

# CASE FILE #PL201600236

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State of Minnesota  
County of Hennepin

Zoning Jurisdiction under the MSP  
Zoning Ordinance

MSP Zoning Ordinance Board of Adjustment

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In the Matter of the Application/Petition for  
Variance of Height Restrictions for  
Construction of the BCS HealthPartners  
Parking Ramp Development

## **Findings, Conclusions and Approval of Variance with Conditions**

After considering the request and the evidence presented, the MSP Zoning Ordinance Board of Adjustment makes the following findings and conclusions:

### **Findings**

1. On December 6, 2016, Kimley-Horn and Associates, Inc. on behalf of Bloomington Central Station, LLC, submitted a request for a variance from the strict application of the Minneapolis-St. Paul International Airport (Wold Chamberlain Field) Zoning Ordinance for construction of the proposed BCS HealthPartners Parking Ramp development in Bloomington, Minnesota.
2. The proposed development is located north of East Old Shakopee Road and east of 30<sup>th</sup> Avenue South in the City of Bloomington.
3. The MSP Zoning Ordinance establishes height restrictions, two of which are the Precision Instrument Approach Surface and the Transitional Surface for Runway 35. These surfaces extend over the BCS HealthPartners Parking Ramp construction site.
4. The proposed maximum height of the permanent structural elements associated with the BCS HealthPartners Parking Ramp development as proposed do not exceed the maximum airspace zone heights and therefore do not require a zoning variance (Aeronautical Studies 2016-AGL-13018 through -13026-OE).
5. Construction of the proposed development requires the use of temporary mobile cranes with a maximum height of 170 feet AGL/986 feet AMSL. The crane operational period will be approximately 10 months between March and December 2017.
6. The Precision Instrument Approach Surface for Runway 35 would be penetrated by as much as 18 feet by the temporary mobile construction cranes. Likewise, the Transitional Surface for Runway 35 will be penetrated by as much as 18 by the temporary mobile construction cranes.

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7. This penetration of the Approach and Transitional Surfaces for Runway 35 by the temporary mobile cranes has been reviewed by the FAA and found not to constitute a hazard to air navigation. "Determinations of No Hazard to Air Navigation for Temporary Structure" were issued by FAA on December 5, 2016 (Aeronautical Studies 2016-AGL-13582 through -13585-OE).
8. The FAA's findings are subject to strict compliance with the specific conditions listed in the determination letters, including the following:
  - The FAA ATCT Manager will be notified three days prior to the mobile cranes being used on-site and when the cranes are removed;
  - MAC Management will be notified three days prior to the mobile cranes being used on-site and when the cranes are removed;
  - The cranes are marked and lighted according to FAA Advisory Circular 70/7460-1L, Change 1, Obstruction Marking and Lighting, Paint/Red Lights – Chapters 3, 4, 5, and 12; and
  - The cranes must be lowered to the ground when not in use and during the hours between sunset and sunrise.

The applicant acknowledges, accepts, and agrees to strictly abide by the conditions. Failure to strictly comply with the FAA's stated conditions will void these determinations.

9. These determinations are based, in part, on the foregoing description which includes specific coordinates and heights, as provided by the Applicant. Any changes in coordinates and/or heights will void these determinations. Any future construction or alteration, including increase to maximum heights, requires separate notice to the FAA.
10. The FAA determinations for use of the temporary construction cranes expire on December 5, 2017 unless otherwise extended, revised or terminated.

### **Conclusions**

1. The variance extension request, as clarified by the applicant, is a complete application for a variance, from strict application of the MSP Zoning Ordinance. Any deviation from the description provided would require an additional zoning variance request.
2. A literal application or enforcement of the Precision Instrument Approach Surface and Transitional Surface height restrictions in Sections IV.A.7 and IV.A.9 of the MSP Zoning Ordinance would result in practical difficulty or unnecessary hardship to Kimley-Horn and Associates, Inc. on behalf of Bloomington Central Station, LLC, due to the need for these cranes to construct the project.
3. Granting the requested variance extension will have minimal effect on aircraft activity to and from Runway 17-35 at MSP.
4. Granting the requested variance extension would not be contrary to the public interest and would be in accordance with the spirit of the MSP Zoning Ordinance.

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### Approval of Variance with Conditions

Based on the Findings and Conclusions, the Board hereby approves the variance for the location and height of two temporary construction cranes inherently necessary for the construction of the BCS HealthPartners Parking Ramp development, located in accordance with the application details, subject to the following conditions:

1. All conditions of approval contained in the FAA Determinations of No Hazard to Air Navigation for Temporary Structure are complied with.
2. The applicant shall provide survey certification that the construction cranes comply with the approved height limitations upon completion of crane installation.
3. The variance shall terminate upon completion of project construction, or upon expiration or revocation of current or subsequent FAA airspace determinations, whichever occurs first.

Adopted this 17th day of January, 2017 by:

Cramer: Aye

Harris: Aye

Mohamed: Aye

Peilen: Absent

Prosser: Aye

Attested to by , Secretary