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**MAINTENANCE ADVISORY COMMISSION  
PLANNING COMMISSION  
AGENDA FOR MONDAY, JUNE 3, 2002, 7:00 P.M.**

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1. Community Facilities Planning (Continued)
2. Other Business

June  
3

**Maintenance Advisory Special Projects  
Planning Commission Special Meeting  
Minutes  
June 3, 2002**

Chairman Armstrong called the Special Meeting to order at 7:05 p.m. Planner Dillerud introduced Paul Steinman and Mikaela Huot of Springsted, Inc. and Terry Olsen of TKDA to present updates and additional information regarding the Community Facilities Forecast Project. COMMISSIONERS PRESENT: Chairman Armstrong, Berg, Sedro, Sessing, Bunn, Deziel, Stanley, Dege, Talcott, and Gustafson. COMMISSIONERS ABSENT: Helwig, Herber, Ptacek, and Taylor. Also present were Fire Chief, Greg Malmquist and City Planner, Charles Dillerud

**Ms. Olsen**

She presented a revised population forecast graphic which, based on building permit data of recent years, slightly accelerated projected City growth in the earlier years of the 20 year planning period over earlier forecast models but retained the 2020 total population forecast unchanged from earlier forecast models. She explained that this forecast model was potentially more precise than earlier straight line forecasts but was not as weighted to earlier years of the forecast period as the logarithmic forecast methodology that had been suggested by Commissioner Deziel at the last meeting.

She then presented a graphic that revealed that all City community facilities (Public Works, Parks, Fire and Administration) are deficient in size today based on the facility needs methodology utilized by the consultants and Planning Commission. She observed that each operating department would view its space needs to be the most critical but it would be unrealistic to assume that all facilities would be replaced or enlarged simultaneously.

Ms. Olsen then presented a second graphic of the consultants' recommended strategy for staging and prioritizing the replacement/enlargement of Lake Elmo community facilities for operating departments. She noted that the following assumptions/strategies were incorporated in the staging and prioritizing recommendations:

1. By focusing on Public Works and Parks first, the needs of two operating departments can be addressed concurrently.
2. The City had completed site acquisition and basic designs for a Public Works/Parks facility in the recent past, so the lead time to get a revised/new project underway would potentially be less than with the other operating departments.
3. The assumption is that Parks/Public Works would be a new facility at a different location than the two existing sites – either the 14 acre site acquired some years ago or another similar site. Upon completion of the new facility, the total existing Public Works facility could be available to the Fire Department as, at least, an interim solution to its space needs.
4. Since current Administration/City Hall space needs are for offices, conference, and records storage, short term solutions (such as temporary mobile annexes) appear feasible and preferable to structural additions to the current City Hall on a site that is too small to accommodate the ultimate building space needs. Annex options for City Hall could be initiated immediately without inordinate cost.
5. At least the site size for a new City Hall should consider the possibility of accommodating municipal (as opposed to contract) Public Safety (policing) in the future.

6. The existing City Hall appears to be considered a local icon – the product of citizen labors. As such, the existing City Hall is a fitting candidate to retain as a Community Center once a new City Hall is constructed.

**Chairman Armstrong**

He asked whether the City operating department heads had seen and commented on this facilities prioritization and strategy.

**Ms. Olsen**

She responded that the department heads had each been interviewed regarding their perceived departmental space needs and priorities. She also reminded the Commission that she had personally inspected each facility carefully, and had previously reported her findings to the Commission. She advised the Commission that the department heads had not been asked to review and comment on the prioritization and strategy that she had just presented to the Commission, however.

**Ms. Huot**

She presented updated data regarding forecasted staffing and City budget based on the growth forecasts from the forecasting model that was presented earlier. She noted that she had again contacted Orono to determine the budgetary impact of the contract Public Safety services they provide surrounding communities. She reported that the \$1 million annual revenues from those contracts had not been accounted for in earlier budget work. That omission had incorrectly skewed the graphic relationship between Lake Elmo and the sum the communities utilized for modeling purposes.

**City Planner**

He asked the consulting team whether they were satisfied with the relationship between the facilities needs forecasts and the staffing/budget forecasts.

**Mr. Steinman**

He responded that they had tested for that relationship, and found the relationship to be sufficiently positive, given the 20 year forecasting window.

**City Planner**

He noted for the Commission that the “bottom line” on the staffing/budget forecast had been to maintain the annual budget per capita relationship existing between Lake Elmo and the model communities over the forecast period. This would reflect the efficient Lake Elmo municipal operations that are evidenced today – vis-à-vis other cities. He observed that while the annual budget amount per capita for Lake Elmo would increase, Lake Elmo per capita expenditures for municipal operations would remain lower than the group of model cities selected by the Commission over the entire forecast period.

**Commissioner Deziel**

He observed that the per capita Lake Elmo expenditure actually goes down in “2005” versus “2000.” He suggested that the difference could be banked by the City, with the excess revenues (over forecasted expenses) by 2002 used to either smooth out future increases or be applied to capital reserves to reduce future bonding requirements.

**Commissioner Bunn**

She suggested that prior to submission of the draft report to the Commission, the operating

department heads of the City, be requested to review the prioritization and strategy for community facilities expansion/replacement that has been recommended by the consultants, and to submit their written comments to the Commission. She further suggested that those department head comments should accompany the draft report when the report is mailed to the Commission for review.

**City Planner**

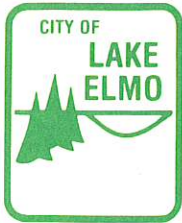
He advised the Commission that this would be the final working session. The consultants will now prepare a draft final report for consideration, and Commission recommendation to the City Council. Those Commission recommendations could include both Findings and Conditions that could address any further issues, concerns, assumptions, or elaborations the Commission may wish to convey to the City Council regarding this work. The City Planner advised the Commission to limit those comments to a single page.

The consulting team concurred with Chairman Armstrong's suggestion that the final draft be prepared and sent to the Commission for consideration at its June 24, 2002 regular meeting – to include the single page commentary of the operating department heads.

Chairman Armstrong adjourned the MAC Planning Commission Special Projects meeting at 8:45 PM.

Respectfully submitted,

Charles E. Dillerud  
City Planner



# City of Lake Elmo

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## Planning Commission Meeting AGENDA May 29, 2002

1. AGENDA
2. MINUTES – May 13, 2002
3. VARIANCE  
PJK Realty/Pat Kinney
4. AMENDMENT TO CUP  
EN Properties/Laidlaw Transit:
5. PUBLIC HEARING:  
Amendment to 300.07 4.A.6.d., Trip Generation Standard of Low Impact AG Zone
6. PUBLIC HEARING:  
Variance to Shoreland Ordinance  
8242 Hidden Bay Trail
7. PUBLIC HEARING:  
To Amend Zoning Map from HB (Highway Business) to LB (Limited Business).  
9450 Hudson Boulevard
8. SITE PLAN AMENDMENT  
Bremer Financial
9. OTHER BUSINESS
10. ADJOURN

**CITY OF LAKE ELMO  
PLANNING COMMISSION MINUTES  
MAY 29, 2002**

Planning Commission Chairman Tom Armstrong called the Planning Commission Meeting to order at 7:00 p.m. in Council Chambers. COMMISSIONERS PRESENT: Armstrong, Taylor, Deziel, Bunn, Sedro, Helwig, AND Ptacek. Also present: City Planner, Charles Dillerud and Administrative Secretary, Kimberly Schaffel.

**AGENDA**

M/S Ptacek/Sedro To accept the Agenda as presented. VOTE: 7:0 PASSED.

**MINUTES**

Commissioner Berg phoned with a message to amend the Minutes of May 13, 2002 to reflect that he voted AGAINST the Motion to instruct staff to post a Notice of Public Hearing in order to alter traffic requirements along freeways and frontage roads to amend the Code.

The Recording Secretary received a message from Terry Emerson clarifying a statement he made in his presentation. She suggested the following change to his statement, "The *Gazette* reported that Laidlaw's contract saves the school district a little over \$250,000 per year for two years which would potentially pay the salaries of 10-13 staff members who are active throughout the year."

M/S Helwig/Sedro To accept the Minutes of May 13 2002 as amended. VOTE: 6:0:1 (Abstain: Ptacek) PASSED.

**VARIANCE: PJK REALTY/PATRICK KINNEY (CONTINUED)**

A Public Hearing was called April 8, 2002 to consider the application of PJK Realty/Patrick Kinney for a Variance from Minimum Lot Size in order to build a home on a parcel generally described as Lot 7s, Beau Haven and Outlot G, Eagle Point Creek Estates. Notice of Public Hearing was published in the *Stillwater Gazette* for the April meeting. Affected property owners were notified again that this application is on tonight's Agenda, and is still under consideration.

**Staff Report, City Planner, Charles Dillerud**

The City Planner reminded the Commission that this Variance application was tabled twice at the request of the applicant. The City Council extended the review period. Nothing has substantially changed in regard to this application.

**Chairman Armstrong**

The applicant was asked to speak. Public comment will be allowed because this matter was originally a Public Hearing, and it has been a long time since it came before the Commission.

**Patrick Kinney, Owner**

The applicant distributed an aerial of the subject parcel and surrounding properties. He said the original lot was buildable before the Code was changed. Building a home would not change the character of the neighborhood. He spent a lot of time on the design to make its appearance fit into the neighborhood. Everyone else in that neighborhood had the right to build a home there. He said the septic system will fit and meet setback requirements for the OHW. One of the last properties where a house was built five years ago is at 8268 Stillwater Boulevard. The entire property lies below the 940 foot contour. The applicant asked the City Planner if a Variance was granted for that property.

**City Planner**

He did not know if a Variance was granted five years ago to build the home at 8268 Stillwater Boulevard.

**Patrick Kinney**

There are five lots in Tablyn Park that are 30 – 32,000 square feet. All of those Tablyn Park residents got Variances to build there. There are 31,000 square feet on his lot. The average lot size is consistent with the other eight in Beau Haven.

On May 9, he met with neighbors who are in the floodplain, and they said his proposed home looks great. A petition was circulated by other neighbors who do not want to see a house on that lot.

He believes the site should be grandfathered in because it has been a tax parcel just as long as the others. It is the same width and depth as the others. While it is not a substantial lot, he will build within the setbacks.

The Chair opened the Public Hearing at 7:15 p.m.

**Julia Raleigh**

She is the author of a letter that was sent to the Commission.

She said that Minnesota Statutes say a Variance is necessary when a zoning law is passed and there is any non-conforming use. A 1976 Minnesota Law (Dedering v. Johnson) states that when two adjoining parcels are owned by one taxpayer, they become one lot for zoning purposes. In another case (Graham v. Itasca), 100 foot lots were platted. The zoning changed to 200 feet of frontage on the lake. Two owners sold their lots to the same builder who wanted to build two houses. The ruling said that once the two adjoining parcels were owned by a single owner, they could not be divided. Originally, two lots were owned by the Beavers. Mr. Kinney bought one of them. Now Mr. Kinney wants to have his lot viewed separately for zoning purposes.

She believes that his burden to show “undue hardship” has not been met. One of the standards to be met for a Variance is a problem unique to the parcel. Small size is not unique.

The Chair closed the Public Hearing at 7:30 p.m.

**Commissioner Deziel**

The Commissioner asked Ms. Raleigh why Mr. Kinney should be deprived of rights other owners have enjoyed; all of them have had homes constructed.

**Julia Raleigh**

The applicant is not in the same position those neighbors were in when they built their homes.

**Chairman Armstrong**

The entire neighborhood is non-conforming.

**Commissioner Helwig**

He asked the speaker where she lived and who she represented.

**Julia Raleigh**

She lives in Newport and represents Marie Rau of 8394 Stillwater Blvd.

**Scott Beaver**

He was the previous landowner who sold the lot to Mr. Kinney. The county told him to keep his two parcels separate because it may become buildable in the future. The empty lot is an eyesore. It is one of the bigger lots in the neighborhood. He owned the two largest lots in Beau Haven.

**Mr. Kinney**

He distributed copies of an aerial showing that the vacant lot was larger than the others in Beau Haven. He said the lot has always been separate, and is consistent with others in the neighborhood.

**Commissioner Deziel**

He asked the Planner why the approach on this Variance application was different than the approach for five Variances on smaller lots five years ago.

**City Planner**

Every case is different; that case was very different from this one. In that case eleven lots were combined then divided again. A case closer in terms of circumstances is one denied by the City Council one month ago.

**Chairman Armstrong**

He said that case involved land purchased before the R-1 Zone was created. The city changed the standards while the owner still possessed it. In this case there were changes in ownership. Prospective owners are obliged to learn zoning and suitability for building purposes prior to buying land.

**Commissioner Bunn**

Based upon the legal criteria, the applicant does not appear to have a case. City law does not support his application. Policy should be revisited for properties of 1.5 acres or less in historic neighborhoods. She expressed concern that misinformation was disseminated with the sale of this land. An Ordinance should be drafted for disclosure that clearly states zoning of land at the time of sale.

**Commissioner Taylor**

She agreed that the empty lot is an eyesore, and thought its size was adequate because it is the biggest lot in the area. She asked Mr. Beaver when he bought the land.

**Scott Beaver**

He bought the land ten years ago.

**Chairman Armstrong**

The R-1 Zoning District was created in 1979.

**Commissioner Ptacek**

He said he thought similar to Commissioners Bunn and Taylor with regard to policy; however the Commission is in place to interpret the Code.

M/S Ptacek/Sedro To deny the Variance application submitted by Patrick Kinney and PJK Realty based upon Findings in the Staff Report of April 3, 2002. VOTE: 3:4 (Deziel/Taylor/Bunn/Helwig) FAILED.

M/S Deziel/Taylor To approve the application, and instruct staff to prepare Findings in favor of granting this variance, and give them directly to the City Council. VOTE: 4:3 (Sedro/Ptacek/Armstrong) PASSED.



**AMENDMENT TO CUP: EN PROPERTIES/LAIDLAW TRANSIT (CONTINUED)**

A Public Hearing was called May 13, 2002 to consider the application of EN Properties/Laidlaw Transit for an Amendment to a Conditional Use Permit for Non-agricultural Low Impact to allow a bus terminal to operate from the property generally described as the northwest quadrant of Manning Avenue and Hudson Boulevard. Notice of Public Hearing was published in the Stillwater Gazette for the last meeting. Affected property owners were notified again that this application is on tonight's Agenda, and is still under consideration.

**Staff Report, City Planner, Charles Dillerud**

This application was tabled at the applicants' request at the last meeting of the Planning Commission, May 13, 2002.

The applicants have prepared substantial information since the last meeting. The Revised Site Plan has two stages. 1.) During the 175 day school year, 56 buses will operate from and occupy the site. With 81 available parking spaces, the rationale is that there is sufficient parking for buses, drivers, and staff. 2.) During the non-school year, all 81 buses will remain on-site with staff limited to the office and shop. The new Site Plan appears to be able to accommodate this two stage approach. The applicants have entered into a two year lease for a property in Afton for the 25 remaining buses (and drivers).

The Revised Site Plan shows a parking area on the west side of the building; consequently the doors on the west side of the building would no longer function. Chain link security fence will surround the site. Refueling will be performed at the extreme east end of the site. Lighting will be as indicated on the diagram attached to the Staff Report. The light manufacturer indicates the luminary plan will meet our City standards.

Trip generation was a major concern, and the applicants' approach to the problem seems valid. During the school year there will be 328 trips per day or an average of 4.7 per acre.

Should the Commission choose to approve this application; the City Attorney recommends repealing the original CUP and creating a new one for this use. All Code conditions should be listed, along with specifics to this case.

The applicants have provided a complex answer to this situation, and one difficult to enforce. The new lease in Afton allows them to break the lease with sixty days' notice. We should have the same option but that could present a problem in the middle of the school year.

The Fire Chief brought in a large book of standards, some of which may be applicable to fueling on this site. The City Engineer sent an e-mail expressing concern about the size of the septic system relative to the number of drivers and staff.

**Commissioner Sedro**

It appears from the time schedule provided by Laidlaw that more buses and cars arrive than leave.

**Don MacFeely, Laidlaw Transit**

Twenty midday routes do not make a round trip.

**Commissioner Deziel**

If the trips are annualized, the result is 2.6 trips per day. Nothing in the Code says it is not an annual average.

**Commissioner Taylor**

She agrees with the City Engineer that the size of the septic system must be adequate to accommodate bus washing and bathrooms.

**Terry Emerson, Owner**

He spoke to Dale Eckland who did not think there would be a problem with accommodating bus washing using the existing system. He said it would not be hard to enlarge the system if necessary.

**City Planner**

One condition that could be added to this CUP is that the septic system must be acceptable to the City Engineer for bus washing and bathrooms.

**Commissioner Taylor**

She noted that 8,100 students would travel on these buses.

**Don MacFeely**

He said Laidlaw is 100 percent committed to doing whatever is required to make this site to conform to the Commission's specifications. They will make sure that Mr. Emerson has all the certifications that are necessary.

**Commissioner Bunn**

The Ordinance does not refer to an annual average of trips. "Daily trips" is the wording in the Ordinance. She said that standards designed for a neighborhood with homes should not apply to a road adjacent to an interstate highway. With 328 trips per day, her concern is that portion over the limit that will travel on other roads. If buses are disbursing, then only the frontage road will experience more trips per day than the Ordinance allows.

**Don MacFeely**

He showed a map with numbers of buses traveling on various roads based upon last year's school bus routes.

**Commissioner Bunn**

She would be in favor as long as there are fewer than 210 trips per day on the residential neighborhood streets.

**Commissioner Taylor**

She phoned Stillwater School District; of the 9,237 Stillwater Area students, only 357 (a small percentage) come from the Lake Elmo zip code. We pay a much greater percentage of tax dollars for those schools. One mile away from this site is Westgate, a residential development. Those citizens are concerned with the smell of diesel and the noise of traffic. She said that CUP enforcement is unstructured, and she is concerned Mr. Emerson did not keep his agreement with his last CUP.

**Terry Emerson**

The berm was fixed last week. Diesel fumes are greater on the highway. Noise is not a big concern.

**Commissioner Deziel**

It would be difficult to find a better location for this bus terminal. Few non-residential properties fit this use.

**Commissioner Sedro**

Where did the trip generation figures come from?

**Don MacFeely**

Those figures were calculated using the minimum number of buses and staff to satisfy the City while still performing the work for the school district. He padded the numbers up somewhat in order to protect the contract. Variables such as refueling the fuel tanks had to be considered. The first column in the report represents annual workdays and the second column represents school days.

**Commissioner Deziel**

A maximum number of trips per day could be established as a condition.

**Terry Emerson**

If he were to develop the property into 28 lots, then there would be an average of 10 trips per day per household in a 70 acre development.

M/S Armstrong/Ptacek To repeal the old Conditional Use Permit and approve a new Conditional Use Permit in compliance with Ordinance standards and City Engineer's recommendations for septic and fuel tanks, with the condition that an amendment to the Traffic Generation Standards will be adopted as well.  
VOTE: 5:1 (Taylor) :1 (Abstain: Deziel) PASSED.

**AMENDMENT TO TRIP GENERATION STANDARD IN LOW IMPACT AG ZONE**

A Public Hearing was called to consider an Amendment to Trip Generation Standard of Non-agricultural Low Impact, Section 300.07, Subd. 4A6d of the Municipal Code. Notice of Public Hearing was published in the Stillwater Gazette.

**Staff Report, City Planner, Charles Dillerud**

The standard is 3 trips per day per acre in the Low Impact AG Zone. Residential Open Space Density generates 280 trips per day. It is less in the RED Zone. If the standard for trips per day should be changed, it could be related to geographic location.

The Chair opened the Public Hearing at 8:45 p.m. No speakers came forward. The Chair closed the Public Hearing at 8:46 p.m.

**Chairman Armstrong**

Low Impact AG Zoning assumes residences on all four sides of a property. He never anticipated whether properties adjacent to Interstate 94 would use this zoning. Terry Emerson's property utilizes 4 percent leaving 96 percent as Open Space. That is an amazing amount of Open Space, especially adjacent to the interstate. He thinks five trips per day per acre would be better for Hudson Boulevard fronting on Interstate 94. The residential portion of Carriage Station has 110 households on 90 acres, and generates 12 trips per day per household plus there is a commercial section.

**Commissioner Deziel**

Six trips per day per acre would meet the true average basis of the last case. If there is concern over grand scale activities such as Edge Fest, double the daily as it stands now.

**Commissioner Sedro**

Trips per day were the standard used because of the daily impact on residential neighbors.

**Commissioner Bunn**

She would like the change to be specific to service roads such as Hudson Boulevard, not on roads such as Manning Avenue.

**City Planner**

He would like the portion of that portion of the Code to say, "Direct access to the Interstate 94 Service Road (Hudson Boulevard)."

**Chairman Armstrong**

He would like to remove the phrase, "On average," from the wording as it stands now. Enforcement would be difficult.

**City Planner**

Enforcement of Conditional Use Permits is nearly impossible for staff.

**Commissioner Taylor**

Buses are significantly different from automobiles.

**Commissioner Helwig**

The number of trips should be an even number such as four or six.

**Chairman Armstrong**

There are no distinctions between types of vehicles. Laidlaw Transit did a good job with the statistics, and proof.

M/S Armstrong/Ptacek To amend Section 300.07 Subd. 4A6d of the Municipal Code to read, "Non-agricultural low impact uses shall not generate more than three trips per day per acre of contiguous agriculturally zoned area, with the exception of lands with sole access to Hudson Boulevard that shall not generate more than six trips per day per acre." VOTE: 6:0:1 (Abstain: Taylor) PASSED.

**ADJOURN FROM 9:00 P.M. UNTIL 9:10 P.M.**

**VARIANCE TO SHORELAND: 8242 HIDDEN BAY TRAIL**

A Public Hearing was called to consider the application of a Variance to Shoreland on a parcel generally described as 8242 Hidden Bay Trail. Notice of Public Hearing was published in the Stillwater Gazette. Affected property owners were notified.

**Staff Report, City Planner, Charles Dillerud**

The subject property is 27,500 square feet in area. The applicants propose to expand their existing house with two additions. The problem is that the entire existing home lies within the 100 foot setback to the Ordinary High Water. The entire lot, except for the far southwest corner, lies within that setback. The two additions create additional non-compliance to the Shoreland Ordinance.

One addition would add three feet to the kitchen, filling in an existing jog on the outside of the house facing away from the lake. It would also add a three feet porch on the garage side. The second addition would add a 12' X 22' garage and another entrance driveway. The proposed addition is in scale with the neighbors, and represents a small percentage of the existing structure. The ordinance recommends looking for other options to avoid violations. In this area a three-car garage is standard but a four or five car garage and second driveway are not. The second driveway suggests the use of the garage by automobiles instead of storage.

Notice was sent to the DNR without reply.

Our database indicates the septic system has not been pumped since 1996.

He recommends approval with two conditions. Eliminate the second driveway from the plan, and upon recommendation by the City Engineer, inspect the septic system - at minimum have it pumped, and move it to the other side of the structure away from the lake if the system is unsound.

**Commissioner Bunn**

Are there distinctions between homes in the Shoreland District and those that are not?

**City Planner**

Yes, one of the standards is for impervious surface. The standards are met in that regard. Staff would not recommend approval if the addition was for additional automobile storage and not for general storage.

**Commissioner Helwig**

He thought one of the ordinances dealt with prohibiting more than a single driveway from an existing dwelling.

**City Planner**

That might be within the RE Zone; there are special standards for driveways in that zoning district.

The Chair opened the Public Hearing.

**Danette Jahnke, Homeowner**

She showed receipts from Pinky's Septic Service showing that the septic system had been pumped on October 27, 1997 and May 1, 2002.

**Gordy Grunden, Neighbor**

He purchased his land and built his home in the 1970's, at the same approximate time as the original owners of the subject parcel. The owners placed protective covenants on that land. That was prior to incorporation of the city. The parcel is only .63 acres. This home is one of the more conspicuous from the lake, and it is very close to the lake. That is of immense concern to him.

Policy and law set by the City Council says 100 feet of setback from Ordinary High Water. He does not believe there is precedent to allow these types of changes to substandard lots on public waters.

The lot is very small, and the septic system or drainfield must be within twenty feet of the lake. There is a weir under that property. He believes these conditions are a significant problem. He asked for the drainfield be moved to the rear of the property away from the lake.

The garage addition is a problem because another neighbor built one then converted it to a mother-in-law addition. Now that home has four or five bedrooms. The garage was not used as planned and pollution to the lake is accelerated.

He would like the Public Notices worded more carefully so neighbors understand the impact to them.

The Chair closed the Public Hearing at 9:40 p.m.

**City Planner**

The Planning Commission would only make a recommendation in this case. The City Council would hear it on June 18, 2002. He read the policy on septic systems from the Code with regard to permitting or Variance requirements to upgrade. It should be inspected by Pinky's or another contractor.

**Commissioner Deziel**

He recommends eliminating the second driveway from the plan. An aerial of the property indicates a second driveway.

**Danette Jahnke**

The material is an apron off the garage, and the roadway is tar and gravel. They currently store dock boards on this driveway. She would prefer not to store toys on the lake. Boats would be housed in the garage addition in winter.

**Commissioner Bunn**

There must be strict enforcement of Code and penalties for non-compliant lakeshore properties. Shoreland homeowners have a special obligation of awareness and attentiveness to the Code. The Code specifies pumping the septic system every two years.

**Danette Jahnke**

Only two people live in the home and they both work.

**Commissioner Taylor**

She is concerned with the OHW Setback and with the septic system. However, the City cannot require homeowners to move those systems to correct mistakes made in the 1970's. Homeowners of shoreland have heightened responsibility.

M/S Deziel/Bunn To approve the Shoreland Variance with Findings as any addition to the existing house would require an OHW Variance, and as all other setbacks are met; this is the minimum Variance necessary to alleviate the hardship. Expansion of a non-conforming structure with the exception of the garage driveway, and with the condition that the septic system be inspected, upgraded, and moved if not sound, prior to the issuance of any Building Permits. VOTE: 7:0 PASSED.

**SITE PLAN: BREMER FINANCIAL****Staff Report, City Planner, Charles Dillerud**

The applicant proposes to add a big generator to the southeast corner of the property adjacent to the loading dock. The generator in its container is 36'X12'X15' high. It is much larger than what one normally considers to be an emergency generator. He wondered if this unit would be considered a customary and usual accessory structure. Should exterior surfacing meet that code? Are dumpsters similar? He proposed landscape screening. The Code does not address this type of case.

The applicant provided the materials used to learn more about this proposal. He was under the impression the generator was for emergencies only but the manufacturer said Bremer will be on the Interruptible Power Program with Xcel Energy. The noise level in decibel readings indicates that sound at the property line would be comparable to two people conversing.

**Dale Glowa, United Properties**

This type of generator is common in business parks. Loss of power would be catastrophic. During the design and build process, this generator was added to the list of what Bremer wanted. They are sensitive to the aesthetics and sound, and are enclosing it in a container. The sound coefficient is up to 65 db. The hours of operation would be during emergency power outages and during peak energy periods in summer. It would sit on a pad at an elevation of 1001.2 plus fifteen feet tall resulting at 1002.7 elevation. The berms rise as high as 1002.6, and there will be plantings on top of that berm to include five ten feet tall spruce trees. Neighboring residents will not see the generator.

**Loren Balls, Ziegler Equipment**

The container for this unit has sound attenuating banks at each end at the direction of Bremer, and six inches of insulation with a perforated liner to help filter sound. The business park sits in a sort of bowl which also filters sound. The unit meets H3 Code, wind and snow load, and all regulatory state codes. He compared it to a similar unit at Lakeview Hospital which is also on the Xcel program, and a similar one at Woodwinds Hospital. Andersen Windows has two of similar size. This unit offers full backup power for the 100,000+ square feet building, with a very sophisticated switching system allowing seamless transition of power. If there were an addition to the building in the future, they will not need more power.

**Commissioner Deziel**

He asked if the sound produced was 65 db or less at 23 feet away after shielding.

**Commissioner Sedro**

She wondered if the noise produced by a generator was controlled by Code.

**City Planner**

He said nothing in the Code addresses this unit.

**Chairman Armstrong**

He asked if there could be an upper decibel limit.

**City Planner**

60 db are referenced in the applicant's report, and 52 db was referenced in their letter. We could make a recommendation for the sound level at the property line.

**Loren Balls**

The City of Minneapolis has a decibel limit of 60.

**Commissioner Deziel**

He would like to be able to relate those decibel levels to sounds. 70 db is a freight train at 100 feet. Would this be less than a lawnmower?

**City Planner**

The engine is a V-16, 4210 cubic inches in a 3516 engine. When an engine that size air-starts, it can be very loud.

**Commissioner Bunn**

She asked if it could be put inside.

**Loren Balls**

It would be difficult for fueling, air circulation, and cooling. He would like to keep enough space between the unit and permanent walls. An electric start allows a quiet start.

**Commissioner Sedro**

She asked if it could have a brick wall around it to match the building.

**Loren Balls**

It could be painted to match the building.

**Dale Glowa**

They do not want to enclose it or put a wall around it.

**Commissioner Deziel**

The size is a concern.

**Commissioner Taylor**

She asked how similar this unit is to the one at Lakeview Hospital.

**Loren Balls**

This one is bigger but quieter. It was designed to more rigid standards.

M/S Ptacek/Armstrong To approve the Site Plan Amendment with the condition that noise will not exceed 60 db at the property line.

**Loren Balls**

He would prefer that the noise cannot exceed 65 db at the property line.

VOTE: 7:0 PASSED.

**PUBLIC HEARING:**

**ZONING AMENDMENT FROM HB (HIGHWAY BUSINESS) TO LB (LIMITED BUSINESS)**

A Public Hearing was called to consider an Amendment to Code changing the zoning designation of HB (Highway Business) to LB (Limited Business) for a portion of a parcel generally described as PID Number 34-029-21-34-0001, 9450 Hudson Road. Notice of Public Hearing was published in the Stillwater Gazette. Affected property owners were notified.

**Staff Report, City Planner, Charles Dillerud**

The basis for this proposed reclassification is to make the zoning at the site consistent with the 1997 and 2000 Land Use Plans, and as part of the repeal of the HB Zoning District recommended by the Planning Commission.

Only a very limited area of this 32-acre tax parcel is presently zoned HB. This area is operated by a hang glider business. The balance of the parcel is zoned RR. The Land Use Plans designate the south 1,250 feet of the parcel as LB and the remainder as RAD. A letter from the City Attorney indicates that this parcel is non-conforming with either of the present zoning designations, and to rezone the entire parcel as LB. Staff suggests the entire parcel be rezoned to LB.

**Chairman Armstrong**

He received a call from the leader of an ultralight group. They are unopposed to this action as long as their activities can continue.

The Chair opened the Public Hearing at 10:20 p.m. No speakers came forward. The Chair closed the Public Hearing at 10:21 p.m.

**Commissioner Deziel**

Ultralights are motorized, hang gliders are not. He wondered if the rezoning would make the hang glider business's position more tenuous.

**Commissioner Helwig**

He said the business is non-conforming now.



**City Planner**

By rezoning in accordance with Land Use Plans, eventually non-conforming uses are intended to go away.

**Chairman Armstrong**

The hang glider business only has a lease.

M/S Helwig/Armstrong To recommend to the City Council to rezone the south 1250 square feet of Parcel I.D. Number 34-029-21-34-0001 from HB and RR to LB, and the northern portion to remain RR. VOTE: 6:0:1 (Abstain: Deziel) PASSED.

**OTHER BUSINESS**

On June 3, 2002, Facilities consultants will meet with the Maintenance Advisory Commission and the Planning Commission. On June 10, 2002, there will be a long agenda. That meeting will include the Old Village Commission, and will be held jointly with City Council. The City Planner is unsure whether the Old Village Consultants will be in attendance.

The Commissioners requested staff make a list of substandard lots less than 1.5 acres in the City that are not yet improved or buildable.

**THE MEETING ADJOURNED AT 10:42 P.M.**

Respectfully submitted,



Kimberly Schaffel  
Planning Secretary