 review and approval.**
- May 4, 2017 – Approved a minor revision Final Site and Building plans for parking lot expansion. (Case PL201700070) All information on the internet at: <https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201700070>.
- October 2, 2020 – Approved a minor revision Final Site and Building plans for exterior modifications. (Case PL202000174) All information on the internet at: <https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL202000174>.

In 1995, the office building where parking was obtained via a lease was redeveloped. The hotel property owner (Minnesota California Partners) was required to replace the parking which was no longer available. Minnesota California Partners worked with the City Traffic Engineer to evaluate parking demand and prepared alternatives to provide the 220 parking spaces required in the 1984 approval. This was accomplished through on-site parking modifications which provided 35 additional spaces and the parking lot reconfiguration adding the additional 60 spaces as evidenced in the Parking Agreement dated November 2, 1995 and recorded as Document number 6510394 (the “Parking Agreement”).

This increased the total on-site parking spaces to 1,346 parking spaces. The net result was the Doubletree site was 125 spaces under the Code-required 1,471 parking spaces. Minnesota California Partners sought and received a joint parking agreement with the Hotel Sofitel property to the south (5601 West 78th Street) to allow an additional 125 parking spaces, which joint agreement is code compliant.

The 1995 City Code approved joint parking to satisfy the City Code requirements provided:

- 1) The proposed joint parking space is within 500 feet of the use it serves;
- 2) The applicant shall show there is not substantial conflict in the principle operating hours of the two buildings or uses for which the joint use of off street parking facilities is proposed.

- 3) A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Division of Building and Inspections.

In accordance with the 1985 City Code, the City of Bloomington and the property owners entered into an agreement which established joint use of the parking between the Radisson and 5601 West 78th Street. In 2014 the City of Bloomington has been notified that the lease for 41 spaces at 7808 Normandale Boulevard was not renewed and the easement for the 125 spaces at 5601 West 78th Street is being terminated.

Therefore, the Doubletree Hotel was deficient 166 parking spaces from the City Council approved 1,471 spaces, significantly lower than the City Code. In May of 2017, revised plans were approved to replace the parking. The parking was constructed and the site is considered in compliance with the minimum required parking. All the review documents and plans can be reviewed at <https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201700070>.

Considering materials and records on file, I cannot determine the continued level of City Code development performance standard compliance. In 2017 a partial review was completed and found the building is legally non-conforming for the setback along West 78th Street and legally nonconforming for the 20 foot required yard area along a street for a portion of West 78th Street and at the northeast corner of the site.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Therefore, by December 31, 2024, the site will require upgrades to the parking lot and building entry's to comply with these minimum requirements.

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

- Section 19.40.07 – Commercial Service (CS-1)
- Section 19.38.02 – Flood Hazard (FH) Overlay Districts
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- 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 21.301.14 – Tree preservation
- 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 21.501.01 – Final Site and Building Plans
- 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: To access the City Code, go to www.code.blm.mn and use the index on the left to navigate to the desired section.

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 hotel / conference center / restaurant use may be reconstructed and continue following casualty, in accordance with the approval plans. If it is destroyed, reconstruction must comply with the applicable performance standards at the time it is reconstructed. If the property is non-conforming with any performance standards, 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 would be required to meet the applicable codes at the time it is rebuilt.

City records show no additional enforcement orders against the property. This statement does not mean the property is free of additional violations or is in full compliance with federal, state and local applicable codes as a thorough review has not been completed.

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

5) No Further Approvals or Licenses Required:

The current use by its present or future owners for hotel / conference center / restaurant 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 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 Property complies with the applicable subdivision regulations.

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. Given the file history listed in Section 2, I have no reason to believe a Certificate of Occupancy 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 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. 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 Number 2753C0451F dated November 4, 2016.

This information was researched on behalf of the City of Bloomington staff as a service. The undersigned certifies the above information is accurate based on or relating to the information supplied 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 with questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division