



May 31, 2017

Oxboro Bloomington Retail Center, LLC
c/o Larkin Hoffman – Thomas P. Stoltman
8300 Norman Center Drive, Suite 100
Minneapolis, MN 55437

Bremer Bank Commercial Real Estate
Attn: Jason Ruppert
225 South 6th Street
Minneapolis, MN 55402

Re: Zoning Verification Letter for 9701 Lyndale Avenue South - PID#1502724230072 (Property)

To whom it may concern:

In response to a request from Jacob W. Steen 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 property is zoned B-2(PD) General Commercial with a Planned Development Overlay District. The development is subject to the applicable Bloomington City Code performance standards and Final Development Plan conditions. The Comprehensive Plan Land Use Plan designation is Community Commercial.

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

North – Financial institution; Zoned B-2 and designated Community Commercial
West – Auto and retail sales; Zoned B-2 and designated Community Commercial
South – Office; Zoned B-2(PD) and designated Community Commercial
East – Post Office and museum; Zoned B-2 and designated Public and Community Commercial

2) Conformance with Current Zoning Requirements:

The Property use as neighborhood shopping center is a permitted use as approved in the Final Development Plan issued for the property. Several Planning and Zoning reviews have occurred over the years. They include but are not limited to:

- August 4, 1986 – City Council approved a Preliminary and Final Plat, a rezoning from CB to CB(PD) and a Preliminary and Final Development Plan for a retail center. (Case 9322A-86)
- October 5, 1987 – City Council approved a rezoning from CB to CB(PD) and a revised Preliminary and Final Development Plan for a retail center. (Case 9471AB-87)
- April 26, 2010 – City Council rezoned the property from CB(PD) to B-2(PD). (Case 10002B-10)

Considering materials and records on file, I cannot determine full compliance with the City Code development performance standards or Final Development Plan conditions. To complete an in depth review, which includes a site visit and review of plans, 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 \$124 for the full analysis plus \$52 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. I have attached the Agenda item for the Planning Commission for your review. As related to parking, while I have not calculated the parking requirement based on the current City Code, the parking provided is in full compliance provided the parking is as shown on the Final Development Plan.

A recent application was submitted where it was discovered the site is in violation resulting from designated parking in the fire lane. Staff had communicated the issue to the property owner and the parking would be removed with the building changed for the Fed-Ex permit.

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 upgrades to the parking lot and building entries to comply with these minimum requirements.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- 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 21.501.02 – Preliminary Development Plan
- 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 retail shopping center with restaurants in the B-2(PD) 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. Any expansion or additional restaurant uses would require a Conditional Use Permit.

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 as shown on the Final Development Plan. 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. As previously stated, the applicant is in the process of removing parking that were provided in the fire lane which would remove the only known violation. No formal orders have been issued for the parking in the Fire Lane. 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 retail center with restaurants is permitted under the approved Final Development Plan and may continue 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.

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 to continue use and occupancy of the Property which it is approved.

9) Violations Outstanding or Development Related Fees Paid:

With the exception of parking in the fire lane which is in the process of being corrected, 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 for any questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division