



September 26, 2018

Guaranty Commercial Title, Inc.  
 ATTN: Connie Ferrian  
 465 Nicollet Mall, Suite 230  
 Minneapolis, MN 55401

Re: Zoning Verification review for 9030 Lyndale Avenue South (PROPERTY)  
 PID# 0902724410071,

Dear Ms. Ferrian:

In response to your request for zoning and land use 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 request only included 9030 Lyndale Avenue. However, 9030 Lyndale Avenue is part of the Great Bear Center which also includes 9010 Lyndale Avenue. The following review is for the entire Center, including 9010 Lyndale Avenue.

The property is zoned B-2 (General Commercial) and is 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-and-guide-plan-maps>.

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

Direction	Use	Zoning	Comprehensive Plan
North	Service Station	B-2	General Business
South	Apartments	R-4	High Density Residential
East	Single Family	R-1	Low Density Residential
West	Office/warehouse	I-3	Industrial

2) Conformance with Current Zoning Requirements:

The Property use as Neighborhood Shopping Center is a permitted use in the B-2, General Commercial Zoning District. Planning and Zoning reviews include but not limited to:

- June 28, 1965 – City Council approved a planned business development consisting of a shopping center with a service station at the southwest corner of 90th and Lyndale. (Case 5195AB)

- January 20, 1969 – City Council approved a Conditional Use Permit for a dance area in the “Bratwursthaus” restaurant. (Case 5195A-68)
- March 10, 1969 – City Council approved a Conditional Use Permit for a take-out restaurant, “Mr. Pips Fish and Chips”. (Case 5195F-69)
- February 2, 1970 – City Council approved a Conditional Use Permit for an Elks Lodge. (Case 5195G-70)
- May 4, 1970 – City Council approved a Preliminary Plat of Great Bear First Addition. (Case 5195H-70)
- July 20, 1970 – City Council approved a Final Plat of Great Bear First Addition. (Case 5195H-70)
- September 7, 1971 – City Council approved a Conditional Use Permit for a pet store. (Case 5195I-71)
- June 6, 1977 – City Council approved a Conditional Use Permit for a doughnut shop. (Case 5195A-77)
- March 31, 2009 1977 – City Council approved a Conditional Use Permit for a doughnut shop. (Case 5195A-77)
- July 26, 2010 – Community Development Director approved Final Site and Building Plans for facade improvements to the existing neighborhood shopping center. (Case 5195A-09)

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. However, the use mix as primarily retail with some Conditional Uses has been established as complying in the permit history. There have been significant City Code changes, including parking requirements, since the property was built in the 1960's. The details of any non-conformities are not known without a performance standards review.

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 \$128 for the full analysis plus \$55 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 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 required compliance by December 31, 2020. This site may require significant upgrades to the parking lot and building entry's to comply with these minimum requirements.

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

- 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 19.113 – 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 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

NOTE: To review a City Code Section, type [www.code.blm.mn/](http://www.code.blm.mn/) followed by the City Code Section number. (For example [www.code.blm.mn/21.301.07](http://www.code.blm.mn/21.301.07) is lighting)

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.

4) Right to Rebuild Following Casualty:

The Neighborhood Shopping Center in the B-2, General Industrial Zoning District has a significant number of legal non-conformities. The use may continue following casualty in the same shape and form that currently exists. Changes must be in accordance with the performance standards at the time it is rebuilt and in accordance with City Code Section 21.504, Non-conformity. The number of non-conformities may not be clearly identified without a full performance standard review of an as built survey and development details, and 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.

The City has issued food 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.

5) No Further Approvals or Licenses Required:

The current use by its present owners for Neighborhood Shopping Center is permitted under the Zoning Ordinance 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 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 the subdivision regulations (Plat of GREAT BEAR 1ST ADDITION).

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. In the absence of a Certificate of Occupancy would not give rise to any enforcement action affecting the Property. It is not necessary for a new purchaser to obtain either a new Certificate of Occupancy or an amendment to the existing Certificate of Occupancy in order continue use and occupancy of the Property which it is 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 development and use of the Property, including any impact-related fees, have been paid, and no such fees which 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 2753C0458F 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 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 [lpease@BloomingtonMN.gov](mailto:lpease@BloomingtonMN.gov) for any questions.

Sincerely,



Londell Pease, Senior Planner  
Community Development – Planning Division