



April 1, 2020

Land Title, Inc.
Mandy Jadwin
2200 W. County Road C, Suite 2205
Roseville, MN 55113

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

To Ms. Jadwin:

In response to your request for zoning 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 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 property is not located in a Historic District. 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	Auto service and retail	B-2	General Business
South	Multi-family residential	RM-50	High Density Residential
East	Auto dealer	B-2	Community Commercial
West	Office/warehouse	I-3	Industrial

2) Conformance with Current Zoning Requirements:

The Property use as fast-food restaurant is a conditional use in the B-2 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- April 18, 2011 – City Council approved a conditional use permit for a freestanding restaurant with a drive-through at 9304, 9308, 9320 and 9336 Lyndale Avenue S (10872A-11). See attached letter.
- April 18, 2011 – City Council approved the final site and building plans for a freestanding restaurant with a drive-through at 9304, 9308, 9320 and 9336 Lyndale Avenue S (10872B-11). See attached letter.

- April 18, 2011 – City Council approved a preliminary and final plat of 94th AND LYNDAL COMMERCIAL CENTER. (Case 10872CD-11). See attached letter.

Considering materials and records on file, I cannot determine the level of City Code development performance standard compliance. 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 is not included in this letter must be provided. A performance standards review has a separate 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 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, 2024. The parking lot lighting is compliant. See attached lighting plans. The lighting plan must continue to be maintained.

It appears some landscaping material may be missing or have been removed. Any landscaping material that was removed would be a violation. Please refer to the approved landscaping plan attached to this letter request. UPDATE: The Property Manager has provided a plan showing there is a compliance with the landscaping plan. See email and plan attached to the email.

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

- Section 19.52 – Landscaping and screening
- 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 21.301.05 – Drive-Through Facilities
- Section 21.301.06 – Parking and Loading
- Section 21.301.07 – Exterior Lighting
- Section 21.301.10 – Height
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.01 – Final Site and Building Plans
- Section 21.501.03 – Final Development Plan
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

NOTE: To review a City Code Section, type www.code.blm.mn/ followed by the City Code Section number. (For example 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 restaurant in the B-2 Zoning District may continue following casualty, in accordance with the performance standards at the time it is rebuilt and in accordance with City Code Section 21.504, Non-conformity. If the property is non-conforming, 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 could be rebuilt to the legally non-conforming development. 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 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 restaurant purposes is permitted under the Zoning Ordinance without necessity of any rezoning, special exceptions, use permit, variance or other approval. Please note that the conditional use permit expires if the use ceases operation for a continuous period of one year or longer. Records indicate the use ceased operation on November 27, 2019. Please see City Code Section 21.501.04 for reference.

6) Compliance with Subdivision Regulations:

The Property complies with subdivision regulations. On April 18, 2011 a Plat of 94th AND LYNDALE COMMERCE CENTER was approved and subsequently filed. (Case 10872CD-11).

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 27053C0458F 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 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) 563-8919 or eoday@BloomingtonMN.gov for any questions.

Sincerely,



Elizabeth O'Day, Planning Technician
Community Development – Planning Division