

GENERAL INFORMATION

Applicant:	Verizon Wireless (Owner and User)
Location:	10801 Bush Lake Road
Request:	<ol style="list-style-type: none">1) Conditional use Permit for a tower supporting small cell antennas2) Final Site and Building Plans for a 30-foot tower supporting small cell antennas at an existing data center facility
Existing Land Use and Zoning:	Data center; zoned Industrial Park (IP)
Surrounding Land Use and Zoning:	North – Single-family residential; zoned R-1 South and East – Office and warehouse; zoned IP West – Auto care center; zoned I-1(PD)
Comprehensive Plan Designation:	Industrial

HISTORY

City Council Action:	02/27/2006 – Approved Final Site and Building Plans for an office and warehouse building (Case #01722-06).
Planning Manager Action:	09/18/2020 – Approved a Minor Revision to Final Site and Building Plans to install 14 wall mounted small cell antennas and associated equipment at an existing data center (Case #PL2020-173).
Planning Commission Action:	10/08/2020 – Continued a Major Revision to Final Site and Building Plans to construct a 17,000 square-foot addition to an existing data center (Case #PL2020-166).

CHRONOLOGY

Planning Commission	10/22/2020 – Recommended approval (Vote: 5-0)
City Council	11/09/2020 – Consent Business

DEADLINE FOR AGENCY ACTION

Application Date:	09/16/2020
60 Days:	11/15/2020
90 Days (FCC Rule):	12/15/2020
Applicable Deadline:	11/15/2020
Newspaper Notification:	Confirmed (10/08/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

Verizon Wireless proposes constructing a 30-foot ballasted tower at an existing data center located at 10801 Bush Lake Road. The tower would host seven small cell antennas, radios, and various other equipment. The proposed equipment is connected to and part of other wireless small cell antennas recently approved for the site, which would serve as a testing network for various technologies. The applicant is seeking approval of a Conditional Use Permit and Final Site and Building Plans for the proposed tower. Under the provisions of Section 19.63.05(c)(1) of the City Code, the City Council must take action on the approval of a new tower.

ANALYSIS

Land Use

Towers not located within the public right-of-way are conditional uses in the Industrial Park (IP) zoning district. According to City Code definition of a tower, a support structure is classified as a tower once it is taller than 15 feet.

Code Compliance

The proposed tower structure review is based on the specific performance standards for towers (Sec. 19.63.05), as well as other City Code sections that are applicable or pertinent in this case. Table 1 provides an overview of City Code compliance according to these standards. In conjunction with the proposed building expansion under review as part of Case #PL2020-173, numerous site characteristics, such as lighting and landscaping, would need to be brought into full compliance. The subject review of the proposed tower does not include an analysis of these site characteristics,

as the new tower would not trigger compliance with these items. The applicant notes in their project description that the proposed tower project has no relationship or connection to the proposed facility expansion associated with Case #PL2020-166.

Table 1: City Code Requirement Analysis

Standard and Code Section	Proposed	Meets Standard?
Minimum Site Area – 120,000 square feet (Sec. 21.301.01(d))	392,134 square feet	Yes
Minimum Site Width – 250 feet (Sec. 21.301.01(d))	690 feet	Yes
Minimum Tower Setbacks Along Public Street – 30 feet Side and Rear – 25 feet (Sec 21.301.02(e))	Along Streets – 190 feet Rear – 292 feet	Yes
Maximum Tower Height – 100 feet (Sec. 21. 301.10(b)(2)(C))	30. feet	Yes
Minimum Drive Aisle – 20 feet (Not adjacent to parking – MN Fire Code)	23.5 feet	Yes

Tower Location and Design

The location of the proposed tower exceeds the required principal building setbacks for the IP zoning district. Towers must not be located between a building and a public street, unless located within a side yard abutting an internal industrial street at a site with an industrial zoning designation (Sec. 19.63.05(f)(3)(A)). The east side of the property qualifies as a side yard, and Louisiana Avenue South meets an internal industrial street test. The proposed location of the tower complies with the location requirements of the City Code as a result.

The proposed monopole tower is constructed of galvanized steel and is 30 feet in height, complying with the maximum height allowed. It is ballasted with four containers or forms affixed to the ground which are stacked with concrete blocks to counter-balance the weight of the tower. Minimum requirements for the construction of a tower are specified in Section 15.14 of the City Code. Towers must be designed by a state-licensed professional engineer and meet the Minnesota State Building Code minimum standards. Staff is recommending a condition of approval that the tower plans and supporting documents demonstrate compliance with the construction requirements specified in Section 15.14 of the City Code as part of the building permit review.

Regarding the appearance or aesthetics of the tower, photo simulations or renderings show it to be light gray, a common visual treatment intended to make it blend in with the sky or surrounding

buildings. City Code requires a tower design must blend into the surrounding environment and not attract attention unless required by Federal authority, such as FAA. Staff is recommending a condition that the final design be approved by the Planning Manager prior to the issuance of a building permit to ensure the tower meets this aesthetic requirement. Additionally, antennas and other visible equipment must be painted or manufactured to match the tower on which they are mounted to reduce the visual impact of the facility.

Co-Location Analysis

To limit the size and number of telecommunication towers in the community, the City Code has specific co-location requirements for new towers (Sec. 19.63.05(c)(1)). A new tower less than 80 feet in height must not be located within one-quarter of another tower or co-location opportunity, such as a building, as found by the City Council subject to exceptions. Staff has evaluated the area of the proposed tower location for co-location opportunities. There are no other towers or taller buildings within one-quarter mile of the proposed tower location that could serve as logical co-location sites. The closest wireless telecommunication tower is located one-half mile away. Additionally, the applicant notes the structural load of the equipment proposed for the tower is too great to install on one of the numerous light poles on site, similar to other small cell facilities approved in other locations. Finally, Verizon Wireless also puts forth the intended use of the tower, hosting antennas that are part of a testing network, is of a nature that necessitates frequent service and monitoring. As such, the facility must be located on the Verizon Wireless property to conduct testing exercises and activities. Based upon the locational analysis performed, the structural load needed to be carried, and unique nature of the intended use and a testing network, the proposed facility meets the co-location requirements.

Circulation

The proposed ballasted tower is sited in a location that will not impede internal traffic flow or emergency vehicle access. A 23.5-foot drive aisle is maintained between the tower and loading dock area to the west. Minimum circulation requirements as required by the Fire Code must be maintained on an ongoing basis.

Lighting

Per Section 19.63.05(h) of the City Code, the tower may not be illuminated by artificial means unless specifically required by the FAA or another federal or state authority. No lighting is currently shown on the tower plans. Staff is recommending a condition the tower and associated equipment comply with the lighting requirements for towers on an ongoing basis.

Utilities

The Utilities Division has reviewed the proposed plans to determine conflicts with the proposed tower with sanitary sewer, storm sewer, or watermain in the area. There is a private watermain in proximity to the proposed tower location according to City records of the site. Given deep footings

are not proposed to anchor the proposed tower, the conflicts with the nearby watermain are being evaluated. Updated plans were submitted by Verizon, creating greater separation between the proposed ballasted tower and watermain. The revised tower location and/or site utilities nearby must be reviewed for final approval by the Utilities Division prior to a building permit issuance.

Fire Prevention and Public Safety

The access and circulation design must continue to meet or exceed the Fire Code's minimum standards and be maintained in accordance with the approved plan, including a surface to provide all-weather driving capabilities. Apparatus access roads shall be asphalt or concrete and support a minimum of 80,000 pounds with a turning radius to accommodate BFD ladder 3.

Hydrant coverage shall be provided or maintained within 150 feet of all exterior walls and within 50 feet of the fire department connection (FDC). The Utilities and Fire Prevention Divisions must approve hydrant locations.

Any changes made to the current plans, including tower location and access roads, shall be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

Status of Enforcement Orders

The property is not subject to open enforcement orders.

Public Correspondence

The City has received five emails opposing the proposed tower from neighboring residents. General concern about facility expansion is noted, as well as concern about health impacts of cellular antennas and potential aesthetic impacts on the surrounding neighborhood. Public correspondence received in this case is attached to the staff report.

Planning Commission Review

The Planning Commission held a public hearing on the proposed tower on October 22, 2020. One person from the public spoke at the hearing, asking questions of staff and the applicant. Following discussion, the Planning Commission unanimously voted to recommend approval of the applications (Vote: 5-0). The full details of the discussion can be found in the Planning Commission minutes attached to the staff report.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04(e)(1)-(5)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Industrial. A 30-foot tower constructed at an existing data center is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The property is not located in an area subject to an adopted District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to the recommended conditions of approval, the proposed use is not in conflict with City Code provisions.
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made – Installing a tower at an existing data center will not further burden public facilities and utilities. A tower use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The proposed tower height will not present a significant visual impact to surrounding properties, as it does not significantly exceed the height of the existing buildings on both the subject property and surrounding properties. No noise or light impacts are anticipated related to the tower or associated equipment. The tower must comply with the aesthetic and design requirements of City Code. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

Required Final Site and Building Plan Findings - Section 21.501.01(d)(1)-(4):

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Industrial. A 30-foot tower constructed at an existing data center is not in conflict with the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	Finding Made – The property is not located in an area subject to an adopted District Plan.
(3) The proposed development is not in conflict with City Code provisions.	Finding Made – Subject to the recommended conditions of approval, the proposed use is not in conflict with City Code provisions.

Required Finding	Finding Outcome/Discussion
(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The proposed tower height will not present a significant visual impact to surrounding properties, as it does not significantly exceed the height of the existing buildings on both the subject property and surrounding properties. No noise or light impacts are anticipated related to the tower or associated equipment. The tower must comply with the aesthetic and design requirements of City Code. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

RECOMMENDATION

Planning Commission and staff recommend approval through the following motions:

In Case #PL2020-175, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a 30-foot tower at an existing data center located at 10801 Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.

In Case #PL2020-175, having been able to make the required findings, I move to approve Final Site and Building Plans for a 30-foot tower at an existing data center located at 10801 Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2020-175

Project Description: Conditional Use Permit and Final Site and Building Plans for a 30-foot tower with small cell antennas at an existing warehouse and office facility.

Address: 10801 Bush Lake Road

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit The construction of the tower must comply with the minimum requirements of Section 15.14 of the City Code.
3. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
4. Prior to Permit Utility plans must be approved by the City Engineer.
5. Prior to Permit Tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment as approved by the Planning Manager (Sec. 19.63.05(e)(1)).
6. Ongoing The tower and associated improvements are limited to those as shown on the approved plans in Case File #PL2020-175.
7. Ongoing The antennae and any associated equipment visible from the ground shall be painted to match the tower on which they are mounted.
8. Ongoing The antennas shall comply with all Federal Communications Commission requirements regarding radio frequency emissions.
9. Ongoing Alterations to utilities must be at the developer's expense.
10. Ongoing Fire lanes must be maintained as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
11. Ongoing Tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower (Sec. 19.63.05(h)).
12. Ongoing All construction related pick-up, drop-off, loading, unloading, staging and parking must occur on site and off public streets.