



October 11, 2019

Planning and Zoning Resource Company
 ATTN: Chelly Sampson
 1300 South Meridian Avenue, Suite #400
 Oklahoma City, OK 73108

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

Ms. Sampson:

In response to your request for zoning 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 Office (Planned Development) (Airport Runway) C-4(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 Zoning and Comprehensive Land Use Plan maps can be viewed at <https://www.bloomingtonmn.gov/plan/zoning-and-guide-plan-maps>.

The adjoining property use, zoning and Comprehensive Plan designations are:

Direction	Use	Zoning	Comprehensive Plan
North	Interstate Highway 494	-	Right-of-Way
South	Office and hotel	FD-2(AR-22) C-4(PD)(AR-22)	Office
East	State Highway 77	-	Right-of-Way
West	Office and bank	C-4(AR-22)	Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as a hotel and waterpark (indoor recreation facility) is permitted as a conditional use in the Freeway Office (C-4) Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- November 2, 1998 – Preliminary and 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) – see attached minutes.
- September 27, 2004 – Revised Final Development Plan for building exterior modification and change in condition approved by City Council (Case #6001B-04) – see attached minutes.
- 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) – see attached letter.
- 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 and variance to increase the allowed sign area from 400 sq. ft. to 494 sq. ft. on the east elevation approved by the City Council (Case #6001ABC-06) – see attached minutes.
- 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) – see attached letter.
- June 3, 2019 – Conditional Use Permit, Major Revisions to Final Development Plans and Change in Condition to allow for the sale of day-use passes to an existing waterpark approved by City Council (Case #PL201900054) – see attached letter.

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. 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 is not included in this letter must be provided. A performance standards review has a separate fee of \$131 plus \$56 per hour for each hour over 2 hours.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.52 – Landscaping and screening
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.205.04 – Freeway Office (C-4) District
- 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 21.301.17 – 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 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

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 hotel and waterpark in the C-4 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 any aspect of 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 pool and food licenses. Copies of the pool or food inspection reports, 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 hotel and 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 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 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 Number 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 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.

Planning and Zoning Resource Company

October 08, 2019

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Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Johnson', with a stylized, flowing script.

Nick Johnson, Planner
Community Development – Planning Division