



May 10, 2021

D7-5, LLC
Christy Eastman
6442 City West Pkwy, Suite 400
Eden Prairie, MN 55344

Re: Property - 9304 Lyndale Avenue South, Bloomington, MN 55420, PID# 0902724440064

To Christy Eastman:

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 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 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 Property use as a restaurant is a permitted use in the B-2 Zoning District. Restaurants with drive-throughs or outdoor patios are conditional uses in the B-2 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- 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). Please see attached letter.
- 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). Click the link below to view the attachments to the case file.
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=2359>

- 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). Click the link below to view the attachments to the case file.
<https://permits.bloomingtonmn.gov/ProdPortal/Planning/Status?planningId=2379>

While the Planning and Zoning reviews were approved subject to conditions, a building permit has not been issued at this time. The conditions of approval for the conditional use permit and final site and building plans have not been satisfied and I cannot verify if the project is Code complying.

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 must be provided. A performance standards review has a base 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. The parking lot lighting is compliant and no upgrades are needed at this time.

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 21.301.06 – Parking and Loading
- Section 21.301.07 – Exterior Lighting
- Section 21.301.10 – Height
- Section 21.301.16 – Exterior Storage
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.01 – Final Site and Building Plans
- Section 21.501.04 – Conditional Use Permit
- 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 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 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 not known without a full review of an as-built survey and related development details. In any event of a casualty, the Property could be rebuilt to the legally non-conforming development provided a permit is issued within 365 days of the casualty date. 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 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 the 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. The drive-through and outdoor patio conditional use permit was approved by the Planning Commission in March 2021. I am not aware of any other permit or license required by this jurisdiction 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 subdivision regulations. 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, 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. A building permit was submitted but has not been issued at this time. 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 use the Property as originally approved.

9) Violations Outstanding or Development Related Fees Paid:

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.

This statement does not mean 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 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 at this time.

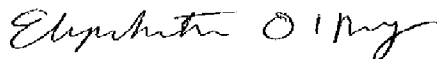
10) Flood Zone Designation:

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 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,



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