



September 19, 2022

Commercial Partners Title
ATTN: Brett Fisher
200 South 6th Street, Suite 1300
Minneapolis, MN 55402

Re: Basic zoning letter – 9601 Lyndale Avenue S (Property) PID# 1502724230079
File No. CP70828

To Brett Fisher:

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 General Commercial (B-2) and 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-guide-plan-maps>.

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

Direction	Use	Zoning	Comprehensive Plan
North	Restaurant	(B-2)	Community Commercial
South	Financial institution	(B-2)	Community Commercial
East	Retail sales and auto repair	(B-2)	General Business
West	Restaurant and Financial Institution	(B-2) and B-2(PD)	Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as a Restaurant, without a drive through or outdoor/rooftop seating, is a permitted use in the General Commercial (B-2) Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- July 7, 1997 - City Council approved a rezoning from CB(PD) to CB (Case 10329A-97), a Preliminary Plat for Oxboro Heath 3rd Addition (Case 10329B-97), and a Conditional Use Permit and Final Site Plans and Building Plans to allow a freestanding restaurant with conditions (Case 10329C-97).
- August 4, 1997 – City Council approved a Final Plat for Oxboro Heath 3rd Addition with conditions (Case 10329B-79).

PLANNING DIVISION

1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-8920 FAX 952-563-8949 MN Relay 711

AN AFFIRMATIVE ACTION/EQUAL
OPPORTUNITIES EMPLOYER

- April 22, 2005 – Administrative approval of revised Final Site Plans and Building Plans for an LED light band with conditions (Case 10329A-05).
- April 26, 2010 – City Council approved rezoning from Central Business CB to General Business B-2 as part of the larger process of rezoning all of the CB-zoned land in the City. (Case 10002B-10)
- July 17, 2012 – Administrative approval of revised Final Site Plans and Building Plans for exterior modification upgrades with conditions (Case 10329B-12).

Considering materials and records on file, determining the level of City Code development performance standard compliance is unknown. A review of the approved landscape plan verified the Property is in violation with missing materials. As 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 must be provided. A performance standards review base fee of \$135 plus \$58 per hour for each hour over 2 hours. The building permit record retention schedule is 15 years, and no building-related plans are 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 required by December 31, 2024. This site may require significant upgrades to the parking lot, and building entry's to comply with these requirements.

The applicable City Code (zoning) sections relevant including but are not limited to:

- Section 19.63.01 – Exterior Materials
- Section 19.113 – Signs
- 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 21.301.16 – Exterior Storage
- Section 21.301.18 – Screening of rooftop equipment
- Section 21.501.01 – Final Site and Building Plans
- 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 (City) 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 Restaurant, without a drive through or outdoor/rooftop seating 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 reviewing an as-built survey, floor plans 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 when rebuilt.

The City has issued business and fire licenses 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. The Bloomington Fire Department

5) No Further Approvals or Licenses Required:

The current use by its present owners as a Restaurant, without drive through and without outdoor or rooftop seating, 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 acquiring the Property or before the Property may continue to be used in the manner it is presently being used.

6) Compliance with Subdivision Regulations:

The Property complies with applicable subdivision regulations with a Plat of OXBORO HEATH 3RD ADDITION approved and filed. (Case 10329B-97)

7) No Application(s) Pending:

No application for rezoning, a special or conditional use permit, or variance in connection with the Property is now pending. Further, no proceeding to challenge zoning or other governmental approval or use of the Property is pending or overtly threatened to the best of my knowledge.

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, that 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 initially approved.

9) Open Permits, Known Violations, or Fees Due:

Other than the landscaping violation noted in Section 2, 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 fully complies 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.

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 designates the Property as Zone X on Panel Number 27053C0458F dated November 4, 2016.

This information was researched by City staff as a service. The undersigned certifies that the above information is accurate based on the information supplied for this zoning verification and the information on file with the City. The City assumes no liability for errors or omissions. All data was obtained from public records, which may be inspected during regular business hours.

Please contact me at 952-563-4507 or ehestbech@BloomingtonMN.gov with questions.

Sincerely,



Emily Hestbech, Planning Technician
Community Development – Planning Division