



November 7, 2016

GWR Minnesota Property Owner LLC
c/o Great Wolf Resorts Inc.
ATTN: Craig Johnson, General Counsel
525 Junction Road, Suite 6000
Madison, WI

Re: 1700 American Boulevard East, Bloomington, MN (Property) - Radisson Hotel
PID 02-027-24-11-0056

Dear Mr. Johnson:

In response to a request from Lorraine Prindle, Senior Paralegal at Dorsey & Whitney LLP requesting 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 FD-1(PD, AR-22) -- Freeway Development with a Planned Development Overlay and an Airport Runway Overlay. The project is subject to the use restrictions and performance standards in the Bloomington City Code, Chapters 19 and 21. The Comprehensive Plan Land Use Plan designates the Property as Community Commercial.

The adjoining properties zoning and Comprehensive Plan designations are as follows:

North – City of Richfield, MN

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

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

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

- 2) **Conformance with Current Zoning Requirements:** The Property use as a full service hotel is a Conditional Use in the FD-1 Zoning District. The water park 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.”

The waterpark used independently would be an indoor Recreation and Entertainment use which is not permitted in the zoning district as a primary use. In 2004, because of the

approved Planned Development, the hotel use was considered permitted without the issuance of a Conditional Use Permit. The property owner has paid for a parking study within the past 6 months to evaluate the requirements should the waterpark become a primary use on the site. The study draft has been completed with no additional action taken.

The property received all required approvals in 2004 (agenda packet attached) for a 357,980 square foot, eight story, full service hotel and water park. The approval was for a 403 room hotel and a 68,480 square foot accessory water park. The proposed development contained 593 parking spaces (500 surface parking and 93 lower level garage spaces).

Based on the immediate records on file, there is no reason to believe the property was not developed in accordance with the approved development plans and permits. This letter does not guarantee continued compliance with the City Code or Planned Development since the Certificate of Occupancy was issued in 2006. This letter is not intended to be an existing conditions review or to retrieve records from the warehouse for additional review.

Should you require a review of surveys or additional documents, that is a more detailed and extensive review not included with the basic zoning letter. If you require the higher review level or retrieving and reviewing any files from the warehouse or additional documents, that level of detail requires an additional \$122 for the full analysis plus \$52 per hour for each hour over 2 hours. That review is completed on a first-come first-reviewed basis.

The FD-1 is regulated in 19.34 of the City Code. The applicable performance standards include but are not limited to:

- Planned Development Overlay District – Section 19.38.01
- Airport Runway Overlay District – Section 19.38.03
- Setback along a public street (Building) – 60 feet (Section 19.41(c))
- Rear yard setback (Building) – 25 feet (Section 19.41(c))
- Side yard setback (Building) – 60 feet (Section 19.41(c))
- Setback along a public street (Parking) – 20 feet (Section 19.52(c)(2)(I))
- Rear and side yard setback (Parking) – 5 feet (Section 19.52(c)(2)(I))
- Minimum floor area – 20,000 square feet (Section 19.41(c))
- Minimum lot size – 3 acres (Section 19.41(c))

Several Planning and Zoning reviews have occurred since 2004. (Selected letter of transmittals attached.) There is no single plan set that accurately depicts the entire site and compliance with all the City Code performance standards. The approvals include but are not limited to:

- April 19, 2004 -- Revised final development plan for a hotel development, The Wirth Companies, Inc. (Case 6001A-04)

- September 27, 2004 -- Revised final development plan for building exterior modification and change in condition, Decathlon Exchange, LLC, 08/23/2004, Approval. (Case 6001B-04)
- October 4, 2004 -- MSP Airport Zoning Permit--height variance for two tower cranes and two mobile cranes to construct the Grand Lodge and Water Park of America , The Wirth Companies, Inc. (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 from 400 sq. ft. to 466.75 sq. ft. on the north elevation, Variance to increase the allowed sign area from 400 sq. ft. to 494 square on the east elevation, Water Park of America. (Case 6001ABC-06)

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

- 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. An 8 inch and 16 inch water main are located along American Boulevard and an 8 inch watermain in West 78th Street. The water system is looped around the building with connections to both the 8 inch mains. A 10 inch sanitary sewer service is connected to the 15 inch sanitary sewer main in American Boulevard. 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 may continue following casualty, in accordance with the applicable Final Development Plan at the time of reconstruction. If the property is non-conforming to the approved Final Development Plan, 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 requirements of the Final Development Plan when reconstructed.
- 5) **No Further Approvals or Licenses Required:** The current use by its present owners (full service hotel with associated water park) is a conditional use under the Zoning Ordinance may be continued 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 Project complies with, or is otherwise exempt from, applicable subdivision regulations. In December of 1998, a 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. 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. The property has started the process to evaluate the use of the waterpark as a primary use, although no action has been commenced since the draft parking study was prepared.
- 8) **Certificate of Occupancy:** I attached a series of Certificate of Occupancies for the development. The permit computer generated history documented over 80 inspection for the foundation permit (Permit #0407717) and over 130 inspections for the building permit (Permit #0410891), which the final entries affirmed the completion of the permit card.
- 9) **Violations Outstanding or Development Related Fees Paid:** I am unaware of any documented 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. 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 2753C0457E 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@ci.bloomington.mn.us for any questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division