



November 15, 2023

CREtelligent
ATTN: Alyssa Reed
2717 S Arlington Road, Unit C
Akron, OH 44312

RE: 3800 West Old Shakopee Road (10603+10629 France and 3806-3826 W Old Shakopee Road)
The Point Shopping Center – PID #20-027-24-32-0064 (Property)

To Alyssa Reed:

In response to your zoning verification request for Property information, please be advised of the following as of the date hereof:

- 1) Zoning and Comprehensive Land Use Plan Designation:
The Property is zoned B-4(PD) Retail Business (Planned Development) and is subject to the Final Development Plan and applicable City of 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-guide-plan-maps>.

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

Direction	Use	Zoning	Comprehensive Plan
North	Single-Family Housing	R-1	Low Density Residential
East	Single-Family Housing	R-1 and B-1	Low Density Residential
South	Retain Commercial	B-2(PD and B-4(PD))	General Business
West	Retail Commercial	B-4, B-4(PD) and B-2(PD)	Community Commercial

- 2) Conformance with Current Zoning Requirements:
Retail shopping, restaurants and office uses are permitted in the B-4 Zoning District. Prior to 2020, Restaurants were Conditional Uses. On January 3, 2006, the City Council approved preliminary and final development plans for a 36,686 square-foot retail (25,351 square feet) and office (11,335 square feet) building with 163 parking spaces. The approval was subject to 17 conditions and 12 City Code requirements. This Final Development Plan approval established the required parking for the property at 163 parking spaces.

However, parking was reduced to 162 during the permit review stage as the preliminary plan was deficient for the American Disability Act required parking, which required a net loss of one space to accommodate the access lane. Therefore, the project complies with 162 spaces. Additional flexibility for overall parking was granted to allow the following food service uses on the Property.

Should you request a full Zoning Code review of the existing property, please submit detailed floor plans including uses (including all seating for restaurants) and a site survey showing all landscaping, lighting, parking, outdoor seating, and related performance standards. If the plans are provided, and a full performance standards review is requested, there is a minimum \$120 fee and \$51 per hour for each hour over two hours for that review.

City Zoning related review and approvals (letters of transmittals attached) granted for the Property include but are not limited to:

- January 3, 2006 - The City Council adopted an ordinance rezoning the property to B-2(PD) and approved a preliminary and Final Development Plan for a retail/office development. (Case 10713ABC-05)
- May 1, 2006 - The City Council adopted a Plat of The Point Addition. (Case 10713A-06)
- September 11, 2006 - The City Council adopted a resolution approving a Conditional Use Permit for a 2,515 square foot (80 seats – indoor and outdoor combined) restaurant in a shopping center at 3800 West Old Shakopee Road. **NO ADDITIONAL PARKING OVER THE 162 SPACES APPROVED WOULD BE REQUIRED.** (Case 10713C-06) – As restaurants are now permitted uses, this approval is no longer needed.
- June 25, 2007 - The City Council adopted a resolution approving a Conditional Use Permit for 1,200 square-foot secondhand goods business in a retail shopping center at 3818 West Old Shakopee Road (tenant address). (Case 10713A-07)
- January 14, 2008 - the City Council adopted a resolution approving a Conditional Use Permit for a 1,600 square foot (35 seats) restaurant in a shopping center at 3800 West Old Shakopee Road. **NO ADDITIONAL PARKING OVER THE 162 SPACES APPROVED WOULD BE REQUIRED.** (Case 10713E-07) – As restaurants are now permitted uses, this approval is no longer needed.
- July 8, 2008 - the City Council adopted a resolution approving a Conditional Use Permit for a 1,200 square foot (24 student maximum) instructional center in a shopping center at 3800 West Old Shakopee Road. **NO ADDITIONAL PARKING OVER THE 162 SPACES APPROVED WOULD BE REQUIRED.** (Case 10713D-08) – As restaurants are now permitted uses, this approval is no longer needed.

- On March 2, 2009, the City Council adopted an Ordinance rezoning the property from B-2(PD) to B-4(PD)
- November 16, 2009 - The City Council adopted a resolution approving a Conditional Use Permit for a 2,240 square foot health club in a shopping center at 3800 West Old Shakopee Road. (Case 10713B-09)
- November 15, 2010 - The City Council adopted a resolution approving a Conditional Use Permit for a restaurant in a shopping center at 3800 West Old Shakopee Road. Parking is based on the 24 seats having a parking requirement equivalent to the retail space. The use was limited to no more than eight employees at any one time. NO ADDITIONAL PARKING OVER THE 162 SPACES APPROVED WOULD BE REQUIRED. (Case 10713D-10) – As restaurants are now permitted uses, this approval is no longer needed.

The applicable City Code (zoning) sections relevant, including but not limited to:

- Section 19.63.01 – Exterior Materials and Finish
- Section 19.113 – Signs
- Section 21.203.01 – Single Family Residential (R-1) 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 21.301.15 – Landscaping and screening
- Section 21.301.16 – Exterior Storage
- Section 21.301.17 – Refuse Handling and Storage
- Section 21.301.18 – Screening of Roof-Mounted Equipment
- Section 21.501.02 – Preliminary Development Plan
- Section 21.501.03 – Final Development Plan
- Section 21.501.04 – Conditional Use Permit
- Section 21.504 – Nonconformity

NOTE: Access the City Code at www.code.blm.mn and use the index on the left to navigate.

2) 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 several water supply and monitoring wells on-site. Records indicated the known wells were sealed, and inspections were completed to finalize the sealing.

3) Right to Rebuild Following Casualty:

The use as a retail shopping center and office uses in the B-4 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 unknown what non-conformity may exist. Rebuilding the Property to the legal non-conforming development level is allowed, provided a permit is issued within 365 days of a casualty date. Any changes would require compliance with the applicable codes when rebuilt.

City records show no open enforcement orders against the Property at this time. However, this statement does not mean the Property is free of violations or fully complies with federal, state, and local applicable codes.

The City has issued food licenses for this property. 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.

4) No Further Approvals or Licenses Required:

The current use of the Project by its present owners for retail and office uses as permitted uses and restaurants as conditional uses subject to the aforementioned Preliminary and Final Development Plan and Conditional Use Permit approvals. 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.

A search for any pending special assessments has not been completed. Information and contacts for assessments are online at <https://www.bloomingtonmn.gov/eng/pending-assessments>.

5) Compliance with Subdivision Regulations:

The Bloomington City Council approved a Preliminary and Final Plat of The Point subdivision on May 1, 2006. The Project complies with all applicable subdivision regulations

6) No Application(s) Pending:

No application for rezoning, special or conditional use permit, or variance in connection with the Property is pending. Further, to the best of my knowledge, no proceeding challenging zoning or other governmental approval or Property use is pending or overtly threatened.

7) Certificate of Occupancy:

Records indicate on June 28, 2007, a Certificate of Occupancy assuring full City Code compliance at the time the Certificate was issued. As the retention for the Building and Inspection records is 15 years, the documents are no longer available. No follow-up inspections to verify continued compliance were completed. 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 using the Property as initially approved.

8) Open Permits, Known Violations, or Fees Due:

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 pending or contemplated enforcement proceedings against the Property

A review finds that the following building permits remain open with unresolved inspection:

- PREL202305031 – An electrical Permit for a rooftop unit replacement was issued to Standafer Electric LLC on May 16, 2023. No inspections were requested or completed, and the permit has expired.

However, this statement does not mean the Property is free of violations or fully complies with federal, state, and local applicable codes, as no performance standard review has been completed. 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.

9) Flood Zone Designation:

The Property is not located in a Flood Hazard Overlay Zoning District. The Flood Insurance Rate Map (FIRM) for the City designates the Property as Zone X on Panel Number 2753C0462F dated November 4, 2016.

This information was researched by City staff as a service. The undersigned certifies that the above information is accurate based on the information supplied for this zoning verification and the information on file with the City. However, the City assumes no liability for errors or omissions. All data was obtained from public records, which may be inspected during regular business hours.

Please contact me with questions at lpease@bloomingtonmn.gov or (952) 563-5926.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division