



Larkin Hoffman

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

General: 952-835-3800
Fax: 952-896-3333
Web: www.larkinhoffman.com

April 28, 2023

Mayor and City Council
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431

Via Email
Council@BloomingtonMN.gov

Dear Mayor and Members of Council:

As you are aware, we represent a coalition of neighbors from Norman Ridge. We are appreciative of your ongoing engagement with our clients and thoughtful consideration of our initial recommendation to revise the proposed R1 zoning district. Since the public hearing on this matter, our clients have continued to reach out to Council, staff and other residents to seek mechanisms to promote the City's housing goals while protecting the natural resources that make Bloomington unique. The City is just minutes from downtown Minneapolis and St. Paul, is home to an international airport, has incredible commercial and retail amenities, and at the same time is benefited by significant natural resources from the bluffs along the river to wetlands, prairies, and lakes.

The 2040 Comprehensive Plan (2040 Plan) recognizes this dynamic mix within Bloomington. The vision and values of the 2040 Plan include the following priorities:

Bloomington is forward thinking. We are intentional in managing change and shaping growth. We embrace innovation and proactively explore opportunities to leverage and enhance our natural, physical, cultural, and economic assets.

Bloomington is a community of neighborhoods. We value the individual character and amenities our neighborhoods offer and recognize their role in establishing Bloomington's sense of community. We promote neighborhood revitalization to strengthen community identity, vitality and pride and support activities that welcome engagement in community life.

Bloomington is a steward of its natural and cultural assets. We value and promote preservation of our many natural and cultural resources. We recognize the contribution they make to community livability and distinctiveness and proactively foster efforts to enhance access to and awareness of these amenities.

Bloomington is sustainable and resilient. We believe proactive management and renewal of our natural, social, and economic resources is vital to maintaining a high quality of life for present and future generations. We continually strive to increase our

environmental consciousness and are committed to preserve and renew our ecological, land and energy resources through the use of operational best practices.

In our last request to the Council, we recommended two approaches. The first proposed minor tweaks to the draft ordinance to utilize a “neighborhood lens” in facilitating further residential development. The second requested consideration of a proactive approach focused on sustainability and preservation of natural resources. It is important to note that while there has been much conversation around the proposed revisions to the R1 ordinance city wide and its potential impacts, the Norman Ridge neighborhood engaged our firm because of genuine and immediate concerns over the future development and changes to the natural environment. Norman Ridge is a neighborhood characterized by open space, wetlands, steep slopes, and significant tree cover. Its proximity to Hyland- Bush-Anderson Lakes Park Reserve makes it a natural home for wildlife of all sorts.

During ongoing conversations with City staff, in the thoughtful conversation engaged in by Council at the public hearing on the R1 District, and in close review of the 2040 Plan, it is clear that the City has significant goals around protecting the environment. To this end and since the last Council meeting on this matter, our clients researched and provided national examples of residential districts with development standards that preserve, protect, and maintain natural environments within neighborhoods benefited by unique resources like wetlands, bluffs, shoreland and the like. These types of districts are found more often in the City’s coastal counterparts, although similar protections designed to preserve unique stands of hardwood forest have been recently adopted in Chaska. Utilizing these resources, we developed a draft ordinance for your review and consideration.

The proposed Residential Environmental Preservation District (REP), attached as Exhibit A, is designed for use throughout the City in areas where there are significant environmental resources to be preserved and that are likely to be negatively impacted by increased development activity. The City’s bluff protection ordinance accomplishes similar goals for properties along the river, but as proposed this district enables further protection of important resources. Our client has developed a preliminary analysis of where the REP District could be deployed to proactively manage existing natural resources (Exhibit B). As drafted, the REP is complementary to the City’s existing bluff, steep slope, and shoreland protections and could be deployed through resident or city initiated zoning map amendments. The draft REP provided here adopts the revisions to the R1 district proposed by staff but may be amended to reflect any further revisions that are made to the draft R1 ordinance after Council review.

The REP District focuses on three specific areas, consistent with the ordinances we reviewed from around the country. They are: lot size, impervious surface, and tree preservation. The goal of these mechanisms is to strike a balance between existing development, future development, and preservation. The proposed minimum lot size for a property within the REP District is 22,000 square feet. To be clear, this is a reduction from the City’s large lot districts. Coupled with minimum site width of 65%, and more restrictive impervious surface limitations, these provisions allow for continued development but limit the size and intensity of that development in order to preserve green space. Enhanced tree removal prohibitions preserve the current tree canopy upon development, while maintaining exemptions for diseased trees.

We believe that this approach presents a proactive and innovative opportunity for the Council to leverage *and* enhance natural assets, while valuing the individual character that each neighborhood offers. The REP District is not appropriate for every neighborhood. However, it is appropriate for specific neighborhoods throughout the City. It is a mechanism to maintain, promote, and where appropriate regulate revitalization of existing neighborhoods with significant natural resources. Preservation of these resources creates opportunities for access and partnerships, it reflects proactive management of these resources for the benefit of the City as a whole - for present and future generations. The 2040 Plan challenges this Council to increase its environmental consciousness and commitment to preservation and renewal of ecological, land and energy resources through the use of operational best practices.

With this in mind, we respectfully request that the Council direct staff to review the draft REP District ordinance for adoption and implementation. Norman Ridge is committed to this work and is willing to pilot this district recognizing that it is *more* restrictive than what current zoning allows. Once again, the neighbors of Norman Ridge have used the additional time provided by Council to put forward a creative solution. Please do not hesitate to contact our office with any questions or requests for more information.

Sincerely,



James M. Susag, for
Larkin Hoffman

Direct Dial: 952-896-1572
Direct Fax: 952-842-1767
Email: jsusag@larkinhoffman.com

Exhibit A**§ 21.203.09 RESIDENTIAL ENVIRONMENTAL PRESERVATION DISTRICT.**

(a) Intent. The Residential Environmental Preservation District (REP) is intended to:

(1) Preserve and enhance wildlife migration routes and natural resources in and through residential districts where steep slopes, significant vegetation, and wetlands exist or that present unique wildlife habitats;

(2) Protect natural resources and ensure compatible redevelopment through appropriate development standards; and

(3) Allow compatible non-single family residential and institutional uses.

(b) Uses. Uses allowed in the REP District as permitted, accessory, conditional, limited, or interim uses are listed in the R-1 District as found in Table 21.209(c).

(c) Standards. Development in the REP District must comply with the standards in § 21.203(b) and the following:

(1) Outside storage of a recreational vehicle. See § 21.301.13 for applicable standards and permitting.

(2) Additional single-family dwelling standards. See § 21.302.07 for applicable standards.

(3) Additional tree preservation standards. See § 21.301.14 for applicable standards.

21.301.01 DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS

Zoning District	Site Area	Site Width	Density		Impervious Surface Area
	Minimum	Minimum	Minimum	Maximum	Maximum
REP	<u>22,000 sq. ft</u>	see (A & B) below	NA	NA	35% and see (C) below

(B) Median site width. Site width for all single and two-family residential lots in the RS-1 and R-1A zoning districts approved or modified by the city after August 31, 2006 must meet or exceed 80% of the median site width of existing lots wholly or partially located within 500 feet of the perimeter of the proposed subdivision measured along existing or proposed public streets. Site width for all single and two-family residential lots in the REP zoning district must meet or exceed 65% of the median site width of existing lots wholly or partially located within 500 feet of the perimeter of the proposed subdivision measured

along existing or proposed public streets. In no event is site width for single and two-family residential sites required to exceed 120 feet.

(C) Storm water. To mitigate the impacts of increased storm water runoff rates and volume, single-family dwellings must meet the following storm water standards:

(i) Erosion and sediment control must meet the requirements of Chapter 16 of the city code;

(ii) The area of impervious surface on a single-family residential site may not exceed 12,000 sq. ft plus 1,000 sq. ft. for each full acre of lot size over one acre;

(iii) Except for residential sites within the REP which may not exceed 35% of impervious surface, single-family residential sites less than 11,000 square feet in area may exceed 35% of impervious surface up to a maximum of 45% with approval from the City Engineer or designee prior to issuance of a grading, foundation, or building permit, subject to the following requirements:

(aa) Approval of stormwater management plans consistent the requirements of Chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan.

(bb) Additional impervious surface above 35% must be mitigated by installing on-site trees at a rate of one tree per three percent of impervious surface area above 35%, with a minimum requirement of one tree, unless a waiver is granted by the Issuing Authority based upon existing tree canopy cover of the single-family residential site. Trees must be overstory trees, except sites that require more than one tree may use one ornamental tree in lieu of one overstory tree. A maximum of one ornamental tree may be installed to satisfy the mitigation requirement.

§ 21.301.14 TREE PRESERVATION.

(d) Removal threshold.

(1) Removal or disturbance of significant trees on lots or proposed lots in the R-1, R1-A and RS-1 Zoning Districts beyond 50% of the total inches DBH of significant trees on the lot or proposed lot requires reforestation as specified in this section. Removal or disturbance of significant trees on lots or proposed lots in the REP Zoning District beyond 30% of the total inches of DBH of significant trees requires reforestation as specified in this section. The following trees are not counted toward the calculation of significant trees:

Exhibit B - Neighborhood Focus

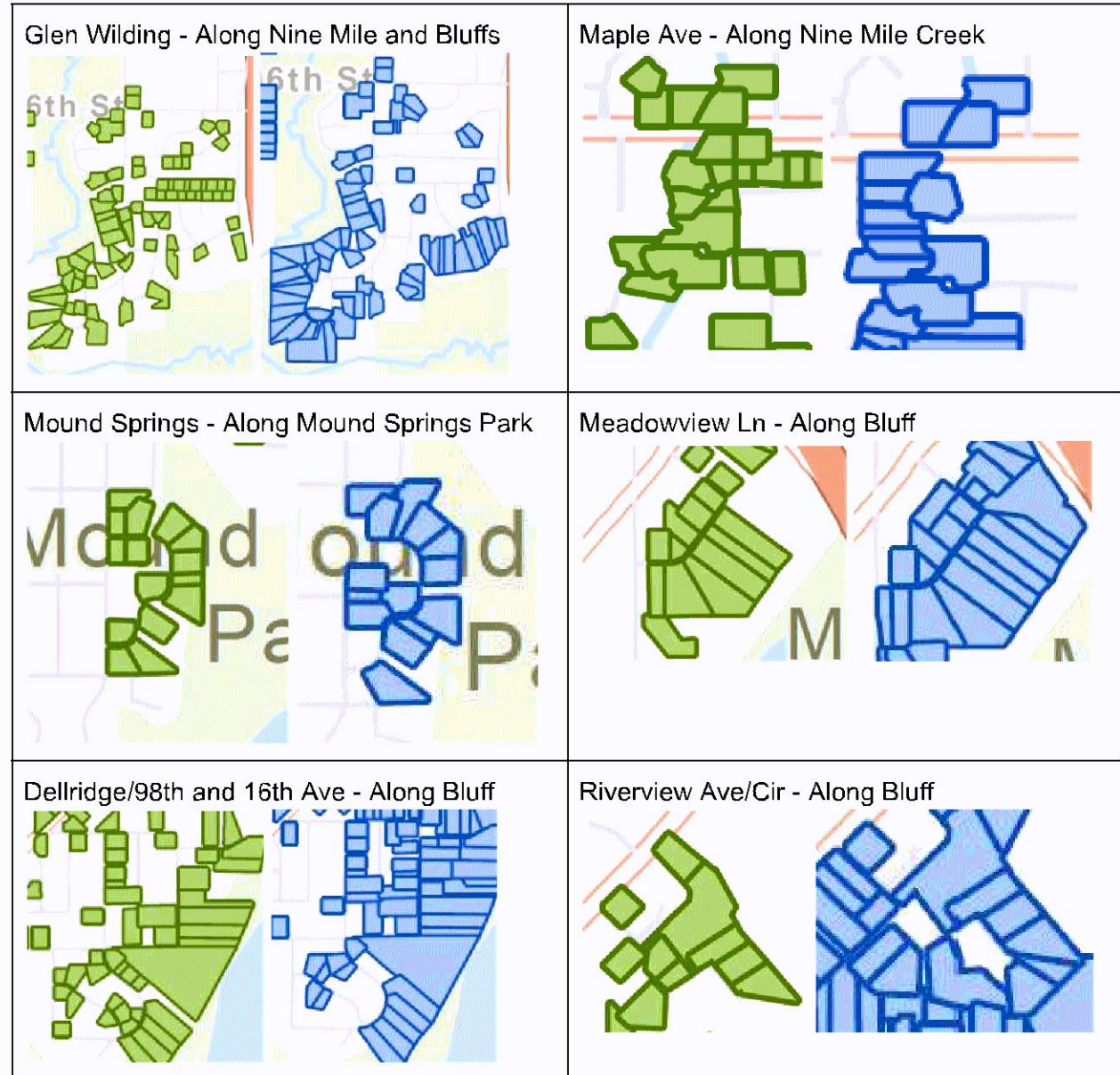
Map Detail:

Green - Splittable Lots (15,600 sf & 120 ft wide)

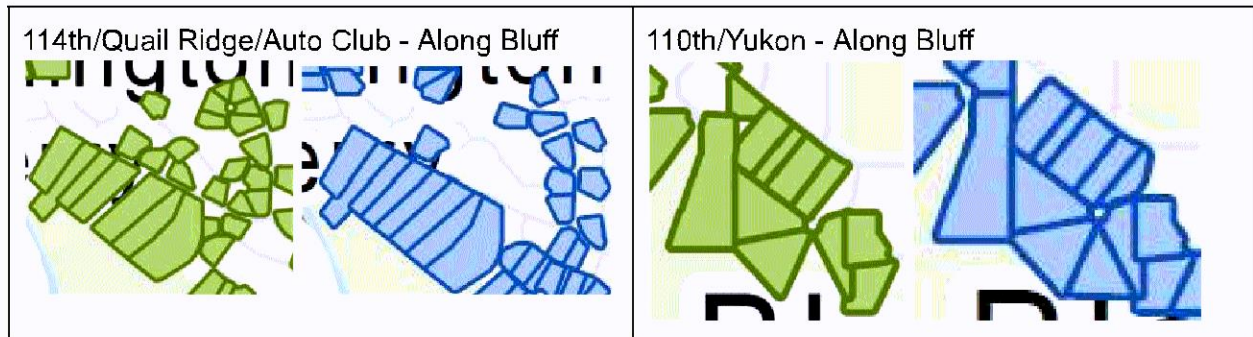
Blue - Lots Conforming to Proposed REP District (22,000 sf)

Bold parcel borders create inconsistent parcel appearance

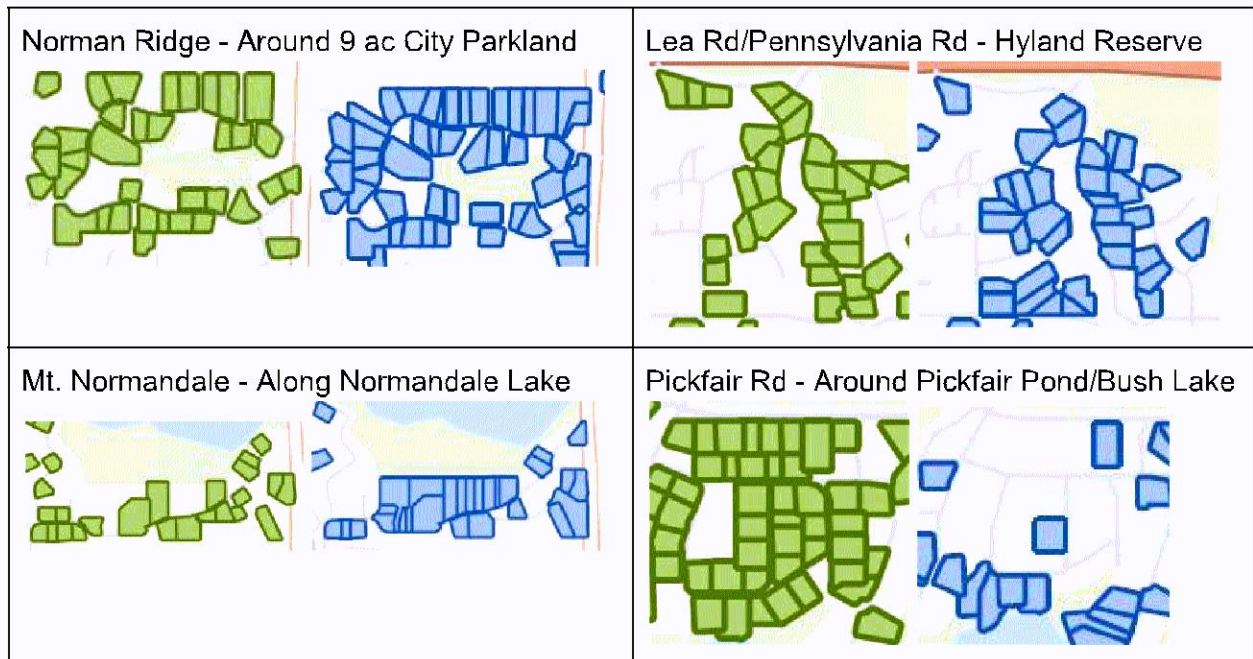
District I



District II



District III



District IV

