



January 3, 2023

CBRE
Attn: Cody Cannon
1310 Dorchester Drive
Norman, OK 73069

Re: Basic zoning letter for 2401 E 86th Street (Property) - PID# 1202724120032

To Cody Cannon:

In response to your 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 IT(PD)(BP)(AR-17) - Innovation and Technology (Planned Development) (Bluff Protection) (Airport Runway) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Innovation and Technology. 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 and East	Conservation land	SC(BP)(AR-17)	Conservation
South	Townhomes	R-1(PD)(BP)	Low-Density Residential
West	Fire Station /Place of Assembly	R-1	Public and Quasi-Public

2) Conformance with Current Zoning Requirements:

The Property use for office, research and development, and computer component manufacturing and associated uses is permitted in the IT Zoning District. The Planning and Zoning reviews on file include but are not limited to the following:

- August 6, 1984 – The Comprehensive Plan was amended from High-Density Residential and Office to Employment Oriented Mixed Use for 2401 East 86th Street (Case 8731A-84). The City Council also rezoned the Property from B-1(PD) to IN-1 on August 6, 1984 (Cases 8731B-84).
- February 25, 1985 –City Council approved a resolution extending the provisional zoning of IN-1 for 120 days for the VTC Corporation (Case 8731B-84).
- April 1, 1985 – The City Council approved the Preliminary and Final Plat of River Ridge 2nd Addition with conditions (Case 8731A-85).

PLANNING DIVISION

1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-8920 FAX 952-563-8949 MN Relay 711

AN AFFIRMATIVE ACTION/EQUAL
OPPORTUNITIES EMPLOYER

- November 25, 1985 – The City Council rezoned the Property from R-1 and R-4 to RO-50 (Case 9260A-85).
- March 30, 1992 – The City Council approved rezoning from IN-1 to CO-1 (Case 8731A-92).
- June 6, 1994 – The City Council approved a rezoning of 2401 East 86th Street and part of 2400 Skyline Drive from C)-1 to CO-1 (PD), approved a Preliminary and Final Development Plan with conditions for the same properties (Case 8731A-94) and approved the Preliminary and Final Plat of Cypress Addition with conditions (Case 8731B-94). The City Council also approved a Certificate of Appropriateness with conditions to allow the previously approved development adjacent to a Prehistoric Site at 2401 East 86th Street (Case 9731C-94).
- October 17, 1994 – the City Council approved a Certificate of Appropriateness to allow the installation of an LPG tank on a Prehistoric Site at 2401 East 86th Street (Case 8731D-94).
- On November 7, 1994 – The City Council approved the Preliminary and Final Plat of Cypress Addition (Case 8731E-94).
- A Revised Final Development Plan for a canopy and an acoustic wall was approved administratively (Case 8731A-95).
- September 14, A Revised Final Development Plan for minor site improvements was administratively approved on September 14, 1995 (Case 8731B-95). A Certificate of Appropriateness to allow the previously approved improvements for a Prehistoric Site was approved with conditions by the City Council on October 2, 1995 (Case 8731C-95).
- September 2, 1997 – The City Council took the following actions regarding the Property that is now 2300 East 86th Street: 1) The Comprehensive Land Use Plan was amended from High Density with Office to Office (Case 10341A-97); 2) Adopted an ordinance rezoning the Property from RO-50 to B-1 (Case 10341B-97); 3) Approved a Conditional Use Permit and Final Site Plans and Building Plans for a parking lot with conditions (Case 10341C-97); and 4) Approved the Preliminary and Final Plat of Cypress Administrative Addition with conditions (Case 10341D-97).
- June 15, 1999 – Revised Final Site and Building Plans for an emergency generator were administratively approved for 2401 East 86th Street (Case 8731A-99).
- February 7, 2000 – The City Council approved a revised Final Development Plan for a building addition, and related site improvements were approved with conditions by the City Council on February 7, 2000 (Case 8731C-99).
- September 11, 2000 – Revised Final Site and Building Plans for revisions to a parking lot at 2401 East 86th Street were administratively approved (Case 8731A-00).
- March 20, 2001 – Revised Final Development Plan for tank farm expansion at 2401 East 86th Street was administratively approved with conditions on (Case 8731A-01).
- September 9, 2019 – City Council approved a rezoning CO-1(PD)(BP)(AR-17) to IT(PD)(BP)(AR-17) and Major Revisions to preliminary and final development plans for an approximately 67,000 square foot addition and site changes. (Case PL201900127) CASE LINK for all documents and plans:
<https://permits.bloomingtonmn.gov/ProdPorta/Planning/StatusReference?referenceNumber=PL201900127>

- October 28, 2019 - City Council approved a Type I Preliminary and Final Plat for Skywater. (PL201900174) CASE LINK for all documents and plans:
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201900174>

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 \$139 plus \$59.75 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.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.38.03 – Airport Runway Overlay Districts
- Section 19.57.01 – Steep Slopes
- Section 19.63.01 – Exterior Materials and Finish
- Section 19.113 – Signs
- Section 21.206.06 – Innovation and Technology (IT) District
- Section 21.208.02 – Bluff Protection (BP) 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 21.301.15 – 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 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan
- Section 21.504 – Nonconformity

NOTE: Access the City Code at www.code.blm.mn and use the index on the left to navigate.

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.

4) Right to Rebuild Following Casualty:

The office, research and development, and computer component manufacturing and associated uses is a permitted use in the IT Zoning District. It may continue following casualty, based on Zoning requirements if complying with City Code Section 21.504, Non-conformity, and the applicable performance standards. Without a full performance standards review, it is unknown what non-conformity may exist. Rebuilding the Property to the legal non-conforming development level is allowed, provided a permit is issued within 365 days of a casualty date. Any changes would require compliance with the applicable codes when rebuilt.

City records show no open enforcement orders against the Property at this time. 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.

5) Open Permits

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

Building Permits expired

- PRBD202001615 was issued to McGough Construction on April 2, 2020, for Interior Construction. No inspections were requested or completed.
- PRBD202012644 was issued to McGough Construction on November 3, 2020, for an exterior Silane Storage Structure. No final inspection was requested or completed.

Commercial Roofing Permit expired

- PRCRF202104005 was issued to Rosenquist Construction Inc on May 10, 2021, for a complete roof tear-off to the deck, putting back fully adhered EPDM. No inspections were requested or completed.

Electrical Permits Expired

- PREL202001241 was issued to Hubbard Electric Inc on February 11, 2020, for elevator modernization for one car. No inspections were requested or completed
- PREL202012382 was issued to Preferred Electric Inc on October 15, 2020, to install an SEZ/SCRUB machine. Failed the initial final inspection. No reinspection was not requested or completed.
- PREL202013616 was issued to Horwitz Inc on November 2, 2020, for an electrical hook-up for VERITY 501 Equipment (2041.4579). No independent 3rd party evaluation for the equipment provided, as required.
- PREL202013692 was issued to Horwitz Inc on November 6, 2020, for a raider FEOL, 80A feeder (2041.4578) wire feed to the transformer. No independent 3rd party evaluation for the equipment provided, as required.
- PREL202015475, PREL202015477, PREL202015481, and PREL202015482 were issued to Horwitz Inc on December 24, 2020, for 1) an electrical hook-up for EBEAM502

- Equipment (2041.4628) and EBEAM501 Equipment; 2) for an electrical hook-up for FIB501 Equip (2041.4627), 3) for an electrical hook-Up for EBEAM501 Equipment (2041.4629) and 4) for electrical hook-up for AFM501 Equip (2041.4630) and AFM501 Equipment. No independent 3rd party evaluation for the equipment provided, as required.
- PREL202101879 was issued to Horwitz Inc on March 2, 2021, for an electrical hook-up for the chem dock, conduit with (2) 20A Circuits running to the hallway to refrigerators and install isopropyl alcohol refrigeration machine. No inspections were requested or completed.
 - PREL202101954 was issued to Nardini Fire Equipment Company Inc on March 1, 2021, to install pre-action detection, alarm, and releasing system. No inspections were requested or completed.
 - PREL202102109 was issued to Horwitz Inc on March 3, 2021, for an electrical hook-up for RTA Equipment. No independent 3rd party evaluation for the equipment provided, as required.
 - PREL202108354 was issued to Preferred Electric Inc on July 14, 2021, to install a cable tray and wiring into a 3000 amp service. Partial pass final inspection completed. No other inspections were requested or completed.
 - PREL202109636 was issued to Horwitz Inc on July 27, 2021, for two temperature controllers, BAS low voltage, Nitrogen Plant (2160.0101). No final inspection was requested or completed.
 - PREL202109808 was issued to Preferred Electric Inc on July 30, 2021 to install equipment, piping and wiring for an out of state contractor for the N2 plant. No inspections were requested or completed.
 - PREL202111108 was issued to Hunt Electric Corporation on August 26, 2021, for project Ice Castle Plant Phase 2. A partial pass rough-in inspection was completed. No other inspections were requested or completed.
 - PREL202112384 was issued to Horwitz Inc on September 28, 2021, for one temperature control (2160.0128). No inspections were requested or completed.
 - PREL202112804 was issued to Preferred Electric Inc on September 27, 2021, to install lighting, power, and data in a secure workspace. Partial final inspection completed with conditions. No other inspections were requested or completed.
 - PREL202113165 issued to Horwitz Inc on October 4, 2021 to install a twin scan requires one transformer and two tool connections off the transformer (2141.4915). No independent 3rd party evaluation for the equipment provided, as required.
 - PREL202113593 was issued to Preferred Electric Inc on October 27, 2021, to furnish and install a new 13.8/480V 2000KVA Transformer with a 3000 Amp switch to feed new UPS #406. Partial pass rough-in inspection completed. No other inspections were requested or completed.
 - PREL202115833 was issued to Preferred Electric Inc on December 3, 2021, to install a 100 AMP 480 Volt panel off UPS Panel 406 to feed Drives and Motor starters controlling sump pumps in S-104 waste water pit. No inspections requested or completed
 - PREL202200658 was issued to Preferred Electric Inc on February 17, 2022, to install and connect owners electrical equipment for N2 plant at SkyWater Technology. No independent 3rd party evaluation for the equipment provided, as required.

- PREL202200977 was issued to Preferred Electric Inc on March 18, 2022, replacement of Transformer Y, Main Switch, and line side and load side conductors. No inspections were requested or completed.
- PREL202201150 was issued to Preferred Electric Inc on February 16, 2022, to replace the H1 transformer and load side switch. No inspections were requested or completed.

Fire Suppression permits

- PRFS202001310 was issued to Escape Fire Protection LLC on February 12, 2020, to replace all of the pipe and sprinklers on the system side of the dry pipe valve on the North side of the Property. No inspections were requested or completed.
- PRFS202014449 was issued to Viking Automatic Sprinkler Co on November 24, 2020, to tie into the existing dry system to feed a new silane storage structure with 3 Heads. No inspections were requested or completed.
- PRFS202101953 was issued to Nardini Fire Equipment Company Inc on March 4, 2021, to install preaction system to protect the updated Server Room and Records Room. No inspections were requested or completed.
- PRFS202102133 was issued to Escape Fire Protection LLC on March 4, 2021, to relocate one sprinkler in a vestibule. No inspections were requested or completed.

Mechanical Permit

- PRMH202000360 was issued to Horwitz Inc on January 31, 2020, for a building expansion. No final inspection was requested or completed.

Tank Permit

- PRTP202110099 was issued to Specialty Fitters Inc. on August 5, 2021, to install three new 15k gallon Nitrogen tanks, replacing two 15k gallon Nitrogen tanks. Failed tank support and final inspections. No other inspections were requested or completed.

6) No Further Approvals or Licenses Required:

The current use by its owners for office, research and development and computer component manufacturing and associated use 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 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.

7) Compliance with Subdivision Regulations:

The Property complies with the applicable subdivision regulations. On October 28, 2019, the City Council approved a Plat of CYPRESS SECOND ADDITION. The plat was subsequently filed. (Case PL201900174)

8) No Application(s) Pending:

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

9) Certificate of Occupancy:

I cannot locate a certificate of occupancy for the original construction, as record retention is 15 years. Likewise, I cannot find a Certificate of Occupancy for the most recent expansion, where many permits expired. The absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property.

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 2753C0476F dated November 4, 2016.

11) Prehistoric sites (Burial Mounds):

Along the east side of the building, there are nine known prehistoric sites (burial mounds) which are protected via the approved and filed Mound Management Plan. (attached) Any activity near the prehistoric sites would require review by the Minnesota Indian Affairs Council before any permits are issued.

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,



Londell Pease, Senior Planner
Community Development – Planning Division