



July 18, 2017

CDS - Commercial Due Diligence Services
ATTN: Cody Carter, Project Coordinator
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072

Re: Zoning Verification Letter – 1601 American Boulevard East
Lot 1, Block 1, Cedar Park Addition, PID# 0202724110057

Dear Mr. Carter:

In response to your request requesting zoning and land use 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 FD-1(PD) (AR-22), Freeway Development (Planned Development) (Airport Runway) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Office.

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

East - Office/Warehouse Zoned FD-1 and Designated Office

North - Office Zoned FD-1 and Designated Community Commercial

West - Residential Zoned R-4 and designated High Density Residential

South - Residential Zoned R-4 and designated Medium Density Residential

2) Conformance with Current Zoning Requirements:

The Property use as a 200 room Limited Service Hotel is a Conditional Use in the FD-2 Zoning District. A total of 323 parking spaces are provided where 241 parking spaces are required. Through Planned Development approval in 1997, the use as a hotel is considered a Permitted use and no Conditional Use Permit was issued.

Several Planning and Zoning reviews have occurred over the years. The following zoning reviews were completed:

- 11/3/1997 - City Council approved a rezoning, a Preliminary Development Plan and a Final Development Plan for a hotel and office/warehouse development subject to 19 conditions and 11 Code requirements. (Case 9294A-97)
- 07/22/1998 - Administrative approval to change the exterior materials from burnished block to brick. (Case 9294A-98)

- 11/24/1998 - Administrative approval to change the exterior materials from brick to Portland Cement Stucco. (Case 9294B-98)
- 04/16/1999 - Administrative approval to allow alternative exterior materials not to exceed 15 percent. (Case 9294A-99)
- 07/07/1999 - Administrative approval for conversion of food service to public restaurant as part of the hotel operation and exterior revisions for a restaurant entry. (Case 9294B-99)
- 12/16/1999 - City Council approved a revised Final Development Plan for a solarium addition. (Case 9294C-99)
- 10/20/2006 - Administrative approval of a Revised Final Development Plan to expand the parking and related improvements for the Holiday Inn Express. (Case 9294A-06)
- 06/11/2015 - Administrative approval of a Revised Final Development Plan for a 4,700 square foot main entry pavilion, and exterior pavilion terrace and associated parking lot modifications. (Case 9294A-15)

The most recent inspection resulted in the issuance of the Certificate of Occupancy on December 12, 2016 (Attached). At that time, the property was in full compliance with the City Code and the Development Agreement (Document #3373450).

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

- Section 19.34 – Freeway Development (FD-1 and FD-2) District
- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.38.03 – Airport Runway (AR) Overlay Districts
- Section 19.51 – Refuse handling and storage
- Section 19.52 – Landscaping and screening
- Section 19.52.01 – Screening of roof mounted equipment
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.301.04 – Sidewalks
- Section 21.301.06 – Parking and Loading
- Section 21.301.07 – Exterior Lighting
- Section 21.301.10 – Height
- Section 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan

NOTE: To review a City Code Section, type www.code.blm.mn/ followed by the City Code Section number.
(For example www.code.blm.mn/21.301.07 is lighting)

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 200 room hotel and accessory uses in the FD-2(PD) (AR-22) Zoning District may continue following casualty, in accordance with the performance standards at the time it is rebuilt, with the Final Development Plans and City Code Section 21.504, Non-conformity.

City records show no open enforcement orders against the property at this time. This statement does not mean that the property is free of violations or is in full compliance with federal, state and local applicable codes.

The City has issued food and lodging licenses for this address. The Bloomington Environmental Health Division conducts routine inspections related to these licenses. Copies of the inspection reports, if needed, are available through Mark Stangenes at 952- 563-8980.

5) No Further Approvals or Licenses Required:

The current use by its present owners for a 200 room limited service hotel is permitted under the Zoning Ordinance without necessity of any rezoning, special exceptions, use permit, variance or other approval. I am not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Project or before the Project may continue to be used in the manner in which it is presently being used.

6) Compliance with Subdivision Regulations:

The Project complies with the applicable subdivision regulations. On April 30, 1979, a Plat of Cedar Park Addition was approved and subsequently tiled. (Case 1227A-79)

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 attached the Certificate of Occupancy for the most recent construction. I am unable to locate additional certificate of occupancies for the Project. I have no reason to believe, given the case file history described above, one was not properly issued for the original construction and subsequent changes. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Project. It is not necessary for a new purchaser to obtain either a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order continue use and occupancy of the Project which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

I am unaware of any active or alleged violations to 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 are no open enforcement orders against the property at this time.

This statement does not mean that 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 development and use of the Property, including any impact-related fees, have been paid, and no such fees which would have applicability 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 2753C0457F dated November 3, 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 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) 563-8926 or lpease@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Londell Pease", with a stylized flourish at the end.

Londell Pease, Senior Planner
Community Development – Planning Division