

## GENERAL INFORMATION

Applicant:	Verizon Wireless (owner)
Location:	10801 Bush Lake Road
Request:	Major revision of final site and building plans for an approximately 17,000 square foot expansion of an existing building.
Existing Land Use and Zoning:	Office and data center; zoned IP Industrial Park
Surrounding Land Use and Zoning:	North – Single-family residential; zoned R-1 South and East – Office/warehouse and industry; 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 10722-06).
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## CHRONOLOGY

Planning Commission	10/08/2020 – Opened public hearing, heard public testimony, and continued to October 22, 2020 Planning Commission meeting.
Planning Commission	10/22/2020 – Continued to the November 19, 2020 Planning Commission meeting.
Planning Commission	11/19/2020 – Approved the final site and building plans for the expansion. The Planning Commission approval was appealed by residents within the 3 business day appeal window.
City Council	12/21/2020 – Public hearing scheduled.

## DEADLINE FOR AGENCY ACTION

Application Date:	08/31/2020
60 Days:	10/30/2020
120 Days:	12/29/2020
<b>Applicable Deadline:</b>	<b>01/31/2021</b> (Extended by Applicant)
Newspaper Notification:	Confirmed – (09/24/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

## STAFF CONTACT

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## PROPOSAL

Verizon Wireless proposes an approximately 17,000 square foot building expansion to its existing facility at 10801 Bush Lake Road. The existing facility is about 53,000 square feet and includes a data center, offices, and training spaces. The addition would be located to the north of the existing facility and comprised of network, electrical distribution, battery, and cooling rooms. Air handling units are proposed to the north of the expansion and a new masonry wall constructed between the units and W. Old Shakopee Road.

On November 19, 2020 the Planning Commission approved the expansion. Because the applicant is not seeking any deviations from City Code, the Planning Commission is the approval authority, subject to an appeal by residents. Multiple appeals were received and are included in the Council's packet materials.

## ANALYSIS

### *Land Use*

Office and data centers are permitted uses in the IP Industrial Park Zoning District and are consistent with the Comprehensive Future Land Use Guide Plan's Industrial designation. Table 1 below identifies development standards in the IP District, the proposed condition, and whether it is consistent with the City Code. Additional detail is provided in subsequent paragraphs. While the proposed project is mostly compliant with zoning standards, environmental considerations must also be addressed; mainly, concerns about noise pollution.

At its October 8, 2020 meeting, the Planning Commission heard public testimony expressing opposition to the facility expansion. In addition to concerns about the noise levels created by the expansion, nearby residents also stated the existing noise at the facility impacts their neighborhood. Due to questions about the thoroughness of the submitted noise report, the Planning Commission continued the item to a future meeting. The applicant's acoustics engineering consultant has prepared a revised report, included in the packet, which evaluates existing noise at the facility in addition to the proposed expansion.

Since the Planning Commission meeting on October 8, 2020, staff has received additional comments from a resident that are more technical in nature. Those comments are also included in the Commission's packet. The applicant has been provided these comments and has been asked to present their study's methodology, the findings, and address the technical comments made by the resident.

### *Code Compliance*

**Table 1: City Code Requirement Analysis for IP Development**

Standard	Code Requirement	Proposed	Compliance
Site Area – minimum	120,000 square feet	392,134 square feet	Yes
Minimum lot width	250 feet	~690 feet	Yes
Minimum building floor area	20,000 square feet	69,856 square feet	Yes
Building setback – all streets – minimum	35 feet	76 feet along W. Old Shakopee Rd 171 feet along Bush Lake Road	Yes
Minimum landscape yard	20 feet – along streets	20 feet at corner of W. Old Shakopee and Bush Lake Road; 28 feet along France Ave; 9.7 feet along W. 78 <sup>th</sup> Street	Yes
Parking setback – internal minimum	5 feet – minimum alongside lot lines	Minimum 5 feet	Yes
Parking islands	8 feet minimum width with one tree or more	Not all islands meet width and tree requirement	Minor revisions required
Drive aisles	24 feet wide for 90 degree parking	24 feet for 90 degree parking	Yes
Floor area ratio	1.0 Max	0.19 (including maintenance building)	Yes
Parking – minimum	121 stalls	103 stalls and 30 stalls Proof of Parking (133 total)	Yes
Trees – minimum	157 trees	121 trees	Revisions required
Shrubs – minimum	392 shrubs	604 shrubs	Yes

Standard	Code Requirement	Proposed	Compliance
Trash collection and storage	Interior with interior access	Trash located within building and accessed from interior corridors	Yes
Sidewalks	8 foot minimum along W. Old Shakopee and Bush Lake Road; 6 foot minimum along Louisiana Avenue S.; Private sidewalks 5 feet clear	8 foot minimum along W. Old Shakopee and Bush Lake Road; 6 foot minimum along Louisiana Avenue S.; Private sidewalks 5 feet clear	Yes

### ***Building Design***

Consistent with the existing building, the proposed building addition would have a brick exterior. Brick is a permitted exterior building material. To provide air handling unit screening, noise attenuation, and site security, a 13 to 14 foot concrete masonry unit (CMU) wall is proposed to the north of the building expansion. Given the wall's height, it must meet principle building setbacks from public right-of-way, which is 30 feet in the IP district. The wall is compliant with the setback requirement and is similar in design as the existing CMU wall at the site. No roof-mounted mechanical units were depicted in the building elevation drawings, but rooftop units must be screened from public view. Staff is proposing a condition of approval related to roof-mounted unit screening.

### ***Landscaping, Screening and Lighting***

To accommodate building expansion, a large number of trees and shrubs would be removed, almost all of which are located on the north side of the site. Because the project is considered a significant expansion, the entire site must meet City Code landscaping requirements. While the plan meets the shrub requirement, and the parking lot would be compliant with screening requirements, the plan is deficient in trees. City Code requires 157 trees, although only 121 are depicted. A Code-compliant landscape plan, along with a landscaping surety, would need to be provided before a Building Permit is issued. Staff recommends that the majority of deficient trees be planted along the W. Old Shakopee frontage to break up the appearance of the CMU wall. In addition to the north landscape area, a couple of trees must be added to the parking lot within parking islands – some parking islands do not meet the curb to curb width and tree requirement. The applicant is aware of the deficiencies and is preparing a revised landscaping plan. Staff anticipates receiving the revised plan before the City Council meeting and will provide an update.

The existing parking lot is fully compliant for parking lot and security lighting. The small expansion requires review and approval of a photometric lighting plan prior to the issuance of a Building Permit. The minimum maintained lighting level for office and industrial uses is 1.5 footcandles in the majority of the parking lot. The lot perimeters may be reduced to 0.75 maintained footcandles. Designated pedestrian crosswalks and primary entrances have elevated lighting requirements – 3 footcandles, and 7 footcandles, respectively.

### ***Access, Circulation, and Parking***

Access from public right-of-way would remain with the primary access from Bush Lake Road and a secondary access to Louisiana Avenue S. Both access points are located towards the south end of the site to avoid conflicts with street intersections.

Between office, data center, and storage spaces, the total parking requirement is 121 stalls. One-hundred and three stalls are proposed with 30 additional stalls as Proof of Parking. Staff believes Proof of Parking is a good alternative to constructing the full 121 parking stalls. The applicant states the data and storage spaces generate very little parking demand and that 103 stalls is more than adequate. There have been no parking issues recorded against the site and staff is supportive of the Proof of Parking proposal. Before a building permit may be issued, the applicant must execute and record a Proof of Parking agreement memorializing the proposed stalls.

### ***Noise Pollution and Odor***

Noise has been a concern at this site in the past and the City has received complaints from neighboring residential areas. The building expansion would add several air handling units, air conditioning condensers, and at least one back-up generator. Given these changes, staff required the applicant to submit a noise study performed by acoustics engineers. That report is included in the packet. The original report has been revised to analyze the proposed noise generating infrastructure in addition to existing equipment.

The noise study demonstrates compliance with Minnesota Pollution Control Agency's (MPCA) noise requirements, but not City Code's nighttime L10 50 dBA limit. Essentially, the difference is where, relative to the noise producer, noise is measured. City Code requires that measurement to be at the *noise-producing* property line – the south side of W. Old Shakopee Road. State law dictates, when noise producers are adjacent to residential properties, the measurement is taken at the *noise receiver's* property line – the north side of W. Old Shakopee Road.

State law pre-empts local governments from adopting noise regulations that are stricter than the State. Although the study identifies non-compliance with City Code, the City is not able to enforce this particular City Code standard. Environmental Health staff is aware of the discrepancy and will be preparing amendments to make City Code consistent with State law. That said, staff is recommending post-installation noise testing prior to the issuance of a Certificate of Occupancy to confirm compliance with MPCA requirements.

In addition to noise concerns, staff has spoken to residents concerned with odors emanating from the site. These odors are from back-up generator testing. When the facility was initially developed, the City received numerous complaints about odors. The City worked with the applicant to shift back-up generator exhaust stacks, which significantly reduced odors. Because an additional back-up generator would be installed on the site, there may be additional odors impacting nearby residential properties. To address this potential issue, staff is recommending a condition of approval that requires the City Environmental Health Division to review exhaust stack placement and, prior to the

issuance of a Certificate of Occupancy, to be on site to observe initial generator testing. In addition to exhaust staff location review, the Environmental Health Division must also review and approve proposed “air scrubbers,” which are intended to remove odor-causing particulates from exhaust.

### ***Stormwater Management***

Stormwater will be managed to meet the City’s and Watershed District’s requirements for stormwater rate control (quantity), stormwater quality and volume.

The Stormwater Management plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Lower Minnesota River Watershed District, so no additional permit will be required.

### ***Utilities***

The property is served by both City sanitary sewer and water. The applicant will be responsible for coordinating all utility work and acquiring all applicable permits with the Bloomington Utility Division.

### ***Traffic Analysis***

No significant impacts to the adjacent traffic patterns due to this building addition have been identified.

### ***Transit and Transportation Demand Management (TDM)***

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

### ***Fire Prevention and Public Safety***

The access and circulation design must continue to meet or exceed the minimum standards of the Fire Code and be maintained in accordance to the approved plan including a surface to provide all weather driving capabilities. Apparatus access roads must be asphalt or concrete and support a minimum of 80,000 pounds with a turning radius to accommodate BFD Ladder 3. The applicant must insure the proposed landscaping plans do not interfere with access to the building.

Hydrant coverage shall be provided within 150 feet of all exterior walls and within 50 feet of the fire department connection. Hydrant locations will be approved by the Utilities and Fire Prevention Divisions.

Applicant must ensure any changes on the property does not interfere with existing safety system functionality and interconnection with building systems. The addition of an exterior generator on the northeast corner of the existing building may interfere with air intake/louver system for the enclosed generator.

Knox boxes and annunciator panels will be required at the main entrances and other areas as designated by the Fire Prevention Division.

Emergency responder radio coverage throughout the complex and in all structures must be provided per the requirements of Appendix L in the 2015 Minnesota State Fire Code.

Any changes made to the current plans, including building location, access roads, and water supply and addressing, shall be reviewed by the Fire Marshal to insure continued compliance with the fire code.

### ***Status of Enforcement Orders***

There are no open enforcement orders for the property.

## **FINDINGS**

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

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The proposed telecommunications office and data center is consistent with the Comprehensive Future Land Use Guide Plan’s Industrial land use designation.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – There is no adopted District Plan for the area.
(3) The proposed use is not in conflict with City Code provisions.	<b>Finding Made</b> – Subject to minor site plan modifications and compliance with conditions of approval, the proposed use would not be in conflict with City Code provisions.
(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – Noise mitigation measures are required to protect the surrounding neighborhood from injurious noise. Compliance with conditions of approval, including post-installation testing prior to a Certificate of Occupancy, will alleviate potential harm to public health, safety, and welfare.

**RECOMMENDATION**

The Planning Commission approved the application on November 19, 2020 subject to conditions. That approval has been appealed to the City Council. Staff recommends approval of the application using the following motion:

In Case PL2020-166, having been able to make the required findings, I move to adopt the resolution approving an approximately 17,000 square foot building addition to an existing data center facility located at 10801 Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.



## RECOMMENDED CONDITIONS OF APPROVAL

Case PL202000166

**Project Description:** Major revision to final site and building plans for an expansion of the existing Verizon Wireless facility at 10801 Bush Lake Road

**Address:** 10801 BUSH LAKE RD

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 Access, circulation and parking plans must be approved by the City Engineer.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
4. Prior to Permit Approval by the Lower Minnesota Watershed District must be provided.
5. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
6. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
7. Prior to Permit A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from the MPCA that this permit is not required must be submitted to the City (State of MN).
8. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
9. Prior to Permit An erosion control surety must be provided (16.08(b)).
10. Prior to Permit A Proof of Parking Agreement must be approved and filed with Hennepin County.
11. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
12. Prior to Permit The noise testing must include the sites outlined in Figure 2 of the Engineering Report plus Daisy Circle.
13. Prior to C/O Eight-foot concrete sidewalk or 10-foot bituminous trail must be installed along W. Old Shakopee and Bush Lake Road (Section 21.301.04(b)(1)).
14. Prior to C/O Noise source shall not exceed MPCA limits established in Minnesota Administrative Rules Chapter 7030. Prior to the issuance of a Certificate of Occupancy, post installation noise inspections of operational air handling units, air condensers, and back-up generators is required to demonstrate conformance with MPCA requirements.
15. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
16. Prior to C/O Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).

17. Prior to C/O Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
18. Prior to C/O Bicycle parking spaces must be provided and located on the site as approved by the City Engineer.
19. Prior to C/O Generator exhaust stack locations must be approved by the City Environmental Health Division. Environmental Health staff must inspect post-installation generator testing to confirm exhaust is directed away from residential properties.
20. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
21. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
22. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
23. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
24. Ongoing Three foot high parking lot screening must be provided street frontages as approved by the Planning Manager (Sec. 19.52).
25. Ongoing All loading and unloading must occur on site and off public streets.
26. Ongoing Alterations to utilities must be at the developer's expense.
27. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
28. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
29. Ongoing After occupancy, noise testing must be conducted once in the first year of occupancy during weather below zero degrees Fahrenheit.
30. Prior to Permit Air pollution control devices such as scrubbers must be permitted in accordance with City Code.