



September 14, 2020

Commercial Partners Title
Attn: Karla Jordan
200 S. Sixth Street, #1300
Minneapolis, MN 55402

Re: 10520 France Avenue (Property) zoning letter - PID# 19-027-24-41-0029

To Ms. Jordan:

In response to a 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-2(PD) – General Commercial (Planned Development) and 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	Retail and residential	B-2 and R-4(PD)	Low Density Residential
South	Retail, financial services and residential	B-4(PD), B-2, and R-4	Industrial
East	Retail and residential	B-4, B-4(PD) and R-1	Regional Commercial
West	Office	B-2(PD)	Community Commercial

2) Conformance with Current Zoning Requirements:

Property use as a retail shopping center is a permitted use in the B-2(PD) and B-4(PD) Zoning District. Several tenant spaces, such as health club and pet services, are Conditional uses. The Planning and Zoning reviews (not including the expired approvals) on file include but are not limited to those listed below.

The following have information related to the approval attached.

- September 14, 1964 - City Council approved a Conditional Use Permit for a Planned Development Shopping Center subject to conditions. (Case 4672)
- October 4, 1965 - City Council approved a renewal of the September 14, 1964, Conditional Use Permit for a Planned Development Shopping Center subject to conditions. (Case 4672)
- August 16, 1968 - City Council approved a rezoning to B-2 and R-4. (Case 4672A-68)
- July 7, 1969 - City Council approved a Conditional Use Permit and a Preliminary Plat for a retail shopping center and a Conditional Use Permit for off-street parking in an R-3 Zone subject to conditions. (Case 4672A-69, Case 4672B-69 and Case 4672C-69)
- November 15, 1975 - City Council approved a Final Plat subject to conditions. (Case 4672B-75)
- October 4, 1982 – City Council approved a variance for a second freestanding sign at the western entrance to Old Shakopee Road subject to subject to conditions related to location, content, and size restrictions. (Case 4672F-82)
- October 15, 1990 – City Council approved rezoning from B-2 to B-2 (PD) and preliminary and final development plans for renovation and expansion of an existing shopping center subject to conditions. (Case 4672B-90)
- April 22, 1991 – City Council approved revised final development plans for renovation and expansion of an existing shopping center subject to conditions. (Case 4672B-91)
- October 15, 1990 – City Council approved revised final development plans adding parking for an existing shopping center subject to conditions. (Case 4672A-90)
- April 1, 2008 – Administrative approval of a revised final development plan for a temporary greenhouse (Cub Foods) to be established annually from April 15th to June 30th- subject to conditions. (Case 4672A-08)
- July 2008 -- City Council approved revised final development plans for exterior changes subject to conditions. (Case 4672B-08)
- September 14, 2009 -- City Council approved a Conditional Use Permit for a fitness center (Planet Fitness) subject to conditions. (Case 4672E-10)
- December 19, 2013 – Planning Commission approved a Conditional Use Permit for pet services facility (dog grooming) subject to conditions. (Case 4672A-13)
- January 9, 2014 – Planning Commission approved a Conditional Use Permit for pet services facility (Vet services) subject to conditions. (Case 4672B-13)
- May 20, 2014 – Administrative approval for modifications for a loading dock for ARC Value Village subject to conditions. (Case 4672C-14)

The following cases, all documents and approvals, are available online. Got to www.blm.mn/PLCASE and type in the case number in the search box. All documents are on the bottom of the page.

- June 14, 2008 – Planning Commission approved a Conditional Use Permit for an indoor recreation and entertainment use (Bouncington) in an existing shopping center subject to conditions. (Case PL201800165)
- May 23, 2019 – Planning Commission approved a Conditional Use Permit for a health club (Planet Fitness) in an existing shopping center subject to conditions. (Case PL201900060)

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. The site has not been subject to a full property review since 1990. If verification of all performance standard review is required, plans, including but not limited to as-built surveys, lighting, landscaping, floor plans, use details, or other information to complete a review. 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 requires compliance by December 31, 2024. This site is partially in compliance and may require upgrades to the parking lot and building entrances to comply with these minimum requirements.

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

- Section 19.52 – Landscaping and screening
- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 21.204.02 – General Commercial (B-2) District
- 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 21.501.04 – Conditional Use Permit
- 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 for the index of all section 21 regulations.

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.

4) Right to Rebuild Following Casualty:

The retail shopping center and associated approved uses in the B-2 and B-4 Zoning Districts 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 development details. In the event of 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 the Property is free of violations or is in full compliance with federal, state and local applicable codes.

The City has issued food and body art for this address. The Bloomington Environmental Health Division conducts routine inspections related to these licenses. Copies of the inspection reports, if needed, are available through Mark Stangenes at 952-563-8980.

5) No Further Approvals or Licenses Required:

The current use by its present owners for retail shopping center and associated approved purposes is permitted under the Zoning Ordinance without the necessity of any rezoning, special exceptions, Conditional 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 Property complies with the applicable subdivision regulations. In 1975, a Plat of VALLEY WEST SHOP CENTER 2ND ADDITION was approved and subsequently filed.

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 properly issued. 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 its use and occupancy as approved.

9) Violations Outstanding or Development Related Fees Paid:

I am unaware of any active 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.

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 Property's development and use, including any impact-related fees, have been paid. No such fees that would have applicability to the Property 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 2753C0454F and 2753C0462F 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 questions.

Sincerely,



Senior Planner
Community Development – Planning Division