



November 1, 2021

Land Title, Inc.
ATTN: Andrew Nalley
2200 W County Road C, #2205
Roseville, MN 55113

Re: Property - 7901 Xerxes Ave S., Bloomington, MN 55431
PID# 0502724120002

To Mr. Nalley:

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 CS-1 Commercial Service 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-guide-plan-maps>.

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

Direction	Use	Zoning	Comprehensive Plan
North	Retail	CS-1	Community Commercial
South	Single Family Residential	R-1 and R-4	Low Density Residential and High Density Residential
East	Hotel	CS-1	Community Commercial
West	Bank and office	CO-1(PD)	Office

- 2) Conformance with Current Zoning Requirements:
The Property use as an office building is a permitted use in the CS-1 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- April 3, 1972 – Preliminary and Final Plat for A.G. Bogen Company’s Xerxes Avenue Addition (7731B-72).
- October 7, 1991 – Rezone property located at 7901 Xerxes Avenue S, 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). (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).
- February 27, 2017 - Removing 14 wireless communication antennas and associated equipment and replacing with 15 wireless communication antennas and associated equipment. (Case PL2017-11). Please click the link below to view plans and documents associated to this case file:
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=1289>

Considering materials and records on file, determining the level of City Code development performance standard compliance is unknown. 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 lighting and security ordinance which required full compliance with the City Code at a future date. Currently, the City Code compliance required by December 31, 2024. This site may require significant upgrades to the parking lot and building entry's to comply with these requirements.

It appears the property is in violation of the approved landscaping plan (attached for your reference). There are missing trees in the parking lot island. This would be a violation.

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

- Section 19.40.07 - Commercial Service Districts CS-0.5 And CS-1.
- 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 21.301.14 – Tree preservation
- 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 21.302.03 – Accessory Dwelling Units
- Section 21.501.01 – Final Site and Building Plans

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 office use in the CS-1 Commercial Service 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 unknown without a full review of an as-built survey and related development details. Rebuilding the Property to the legally non-conforming development level is allowed 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 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 April 3, 1972 a Plat of AG BOGEN COMPANYS XERXES AVE ADDITION was approved and subsequently filed. (Case 7731B-72).

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 using the Property as originally approved.

9) Open Permits, Known Violations or Fees Due:

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.

A review finds the following building permits remain open with unresolved inspections:

- PRBD201912333– Modification of antennas and radios on an existing antenna installation at 7901 Xerxes Ave S. Swapping existing antennas and radios with antennas and radios of similar size or smaller. Expired due to no final inspection.
- PRBD202014797- Demo only. Office walls and ceiling grid. Non structural.– Expired due to no final inspection.
- PRBD202107910 - Swapping three antennas with antennas smaller than existing. Waiting for fee payment.

However, this statement does not mean the Property is free of violations or is in full compliance with federal, state and local applicable codes as no performance standard review has been completed. 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 2753C0452F dated November 4, 2016.

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

Sincerely,



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