



August 12, 2021

Schmitt Music
ATTN: Robert Baker
2400 Freeway Boulevard
Brooklyn Center, MN 55430-1799

Re: Zoning letter for 7800 Picture Drive (Property) - PID# 1611621220003

To Mr. Baker:

City staff has received a request by Schmitt regarding Schmitt's proposed relocation of its corporate headquarters to the City of Bloomington. City staff has had the opportunity to inspect the existing Schmitt headquarters building in Brooklyn Center, Minnesota. City Staff has also reviewed Schmitt's concept plans (Exhibit A) related to relocating the headquarters to the Property in Bloomington. City Staff has also reviewed the photos submitted as proof of continued storage (Exhibit B) that has been maintained by Shutterfly as well as its predecessor, Lifetouch. In response to your zoning verification request for Property information, please be advised of the following as of the date hereof:

1) Zoning and Comprehensive Land Use Plan Designation:

The Property is zoned CO-1(PD), Commercial Office (Planned Development) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan's Land Use Plan guides the property for 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 and Parking	CS-1	Office
South	Apartments and open space	RM-50(PD) and SC	High Density Residential
East	Hotel	CS-1	Community Commercial
West	Office	CO-1	Office

2) Conformance with Current Zoning Requirements:

The Planning and Zoning reviews on file include but are not limited to:

- November 6, 1967 – City Council approved a variance to construct a photo processing studio and office with a 25 foot setback along picture drive. (Case 6249A-67)
- March 18, 1968 – City Council approved a variance to construct a freestanding sign more than 20 feet from the building. (Case 6249A-67) (NOTE: Code changes since this approval allow the sign and the variance is no longer required.)
- August 27, 1993 – Administrative approval for parking lot expansion. (Case 9320A-93)

- September 9, 2019 – City Council approved a rezoning, Preliminary Development Plan, Final Development Plan and a Conditional Use Permit for a major commercial golf facility. (Case PL201900114) NOTE: The Final Development Plan and Conditional Use Permit will expire on September 9, 2021 if a building permit for the development is not obtained.

The change in use to retail triggers City Code compliance for trash collection/storage, signs, parking and security lighting. These elements will need to be brought into compliance with the conversion to Schmitt's use. 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.

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

- Section 19.40.08 – Commercial Office District
- 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 21.301.15 – Landscaping and screening
- Section 21.301.16 – Exterior Storage
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan
- Section 21.504 – Nonconformity (which incorporates Minnesota Statutes 462.357)

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 were three temporary monitoring wells on-site. They are:

- Well ID 27W0019889 and sealing number H367621. The well was 26 feet deep and sealed by Bergerson-Caswell Inc. on June 24, 2019.
- Well ID 27W0019943 and sealing number H357498. The well was 40 feet deep and sealed by Braun Intertec Drilling LLC on April 9, 2019.
- Well ID 27W0019944 and sealing number H357511. The well was 100 feet deep and sealed Braun Intertec Drilling LLC on April 23, 2019.

4) Right to Rebuild Following Casualty:

Should the Property be redeveloped, full compliance with the City Code provision would be required except where State laws and City Codes allow the continuance of legally non-conforming uses. Office, Public uses, a restaurant without drive-through or outdoor seating, and associated accessory uses are permitted in the CO-1 Zoning District. Any re-use of the existing building requires upgrades to the site as required, see City Code Section 21.504, Non-conformity and the applicable performance standards.

The level of site nonconformity is unknown without a full review of an as-built survey and related development details. This review noted an access and circular drive along Picture Drive that would be a violation and must be removed or a variance granted to remove the violation. When the variance to allow the building location was approved, the 25 feet between the building and Picture Drive was intended to remain as a yard area.

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) Compliance with Subdivision Regulations:

The Property complies with the applicable subdivision regulations. On September 20, 1971 a Plat of National School Studios Addition was approved and subsequently filed. (Case 6249D-71)

6) 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.

7) 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 using the Property as originally approved.

8) Violations Outstanding or Development Related Fees Paid:

When the 1967 variance to allow the building closer to Picture Drive than allowed was approved, the remaining 25 feet was intended to remain as yard area. This review noted an access and circular drive along Picture Drive is a violation. The access and drive must be removed or an application for a variance would be required. Should a variance be denied, the drive must be removed. I am unaware of additional 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.

However, this statement does not mean the Property is free of additional 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. No such fees applicable to the Property are otherwise pending or known at this time.

9) 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 2753C0451F dated November 4, 2016.

10) Proposed Use:

Schmitt intends to renovate and use the Property for its headquarters office space, retail and storage/warehousing related to its operations. The Property is zoned CO-1. Office uses are permitted in a CO-1 district in the City. The retail component is a permitted provisional use as an "arts" use in the CO-1 district because it is primarily devoted to the permitted principal use (office) and has a common in-door access to the permitted office use. Schmitt has advised the City that both the office use and the provisional retail use will have storage, warehousing and repairs related to the sale and servicing of musical instruments. Storage, warehousing and repairs is a permitted use to the extent to which it is customarily incidental to the office and retail operations.

Schmitt has communicated that Shutterfly and Lifetouch have continuously used the building for the storage and warehousing of equipment even after its day to day operations at the Property were discontinued and has submitted photos as evidence (Exhibit B). Storage and warehousing was a legal nonconforming use of the Property by Shutterfly/Lifetouch. City Codes and State law allow the continuation of legally nonconforming uses provided the use does not lapse for a period of one year or greater. Planning staff is not aware of information contradicting the continuous use of the building for storage and warehousing. To the extent the uses are not otherwise permitted, Schmitt is entitled to continue any pre-existing legal non-conforming use that has not ceased for a period of one year or more.

This information was researched on behalf of the City of Bloomington staff 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) 563-8926 or lpease@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Londell Pease", written in a cursive style.

Londell Pease, Senior Planner
Community Development – Planning Division

Exhibit A

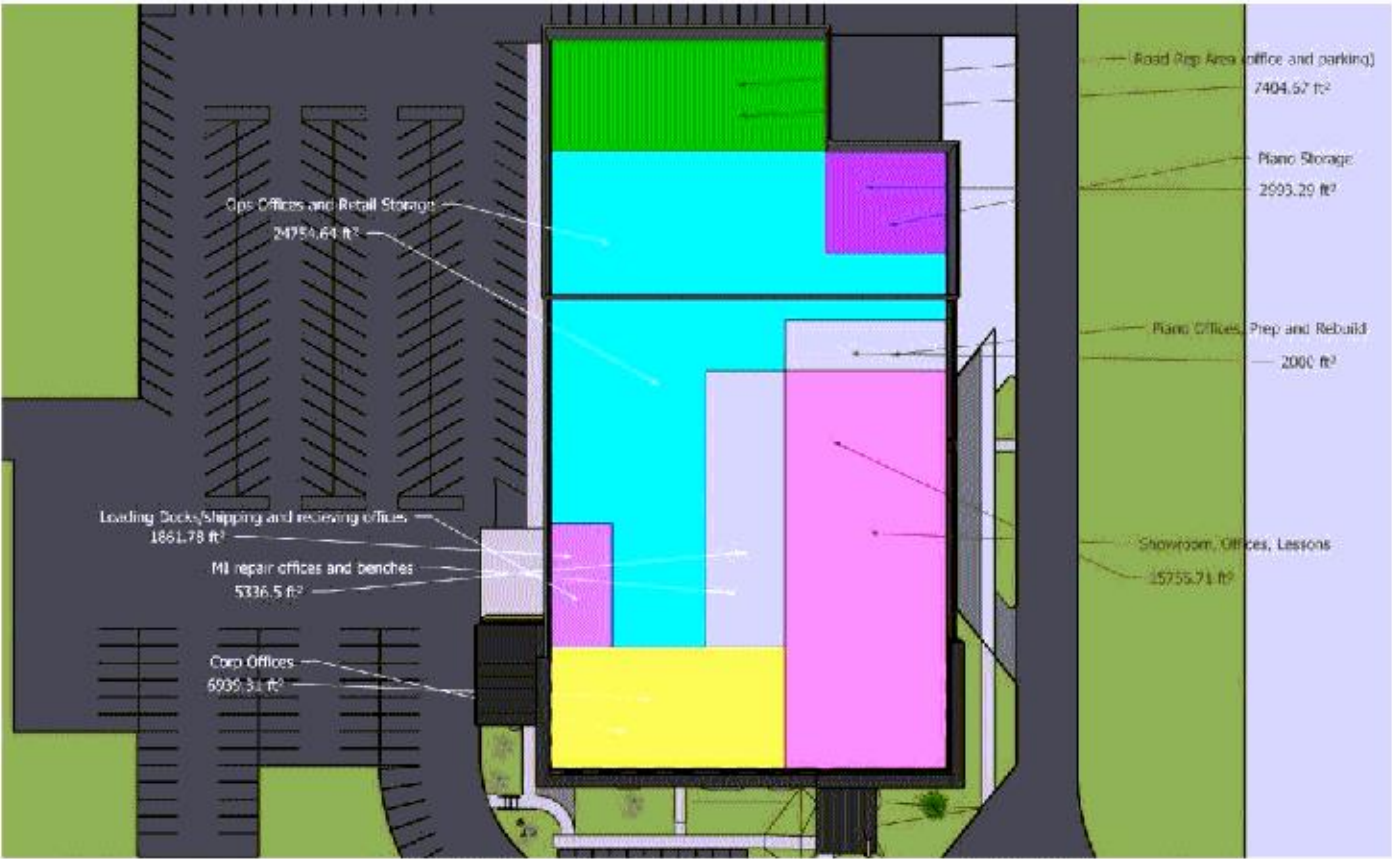


Exhibit B – Page 1 of 2



Exhibit B – Page 2 of 2





July 3, 2021

Schmitt Music
ATTN: Robert Baker
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Brooklyn Center, MN 55430-1799

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2) Conformance with Current Zoning Requirements:

The vacant office and production use have been vacant for more than one year. Any re-use must comply with the applicable City Codes. The Planning and Zoning reviews on file include but are not limited to:

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As the site has been vacant for over one year, a new user must comply with the City Code required changes prior to occupying the site. This includes but not limited to trash collection and storage, signs and parking and security lighting. In addition, a performance standard review would be required to identify all non-conforming elements on the Property. See City Code 21.504 for additional information.

Considering materials and records on file, I cannot determine the level of City Code development performance standards 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.

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Without a full performance standards review, it is unknown without a full review of an as-built survey and related development details. This review noted an access and circular drive that would be a violation and must be removed or a variance granted to remove the violation. When the variance to allow the building was approved, the 25 feet was intended to remain as a yard area.

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.

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Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division