

**MSP ZONING ORDINANCE
BOARD OF ADJUSTMENT MEETING**

Monday, April 15, 2024

CALL TO ORDER

A meeting of the MSP Zoning Ordinance Board of Adjustment, having been duly called, was held Monday, April 15, 2024, in Room LT-3048A, Terminal 1, Minneapolis-St. Paul International Airport. Chair Ginsberg called the meeting to order at 12:30 p.m. The following were in attendance:

BOARD MEMBERS PRESENT:

Ginsberg, Koliso, Lawrence, Schubring

BOARD MEMBERS ABSENT:

Baylor

STAFF PRESENT:

B. Anderson, G. Ballweber, J. Felger, E. Gilles, A. Hanson, M. Kilian, K. Megarry, B. Rief, E. Valencia

OTHERS PRESENT:

Chair King, Metropolitan Airports Commission; D. McGinty, SICK Product & Competence Center Americas, LLC; E. Amel, Clow Berg, Inc.; J. Rose, N. Weingart, Ancoats

1. VARIANCE REQUEST

Chair Ginsberg stated the case to be heard is an application for variance from the height limitations of the Minneapolis-St. Paul International Airport Zoning Ordinance by Kimley-Horn on behalf of SICK Product & Competence Center Americas, LLC, to allow use of temporary construction cranes in Phase 2 construction of the SICK facility.

Eric Gilles, Senior Airport Planner, reviewed the background information provided in the Staff Report regarding the variance request. Mr. Gilles reviewed the facts of the case, the analysis that was completed, and a list of conditions recommended for granting the variance as outlined in the Findings, Conclusions and Approval of Variance with Conditions contained in the Staff Report.

David McGinty, SICK Product & Competence Center Americas, LLC, thanked the Board for reviewing their application.

Chair Ginsberg provided an opportunity for any interested parties to address the Board. There were no comments.

Chair Ginsberg closed the hearing and invited any discussion by Board members.

IT WAS MOVED BY COMMISSIONER LAWRENCE, SECONDED BY COMMISSIONER KOLISO, TO GRANT THE VARIANCE REQUESTED BY KIMLEY-HORN AND ASSOCIATES ON BEHALF OF SICK PRODUCT & COMPETENCE CENTER AMERICAS, LLC, FOR THE SICK CAMPUS PHASE 2 CONSTRUCTION IN BLOOMINGTON, MINNESOTA, AND ADOPT THE ATTACHED FINDINGS, CONCLUSIONS AND APPROVAL OF VARIANCE WITH CONDITIONS.

THE MOTION CARRIED ON THE FOLLOWING ROLL-CALL VOTE:

BAYLOR:	ABSENT
GINSBERG:	AYE
KOLISO:	AYE
LAWRENCE:	AYE
SCHUBRING:	AYE

The meeting was adjourned at 12:37 p.m.

State of Minnesota
County of Hennepin

Zoning Jurisdiction under the MSP
Zoning Ordinance

MSP Zoning Ordinance Board of Adjustment

In the Matter of the Application/Petition for
Variance of Runway 35 Zone B Restrictions for
the SICK Campus Phase 2 Project

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 January 19, 2024, Kimley-Horn and Associates, on behalf of SICK Product and Competence Center Americas, LLC, submitted a request for variance from the strict application of the Minneapolis-St. Paul International Airport (Wold Chamberlain Field) Zoning Ordinance for the construction of the proposed SICK Campus – Phase 2 in Bloomington, MN.
2. The proposed development is located north of Lindau Lane, south of American Boulevard East, east of 24th Avenue South, and west of 28th Avenue South in the City of Bloomington. The SICK Campus Phase 2 building construction will occur on a previously-vacant property where now SICK Campus Phase 1 has since been completed. The proposed development lies within, and is considered an approved use within, MSP Zoning Ordinance Zone B and the Runway 35 Precision Instrument Approach surface.
3. The MSP Zoning Ordinance establishes height restrictions. The maximum height allowed without an Airport Permit above proposed Phase 2 work varies between 80 and 90 feet depending on the site location. The proposed permanent structures are designed to be up to 78 feet and 70 feet for the six-story parking ramp and four-story office building, respectively. The structures as proposed do not exceed the maximum zoning height therefore do not require a zoning variance.

4. FAA Determinations with Findings of No Hazard were received by the applicant for the permanent structures, which are attached in the application (Aeronautical Study Nos. 2023-AGL-19260-OE through 2023-AGL-19270-OE).
5. FAA Determinations with Findings of No Hazard were received by the applicant for the temporary structures, which are attached in the application (Aeronautical Study Nos. 2023-AGL-19260-OE through 2023-AGL-19272-OE, and 2024-AGL-751-OE through 2024-AGL-752-OE).
6. The FAA “Determinations of No Hazard” for the SICK Campus Phase 2 include conditions that the two temporary cranes shall be marked and lighted as outlined in FAA Advisory Circular 70/7460-1M Obstruction Marking and Lighting, flags/red lights-Chapters 3 (Marked), 4, 5 (Red), 14 (Temporary), & 15.
7. The applicant has indicated the temporary cranes are proposed to operate at a height not to exceed 104 and 103 feet with maximum crane boom heights of 101 and 100 feet, respectively. If the cranes need to exceed these heights or location, new aeronautical studies will be required.
8. The FAA determinations for the permanent structure expire on April 4, 2025 unless construction has started, or the determination is extended, revised, or terminated by issuing the issuing FAA office.
9. The FAA determinations for the temporary cranes expire on August 15, 2025 unless construction has started, or the determination is extended, revised, or terminated by issuing the issuing FAA office.

Conclusions

1. The variance request, as clarified, 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. The temporary cranes will not adversely affect airport or aircraft operations.
3. A literal application of enforcement of the MSP Zoning Ordinance would result in practical difficulty or unnecessary hardship to the applicant.
4. Granting the requested variance will, if all conditions are followed, have no adverse effect on MSP airport or aircraft activity to and from MSP airport.
5. Granting the requested variance would not be contrary to the public interest and would be in accordance with the spirit of the MSP Zoning Ordinance.

Approval of Variance with Conditions

Based on the Findings and Conclusions, the Board hereby approves a variance for the SICK Campus – Phase 2 project as described in the application, subject to the following conditions:

1. All conditions of approval contained in the FAA Determination of No Hazard to Air Navigation for Temporary Cranes are complied with.
2. The variance for the temporary cranes shall terminate at the completion of project construction, or in the event that the Determination of No Hazard expires or is revoked by the FAA.
3. FAA Determinations with Findings of No Hazard, related to the temporary cranes, shall be marked and lighted as outlined in FAA Advisory Circular 70/7460-1M, Obstruction Marking and Lighting, flags/red lights-Chapters 3 (Marked), 4, 5 (Red), 14 (Temporary), & 15.

Adopted this 15th day of April, 2024 by:

Ginsberg: Aye

Baylor: Absent

Koliso: Aye

Lawrence: Aye

Schubring: Aye

Attested to by Jenn Gulger, Secretary