



PL2016-58
PL201600058

April 22, 2016

Thrivent Financial For Lutherans
625 Fourth Avenue South
Minneapolis, MN 55415

Re: Southtown Shopping Center
7803 Penn Avenue South, Bloomington, MN 55431
Property ID#04-027-24-22-0011

To Whom It May Concern:

In response to a request from Tracy Puchtel, Senior Loan Closing Coordinator, requesting certain land use information regarding the 7803 Penn Avenue South, please be advised of the following as of the date hereof:

- 1) Zoning and Comprehensive Land Use Plan Designation: The land is zoned CR-1(PD), Regional Commercial (Planned Development) and C-5(PD), Freeway Mixed Use (Planned Development). The use as a shopping center, including several Conditional Use Permit for restaurants, is subject to the restrictions and performance standards in the Bloomington City Code. The Comprehensive Plan Land Use Plan designation is Regional Commercial. The adjoining property uses, zoning and Comprehensive Plan designations are:

East – Auto sales and restaurant, Zoned C-4(PD) and designated Regional Commercial
North – Interstate 494 and the City of Richfield
West – Retail sales, Zoned CR-1(PD) and designated Regional Commercial
South – Hotel, retail, and restaurant, Zoned C-5 and C-5(PD) and designated Regional Commercial and Community Commercial
- 2) Conformance with Current Zoning Requirements: The Property use as Regional Shopping Center is a permitted use and the restaurants are Conditional Uses in the CR-1(PD) Regional Commercial Zoning District.

Considering materials and records on file, I cannot determine the level of compliance with the current City Code development performance standards or the approved 1995 Final Development Plan. Records indicate that in 1996, all inspections were completed and no changes were required. I have attached the 1995 approval documents approved the 523,997 square foot center (in several buildings) and 2,115 parking spaces. Should the site continue to meet the approved planned development, the Property would be in compliance with the City Code. The retention schedule for building permit records is 15 years and there are few full sized building or site plans on file.

To verify the continued compliance with the 1995 approval, an in depth review, which includes a site visit and review of as-built surveys (if provided), floor plans and use details, and other information is not included in this letter is required. That level of review is greater than provided in the general zoning letter review. If you seek an additional review, the fee is \$124 for the full analysis plus \$52 per hour for each hour over 2 hours.

In 1996, the City Council approved a parking lot and security ordinance which required full compliance with the City Code at a future date. Therefore, by December 31, 2018, the site may require significant upgrades to the parking lot and building entry's to comply with these minimum requirements.

Several Planning and Zoning reviews have occurred over the years. The following zoning approvals, while not a complete list as they only include those documented on a case file system, have been granted for the Property.

- City Council Action, January 21, 1971: Approved a Conditional Use Permit for a Shopping Center (Case 7026B-70)
- City Council Action, February 22, 1973: Approved expansion of a Shopping Center (Case 4368B-68)
- City Council Action, September 27, 1973: Approved a Conditional Use Permit for expansion of a Shopping Center (Montgomery Wards) (Case 5722A-73)
- City Council Action, January 8, 1976: Approved a Conditional Use Permit for Shopping Center expansion (Minnesota Fabrics) (Case 7026B-70)
- City Council Action, May 1, 1989: Approved Final Site and Building Plans for a Sunroom Addition onto Applebee's Restaurant (Case 4426A-89)
- City Council Action, June 26, 1989: Approved Final Site and Building Plans for an shopping center addition onto Toys 'R' Us (Case 5722A-89)
- City Council Action, September 28, 1989: Approved variances to increase the number and size of signs for the Shopping Center (Case 5722EF-89)
- Administrative approval, November 1, 1989: Approved Final Site and Building Plans for exterior building modifications (Case 5722H-89)
- City Council Action, July 30, 1990: Approved variances to increase the number and size of signs for the Shopping Center (Case 2016A-90)
- City Council Action, October 7, 1991: Approved a rezoning to CR-1, a Preliminary and Final Development Plan for the Existing Shopping Center development and a Waiver of Platting (Case 5722A-91)
- City Council Action, August 21, 1995: Approved a rezoning to CR-1(PD), a revised Final Development Plan for the expansion of an existing Shopping Center (Case 5722ABCDE-95)

- Community Development Director Action, April 23, 1999: Approved revised Final Development Plans for exterior building modifications for Herberger's (Case 5722B-99)
- Community Development Director Action, May 20, 1999: Minor revision for Sprint to add antennas (Case 5722A-99)
- Administrative approval, August 20, 2004: Approved revised final development plan for a new entry addition at an existing shopping center, Best Buy/EQ3 (Case 5722A-04)
- City Council Action, January 8, 2007: Approved a conditional use permit for a 67 seat restaurant (Case 8722A-06)
- Administrative approval, December 5, 2012: Minor revision for Sprint to add antennas (Case 5722D-12)
- Administrative approval, November 13, 2014: Minor Revision to Final Development Plan for exterior modifications, Kohl's Department Stores (Case 5722A-15)

The applicant City Code zoning sections (www.code.blm.mn) applicable include but not limited to:

- Section 19.31.01 – Regional Commercial District
- Section 19.38.01 – Planned Development Overlay District
- 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
- Article X (Section 19.11 - 19.127) – Signs
- Section 21.205.05 – Freeway Mixed Use District
- Section 21.209 – Use tables
- Section 21.301.02 – C-5 Development standards
- Section 21.301.02 – C-5 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 21.501.04 – Conditional Use Permit

- 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. Documents show there were six monitoring wells located on the property. The depths ranged from 25 feet to 78 feet. All have records of proper closure was completed between 1995 and 2002.

- 4) Right to Rebuild Following Casualty: The shopping center and approved restaurants in the CR-1 Regional Commercial and C-5 Freeway Mixed Use District may continue following casualty, in accordance with the performance standards at the time it is rebuilt in accordance with City Code Section 21.504, Non-conformity. If the property is non-conforming with the performance standards since the last property wide approval in 1995, which cannot be accurately determined without a full review of an as built survey and development details, and in the event of casualty, the Property would be required to meet 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 that the property is free of violations or is in full compliance 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. 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 a shopping center is permitted and the restaurants as Conditional Uses may continue without necessity of rezoning, special exceptions, use permit, variance or other approval, provided they comply with the standards and conditions of 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 Project complies with, or is otherwise exempt from, applicable subdivision regulations.
- 7) No Application(s) Pending: No application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Property or Project, is now pending. No proceeding to challenge zoning or other governmental approval or use of the Project 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 Project from our records. I have no reason to believe, given the case file history described above, that one was not properly issued, and the absence of a Certificate of Occupancy under such circumstances would not give rise to any enforcement action affecting the Project. It is not necessary for a new purchaser of the Property to obtain either a new Certificate of

Occupancy or an amendment to the existing Certificate of Occupancy in order too own, use and occupy the Project in the manner which it is approved.

- 9) Violations Outstanding or Development Related Fees Paid: I am unaware of any violations or alleged violations applicable to any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years, or any pending or contemplated enforcement proceedings against the Project. There are no/ are open enforcement orders against the property at this time. 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 Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project 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 2753C0456E dated September 2, 2004.

This information was researched by the person signing this letter on behalf of the City of Bloomington, on request, as a service. The undersigned certifies that 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 for any questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division