



February 13, 2017

Guaranty Title Inc
 ATTN: Julie Givens
 Renaissance Square
 520 Nicollet Mall, Suite 400
 Minneapolis, MN 55402

RE: Freeway Ford, 9700 Lyndale Avenue – PID 16-027-24-14-0007 (Property)
 Lot 1, Block 1, Freeway Ford 1st Addition, Hennepin County, Minnesota

Dear Ms. Givens:

In response to your request for land use information regarding 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 General Commercial (B-2) and is subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is Community Commercial. The adjoining property use, zoning and Comprehensive Plan designations are:

West – I-494 and self-storage Zoned I-2 and designated Industrial

South – Retail shopping Center Zoned B-2 and designated Community Commercial

East – Retail shopping center and financial institution Zoned B-2(PD) and B-2 and designated Community Commercial.

North – Office/Warehouse and restaurant Zoned I-3 and B-2 and designated Industrial and Industrial

NOTE: This site is partially within the MPCA's State Superfund Permanent List of Priorities (PLP). The primary contaminants of concern are trichloroethylene (TCE) and perchloroethylene, also known as perchloroethylene (PCE). TCE and PCE are solvents used for metal cleaning and other industrial processes. For more information, please see <https://www.pca.state.mn.us/waste/bloomington-lyndale-avenue-corridor-site>.

2) Conformance with Current Zoning Requirements:

The Property use as new and use Auto Dealership is a permitted use as it was established prior to 01/01/2010. The use was originally established with a Conditional use Permit in 1965. In 2010 the site was rezoned from CB to B-2, language was added to make any existing auto dealership in B-2 prior to 2010 to be a permitted use.

In 2010 a review was completed to verify the structure had been constructed as previously approved, based on the CB Zoning Standards. At that time, the structure setbacks were verified as compliant. Since the site was zoned B-2 in 2010, no review has been completed and I cannot determine the level of City Code development performance standard compliance for the B-2 Zoning District and the Motor Vehicle Sales standards (section 21.302.01). To complete an in depth review, which includes a site visit and review of plans (if-provided) including but not limited to as-built surveys, any floor plans, use details, or other information is not included in this letter, that level of detail requires \$124 for the full analysis plus \$52 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years and there are no building related plans on file.

Several Planning and Zoning reviews have occurred over the years. The following zoning approvals have been granted for the Property.

- June 14, 1965 – Approved a conditional use permit for new and used motor vehicle sales was approved with conditions (Case 5147A)
- November 1, 1965 – Approved a variance to build on unplatted parcel of land (Case 5147B-65).
- February 7, 1966 – Approved variances for an oversized sign and a height of 50 feet (Case 5720AB-66)
- September 9, 1968 – Approved a variance for a third sign (Case 5147D-67)
- October 12, 1971 – Approved a conditional use permit for the expansion of an automobile dealership with conditions. (Case 5147A-71)
- August 28, 1972 – Approved Freeway Ford 1st Addition (Case 5147G-72).
- May 15, 1995 – Approved revised final site plans and building plans for an addition to and the remodeling of an existing automobile dealership with conditions (Case 5147A-95)
- November 16, 1998 – Approved the designation of the freestanding sign adjacent to Interstate Highway 35W as a historic sign and waived the requirements of the Sign Code (Case 5147A-98)
- November 5, 2001 – Approved variances to increase the sign height along Lyndale Avenue, to increase its sign area, to increase total site sign area, and to reduce the setback from Lyndale Avenue with conditions. (Case 5147ABCD-01)
- April 26, 2010 – Approved a rezoning from CB to B-2. (Case 10002B-10)

The pertinent City Code (zoning) sections applicable to the subject property include but are not limited to the following:

- Section 19.51 – Refuse handling and storage
- Section 19.52 – Landscaping and screening
- Section 19.52.01 – Screening of roof mounted equipment
- Section 19.63.01 – Exterior Materials

- Section 19.122 – Signs
- Section 21.204.02 – General Commercial (B-2) District
- 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 21.302.01 – Motor Vehicle Sales standards

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. Documents show there were two water supply wells on-site, both sealed by Boart Longyear on August 14, 1995. Both wells, identified as 27W0013522 and 27W0013523, had a depth of 40 feet.

4) Right to Rebuild Following Casualty:

The use as a new and used automobile sales and service operation may continue, except for the trash enclosure and illegal parking and storage area, in accordance with City Code Section 21.504, Non-conformity. Any expansion or change must meet the applicable standards at the time of the expansion.

5) No Further Approvals or Licenses Required:

The current use by its present owners for new and use car sales and repair facility may continue 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 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. On August 28, 1972, the final plat of Freeway Ford 1st Addition as approved and subsequently filed. (Case 5147G-72)

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, or to the best of my knowledge, overtly threatened.

8) Certificate of Occupancy:

I am unable to locate a certificate of occupancy for the Project from our records. I have no reason to believe, given the case file history described above, that one was not properly issued, and the absence of a Certificate of Occupancy under such circumstances would not give rise to any enforcement action affecting the Project. It is not necessary for a new purchaser of the Property to obtain either a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order to own, use and occupy the Project in the manner which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

The **existing property is in violation of the City Code** for illegal parking and storage of motor vehicles on an unapproved surface and interior trash collection and storage. The gravel area west side of the building is legally non-conforming for storage, however, there is approximately 65 foot wide by 275 foot deep area on the north of the gravel area previously grass. Enforcement orders have been issued and the property owner is seeking options to remove the violations.

All required fees have been paid in connection with the development and use of the Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project 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, 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 lpeace@BloomingtonMN.gov for any questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division