

March 30, 1993

Mr. Carl Ownbey, Real Estate Manager
Wal-Mart Stores, Inc.
Mitchell Building
701 South Walton Boulevard
Bentonville, AR 72716

Dear Carl:

At its March 29, 1993 meeting the Bloomington City Council approved a Comprehensive Plan amendment from Other Commercial to Retail Commercial, rezoning from FD-2 to CR-1(PD), a Preliminary Development Plan and a Final Development Plan, as shown in Alternative C, for property located at 715 East 78th Street and 7820 Chicago Avenue subject to the following conditions of approval:

Conditions of Approval to be satisfied prior to issuance of a development permit:

- 1) A development agreement between the developer and the City be executed which incorporates these conditions of approval;
- 2) The developer, current property owners and any and all assignees comply with the provisions of Sections 15.69-78 of the City Code;
- 3) The developer reserves the outlot for I-494 rights-of-way and agrees the the sale price of this outlot will not exceed its purchase price plus holding costs of property taxes and interest until it is purchased by the Minnesota Department of Transportation;
- 4) The developer agrees to provide the access easements to the remnant of the Village Square shopping center site (615-625 East 78th Street, 7801-7849 Portland Avenue);
- 5) Revised grading, drainage, erosion control and utility plans be approved by the City Engineer;
- 6) The developer pay a park dedication fee of \$116,000 to the City of Bloomington;
- 7) The developer plat a forty foot wide outlot over the southern-most part of the western property boundary;

Other Conditions of Approval

- 8) Full building sprinklering, enclosed trash storage, fire department connections, hydrant locations and fire lane posting be as approved by the Fire Marshal;
- 9) Revised parking lot, driveway and street entrance plans be approved by the Traffic Engineer;
- 10) Site lighting shall be 5 footcandle average, 2 footcandle minimum with pedestrian areas adjacent to the main entrance illuminated to 10 footcandles for horizontal surfaces, with other site lighting being as approved by the Chief of Police and the Director of Planning;
- 11) Crime prevention plan be approved by the Chief of Police;
- 12) Disabled access, parking and toilet facilities be provided as approved by the Manager of Building and Inspection;
- 13) Food service be approved by the Environmental Health Services Division;

October 22, 2002

Jane Bullock
Wares Delaware Corporation
c/o Wal-Mart Stores, Inc.
702 S.W. 8th Street
Bentonville, AR 72716

RE: Case 9951A-02

Dear Ms. Bullock:

At its regular meeting of October 21, 2002 the City Council approved the revised final development plan for a garden center addition at 700 East 79th Street, subject to the following conditions being satisfied prior to the issuing of any building, grading, and foundation permits:

- 1) A development agreement, including all conditions of approval, be executed by the applicant and the City. The development agreement shall include provisions for establishing a permanent and replenishable escrow fund in the amount of up to thirty thousand dollars (\$30,000) to assure compliance with City Code requirements, Conditions of Approval and requirements of the development agreement. Violations found by the City shall be charged against the escrow account at the rate of one thousand dollars (\$1000) per violation per day. The development agreement shall specify a procedure for notification when violations are detected;
- 2) An exit study of the building be completed and approved by the Fire Marshal;
- 3) Exterior building materials be approved by the Planning Manager;
- 4) Grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 5) Access, circulation and parking plans be approved by the City Traffic Engineer;
- 6) Erosion control plan be approved by the City Drainage Engineer and measures be in place prior to issuance of grading permits;
- 7) A SAC questionnaire be completed and submitted to the Department of Public Works;

and subject to the following additional conditions of approval:

- 8) The applicant comply with all previous conditions in Case 9951AB-92;

and subject to the following Code requirements:

- 1) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);

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