



October 08, 2025

Claire Standish
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New York, NY 10022

Hinshaw & Culbertson LLP
250 Nicollet Mall, Suite 1150
Minneapolis, MN 55401

Steward Title Company
333 South Seventh Street, Suite 2420
Minneapolis, MN 55402

White Earth Band of the Minnesota Chippewa Tribe
P.O. Box 495
White Earth, MN 56591

Re: Property - 9304 LYNDAL AVE S, BLOOMINGTON, MN 55420, PID# 0902724440064,

To Claire Standish, and others:

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 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	Auto Repair	B-2	General Business
South	Apartments	RM-50	High Density Residential
East	Auto Sales	B-2	Community Commercial
West	Office/production	I-3	Industrial

2) Conformance with Current Zoning Requirements:

The proposed use of the property for retail sales of cannabis products 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 the following:

- June 27, 2025 – Approved a one-year extension for the existing Conditional Use Permit for a freestanding restaurant with a drive-through.
- April 18, 2011 – Approved a Conditional Use Permit and Final Site and Building Plans for a freestanding restaurant with a drive-through and Preliminary and Final Plat of 94th and Lyndale Commerce Center (Case 10872ABC-11).
- March 11, 2021 – Approved a Conditional Use Permit for the re-establishment of a restaurant with a drive-through and outdoor patio (Case #PL2021-2).
- March 11, 2021 – Approved a Major Revision to Final Site and Building Plans for an approximately 208 square foot building addition on an existing restaurant (Case #2021-21).

City code 14.280 Locations Ineligible For Retail Registration states that:

- (a) No retail registration under this code shall be granted to any location within 1,000 feet of a school, or within 300 feet of a residential treatment facility or park attraction.

As of October 8th, 2025, the property is not located either within 1000ft of a school or 300 ft of a residential treatment facility or park attraction.

The commercial and industrial zoning building setback requirements for the B-2 zoning district are the following:

Along public street: Minimum – 35 ft. Maximum – N/A

Rear: Minimum – 15 ft.

Side: Minimum – 10 ft.

Abutting property used and zoned residential – 50 ft.

This area is within the Lyndale Avenue Suburban Retrofit Plan. This plan aims to reflect the strategic priorities of the community including community image and amenities, equity and inclusion, high-quality services, focused renewal, environmental sustainability, and engagement and transparency.

In 1996, the City Council approved a parking lot and security lighting ordinance, which required full compliance with the City Code at a future date. The parking lot lighting is compliant, and no upgrades are needed at this time.

Considering materials and records on file, determining the City Code development performance standard compliance level is unknown. To complete an in-depth performance standards review, plans must be provided, including but not limited to as-built surveys, floor plans, use details, or other information. A performance standards review base fee of \$139 plus \$59.75 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.

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

- Section 21.301.24 – Exterior Materials and Finish
- 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 21.301.05 – Drive Through Facilities
- Section 21.301.06 – Parking and Loading
- Section 21.301.07 – Exterior Lighting
- Section 21.301.10 – Height
- Section 21.301.14 – Tree preservation
- Section 21.301.15 – Landscaping and screening
- Section 21.301.16 – Exterior Storage
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof-Mounted Equipment
- Section 21.302.19 – Restaurant Performance Standards
- Section 21.304 - Signs
- Section 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

NOTE: Access the City Code at www.code.blm.mn and use the index on the left to navigate.

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 with drive-through and patio 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 what non-conformity may exist. Rebuilding the Property to the legal non-conforming development level is allowed, provided a permit is issued within 365 days of a casualty date. Any changes would require compliance with the applicable codes when rebuilt.

City records show no open enforcement orders against the Property at this time. However, this statement does not mean the Property is free of violations or fully complies with federal, state, and local applicable codes.

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

5) No Further Approvals or Licenses Required:

The current use by its owners for restaurant with a drive-through and outdoor patio purposes is permitted under the Zoning Ordinance without any rezoning, special exceptions, use permit, variance, or other approval. I am unaware of any other permit or license required by this jurisdiction that a purchaser must obtain before acquiring the Property or before it may continue to be used in the manner it is presently being used.

A search for any pending special assessments has not been completed. Information and contacts for assessments are online at <https://www.bloomingtonmn.gov/eng/pending-assessments>.

6) Compliance with Subdivision Regulations:

The Property complies with applicable subdivision regulations or is otherwise exempt. On April 18, 2011 a Plat of LYNDAL AND 94TH COMMERCE CENTER; was approved and subsequently filed. (Case 10872ABC-11)

7) No Application(s) Pending:

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

8) Certificate of Occupancy:

I am unable to locate a certificate of occupancy for the Property. Given the case file history described above, I have no reason to believe 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:

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 pending or contemplated enforcement proceedings against the Property. There are no open enforcement orders against the Property at this time.

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 2753C0458F 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. However, 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 with questions at (952) 563-4739 or ksherard@BloomingtonMN.gov.

Sincerely,



Kareem Sherard, Planning Technician
Community Development – Planning Division