



November 18, 2022

The Title Team
ATTN: Morgan Mixdorf
10100 Viking Drive, Suite 510
Eden Prairie, MN 55344

Re: Basic zoning letter for 333 and 401 West 86th Street (Property)
PID#'s 10-027-24-22-0033 and 10-027-24-22-0038

To Morgan Mixdorf:

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 I-3, General Industrial, and subject to the applicable City Code performance standards. The Comprehensive Plan Land Use Plan designation is Industrial. The Zoning and Comprehensive Land Use Plan maps can be viewed at <https://www.bloomingtonmn.gov/plan/zoning-guide-plan-maps>.

The adjoining property uses are office, warehouse, and manufacturing. All properties are zoned I-3 and designated Industrial on the Comprehensive Plan.

2) Conformance with Current Zoning Requirements:

The Property's use as an office/warehouse is permitted in the I-3 Zoning District. The Planning and Zoning reviews on file include but are not limited to the following:

- June 4, 1973 – City Council approved a variance for a lot without public street frontage. (Case 7869A-73)
- November 23, 1992 – City Council approved a waiver of platting, Preliminary Plat of Chemrex Addition, and Final Site and building plans for an 18,000 square foot manufacturing/warehouse addition onto the existing 14,800 square foot manufacturing/warehouse building, subject to conditions. (Case 7869ABC-92)
- December 21, 1992 - City Council approved a Final Plat of Chemrex Addition, subject to conditions. (Case 7869C-92)
- October 7, 2013 – City Council approved a deferring park dedication until issuing a building permit, a Preliminary and Final Plat of M-M Development 3rd Addition at 401 West 86th Street. (Case 8577ABC-13)

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 base fee of \$135 plus \$58 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years, and no building-related plans are on file.

However, a review of the aerial photography and recent observations by the Environmental Health Division found violations and other concerns regarding the Property. They include the following:

- The approved landscape plan has not been maintained, and there are missing plant materials. See the attached landscape plan. This is a violation.
- Parking
 - The 1993 expansion required 41 parking spaces for approximately 3,000 square feet of office and the remainder of the warehouse/manufacturing. A condition prohibited any storage in the required parking areas. An aerial photo review shows storage in the required parking at various times since 2016. This would be a violation.
 - The City Code was amended in 2006. The required parking for approximately 3,000 square feet of office and 12,000 square feet of manufacturing is 51 spaces. Therefore, any change of use, which could be an increased office area, auto repair, manufacturing, etc., that increases parking must provide additional parking over the 41 spaces legally non-conforming as of 2006. In addition, there are suspected auto repair and detailing uses that were added without creating additional parking. This could be a violation. A thorough review of the building and its uses should be completed to verify if any parking violations exist. If so, corrective actions should be completed.
- Between September 2021 and May 2022, large mechanical equipment (possibly chillers) was added to the site's north side. The changes would require a Final Site and Building Plan and all associated permits. There are no permits for the units, and this is a violation.
- In 2017, a 45-foot by 46-foot outdoor storage area was approved. The aerial photo research shows that the outdoor storage has exceeded the allowed area on several occasions. Anything outside the approved area would be a violation.

In 1996, the City Council approved a parking lot and security lighting ordinance, which required full compliance with the City Code at a future date. Currently, City Code compliance is required by December 31, 2024. Therefore, this site may require upgrades to the parking lot and building entries to comply with these requirements.

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

- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.206.03 – General Industry (I-3) District
- 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 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Non-conformity

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 (City) 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 was a 30-foot deep temporary monitoring well on-site, identified as well# 27W0020168. Range Environmental Drilling sealed the well on September 15, 2021. Minnesota Sealing #H390406.

4) Right to Rebuild Following Casualty:

The office/warehouse, as approved in 1992 and 2017 in the I-3 in the 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 reviewing an as-built survey, floor plans, 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 when rebuilt.

5) No Further Approvals or Licenses Required:

The current use by its owners for office/warehouse purposes is permitted under the Zoning Ordinance without any rezoning, special exceptions, use permit as approved in 1992 and 2017, variance, or other approval. I am not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before acquiring the Property or before the Property may continue to be used in the manner it is presently being used.

6) Compliance with Subdivision Regulations:

The Property complies with applicable subdivision regulations with a Plat of CHEMREX ADDITION approved and filed.

7) No Application(s) Pending:

No application for rezoning, a special or conditional use permit or variance in connection with the Property is now pending. Further, no proceeding to challenge zoning or other governmental approval or use of the Property is pending or overtly threatened to the best of my knowledge.

8) Certificate of Occupancy:

I am unable to locate a certificate of occupancy for the Property. Given the case file history described above, I have no reason to believe that 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 initially approved.

9) Open Permits, Known Violations, or Fees Due:

Other than the violation or potential violation listed in Section 2, I am unaware of any additional violations of any zoning, subdivision, building, or similar ordinances or regulations applicable to the Property

However, this statement does not mean the Property is free of violations or fully complies 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.

A review finds that the following permit remains open with unresolved inspections:

- PRPL202202752 – A plumbing permit to install two food prep sinks with floor drains was issued to Vosen Plumbing on March 30, 2022. A partial pass rough-in inspection was completed. No additional inspections were requested or completed, and the permit is expired.

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 designates the Property as Zone X on Panel Number 2753C0456F dated November 4, 2016.

This information was researched by City staff as a service. The undersigned certifies that the above information is accurate based on the information supplied for this zoning verification and the information on file with the City. However, the City assumes no liability for errors or omissions. All data was obtained from public records, which may be inspected during regular business hours.

Please contact me with questions at 952-563-8926 or lpease@bloomingtonmn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Pease', with a stylized, flowing script.

Londell Pease, Senior Planner
Community Development – Planning Division