



August 25, 2019

Land Title, Inc.
ATTN: Sophie Fosse
2200 W. County Road C, #205
Roseville, MN 55113

Re: Zoning review for 9801 Lyndale Avenue (Property) - PID# 1502724320064,

To Sophie Fosse:

In response to your request for zoning 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 B-4(PD) - Neighborhood Commercial Center (Planned Development) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Community Commercial. The Zoning and Comprehensive Land Use Plan maps can be viewed at <https://www.bloomingtonmn.gov/plan/zoning-and-guide-plan-maps>.

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

Direction	Use	Zoning	Comprehensive Plan
North	Medical Office	B-4(PD)	Low Density Residential
South and East	Retail	B-4(PD)	Industrial
West	Vacant restaurant	B-4(PD)	Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as a multiple tenant retail building is a permitted use in the B-4 Zoning District. The property has access to two public street via access easement through adjoining properties.

The Planning and Zoning reviews on file include but are not limited to:

- July 8, 1985 – City Council approved Final Development Plans for the Oxboro multiple building retail site. (9207D-85)
- December 16, 1985 – City Council approved a variance for a third sign at Burger Brothers. (Due to a City Code change in 1996, the variance is no longer required and expired.) (9207A-85)
- December 19, 2005 – City Council approved revised Final development Plans for exterior modifications at 9701 Lyndale Avenue. (9207A-05)

- June 12, 2013 – Administrative revised Final Development Plans of exterior building modification for Duluth Trading Company. (9267A-13)
- June 12, 2013 – Administrative revised Final Development Plans for a new entry access for a potential future tenant. (PL2018-105)
- April 1, 2019 – City Council approved rezoning from B-2(PD) to B-4(PD). (PL2019-23)

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. However, as part of this review it was found the property is in violation of the required landscaping. The property is legally non-conforming for landscape materials and it appears 7 trees are no longer provided. The trees are three Redmond Linden in the entrance island and four red pines near the Duluth Trading entrance. While no enforcement action is initiated at this time, any future applications for the site changes would require the trees be provided in compliance with the requirements.

For other performance standards, 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 is not included in this letter, must be provided. A performance standards review has a separate fee of \$131 plus \$56 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years and there are limited building-related plans on file.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Currently, the City Code compliance is needed by December 31, 2020. This site would require upgrades to the parking lot and building entries to comply with these minimum requirements.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.52 – Landscaping and screening
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.204.03 – Neighborhood Commercial Center (B-4) 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 21.301.16 – 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: 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. Non-City providers provide all other utilities. Please contact the appropriate provider for detailed information on other services to the property. Documents show there were three water supply wells on-site, identified as follows:

- A 34 foot deep water supply well and identified as well# 27W0017719. The well was sealed on July 9, 1985 by E.H. Renner & Sons Inc.
- A 50 foot deep water supply well and identified as well# 27W0019860. The well was sealed on May 15, 1986 by Dependable Well Co.
- A 72 foot deep water supply well and identified as well# 27W0019861. The well was sealed on May 14, 1896 by E.H. Renner & Sons Inc.

4) Right to Rebuild Following Casualty:

The retail use in the B-4 Zoning District may continue following casualty, in accordance with the performance standards at the time it is rebuilt and in accordance with City Code Section 21.504, Non-conformity. If the Property is non-conforming from any performance standards, which cannot be accurately determined without a full review of an as-built survey and associated development details, and in the event of a casualty, the Property could be rebuilt to the legally non-conforming development. Any changes would require compliance with the applicable codes at the time it is rebuilt.

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.

5) No Further Approvals or Licenses Required:

The current use by its present owners for retail sales 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 Property or before the Property may continue to be used in the manner in which it is presently being used.

6) Compliance with Subdivision Regulations:

The Property complies with the 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 duly issued. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. A new purchaser doesn't need to obtain either an original Certificate of Occupancy or an amendment to the existing Certificate of Occupancy to continue use and occupancy of the Property which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

Other than the missing trees mentioned in Section 2, I am unaware of any ongoing 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 charges which would have applicability 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 2753C0458F dated November 4, 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 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 – Planning Division