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August 4, 2014

mcentinario@BloomingtonMN.gov

Michael Centinario, Planner
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431-3027

Re: Rezoning of 7901 and 7951 Computer Avenue
Hearing Date: August 7, 2014

Dear Mr. Centinario,

My firm represents Reverend Dr. Harold Wendt and Mrs. Chloris Wendt, as well as Crossways International, Inc., a company in which the Wendts have an interest. Crossways International owns 7930 Computer Avenue, which is directly across from 7901 and 7951 Computer Avenue.

A Public Hearing before the Planning Commission is scheduled for August 7, 2014 at 6:00 p.m. The agenda states that the Commission will consider rezoning of 7901 and 7951 Computer Avenue to C-4(PD), and approval of the preliminary and final Development Plans for a five-story, 110,023 square-foot office and data center building at that location. The Wendts have asked that I write to express their concerns with this proposed new construction.

Unfortunately, in recent years Crossways International's parking lot at 7930 Computer Avenue has experienced flooding on numerous occasions. In fact, during recent years in the spring and summer months, the parking lot has a near-constant presence of water. It collects after rain events, and does not drain or evaporate before the next rain arrives.

Furthermore, at times the flooding reaches extreme levels. Water has risen to the point that it is up to their building, restricting access not only to

trucks that bring shipments to Crossways International, but to visitors to the building as well. At times Crossways International is forced to use up to eight pallets just so employees and visitors can access the building safely. Often these are needed for weeks on end. This is most concerning in the winter and spring, when melt-off can re-freeze, creating hazardous conditions in the lot.

Numerous possible causes may contribute to this flooding, and Crossways International is investigating its options. But one thing is clear: it is not a simple matter of stormwater runoff from Crossways International's property, or even the neighboring properties. While doubtless some water ends up collecting on the parking lot in that manner, other causes are apparent as well. Crossways International has access to a drain in the northwest corner of its property. That drain is connected to a holding pond on adjacent land, the location of the Griffin Gallery building. In turn, that holding pond is connected to yet a larger pond on property belonging to the Days' Inn Bloomington West, which in turn is connected to Nine Mile Creek.

During heavy rain events, water in that system reaches a level that causes backflow to enter onto Crossways International's parking lot, rather than drain in the intended direction. So much water backflows, in fact, that Crossways International has, on a number of occasions, had fish in their parking lot.

Likewise, another drain on the east side of the property is connected to the stormwater drainage system under Computer Avenue, which I understand was only recently renovated. Again, during times of high water volume, water will reverse course and backflow onto Crossways International's parking lot, rather than go down the drain as intended. Witnesses have even seen it "spouting" out of that drain.

While it is apparent that Crossways International sits in a low-lying area for the region, it is not lower than the holding ponds or Nine Mile Creek. It is nevertheless carrying the burden of a system that is apparently not designed sufficiently to ensure that water in the Creek and various holding ponds remains in those intended locations. That insufficient system is already, obviously, quite challenged.

Rezoning 7901 and 7951 Computer Avenue and permitting a structure the size of that proposed to be built, doubtless with accompanying parking lots, will only overburden the system more by adding bituminous surfaces where currently water is able to naturally soak into the soil. Crossways International therefore respectfully requests that the Commission recommend against the proposed construction absent some further measure to ensure that surrounding properties are protected from further flooding. Crossways International has discussed the matter with the Nine Mile Creek Watershed District, but to no avail.

I am attaching photographs of flooding on the Crossways International lot for your review via the dropbox with the email version of this letter, along with an engineering survey performed on the immediate area around Crossways. Cities are provided zoning power with the overall purpose of "promoting the public health, safety, morals, and general welfare," and that power extends to managing "flood control." Minn. Stat. § 462.357, subd. 1. These general purposes have been adopted by Bloomington's City Code. City Code § 19.01. Crossways International urges the Planning Commission to carefully consider the impact of a new, large office building complex in an area already burdened by stormwater problems.

Should you have any questions for me or the Wendts, or feel that any further information would be helpful, please contact me at your convenience.

Sincerely,

Brock P. Alton
balton@gislason.com

BPA/bpa

cc: Chloris Wendt

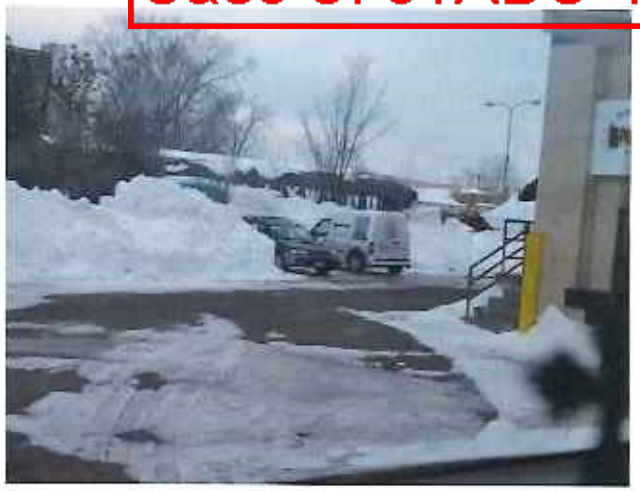
Case 3761ABC-14

Case 3761ABC-14

Case 3761ABC-14

Case 3761ABC-14

Case 3761ABC-14



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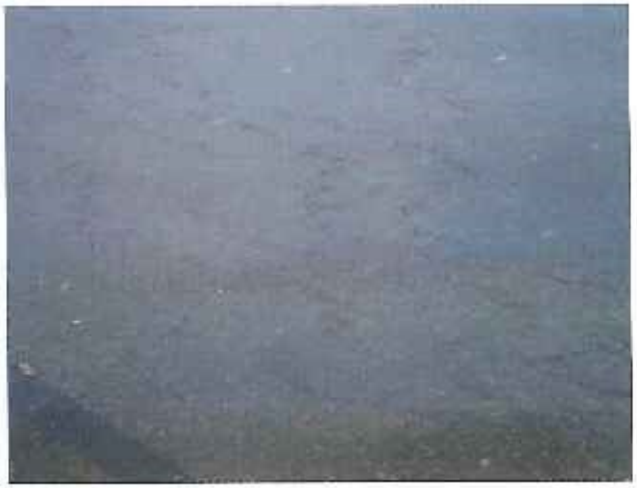
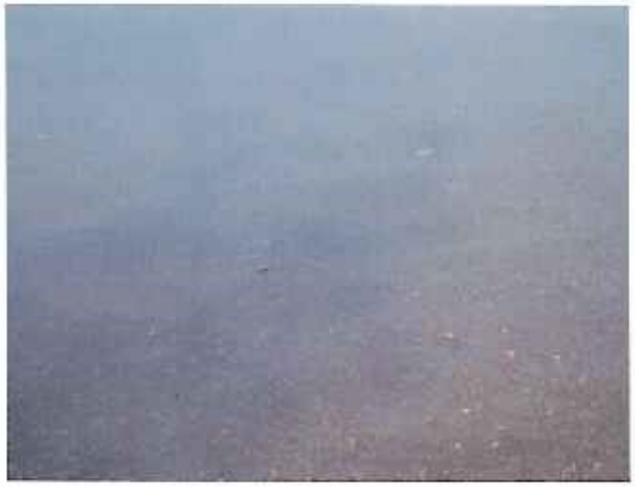


Case 3761ABC-14



Centinario, Michael

From: Brock Alton <BAlton@gislason.com>
Sent: Tuesday, August 05, 2014 1:23 PM
To: Centinario, Michael
Subject: FW: one more photo not in other file
Attachments: fish from lot.pdf

Mr. Centinario,

Please fine attached one more photograph from Crossway's International. It features one of the fish found in their parking lot.

Thank you,

Brock

From: Grace Kelzer [mailto:Grace.Kelzer@crossways.org]
Sent: Tuesday, August 05, 2014 11:16 AM
To: Brock Alton
Subject: one more photo not in other file

Here is a photo of a fish from last summer (July) when we had the big flood. It was from a previous employee and not in the files of pictures I had taken. We had minnows all summer. This year when the mosquito person from the county came he informed us of the thousands of tadpoles he saw. I'm not sure where all those frogs went, but currently the lot is dry. I've called someone to come and sweep it. Would you like pics from right now, before he does that? To see it actually dry? I can do that.

Let me know if there is anything else before the meeting Thursday.

Grace M. Kelzer
Managing Director
Crossways International
(952) 832-5454
(800) 257-7308

Case 3761ABC-14