



April 14, 2021

Title Specialists, Inc
Mike Sowers
13601 80th Circle N, 300
Maple Grove, MN 55369

Re: Property - 10800 Lyndale Avenue South, Bloomington, MN 55420, PID# 2102724440022

To Mr. Sowers:

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 C-4(BP) Freeway Office, Bluff Protection and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Office. 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	C-4(BP)	Office
South	Steep wooded parcel	SC(BP)	Conservation
East	Single Family	R-1(BP)(PD)	Medium Density Residential
West	I-35W	NA	NA

2) Conformance with Current Zoning Requirements:

The Property use as an office building is a permitted use in the C-4 Zoning District Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- August 13, 1970 – Preliminary and Final Plat of Hovland 2nd Addition approved by the City Council (Case 7089C-70).
- January 4, 1984 – Rezoning at 10840 Lyndale Avenue from IN-1 Institutional to RO-50 (PD), Residential Office (Planned Development) and RO-50 (PD)(BP) Residential Office (Planned Development)(Bluff Protection) for Rosewood Corporation AND Preliminary Development Plans for a condominium complex at 10840 Lyndale Avenue approved by the City Council (Case 7089A-83). (approval letter attached).

- August 3, 2009 – conditional use permit for an athletic club/fitness studio business in an existing office/warehouse building (suite #75) at 10800 Lyndale Avenue approved by the City Council. (Case 7089A-09). (approval letter attached).

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 must be provided. A performance standards review has a base fee of \$131 plus \$56 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years and there are no building related plans on file.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. The parking lot lighting is compliant and no upgrades are required at this time. The approved lighting plan is attached.

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 21.208.02 – Bluff Protection (BP) Overlay 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 21.301.16 – 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. Non-City providers provide all other utilities. Please contact the appropriate provider for detailed information on other services to the Property. Documents show there is a water supply well on-site and identified as well #27W0020119. There are open enforcement orders to have the well sealed.

4) Right to Rebuild Following Casualty:

The office use in the C-4 Zoning District 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.

5) No Further Approvals or Licenses Required:

The current use by its present owners for office 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.

6) Compliance with Subdivision Regulations:

The Property complies with, subdivision regulations. On August 13, 1970, a Plat of HOVLAND 2ND ADDITION was approved and subsequently filed. (Case 7089C-70).

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. There is an open enforcement order related to sealing the well. See #3 above for more information on the order.

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:

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 2753C0466F 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) 563-8919 or eoday@BloomingtonMN.gov for any questions.

Sincerely,



Elizabeth O'Day, Planning Technician
Community Development – Planning Division