



June 16, 2017

Lifespace Communities Inc.
ATTN: Brian Devlin
4201 Corporate Drive
West Des Moines, IA 50266

RE: Case # PL201700072
Friendship Village Expansion
8210 Highwood Drive, Bloomington, MN 55438
8100 Highwood Drive, Bloomington, MN 55438

Mr. Devlin:

You are hereby notified of Bloomington's extension of the agency action period for your application for Comprehensive Plan Amendment to rezone 8210 Highwood Drive from Office to High Density Residential, Rezone 8210 Highwood Drive from R-1 Single Family Residential to RM-50 (PD) Multiple Family Residential (Planned Development), Rezone 8100 Highwood Drive from R-1 (PD) Single Family Residential (Planned Development) to RM-50 (PD) Multiple Family Residential (Planned Development), Preliminary and Final Plat, Preliminary and Final Development Plan to construct a new four-story, 94-unit independent residential living building and a new two-phase, three-story health center with 32 memory care apartments, 42 assisted living apartments and 66 skilled nursing beds, and a Conditional Use Permit for the proposed health center located at 8100 and 8210 Highwood Drive.

The City received the above referenced application on May 10, 2017. The end of the initial 60 day period is therefore July 8, 2017. The first available City Council public hearing to consider the application is scheduled for July 24, 2017. Given the date of the City Council meeting, a time extension from 60 days to 120 days is necessary to complete the review process.

Through transmittal of this letter, the extended and now applicable agency action deadline is September 6, 2017.

The requirement for agency action time period extension is established by Minnesota Statutes, Section 15.99, Subdivision (3)(f) (copy attached). If you have any questions concerning this letter, please contact me at (952) 563-8925 or nmjohnson@BloomingtonMN.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Johnson", written in a cursive style.

Nick Johnson
Planner

Minnesota Statutes
DEADLINE FOR AGENCY ACTION

15.99 Time Deadline For Agency Action.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms shall have the meanings given.

(b) “Agency” means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) “Request” means a written application related to zoning, septic systems, watershed district review, soil and water conservation district review, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.

(d) “Applicant” means a person submitting a request under this section. An applicant may designate a person to act on the applicant’s behalf regarding a request under this section and any action taken by or notice given to the applicant’s designee related to the request shall be deemed taken by or given to the applicant.

Subd. 2. Deadline For Response. (a) Except as otherwise provided in this section, Section 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Subd. 3. Application; extensions. (a) The time limit in subdivision 2 begins upon the agency’s receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only

if the agency sends written notice within 15 business days or receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke or rescind the approval by the agency and will not give rise to a claim that the 60-day limit was not met.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

August 31, 2017

Mr. Glen Markegard
Planning Manager
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431

Re: Redevelopment of Friendship Village
Case: PL2017-72

Dear Glen:

On behalf of Friendship Village of Minnesota, I am writing regarding the pending application for redevelopment of the Friendship Village senior community. The owner of Friendship Village, Lifespace Communities, intends to submit new applications to rezone its property, and for Preliminary and Final Development Plan and Conditional Use Permit. Accordingly, Lifespace Communities withdraws the existing counterpart applications at this time.

In connection with this request, Lifespace agrees to extend the Sixty Day Rule timeline applicable to the requested comprehensive plan and preliminary and final plat applications under Minn. Stat. 15.99 until December 19, 2017. This extension applies also to the associated Wetland Replacement Plan application that has been separately submitted to the City.

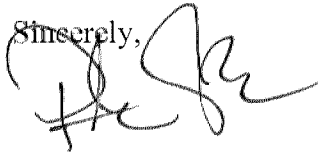
We will be back in touch when we are ready to pursue resubmittal of the new substitute applications.

Mr. Glen Markegard

August 31, 2017

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Please call me if you have questions.

Sincerely,


Peter J. Coyle, for
Larkin Hoffman Daly & Lindgren, Ltd.

Direct Dial: (952) 896-3214

Direct Fax: (952) 842-1704

Email: pcoyle@larkinhoffman.com

cc: Brian Devlin
David Miller

4849-1682-9006, v. 1



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800

FAX: 952-896-3333

WEB: www.larkinhoffman.com

October 27, 2017

Mr. Glen Markegard
Planning Manager
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431

Re: Redevelopment of Friendship Village
Case: PL2017-72

Dear Glen:

On behalf of Friendship Village of Minnesota, I am writing regarding the pending application for redevelopment of the Friendship Village senior community. The owner of Friendship Village, Lifespace Communities, agrees to extend the Sixty Day Rule timeline applicable to the requested comprehensive plan and preliminary and final plat applications under Minn. Stat. 15.99 until March 1, 2018.

Please call me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Steen", with a large, stylized initial "J" and a horizontal line extending to the right.

Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com

cc: Brian Devlin
David Miller

From: Coyle, Peter J. <pcoyle@larkinhoffman.com>
Sent: Monday, December 18, 2017 6:10 PM
To: Markegard, Glen
Cc: Johnson, Nick M; Schmidt, Amy; Segar, Steve
Subject: Re: CC meeting date Friendship Village

Yes sorry I forgot to include. We would like the request to include the pending wetland application under the extension to March 15, 2018.

Pete

Sent from my iPhone

On Dec 18, 2017, at 3:34 PM, Markegard, Glen
<gmarkegard@BloomingtonMN.gov<<mailto:gmarkegard@BloomingtonMN.gov>>> wrote:

Peter,

Can you clarify your intent on the corresponding wetland application deadline?

Thanks,

Glen

From: Coyle, Peter J. [<mailto:pcoyle@larkinhoffman.com>]
Sent: Monday, December 18, 2017 3:18 PM
To: Johnson, Nick M <nmjohnson@BloomingtonMN.gov<<mailto:nmjohnson@BloomingtonMN.gov>>>; Markegard, Glen <gmarkegard@BloomingtonMN.gov<<mailto:gmarkegard@BloomingtonMN.gov>>>
Cc: Steen, Jacob W. <jsteen@larkinhoffman.com<<mailto:jsteen@larkinhoffman.com>>>; Brian Devlin <Brian.Devlin@LifeSpaceCommunities.com<<mailto:Brian.Devlin@LifeSpaceCommunities.com>>>; Pat Gleason <pgleason@greystonecommunities.com<<mailto:pgleason@greystonecommunities.com>>>; Schmidt, Amy <aschmidt@BloomingtonMN.gov<<mailto:aschmidt@BloomingtonMN.gov>>>
Subject: CC meeting date Friendship Village

Glen and Nick, Lifespace Communities is requesting that the pending applications relating to Friendship Village be scheduled for the first City Council meeting in February 2018, which we understand will be February 5. Lifespace Communities grants the City an extension of time until March 15, 2018 for each specific land use request as provided under state law, including MS 15.99, to accommodate this scheduling request. This extension applies to all pending applications of Lifespace including: comp plan amendment, preliminary and final plat, rezoning, preliminary and final PD, CUP and variance. Please let me know if you require anything further from me. Thank you. P

CONFIDENTIALITY NOTICE: