



November 15, 2021

First American Title
ATTN: Kent Erickson
121 South 8th Street, Suite #1250
Minneapolis, MN 55402

Re: Property – 10700 and 10750 Bloomington Ferry Road, Bloomington, MN 55438
7700 West Old Shakopee Road, Bloomington, MN 55438
PID# 3111621420070, 3111621420069 and 3111621420068

Mr. Erickson

In response to your zoning verification 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 B-2(PD) General Commercial (Planned Development) and subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is General Business. 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	School	R-1	Quasi-Public
South	Park	R-1	Public
East	Place of assembly	R-1	Quasi-Public
West	Single-family residential dwellings	R-1	Low Density Residential

- 2) Conformance with Current Zoning Requirements:
The Property use as a multi-tenant shopping center and convenience facility with fuel sales is permitted in the B-2 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- September 6, 1977 – Rezoning from R-1 to B-2(PD) and Preliminary Development Plan for a convenience shopping center approved by the City Council (Case #8300A-77 – see attached decision notice).

- February 26, 1979 – Final Development Plan and Final Site and Building Plans for a convenience shopping center approved by the City Council (Case #8300A-79 – see attached decision notice).
- April 16, 1979 – Preliminary and Final Plat of Reserve Addition approved by the City Council (Case #8541A-78 – see attached City Council meeting minutes).
- February 18, 1982 – Revised Final Site and Building Plans for a convenience shopping center approved by the Planning Commission (Case #8300A-82 – see attached decision notice).
- January 9, 1989 – Revised Final Development Plan for a restaurant within a shopping center approved by the City Council (Case #8300A-88 – see attached decision notice).
- November 15, 1993 – Revised Final Development Plan for an ice cream parlor approved administratively by the Director of Community Development (Case #8300A-93 – see attached decision notice).
- November 5, 2001 – Temporary Conditional Use Permit (three-year) for a fitness center in an existing shopping center approved by the City Council (Case #8300A-01 – see attached decision notice).
- November 15, 2004 – Temporary Conditional Use Permit (five-year) for a fitness center in an existing shopping center approved by the City Council (Case #8300A-01 – see attached decision notice).
- October 30, 2008 – Revised Final Development Plan for exterior modifications at an existing shopping center approved administratively by the Planning Manager (Case #8300A-08 – see attached decision notice)
- April 18, 2011 – Conditional Use Permit for a restaurant at an existing shopping center approved by the City Council (Case #8300A-11 – see attached decision notice).

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 has a base 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 no building related plans on file.

In 2015, City staff approved a parking lot and security exterior lighting plan for the Property. The approved plan is attached to this zoning verification letter. The Property has not been inspected for exterior lighting since the installation of the approved lighting program in 2015.

A landscaping plan for the Property was approved in 1983. The approved landscaping plan is attached to the zoning verification letter. There are a number of trees shown on the approved plan that no longer appear to exist in the field, particularly in the eastern surface parking lot. It is likely that the Property is out of compliance of its approved landscaping plan.

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

- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- Section 19.38.01 – Planned Development (PD) Overlay District
- Section 21.204.02 – General Commercial (B-2) 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 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

NOTE: To access the City Code, go to www.code.blm.mn and use the index on the left to navigate to the desired section.

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 shopping center and convenience store with fuel sales uses in the General Commercial (B-2) Zoning District may continue following casualty, if complying with City Code Section 21.504, Non-conformity and the applicable performance standards. Without a full performance standards review, it is unknown without a full review of an as-built survey and related development details. Rebuilding the Property to the legally non-conforming development level is allowed provided a permit is issued within 365 days of the casualty date. 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 Fire Prevention licenses for this Property. The Bloomington Fire Prevention Division conducts routine inspections related to these licenses. Copies of the inspection reports, if needed, are available by contacting Fire Prevention at 952-563-8930.

5) No Further Approvals or Licenses Required:

The current use by its present owners 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 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 subdivision regulations. On April 16, 1979 the Plat of Reserve Addition was approved and subsequently filed (Case #8541A-78).

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 does not need to obtain either an original Certificate of Occupancy or an amendment to the existing Certificate of Occupancy to continue using the Property as originally approved.

9) Open Permits, Known Violations or Fees Due:

I am unaware of any active or alleged violations of 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.

However, this statement does not mean the Property is free of violations or is in full compliance 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 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 27053C0442F dated November 4, 2016.

This information was researched on behalf of the City of Bloomington staff as a service. The undersigned certifies the above information is 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) 563-8925 or nmjohnson@BloomingtonMN.gov for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Johnson', with a stylized, flowing script.

Nick Johnson, Planner
Community Development – Planning Division