



July 11, 2018

Mr. Mark Nelson
United Land, LLC
651 Nicollet Mall, Suite 450
Minneapolis, MN 55402

RE: 5501 and 5601 American Blvd. W. – Two-phase senior assisted and senior independent living development

Mr. Nelson:

On June 20, 2018, you submitted applications for a Comprehensive Plan Map Amendment to rezone 5501 and 5601 American Boulevard West from Office to High Density Residential, rezoning the base zoning of 5501 and 5601 American Boulevard West from C-4 to RM-50, a major revision to the preliminary development plan for a two-phase senior assisted living and senior independent living development, and a major revision to the final development plans for a four-story, 111-unit senior assisted living facility. We have reviewed the applications in accordance with State Statutes to determine whether they contain all information required by law or by a previously adopted rule, ordinance, or policy. While initially believed to be a complete application, as submitted, the applications do not contain all required information. This letter serves as notice regarding the missing information. The items below represent significant omissions:

- 1) Minnesota Administrative Rules Section 4410.4300 establishes mandatory Environmental Assessment Worksheet (EAW) categories. The proposed development exceeds the threshold for requiring an EAW. Section 4410.3100 prohibits final governmental decisions until a negative declaration on the need for an Environmental Impact Statement is issued. Until an EAW is prepared, the City's development review process cannot proceed.
- 2) Section 21.501.01 of the City Code establishes a \$1,660 EAW review fee. The fee has not been submitted. The City of Bloomington is the Local Government Unit for EAWs.
- 3) Section 21.501.02(f)(3)(B) of the City Code requires that written documentation include any flexibility requests by identifying all proposed Code deviations across the planned development, the level of deviation, and the reasons why the deviations are in the public interest. That documentation has not been submitted. At first glance, deviations for a retaining wall along American Blvd. W. would be required. That deviation and any others need to be addressed in the written documentation.
- 4) The project description identifies the desire to complete a parking study to demonstrate actual parking demand is less than City Code requirements. Section 21.301.06(e)(1) affords the option to conduct a parking study, but the study must be completed before the

PLANNING DIVISION

1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-8920 FAX 952-563-8949 TTY 952-563-8740

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application is formally submitted. Further, the project description must identify the total City Code requirement and the amount of flexibility being requested.

- 5) Section 21.501.02(f)(5)(W)(i) – Elevation drawings of all proposed buildings and structures indicating height to the highest point of the structure. For future phases, this would generally entail massing graphics with indicated maximum heights rather than architectural renderings.

Because the applications do not include all information required by law or by a previously adopted rule, ordinance, or policy, we cannot continue the development review process. In accordance with State Statutes, the time limit for agency action will not begin until all required information is submitted. From our verbal discussions, we understand a resubmittal is likely. We will retain the development application fee for when the application is resubmitted unless you request a refund be processed.

Should you have any questions regarding this action, please contact me at mcentinario@BloomingtonMN.gov or at 952.563.8921.

Sincerely,



Michael Centinario, Planner
Planning Division

cc: Amy Schmidt, Assistant City Attorney
Glen Markegard, Planning Manager