



Commercial Partners Title, a division of Chicago Title Company
ATTN: Julie Young
200 South Sixth Street, Suite 1300
Minneapolis, MN 55402

Re: Basic zoning letter for 431 E 78th Street, Bloomington MN - PID# 03-027-24-11-0034
CP File No. 59479

To Julie Young:

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-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-guide-plan-maps>.

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

Direction	Use	Zoning	Comprehensive Plan
North	I-494	NA	NA
South	Bakery	B-2	General Business
East	Shopping center	B-2	General Business
West	Restaurant	B-2	General Business

2) Conformance with Current Zoning Requirements:

The current Property use is a vacant retail building. The proposed use as a restaurant without a drive-through or patio is a permitted use and a restaurant with a drive-through or patio is a conditional use B-2 Zoning District. The Planning and Zoning reviews on file include but are not limited to:

- October 6, 2014 – Administrative final site and building plan approval for exterior modification to an existing structure (Case 9234A-14).
- February 22, 2022 – Preliminary Development Review Committee to establish a restaurant in a vacant retail building. (Case PL202200038). For information, go to: <https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL202200051>.

Considering materials and records on file, determining the level of City Code development performance standard compliance is unknown. 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 base fee of \$135 plus \$58 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 compliance is required by December 31, 2024. This site may require significant upgrades to the parking lot and building entries to comply with these requirements.

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

- 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 21.301.15 – Landscaping and screening
- Section 21.301.18 – Screening of Roof Mounted Equipment
- Section 21.501.01 – Final Site and Building Plans
- 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 (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 existing structure 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 unknown without reviewing an as-built survey, floor plans and related development details. Rebuilding the Property to the legally non-conforming development level is allowed provided a permit is issued within 365 days of the casualty date. Any changes would require compliance with the applicable codes when rebuilt.

5) No Further Approvals or Licenses Required:

The proposed restaurant use without a drive-through or outdoor patio is permitted under the Zoning Ordinance without any rezoning, use permit, variance or other approval. Other than the required food license issued by the City, 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 it is presently being used.

6) Compliance with Subdivision Regulations:

The Property complies with the subdivision regulations with a Plat of A G BOGENS PORTLAND AVENUE ADDITION filed.

7) No Application(s) Pending:

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

8) Certificate of Occupancy:

Since the building was constructed in 1953, before the City of Bloomington was established, I am unable to locate a certificate of occupancy for the Property. 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 originally approved.

9) Open Permits, Known Violations or Fees Due:

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 designates the Property as Zone X on Panel Number 2753C0457F 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. 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 with questions.

Sincerely,



Londell Pease, Senior Planner
Community Development – Planning Division