

# Bloomington Case # PL201700131



July 17, 2017

Planning & Zoning Resource Company  
ATTN: Olivia Gray  
1300 South Meridian Avenue, Suite 400  
Oklahoma City, OK 73108

RE: Doubletree Bloomington Zoning Verification Review

Dear Ms. Gray:

We have received your formal request for a review of the following properties:

0911621340013 (7750 Normandale Boulevard)  
2111616210006 (7800 Normandale Boulevard)  
1611621210002 (7816 Normandale Boulevard)  
1611621210003 (7832 Normandale Boulevard)  
1611621210004 (5400 West 78th Street)

The property also uses for following properties which are under different ownership:

1611621220002 (5700 West 78th Street)  
1611621210008 (7808 Normandale Boulevard)

Your request included a review of 0911621330005. This parcel is not in the City of Bloomington (City of Edina parcel) and not included in this review

For the properties reviewed, 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)(Flood Hazard) and is subject to the applicable Bloomington City Code performance standards. The area designated Flood Hazard is a small portion of parking lot at the east-southeast corner. The Comprehensive Plan Land Use Plan designation is Community Commercial and Office. The adjoining property use, zoning and Comprehensive Plan designations are:

North, West and part East – City of Edina  
South and part East – Hotels; Zoned CS-1 and designated Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as full service hotel is a permitted use in the CS-1 (Commercial Service) Zoning District. Several Planning and Zoning reviews have occurred over the years. The following zoning approvals have been granted for the Property.

- August 1966 – Approved a rezoning (Case 5960A-66), a Conditional Use Permit (Case 5960B-66), a variance to allow structure 25 feet from West 78<sup>th</sup> Street (Case 8960C-66), a variance to allow a zero lot line (Case 5960D-66), and a variance to eliminate a green strip along State Highway 5, all for a Radisson Hotel and Conference Center.
- February 1970 – Variances to: 1) allow a 650 square foot sign on the top of the west wall. (Case 5960I-70); 2) allow a 650 square foot sign on the top of the east wall. (Case 5960H-70); 3) allow a third sign on the fascia at the northeast facade of the building. (Case 5960J-70); and 4) allow a fourth sign on the fascia at the Southwest corner of the building. (Case 5960K-70).
- April 1984 – Approved a Conditional Use Permit/ Final Site and Building Plans for a TGI Friday's Restaurant. This development reduced the 1,257 spaces to 1,167 spaces. The applicant acquired a vacant service station at the southeast corner of the site and expanded the parking lot to provide 1,251 parking spaces. The applicants was required to, through the purchase of additional land or obtaining a lease from adjoining properties, provide 220 additional parking spaces for a total required parking of 1,471 parking spaces. (Agenda and report attached)
- April 1988 – Variance to allow wall surface other then allowed by City Code.
- October 2000 – Variance to increase wall signs permitted from 400 square feet to 848 square feet. (Case 5960A-00)
- June 1, 2015 – Approved Revised Final Site and Building plans for parking expansion to remove the violation resulting the removal of a parking lease from the adjoining properties. (5960B-15) NOTE: No work has commenced based on this plan and the property remains in violation.
- May 4, 2017 – Approved Revised Final Site and Building plans for parking expansion to remove the violation resulting the removal of a parking lease from the adjoining properties. (PL201700070) NOTE: No work has commenced based on this plan and the property remains in violation. (Plans attached)

In 1995, one of the office buildings where parking was obtained via a lease was redeveloped. The hotel property owner (Minnesota California Partners) was required to replace the parking which was no longer provided. Minnesota California Partners worked with the City Traffic Engineer to evaluate parking demand and prepared alternatives to provide the 220 parking spaces required in the 1984 approval. This was accomplished through on-site parking modifications which provided 35 additional spaces and the parking lot reconfiguration adding the additional 60 spaces as evidenced in the Parking Agreement dated November 2, 1995 and recorded as Document number 6510394 (the "Parking Agreement").

This increased the total on-site parking spaces to 1,346 parking spaces. The net result was the Doubletree site was 125 spaces under the Code-required 1,471 parking spaces. Minnesota California Partners sought and received a joint parking agreement with the Hotel Sofitel property to the south (5601 West 78<sup>th</sup> Street) to allow an additional 125 parking spaces, which joint agreement is code compliant.

The 1995 City Code approved joint parking to satisfy the City Code requirements provided:

- 1) The proposed joint parking space is within 500 feet of the use it serves;
- 2) The applicant shall show there is not substantial conflict in the principle operating hours of the two buildings or uses for which the joint use of off street parking facilities is proposed.
- 3) A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Division of Building and Inspections.

In accordance with the 1985 City Code, the City of Bloomington and the property owners entered into an agreement which established joint use of the parking between the Radisson and 5601 West 78<sup>th</sup> Street. In 2014 the City of Bloomington has been notified that the lease for 41 spaces at 7808 Normandale Boulevard was not renewed and the easement for the 125 spaces at 5601 West 78<sup>th</sup> Street is being terminated.

Therefore, the Doubletree Hotel is deficient 166 parking spaces from the City Council approved 1,471 spaces, which is significantly lower than the City Code. This creates significant concern as there are ongoing parking issues. Action was commenced to resolve the violation and the applicant submitted and gained approval for parking lot modification to remove the violation in 2015. That approval was never constructed and in May of 2017, revised plans were approved. To date, no construction has started and the violation remains.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Therefore, by December 31, 2018, the site will require significant upgrades to the parking lot and building entry's to comply with these minimum requirements.

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. A review was completed and did determine the building is legally non-conforming for the setback along West 78<sup>th</sup> Street and legally nonconforming for the 20 foot required yard area along a street along a portion of West 78<sup>th</sup> street and at the northeast corner of the site.

To complete an in depth review of all performance standards, which includes a site visit and review of plans (if-provided) including but not limited to as-built surveys, any floor plans, use details, or other information is not included in this letter, that level of detail requires \$124 for the full analysis plus \$52 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 not limited to:

- Section 19.40.07 – Commercial Service Districts (CS-1)
- Section 19.38.02 – Flood Hazard (FH) 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 21.501.01 – Final Site and Building Plans
- Section 21.504 – Nonconformity

NOTE: To review a City Code Section, type [www.code.blm.mn/](http://www.code.blm.mn/) followed by the City Code Section number. (For example [www.code.blm.mn/21.301.07](http://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 hotel / conference center / restaurant use may be reconstructed and continue following casualty, in accordance with the approval plans. If it is destroyed, reconstruction must comply with the applicable performance standards at the time it is reconstructed. If the property is non-conforming with any performance standards, which cannot be accurately determined without a full review of an as built survey and development details, and in the event of casualty, the Property

would be required to meet the applicable codes at the time it is rebuilt. The property is currently in violation of the City Code with regard to landscaping and parking.

City records show no additional enforcement orders against the property other than the parking and landscaping previously mentioned. The violations noted above are to be removed with planting the required landscaping and constructing the approved parking. This statement does not mean that the property is free of additional violations or is in full compliance with federal, state and local applicable codes. As previously mention, the parking lot lighting must be upgraded by December 31, 2018. The property currently does not comply minimum parking lot lighting.

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 hotel / conference center / restaurant purposes 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 Property complies with, or is otherwise exempt from, applicable subdivision regulations.
- 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. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. 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 Property which it is approved.
- 9) Violations Outstanding or Development Related Fees Paid:  
As previously stated, the property is in violation for parking as well as landscaping. I am unaware of any additional or alleged violations applicable to any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years, or any other pending or contemplated enforcement proceedings against the Project. All required fees have been paid in connection with the development and use of the Project, including any impact-related

fees, have been paid, and no such fees which would have applicability to the Project are otherwise pending or known at this time.

10) Flood Zone Designation:

The Property is 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 2753C0451 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](mailto:lpease@BloomingtonMN.gov) for any questions.

Sincerely,



Londell Pease, Senior Planner  
Community Development – Planning Division