



August 21, 2017

Ferdinand F. Peters, Esq., Law Firm
 ATTN: Jay Smigielski, Attorney
 Lakes and Plains Office Building
 842 Raymond Avenue South
 St. Paul, MN 55114

Re: Zoning Verification Letter for - 8201 Park Avenue, PID # 0202724320089 (Property)

Dear Mr. Smigielski:

In response to your request for land use information/verification for the property located at 8201 Park Avenue, please be advised of the following as of the date hereof:

- 1) Current Zoning and Comprehensive Land Use Plan Designation: The land is zoned both R-1 (PD) and R-1 and is subject to the use restrictions and performance standards in the Bloomington City Code. The Comprehensive Plan designates the Property as Quasi-Public and Public. The adjoining property uses, zoning and land use designations are as follows:

Direction	Use	Zoning	Comprehensive Plan
North/East	Public Park	R-1(PD)	Public
South/West	Singe Family Dwellings	R-1	Low Density Residential

- 2) Conformance with Current Zoning Requirements: On May 2, 2011, the City Council approved a conditional use permit for a place of assembly/community center, a day care, and an elementary school subject to six conditions of approval and eight Code requirements (resolution attached). The uses are listed in Section 21.209 (Use Tables) of the City Code as follows:

- A day care is a Conditional Accessory Use subject to the performance standards in Bloomington City Code Sections 21.302.06 and 21.302.27.
- Schools are a conditional use subject to the performance standards in Bloomington City Code Sections 21.302.06 and 21.302.25.
- A place of assembly is a Conditional Use subject to the performance standards in Bloomington City Code Section 21.302.06.
- A community center is defined in Section 19.03 as a place of assembly and as an institutional use.

The City Code sets forth different parking requirements for each of these uses. City staff, Planning Commission and City Council review included a parking analysis related to the multiple uses proposed. That review was based on the information provided by the applicant and identified in Table 2 of the staff report (report attached). The proposed uses included among others a day care of 20 students with four staff and a weekday elementary school of 60 students. Accordingly, the parking analysis of these uses resulted in the conditions that were included in the conditional use permit, capping the number of students for each use. Any change in these uses would require additional parking analysis for Code compliance and amendment of the conditional use permit.

To memorialize occupancy limitations and accommodate the parking supply and demand, several conditions of approval were adopted that regulate concurrent uses and potential changes in uses beyond what was proposed. Condition 3.h (in the resolution attached) was adopted to address any occupancy or use changes that may impact parking demand. The condition reads:

Changes in occupancy, building use or access to the parking spaces on land not owned by the property owner/applicant as identified in the staff report must be reviewed and approved by the Planning Manager and may require an amendment to the Conditional Use Permit.

- 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 approved uses in Case File 8915A-11 may continue following casualty as long as the Conditional Use Permit is in effect. If the conditional uses all cease for a period of one year or longer, the existing Conditional Use Permit would expire. If the structure is destroyed, reconstruction must comply with the applicable performance standards and structure Codes at the time it is reconstructed.
- 5) No Further Approvals or Licenses Required: The approved uses as an elementary school, a day care, and a place of assembly/community center are allowed conditional uses under the Zoning Ordinance (subject to compliance with the approved Conditions of approval and Code requirements) and do not require any additional rezoning, special exceptions, use permits, variance or other approvals to exist on site in their approved occupancy. 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. In 2011, a Plat (SMITH PARK 3rd ADDITION) was approved and subsequently filed.

- 7) No Application(s) Pending: No application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Property or Project, is now pending. No proceeding to challenge zoning or other governmental approval or use of the Project is pending.

- 8) 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 2753C0457E dated September 2, 2004.

This information was researched by the person signing this letter on behalf of the City of Bloomington, on request, as a service. The undersigned certifies that 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,



Londell Pease, Senior Planner
Community Development Division