



PL202400170  
PL2024-170

September 18, 2024

Julie Morrow  
Planning and Zoning Resource Company, 1300 South Meridian Avenue, #400  
Oklahoma City, OK 73108

Re: Property - 3800 W Old Shakopee Road, Bloomington, MN 55431, PID# 2002724320064,

To Julie Morrow:

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 **Neighborhood Commercial Center (B-4)** with a **Planned Development Overlay (PD)** and subject to the applicable Bloomington City Code performance standards. The Comprehensive Plan Land Use Plan designation is **General Business (GB)**. 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 homes	Single-Family Residential (R-1)	Low-Density Residential (LDR)
South	Commercial shopping center	B-4(PD)	GB
East	Single-family homes	R-1	LDR
West	Commercial shopping center	B-4(PD)	Community Commercial (CC)

- 2) Conformance with Current Zoning Requirements:  
The Property use as a Neighborhood Shopping Center is a **permitted** use in the (B-4)(PD) Zoning District. Some individual uses may require a conditional use permit. Retail shopping, restaurants without drive through or outdoor or rooftop seating and office uses are permitted. Restaurants with drive-throughs or outdoor or rooftop seating are 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.

The Planning and Zoning reviews on file include but are not limited to the following:

- 01/03/2006 - 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) *Plans attached*
- 05/01/2006 - The City Council adopted a Plat of The Point Addition. (Case 10713A-06)
- 09/11/2006 - 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. (Case 10713C-06) *CUP Resolution attached*
- 06/25/2007 - The City Council adopted a resolution approving a Conditional Use Permit for 1,200 square-foot secondhand goods business in a retail shopping center. (Case 10713A-07) *User no longer at location.*
- 01/14/2008 - The City Council adopted a resolution approving a Conditional Use Permit for a 1,600 square foot (35 seats) restaurant in a shopping center. (Case 10713E-07) – *User no longer at location.*
- 07/08/2008 - 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. (Case 10713D-08) *User no longer at location.*
- 03/02/2009 - The City Council adopted an Ordinance rezoning the property from B-2(PD) to B-4(PD)
- 11/16/2009 - The City Council adopted a resolution approving a Conditional Use Permit for a 2,240 square foot health club in a shopping center. (Case 10713B-09) *User no longer at location.*
- 11/15/2010 - The City Council adopted a resolution approving a Conditional Use Permit for a restaurant in a shopping center. (Case 10713D-10) *CUP Resolution attached*
- 11/16/2017 - The Planning Commission adopted a resolution approving a Conditional Use Permit for a 32-seat restaurant in an existing shopping center. (Case #PL2017-222) *Given that restaurants without a drive-through and outdoor seating are now permitted uses, the CUP approval is no longer required*

To complete an in-depth performance standards review, plans must be provided, including but not limited to as-built surveys, floor plans, use details, or other information. A performance standards review base fee of \$139 plus \$59.75 per hour for each hour over 2 hours.

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

- Section 19.38.01 – Planned Development (PD) Overlay Districts
- Section 19.63.08 – Exterior Materials and Finish
- Section 21.204.03 – Neighborhood Commercial Center (B-4) 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 21.302.19 – Restaurant Performance Standards
- Section 21.304.01 - Signs
- 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](http://www.code.blm.mn) and use the index on the left to navigate.

3) Utilities serving the Property:

According to the City of Bloomington (City) 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 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 address. The Bloomington Environmental Health Division conducts routine inspections related to these licenses. If needed, copies of the inspection reports are available through Mark Stangenes at 952-563-8980.

5) No Further Approvals or Licenses Required:

The current use by its owners for retail and office purposes is permitted under the Zoning Ordinance without any rezoning, special exceptions, use permit, variance, or other approval. Restaurants with drive-throughs or outdoor or rooftop seating are conditional uses allowed with a conditional use permit. The current conditional use permits for the Chipotle tenant and Jimmy John's tenant is attached. All other conditional use permits are voided as they are for tenants that no longer exist at the property or are now permitted uses by City Code. I am unaware of any other permit or license required by this jurisdiction that a purchaser must obtain before acquiring the Property or before it may continue to be used in the manner 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>.

6) Compliance with Subdivision Regulations:

The Property complies with applicable subdivision regulations or is otherwise exempt. On May 1, 2006, a Plat of THE POINT was approved and subsequently filed. (Case 10713A-06)

7) 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.

8) 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. 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.

9) 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. There are no open enforcement orders against the Property at this time.

A review finds that the following building permits remain open with unresolved inspections. You can call 952-563-8930 or email [inspections@bloomingtonmn.gov](mailto:inspections@bloomingtonmn.gov):

- PREL202305031
- PREL202309441
- PRMH202405090

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.

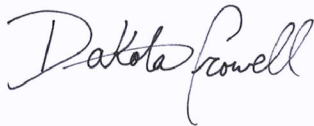
10) Flood Zone Designation:

The Property is not located in a Flood Hazard Overlay Zoning District. The Flood Insurance Rate Map (FIRM) for the City 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 (952) 563-8926 or [dcrowell@BloomingtonMN.gov](mailto:dcrowell@BloomingtonMN.gov).

Sincerely,



Dakota Crowell, AICP, Planner  
Community Development – Planning Division