



September 19, 2016

First American Title Company
ATTN: Frannie Schlossman
35 4th Street North, Suite 205
Fargo, North Dakota 58102

Re: Zoning Verification letter – First American Title Company
7901 Xerxes Avenue S
PID # 0502724120002

Dear Ms. Schlossman:

In response to a request received on September 15, 2016 requesting certain land use information regarding the Property, please be advised of the following as of the date hereof:

- 1) Current Zoning and Comprehensive Land Use Plan Designation: The land is zoned CS-1 – Commercial Service and is subject to the use restrictions and performance standards in the Bloomington City Code. The Comprehensive Plan Land Use Plan designates the Property as Community Commercial.
- 2) Conformance with Current Zoning Requirements: The Property use as an office is permitted in the CS-1, Commercial Service Zoning District.

The following approvals have been granted for the Property:

- October 7, 1991 – Rezone property located at 7901 Xerxes Avenue South, 2720, part of 2740, 2800 and 2850 West 80th Street from Freeway Development (FD-1) and Single Family Residential (R-1) to Community Service (CS-1). (Case 10002G-91)
 - July 29, 2013 – Minor revision to Final Site and Building Plans to allow Verizon to add 5 antennas and related equipment on an existing rooftop. (Case 8094A-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 office may continue following casualty subject to reconstruction in accordance to the approved Final Site and Building Plans. If it is destroyed,

reconstruction must comply with the applicable regulations and Final Site and Building Plans approvals at the time of reconstruction. This only applies to performance standards such as landscaping, lighting, signs and other related development items. The property use in the current configuration may be reconstructed without any additional approvals.

- 5) No Further Approvals or Licenses Required: The future use as an office is allowed as a permitted use under the Zoning Ordinance without necessity of any rezoning, special exceptions, variance or other approval.
- 6) Compliance with Subdivision Regulations: The Project complies with, or is otherwise exempt from, applicable subdivision regulations. On November 6, 1972, 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.
- 8) Certificate of Occupancy: I am unable to locate a certificate of occupancy for the Project 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: The property is in violation of the landscaping provision in the approved Landscape and Grading Plan dated December 13, 1978. The City Code requires a minimum of one deciduous tree per parking lot island. The landscaping plan approved in 1978 shows trees on the parking lot islands to the north and south of the building. Based on aerial images of the property, there are missing trees on the islands.


I am unaware of any other 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. 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 27053C0452E 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) 563-8919 or ecoday@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth O'Day".

Liz O'Day, Planning Technician
Community Development Division

present voting aye, to adopt a resolution granting the waiver of platting requirements subject to compliance with the conditions set forth by the Planning Commission.

Ordinance Rezoning
Properties from FD-1
and R-1 to CS-1
Item 4.7
0-91-66

The Council was requested to adopt an ordinance to rezone property located at 7901 Xerxes Avenue South, 2720, part of 2740, 2800 and 2850 West 80th Street from Freeway Development (FD-1) and Single-Family Residential (R-1) to Commercial Service (CS-1).

The Planning Commission, at its meeting of September 12, recommended approval of the rezoning. The Director of Planning indicated this will rezone the property on which an office building and the Embassy Suites hotel are located, and removes the Freeway Development zoning from this area which is being rezoned to Commercial Service (CS-1). He said with accomplishment of this rezoning, it will bring land use density controls to the property for the first time. In response to a question by Johnson about an island strip of property on 80th Street, Mr. Geshwiler said as illustrated on the map printed in the agenda, there has been a small strip of property along West 80th Street that was zoned R-1 which is being eliminated with the rezoning to CS-1. He said the City would have the right to approve preliminary and final development plans should other development occur on this property.

Following discussion, motion was made by Houle, seconded by Herbst, and all present voting aye, to close the hearing and adopt the ordinance.

Declare Recess

The Mayor declared an eight-minute recess after which the meeting was reconvened at 8 p.m.

Conditional Use Permit
for Private School
Case 5891A-91
Item 5.1

The Council was requested by Medical Institute of Minnesota to approve a conditional use permit for a private school at 5503 Green Valley Drive and 5700 Norman Center Drive.

The Planning Commission, at its meeting of September 12, recommended approval of the conditional use permit for a post-secondary educational institution in a multi-tenant building subject to satisfaction of the following conditions prior to the issuance of any building permits:

1. an easement agreement be filed with the appropriate Hennepin County agency reserving a minimum of 188 spaces on the site at 5700 Norman Center Drive for use by the Medical Institute of Minnesota or their successor for as long as they shall occupy the building,
2. building plans be reviewed by the Fire and Life Safety Committee prior to issuance of any building permits or occupancy of the building,
3. any other conditions of approval prescribed by the Director of Environmental Services regarding the keeping of animals,

and the following additional condition of approval:

4. additional enrollment may be approved by the Issuing Authority subject to submission of current tenant information in the 5501 and 5503 Green Valley Drive buildings, and additional reservation of parking spaces at 5700 Norman Center Drive, if needed; parking requirements for additional enrollment shall be calculated on the basis of 0.8 full-time equivalent daytime students.

The Director of Planning explained what is being proposed, noting that an ordinance was adopted earlier in the evening that will allow post-secondary educational institutes as conditional uses in the CO-1 zoning district. He said staff was initially concerned about the keeping of animals in the building so problems would not be created for other tenants of the building. Johnson said she was also concerned about odors from the

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