



April 07, 2021

Ms. Jessy Pellett
Guaranty Commercial Title, Inc.
465 Nicollet Mall, Suite 230
Minneapolis, MN 55401

Re: Property - 8131 34TH AVE S, BLOOMINGTON, MN 55425
PID# 0602723240018

Ms. Pellett:

In response to your request for zoning verification and information for 8131 34th Avenue S. (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 HX-R(PD)(BP) High Intensity Mixed Use (Planned Development)(Bluff Protection) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is South Loop Mixed Use. 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	Office	HX-R(PD)	South Loop Mixed Use
South	Environmental corridor	SC Conservation(BP)	Conservation
East	Multi-family residential and environmental corridor	HX-R(PD)(BP) and SC Conservation(BP)	South Loop Mixed Use and Conservation
West	Multi-family residential	HX-R(PD)	South Loop Mixed Use

2) Conformance with Current Zoning Requirements:

The current use of the property is a surface parking lot. The proposed use, multiple-family residential development, is permitted in the HX-R Zoning District. The Planning and Zoning reviews on file include but are not limited to:

On 2/8/2021 the City Council approved: 1) Major revision to preliminary development plans to incorporate a six-story, 146-unit age restricted apartment building; 2) Final development plans to redevelop a surface parking lot as a six-story, 146-unit age-restricted apartment building; and 3) Preliminary and final plat to incorporate vacated public right-of-way into the existing lot.

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

- Section 19.29 –High Intensity Mixed Use with Residential (HX-R) District
- 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 21.209 – 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 21.302.09 – Multiple Family Design and Performance Standards
- 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. Non-City providers provide all other utilities. Please contact the appropriate provider for detailed information on other services to the Property.

4) Right to Rebuild Following Casualty:

The surface parking may continue following casualty if complying with City Code Section 21.504, Non-conformity and the applicable performance standards. Without a full performance standards review, it is not known without a full review of an as-built survey and related development details. In any event of a casualty, the Property could be rebuilt to the legally non-conforming development provided a permit is issued within 365 days of the casualty date. 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 the Property is free of violations or is in full compliance with federal, state and local applicable codes.

5) No Further Approvals or Licenses Required:

The current use by its present owners for surface parking purposes is permitted under the Zoning Ordinance without any rezoning, special exceptions, use permit, variance or other approval. I am not aware of any other permit or license required by this jurisdiction 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.

Prior to the issuance of a building permit for the multi-family development, the City will need to conduct a thorough review of site and building plans. The multi-family development has the necessary zoning entitlements, but as of February 7, 2021 a building permit application has not yet been submitted by the developer.

6) Compliance with Subdivision Regulations:

The Property complies with, otherwise exempt from, applicable subdivision regulations. The APPLETREE SQUARE 5TH ADDITION was approved and subsequently filed. An additional plat, ROERS 34TH AVENUE REDEVELOPMENT, was approved by the City Council, but has not been recorded. Recording the plat is necessary before a building permit may be issued.

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. The absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. A new purchaser does not need to obtain either an original Certificate of Occupancy or an amendment to the existing Certificate of Occupancy to continue use the Property as originally approved.

9) Violations Outstanding or Development Related Fees Paid:

I am unaware of any active or alleged violations of 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 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 Property's development and use, including any impact-related fees, have been paid. No such fees applicable to the Property are otherwise pending or known at this time.

10) Flood Zone Designation:

While the Property is partially encumbered by Bluff Protection standards, 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 2753C0476F 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 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) 563-8921 or mcentinario@BloomingtonMN.gov for any questions.

Sincerely,



Mike Centinario, Planner
Community Development – Planning Division