



Request for Appeal Planning Commission Approval or Denial

Right of Appeal

City Code Section 21.501.01 (c) provides the applicant or the member of the public the right to appeal a final decision of the Planning Commission to the City Council. Any appeal must use this form and must be submitted to the Planning Division **within three days** of the Planning Commission's decision.

Notice and Schedule

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Fees

To defray the costs of sending notices and holding a hearing, the City Code requires submittal of a \$200 fee for an appeal made by the applicant. There is no fee for an appeal made by a member of the public not affiliated with the applicant.

Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: Linda L. Fletcher

Address: 10923 Highland Road Bloomington 55438

Phone and E-Mail: 952-947-1179 llfletcher@yahoo.com

Reason for Appeal (attach any supporting documentation):

see two (2) attached pages

Linda L. Fletcher
Signature

November 20, 2020
Date

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TO: The Mayor of the City of Bloomington and Members of the Bloomington City Council

FROM: Linda Fletcher 10923 Highland Road Bloomington 55438 952 947 1179

RE: Case File Number PL2020-166

DATE: November 22, 2020

I request an appeal for the above Cited City Case File Number. This proposal from Verizon requires a **hard look**; the bordering homes and their residents deserved nothing less. We will be the ones who will be forced to live with the consequences of your decision. My attached statement following the public hearing on October 8, 2020 remains relevant.

As I write the MPCA has begun an investigation into the **current** operation on Bush Lake Road. Verizon must respond to the MPCA by the end of this month. At the very least a decision on your part should await the conclusion and report of this investigation.

This will not be the last time that this industry and Bloomington residents will interact. For this reason getting this one right is all the more important, as it sets a precedent for the future.

Now--- for the hard look!

Response to Notice of Public Hearing re: Case File Number: PL2020-166
Yahoo/Sent

linda fletcher <llfletcher@yahoo.com>

To: Centinario, Michael

Thu, Oct 8 at 11:22 AM

TO: Michael Centinario Planner

FROM: Linda Fletcher Bloomington property owner and resident 10923 Highland Road

RE: PL2020-166 Verizon expansion

DATE: October 8, 2020

The major problem of this application is a re-occurring one: **NOISE**. As currently designed this building has been a continued disturbance to the surrounding residential neighborhoods.

The proposal before you (PL2020-166) imagines the addition of four(4) fans plus a fifth in reserve. How can this scenario possibly alleviate the already existing problem **NOISE**? The property owners in the area require a detailed answer to this question. **We** are the persons who will be forced to live with the situation, **NOT** the applicant.

Here is another unasked and therefore unanswered question. If the noise problem persists, what is the redress for those living near the facility? How can the predicament be corrected once the expansion has been completed? We need to know what rights we have.

Yesterday I received notification of yet another Verizon application; this one for a 30 foot tower on the same property. Are these two applications connected? Can one work without the other? Again, these questions must be satisfactorily answered before a final decision is reached.

Due to the serious and permanent effect of this proposal property owners, including myself, will be filing an appeal to the Bloomington City Council should the Planning Commission decide to approve this application in its present form.

Thank you for your consideration of my concerns.



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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: Gemma M. Miller

Address: 10952 Highland Road

Phone and E-Mail: 952-877-3360

Reason for Appeal (attach any supporting documentation):

Gemma M. Miller
Signature

11/22/2020
Date

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November 22, 2020

Planning Division

RE: Case #PL2020-166

Attention: Mike Centinario

Dear Mr. Centinario,

I wish to appeal the approval by the Bloomington Planning Commission on November 19, 2020 for the expansion of Verizon Wireless at 10801 Bush Lake Road. My decision is based on three points:

- 1) The lack of an updated landscaping plan for the site.
- 2) Approving the noise pollution study as evidence of noise levels in cold air during nighttime hours.
- 3) No concern for the additional diesel fuel emissions near a residential area from two additional generators during their use and weekly testing.

At the November 19th planning commission meeting, Mr. Guerin presented vital statistics on diesel fuel combustion emissions. There was not one question asked by any member of the commission concerning this subject. If there was previous knowledge concerning this subject, it was never stated.

At the October 8th Planning Commission meeting, the commission required Verizon to update their noise study in order to comply. There was discussion about winter weather and its below zero temperatures in Minnesota, especially at night.

In order for a noise pollution test to accurately convey noise levels in cold air at nighttime in Minnesota, the test would need to be performed in those conditions, not at 17 degrees or warmer, as the study showed. With their approval, the commission allowed Verizon to conduct this study after occupancy. I feel evidence should be produced before approval.

Thank you for your consideration of this issue.

Gemma Miller



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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name:

Jean Moss

Address:

10950 Highland Rd 554.38

Phone and E-Mail:

952-457-5802 jamoss@comcast.net

Reason for Appeal (attach any supporting documentation):

Verizon application needs further examination. EPA & MPCA need to investigate emissions: 1) Noise levels to residents overnight and at below zero temps. 2) particulate toxicity from current generators measured for air safety. 3) What is cumulative effect on health for residents? 4) Determine future oversight of any expansion with sound and air testing by independent company.

Jean A Moss

Signature

11-23-2020

Date

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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: Cheryl Reese

Address: 10925 Highland Road

Phone and E-Mail: 952-941-4772

Reason for Appeal (attach any supporting documentation):

My main concern centers around N-toxins due to diesel
at back of farm over years to identify areas of concern & how
to prevent our neighbors from getting sick.

Cheryl Reese
Signature

11/23/2020
Date

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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: SUE A BLOOM

Address: 10926 OREGON AVE SO. Bloomington 55438

Phone and E-Mail: 480-440-6672 sue@bloom@gmail.com

Reason for Appeal (attach any supporting documentation):

See attached

Sue A. Bloom
Signature

11/20/2020
Date

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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: Donna Thoele

Address: 10931 Oregon Ave

Phone and E-Mail: 952-220-0000 dkthoele@yahoo.com

Reason for Appeal (attach any supporting documentation):

Concern of Reduction of
property value. Negative
visual eyesore.

Donna Thoele
Signature

11-15-20.
Date

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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: Sue Besser

Address: 10917 Oregon Ave S

Phone and E-Mail: 612-889-6804 Sue.Besser@aol.com

Reason for Appeal (attach any supporting documentation):

Please see attached letter

Sue Besser
Signature

11/15/2020
Date

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From: Sue Besser SueBesser@aol.com
Subject: Members of the Bloomington Planning Commission and
City Council,
Date: Nov 15, 2020 at 12:00:57 PM
To: SueBesser@aol.com

Members of the Bloomington Planning Commission and City Council,

I would like to express my feelings to you, regarding the proposed Verizon expansion project.

Personally, I could live with the proposed Tower being built.

What I can't live with would be the addition of the four fans!

As things are now, it already is too noisy! Especially in the colder months!

And unfortunately, in MN. this represents half of the year!

I was raised in Bloomington, and recently have chosen to purchase my home here.

West Bloomington has always been known for its trees, wildlife and nicer home developments, hence the title : "Prestigious West Bloomington"!

This proposed addition would not help to uphold this feeling of peacefulness, quiet, landscape or upscale housing & neighborhoods that many have flocked here for.

Verizon is an enormous corporation that many of us do depend on.

I would hope that the powers at be, could consider the human aspect first as far as the quality of our daily lives, and choose to make that a priority. I'd also want to add that I'm extremely concerned over the prospect of our property values going down.

I am strongly encouraging both the Planning Commission, and the City Council members to try to put themselves in my neighborhoods situation, both as tax payers, families and our quality of life.

After all, quality of life is what we initially moved here for.

I feel this expansion will dramatically have a negative impact on our lives.

Thank you for your time, and it is my hope that you will seriously take into account all that both I and others have expressed to you regarding this issue.

I hate the expression "You can't fight City Hall!", because I would like to think we can all work together to come to a satisfactory conclusion that benefits our community, as a whole. I believe this should always be our priority and something to continually strive for.

Once again, thank you for your time!

Sue Besser
10917 Oregon Ave S

Sent from my iPad



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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: MOLLY J. LAHN

Address: 10916 BUSH LAKE RD.

Phone and E-Mail: (952) 996-0010 MJLLAHN@YAHOO.COM

Reason for Appeal (attach any supporting documentation):

- Please see attached -

Molly J. Lahn
Signature

11/14/20
Date

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11/14/20

Mr. Centenario, members of the Bloomington Planning Commission and City Council:

I am writing to voice my strong opinion that the Verizon expansion project not be approved. As a 40-year resident of the city, I have 3 main concerns.

First, and most importantly, there is already an unacceptable level of noise coming from the existing structure. During all of the cold months, there is a loud, constant drone that is clearly audible day and night. Although the sound levels have been tested under the legal limit, I do not believe that there has been documentation of testing done during the colder months. In addition, the sound is much more noticeable from the upper floors of our homes, so testing at street level will not capture the actual experience of hearing the noise all winter long. Given that noise pollution is already an issue, I cannot imagine that adding another 4 fan units in the proposed expansion will do anything but make this issue much worse.

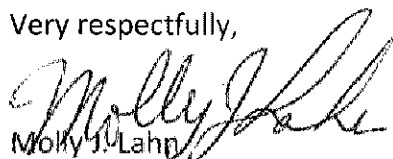
Second, I am deeply concerned about visual pollution. The expansion would likely remove the trees around the property, which have been acting as an additional sound barrier, and the building would expand upwards and outwards. In simple language, a large wall of concrete with protruding industrial structures coming out from the top would dramatically affect the entire look and feel of this area. Yes, the area is zoned for industrial use, but I implore you to draw the line and prevent further upward and outward expansion. We need trees, grass, and open space for livable environments.

Third, if the expansion is approved, this could adversely affect our property values. As a major corporation, Verizon has the resources to accomplish its goals in alternative ways. We, however, do not have that choice or flexibility. This is our neighborhood; this is where we have created our homes.

In conclusion, I would ask the council members this: Would you want to live across the street from the proposed structure? Would you want this to be part of your daily visual and auditory landscape? Please consider this carefully and cast your vote for the people who live here, not for corporate interests.

Thank you very much for your consideration and support.

Very respectfully,

A handwritten signature in black ink, appearing to read 'Molly J. Lahn', written in a cursive style.

Molly J. Lahn
10916 Bush Lake Road



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Required Information

Application Information:

City Case File Number: PL 2020 - 166

Appellant Information:

Name: Kathleen Hanley & Michael DeRuska
Address: 10901 Pennsylvania Ave
Phone and E-Mail: 952-941-0403 kphanley@comcast.net

Reason for Appeal (attach any supporting documentation):

The expansion of the Verizon plant does nothing to
enhance our neighborhood. Losing trees and adding
noise will negatively affect our quality of life and our
property values. we already endure constant noise & traffic
from Paradise car wash.
Kathleen Hanley 11.15.20
Signature Date

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Sue Bloom
11/20/2020

City Case File Number: PL 2020-166

Reason for Appeal:

As a neighboring property owner I object to the Verizon facility expansion.

There is ongoing noise issue that is never corrected. During the colder winter months Verizon changes to outdoor fans to pull in the cold air to cool their machines. This process makes the noise considerably louder and long running, especially at night.

Have the winter noise decibel levels been tested or regularly checked during these colder months?

Additional expansion will strongly increase ongoing noise levels to longer and louder periods.

This noise disturbance is annoying and unpleasant sounding, interrupting sleep, quality of life, joy and peacefulness in this beautiful nature area of Bloomington.

The expansion presents an unhealthy environment for the area residents and will deter potential home buyers and lessening property values.

Perhaps Verizon should pursue relocation to a more remote area

OVER

for their facility causing additional
disturbance and resentment from
the area residents and home owners.

Thank you

SUE A BLOOM

10926 OREGON AVE SO

Bloomington, MN 55438

480-440-6672

sueabloom@gmail.com



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Right of Appeal

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Required Information

Application Information:

City Case File Number or
description of application:

VERIZON EXPANSION PL2020-166

Appellant Information:

Name:

GARY A. GUERIN

Address:

10714 GARDEN CIRCLE

Phone and E-Mail:

952-201-9029 / garyaguerrin@gmail.com

Reason for Appeal (attach any supporting documentation):

- NON-COMPLIANCE W/ MPCA NOISE CRITERIA DUE TO ERRORS AND OMISSIONS IN ENGINEERING CALCULATIONS
- CRITICAL CONDITIONS TO BE ADDED TO PERMIT TO BUILD
- SEE ATTACHED LETTER & REF ATTACHMENTS


Signature

11/23/20
Date

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PLANNING DIVISION

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

AN AFFIRMATIVE ACTION/EQUAL
OPPORTUNITIES EMPLOYER

SUBJECT: Bloomington Residents Vs Verizon Expansion (Case PL2020-166) located 10801 Bush Lake Rd.

RESIDENTS APPEAL:

DATE: 11/21/20

To: Bloomington City Council

Council Members,

This Appeal is made based on the following aspects of the Planning Commission process, conditions of use, and subsequent approval of Case PL-2020-166.

Discussion, review and approval process on the subject Case was opened to the public via Oct 8th PC meeting. Residents were notified of this meeting (2) weeks prior. Meeting agenda packet was (54) pages long consisting of:

- Staff Report
- Project Description
- Site and Building Plans
- Noise Study
- Public Comment
- DRC Meeting Minutes
- DRC Comment Summary
- Notification Map
- Affidavit of Publication

Residents initiated earnest review of above documents and submitted (3) page letter dated Oct 4th outlining our initial concerns. Among other concerns; the residents letter pointed to flaws in the noise calculations as submitted on behalf of Verizon **by their representative**, ESI Engineering, and report dated Sept 1st.

Resident submittal and subsequent discussion during PC meeting on Oct 8th drove requirement by PC for ESI to prepare revised calculations addressing cited flaws.

Residents followed up with detailed letter on Oct 23rd (Exhibit 02) presenting additional detail with respect to our noise concerns. Therein we requested the PC post results of the revised ESI report at least (2) weeks prior to the next public hearing.

PC did not post the revised ESI report until Nov 13th (only 4 business days prior to PC meeting Nov 19th).

Residents submitted in process Petition (Exhibit 03) dated Nov 12th containing signatures from initial contact with (29) nearby residencies. Additional residents on Bush Lake Rd Circle to follow.

Residents also followed up with detailed letter (Exhibit 04) on Nov 14th presenting additional detail with respect to our concerns with the generator emissions, fuel storage and post installation testing.

Residents then undertook initiative to study and comment on the revised ESI report issued Nov 13th and submitted preliminary comments and concerns via detailed letter (Exhibit 05) on Nov 15th.

SUBJECT: Bloomington Residents Vs Verizon Expansion (Case PL2020-166) located 10801 Bush Lake Rd.

RESIDENTS APPEAL:

DATE: 11/21/20

Residents hereby point to contradiction contained with ESI report dated Sept 1st and the follow up report dated Nov 10th.

These contradictions highlight our concern with PC allowing the applicant to undertake direct hiring of the engineering firm responsible to provide an analysis which protects the residents interests as well as the applicants.

We hereby intend to demonstrate that the noise emitted by the AHU(s) will "often" in practice exceed the MPCA requirements for nighttime dBA limit of 50 dBA. We believe the parameters within the ESI revised calculations were adjusted solely to attain an apparent compliance. This further exasperates our concerns that future compliance testing may be massaged or arranged to demonstrate an apparent compliance.

Contradiction:

Per ESI engineering report dated Sept 1st:

- Verizon will always operate 4 of the 5 new AHUs. Four of the units will be running at 100% load with the 5th unit in reserve to handle any extra load. The noise contour calculations assumed a worse-case scenario of 5 units running at 100% to ensure MPCA requirements are met in the case that all 5 units would be running at the same time.

ESI then revised the AHU operational design conditions in their report dated Nov 10th:

- Five of the air handling units will be running at 80% load. This condition is a worst-case design condition and is not anticipated to happen. Normal operation will be at lower loads and noise levels.

Comments:

We believe "arbitrary change" from 100% to 80% was made ONLY to achieve "desired result" < 50 dBA.

We fully agree (5) units @ 100% load must be considered to be MPCA compliant.

SUBJECT: Bloomington Residents Vs Verizon Expansion (Case PL2020-166) located 10801 Bush Lake Rd.

RESIDENTS APPEAL:

DATE: 11/21/20

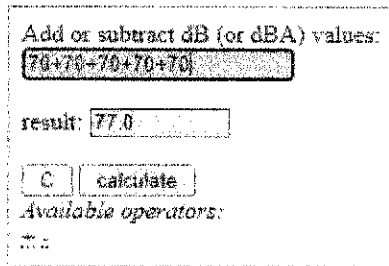
The following is presented to demonstrate potential MPCA nighttime ~~NON-COMPLIANCE~~:

CASE 1:

Output of each AHU operating @ 100% load = 70 dBA (estimated based on report contour plot)

Total dBA output of (5) AHU(s) @ 100% load each = 77 dBA

Add or subtract decibel values



Add or subtract dB (or dBA) values:

result:

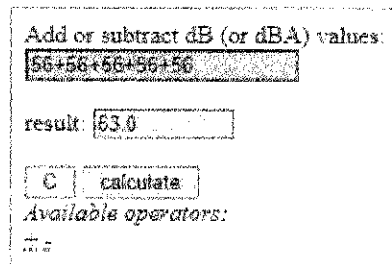
Available operators:
+ - * /

CASE 2 (arbitrary) :

Output of each AHU operating @ 80% load = $70 * 0.80 = 56$ dBA

Total dBA output of (5) AHU(s) @ 80% load each = 63 dBA

Add or subtract decibel values



Add or subtract dB (or dBA) values:

result:

Available operators:
+ - * /

Per ESI Report dated 11/10/20 using 80% load:

Max. dBA @ nearest residents indicated as 48 dBA

THEREFORE: By extrapolation; noise level calculation using 100% load (MPCA requirement):

Max. dBA @ nearest residents = $48 \text{ dBA} * 77/63 = 58 \text{ dBA}$ (~~NON-COMPLIANCE > 50 dBA~~)

NOTE: There are additional technical issues; as raised per Exhibit 05, which could push this level 2-3 dBA higher; to level over 60 dBA. We reserve the right to revisit these issues in future discussions.

SUBJECT: Bloomington Residents Vs Verizon Expansion (Case PL2020-166) located 10801 Bush Lake Rd.

RESIDENTS APPEAL:

DATE: 11/21/20

Above certainly is indicative as to the why a 3rd party peer noise analysis review (as requested per Exhibit 02) under the direction of and reporting directly to the City is necessary to assure residents interests are protected to the fullest extent possible.

We have similar concerns when it comes to post installation testing. ESI report dated Sept 1st indicates they will be charged with performing said testing.

ESI Engineering was asked to review the new mechanical equipment noise levels and locations, prepare a noise contour plot for the area surrounding the MSC, and to make recommendations to meet the City of Bloomington codes and State of Minnesota requirements. ESI was also asked to perform noise testing once the expansion is complete to confirm city and state codes are met. The following is a summary of our design analysis.

This raises serious transparency issues and could be problematic.

Per Exhibit 05 residents requested City require Verizon to provide a comprehensive **Noise Testing Plan** and said plan to be included as part of any Permit Conditions. We request such Plan be submitted and reviewed and **to be included as Condition for Permit to Build.**

Emergency Generators:

As per Exhibit 04 we remain very concerned with pending addition of (2) more generators on this site. As was noted therein, this is a minimum addition with expansion to (4) such units clearly anticipated by Verizon as operationally required in the future. This was reconfirmed during Nov 19th meeting.

We note site currently has (3) generators reported to be rated at 3,400 KW total. Proposed addition of (2) generators at 3,000 KW each arrives @ site total of 9,400 KW. Future expansion could push this to nearly 16,000 KW. As was questioned to the City in our Exhibit 04:

- Where else in Bloomington is there this level of emergency generators located within 200' of residents?
- Do we have a new precedence herein? w/ unknown consequences?
- How will weekly generator testing be controlled to minimize noise impact on residents?

We note Verizon commitment to the following conditions of use as noted per ESI report dated Nov 10th:

The two new generators and the existing generators were not included in the calculations of mechanical equipment noise. The generators are tested weekly during the daytime hours when the code requirement is 60 dBA, and they are tested individually, not all at the same time. Since the design is for the mechanical equipment to be at a level that is below 50 dBA, it will not add to the generator noise. A 50 dBA level added to a 60 dBA level is still 60 dBA.

SUBJECT: Bloomington Residents Vs Verizon Expansion (Case PL2020-166) located 10801 Bush Lake Rd.

RESIDENTS APPEAL:

DATE: 11/21/20

Further; we direct attention to the ESI verbal statements per Oct 8th meeting, indicating said tests are to be performed one day per week (as is the case currently; every Wed).

Per our Exhibit 04; residents requested City require Verizon to provide comprehensive **Diesel Generator Testing Plan** and said plan to be included as part of any Permit Conditions. We request such Plan be submitted and reviewed and **to be included as Condition for Permit to Build**.

This plan will provide transparent and unambiguous testing intentions so residents can have written commitment which will minimize actual noise produced and provide documentation as basis for future complaint evaluations.

It should be noted; future site with (7) generators could mean up to (7) continuous hours, one day per week, with generator noise levels in excess of 60 dBA.

Do residents need to move to a hotel every Wednesday? for a week during emergency operation?

How does the City justify the presence of (5) generator stacks within 200' of residents? potentially (7)?

What responsibility and authority reside with the City to maintain original setbacks, green spaces, etc. that are evidenced by the existing development along this corridor?

When and how will the City address the noise madness expansion along this corridor?

Sound Barrier:

ESI report dated Nov 10th indicates a Sound Barrier to be constructed around the zone intended for the (6) AHU(s). We request specifications for this Sound Barrier be documented and approval required by City engineers and **to be included as Condition for Permit to Build**.

ATTACHMENTS:

Residents Exhibit 02/ Residents Exhibit 03/ Residents Exhibit 04/ Residents Exhibit 05

Sincerely,
SW Residents Coalition Representative,
Gary A Guerin, PE (retired)

