



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

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www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, November 10, 2008, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. September 8, 2008
4. Public Hearing:
 - a. WIRELESS TELECOMMUNICATIONS TOWER PERMIT: Consideration of an application to permit New Cingular Wireless PCS, LLC to add a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court; PF zoning; PID: 13-029-21-32-0069.
 - b. WIRELESS TELECOMMUNICATIONS TOWER PERMIT: Consideration of an application to permit the construction of a new 125-foot monopole wireless communications tower and associated accessory building at 9057 Lake Jane Trail North; RR zoning; PID 10-029-21-32-0012.
 - c. ZONING TEXT AMENDMENT: Consideration of an application to alter the zoning requirements for non-agricultural low impact uses to allow truck terminals and mechanic repair facilities to operate in the HD-A-BP zoning district as an interim use.
 - d. INTERIM USE PERMIT: Consideration of an application to allow a trucking terminal and mechanic repair facility as a non-agricultural low impact interim use at 11530 Hudson Boulevard; HD-A-BP zoning; PID: 36-029-21-43-0001.
5. Village Area AUAR Update

Nov
10
'08

6. City Council Updates

a. September 16

- i. Application to allow new home to be built further from road right-of-way than existing accessory building
- ii. Front yard setback Variance for 11002 Upper 33rd Street North
- iii. Conditional Use Permit at 8925 Highway 5 for Beauty Salon
- iv. Comprehensive Plan update extension request

b. October 7 - None

c. October 21 - None

d. November 5 – Accessory structure ordinance

7. Adjourn

Planning Commission
Date: 11/10/08
Public hearing
Item: 4a

ITEM: Hold a public hearing to consider a Wireless Telecommunication Tower Permit application at 3303 Langly Court North.

REQUESTED BY: Ken Nielsen, Agent for AT&T Mobility - Applicant

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Lake Elmo Planning Commission is being asked to consider a request from AT&T to attach a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court. This is a permitted use, but requires a Wireless Telecommunications Tower permit.

The water tower currently has two existing wireless communication antennas mounted to the site. The co-location of the antennas reduces the impact to the adjacent neighborhood and is required whenever possible. The proposed antenna array will not project higher than the existing water tower.

The proposed accessory building to house the ground equipment will be screened on the north and west side by the planting of 10 trees by the applicant. The proposed landscaping plan was reviewed by the City Forester who found that the proposed landscaping looked adequate for screening and would provide that function at maturity.

ADDITIONAL INFORMATION:

- No additional lighting is proposed by the applicant.
- Because the applicant is proposing to add the antenna array to the existing water tower, some of the review criteria outlined for the Wireless Telecommunications Tower permit is not applicable. The review requirements for a new tower are more stringent than that of locating (or in this case co-locating) antennas on an existing structure.
- A lease agreement is still being worked out between the city and AT&T. The lease agreement must be entered into by both the applicant and the city prior to any installation or work done at the site.
- The applicant will perform an interference study to ensure the proposed frequency will not cause interference with public safety telecommunications.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the applicant's request for a Wireless Telecommunication Tower Permit to allow AT&T to attach a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court North.

MOTION FOR CONSIDERATION:

I move we recommend that the City Council approve the requested Wireless Telecommunications Tower Permit to allow AT&T to attach a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court North with the conditions outlined in the staff report.

ORDER OF BUSINESS:

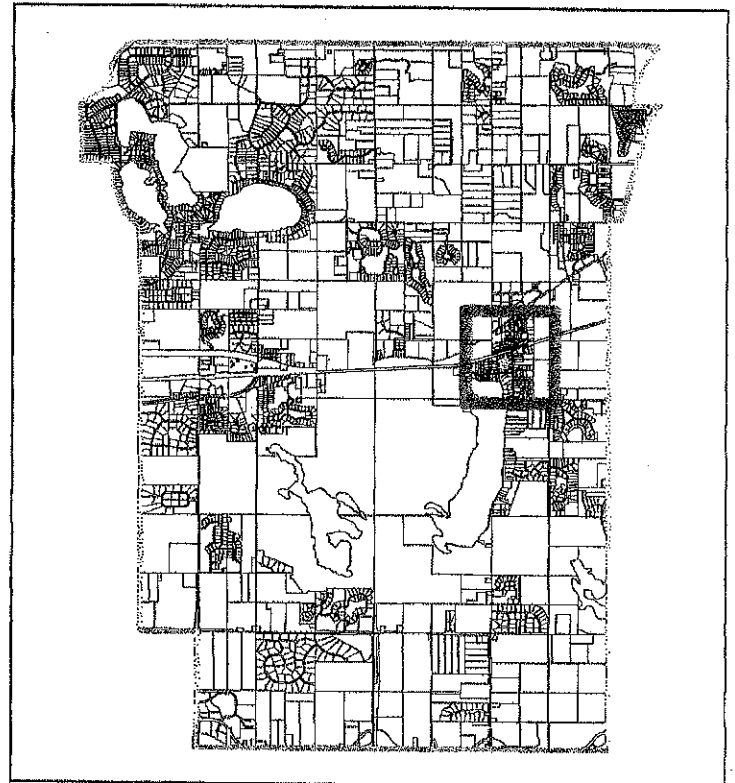
- Introduction..... Kelli Matzek, City Planner
- Report by staff Kelli Matzek, City Planner
- Questions from the Commission Chair & Commission Members
- Applicant CommentsChair facilitates
- Questions of the Applicant Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing..... Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS:

1. Area map showing the location of the subject property
2. Detailed staff report on the request
3. Aerial image of site
4. Landscape Plan
5. Site Plan
6. Elevation Map



3303 Langly Court North



City of Lake Elmo Planning Department
Wireless Telecommunication Tower Permit Request

To: **Planning Commission**

From: Kelli Matzek, City Planner

Meeting Date: **11-10-08**

Applicant: **Ken Nielsen, Agent for AT&T Mobility**

Owner: City of Lake Elmo

Location: **3303 Langly Ct N**

Zoning: Public and Quasi-Public Open Space (PF)

Introductory Information

Requested WTT Permit: The applicant is requesting to attach a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court.

Property Information: The property at 3303 Langly Court is currently owned by the city of Lake Elmo and is the location of city water tower #1. The property is zoned PF which allows facilities for local government, such as water towers by conditional use permit. The water tower currently houses antenna arrays for two other wireless providers on the 1.1 acre site.

Applicable Codes: **Section 150.110 – 150.126 Wireless Telecommunication Tower Permit**
Contains the standards and requirements for the Wireless Telecommunication Tower Permit.

Section 11.02 Definitions

WIRELESS TELECOMMUNICATION FACILITY. The combination of a wireless telecommunication tower, antennae, and tower accessory equipment.

WIRELESS TELECOMMUNICATION TOWER. Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or to serve as an antenna.

Section 154.063 PF – Public and Quasi-Public Open Space

Contains the standards and uses permitted in the PF District.

Findings & General Site Overview

Site Data:	<p>Size of 3303 Langly Court North: 51,809 square feet</p> <p><i>Buildings:</i> two existing buildings which house ground equipment for existing antenna</p> <p><i>Existing Use:</i> City Water Tower #1/Wireless Telecommunications Antenna arrays and associated equipment</p> <p><i>Existing Zoning:</i> PF – Public and Quasi-Public Open Space</p> <p><i>Property Identification Number (PID):</i> 13-029-21-32-0069</p>
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Application Review:

Existing Conditions:	<p>The 1.1 acre city owned site is currently used for the location of water tower #1 which was built in 1960. The PF zoned property is surrounded on all sides by residentially zoned property. The water tower currently houses two cellular antenna arrays from other cellular providers.</p>
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WTT Permit Review:	<p>The applicant is seeking to place a wireless communications antenna array on the existing city water tower. While the Wireless Telecommunication Tower Permit is largely aimed at the construction of new towers, this application is being reviewed as such as the associated wireless communication antennas would be regulated under this section of code. The proposed antenna array and associated equipment building is viewed as a permitted use on the property, but will require a Wireless Telecommunications Tower permit and building permit.</p>
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Because the applicant is proposing to add the antenna array to the existing water tower, some of the review criteria outlined for the Wireless Telecommunications Tower permit is not applicable. The review requirements for a new tower are more stringent than that of locating (or in this case co-locating) antennas on an existing structure.

Height

The applicant is proposing to add two antenna arrays to water tower #1. The antennas will be located on the catwalk of the tower. Therefore, the antennas will not exceed the height of the peak of the water tower and will be located lower on the structure than other existing wireless communication antennas.

Co-location

The code specifically requires co-location of antenna when possible. The applicant is proposing to maximize the use of the existing and approved tower for the location of the new wireless telecommunication antennas. This minimizes adverse visual effects of the antenna and accompanying accessory equipment.

The site is intended for the co-location of multiple wireless communication facilities –

both on the tower and on the ground.

Lighting

The applicant is not proposing any additional lighting to the site.

Equipment Building

The applicant is proposing an 11 ½' by 20' equipment building at the base of the tower. The flat roofed building is proposed to be ten feet in height.

Landscaping

The proposed equipment building at the base of the water tower will be screened on the north and west side of the building by approximately 10 trees to be added by the applicant. The tower will be to the south and the access to the building will be on the east side. This screening will minimize visual disturbances to four residential properties adjacent to the property. Two of the four have side yards adjacent to the property, while the remaining properties back up to the property.

The proposed landscaping plan was reviewed by the City Forester who found that the proposed landscaping looked adequate for screening and would provide that function at maturity.

**WTT Permit
Conclusions:**

Based on the above analysis, staff is recommending approval of the Wireless Telecommunication Tower permit request to allow a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court North for the following reasons:

- 1) The applicant is minimizing adverse visual effects of the antenna and accessory equipment by proposing to make use of the city water tower which is already being utilized for such uses.
- 2) The proposal complies with the city regulations and development standards.
- 3) The proposal does not constitute a nuisance.

Conditions:

- 1) A lease agreement must be entered into by both the applicant and the city prior to any installation or work done at the site.

**Resident
Concerns:**

Staff is not aware of any concerns surrounding the requested Wireless Telecommunication Tower Permit. Property owners within 1000 feet of the property were notified of the application as required by city code.

Additional Information: The watershed district had no comment in opposition to the proposed Wireless Telecommunication Tower Permit.

Conclusion:

The applicant is seeking approval of a Wireless Telecommunications Tower permit application to add a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court North.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the Wireless Telecommunications Tower Permit request;
- B) Recommend denial of the Wireless Telecommunications Tower Permit request.

The 60-day review period for this application expires on 12-21-08, but can be extended an additional 60 days if more time is needed.

Staff Rec:

Staff is recommending approval of the Wireless Telecommunications Tower Permit to add a wireless communications antenna array to the existing city water tower and to construct an accessory equipment shelter at 3303 Langly Court North for the following reasons:

- 1) The applicant is minimizing adverse visual effects of the antenna and accessory equipment by proposing to make use of the city water tower which is already being utilized for such uses.
- 2) The proposal complies with the city regulations and development standards.
- 3) The proposal does not constitute a nuisance.

Denial Motion

To deny the request, you may use the following motion as a guide:

Template:

I move we recommend that Council deny the requested Wireless Telecommunications Tower Permit for addition of a wireless communications antenna array and construction of an accessory equipment shelter at 3303 Langly Court North based on the following reasons...*(please site reasons for the recommendation)*

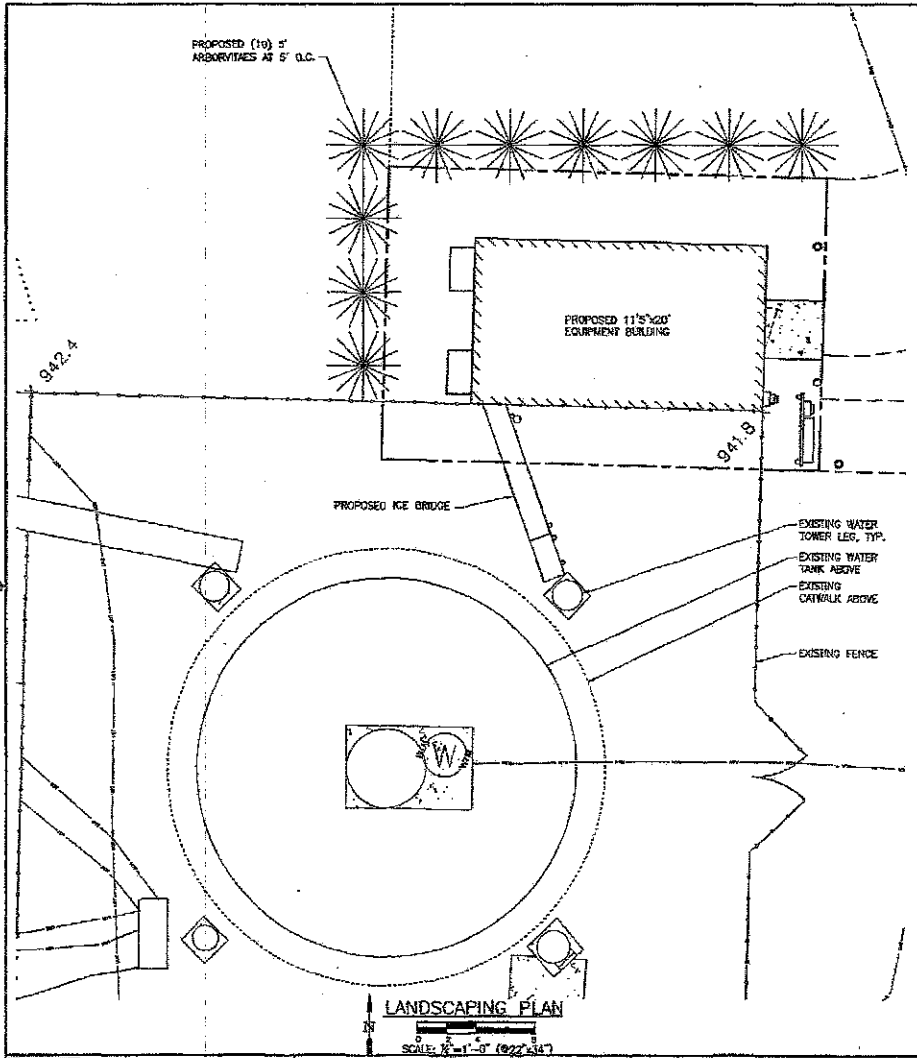
Approval Motion

To approve the request, you may use the following motion as a guide:

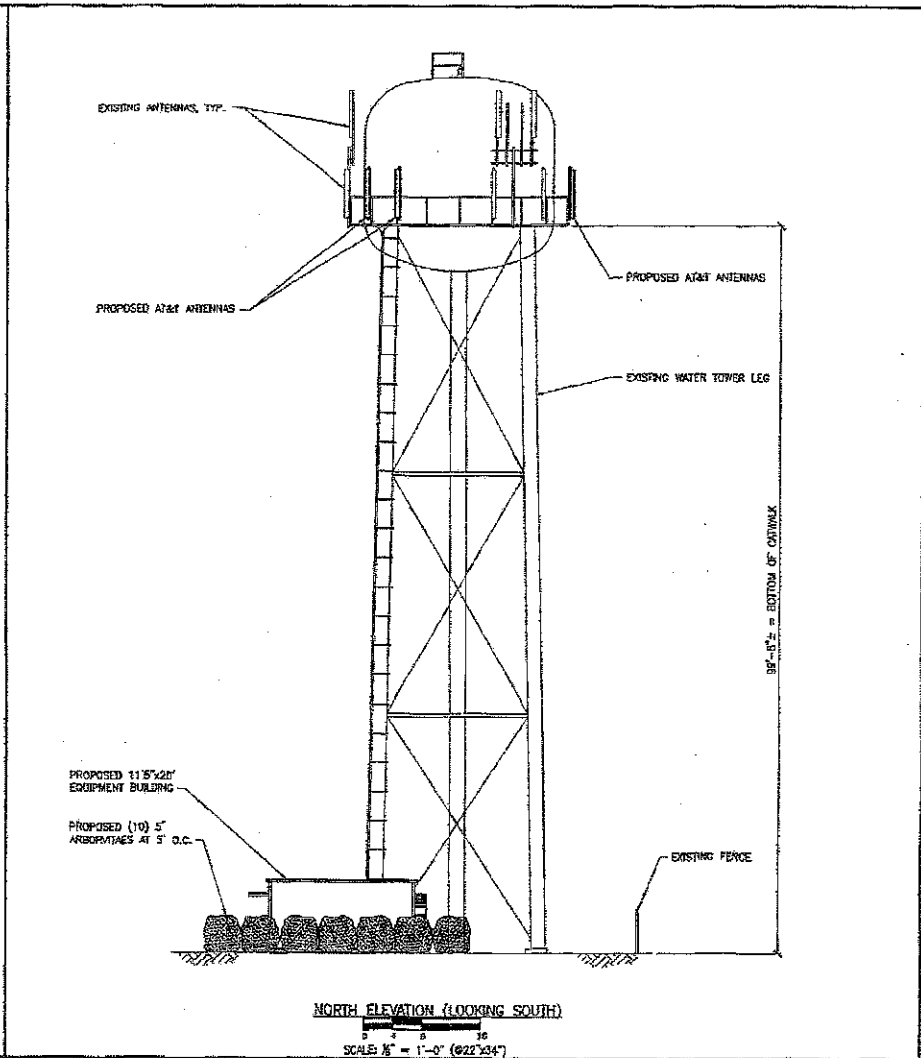
Template: I move we recommend that the City Council approve the requested Wireless Telecommunications Tower Permit for addition of a wireless communications antenna array and construction of an accessory equipment shelter at 3303 Langly Court North based on the reasons and conditions outlined in the staff report.

cc: Ken Nielsen, AT&T Mobility





LANDSCAPING PLAN
SCALE: 1/8" = 1'-0" (822'x34')



NORTH ELEVATION (LOOKING SOUTH)
SCALE: 1/8" = 1'-0" (822'x34')

Ulteig engineers
2001 East River Road
Minneapolis, Minnesota 55424
Phone: 763.279.1222 Fax: 763.279.1223
Website: www.ulteig.com
Ulteig.com 763.279.1223

**SITE No. MPLSMN3500
LAKE ELMO**

4330 SAUNDERS ROUTE DRIVE, SUITE 200
FLORENCEVILLE, MINNESOTA 55036

REV.	DATE	REVISIONS	BY	CHK	APP'D
C	10/23/08	ADDED LANDSCAPING SITE FOR CITY	MSA	MSA	PAK
D	08/26/08	REVISION PER TRCA COMMENT	MSA	MSA	PAK
A	09/27/08	ISSUED FOR REVIEW AND COMMENT	MSA	MSA	PAK
REL.					

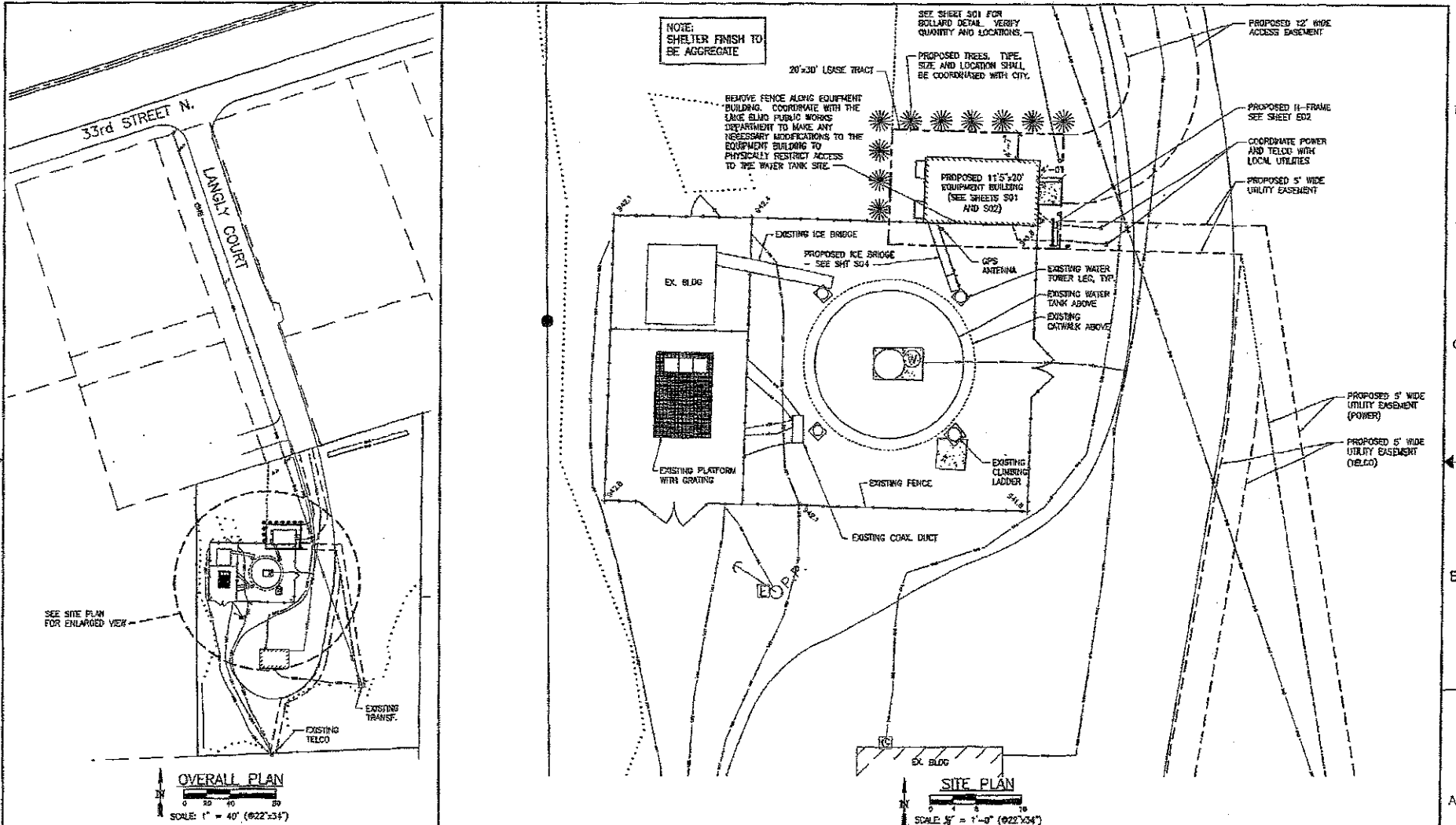
SCALE: AS NOTED
DESIGNED: GAK
DRAWING: MSB

THE SHEET DRAWING IS THE CORRECT RECORD DOCUMENT. SET THE ARCHIVE SOURCE OF THIS SHEET DRAWING TO BE THE SOURCE OF ALL INFORMATION AND THAT IT IS A CITY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 10/23/08
REG. NO. 43119

DRAWING NO. **MPLSMN3500-L01**

ROBBLEY A. EVANS



Ulteig engineers
5075 South River Road, Suite 100
Minnetonka, Minnesota 55341
Phone: 763.871.3200 Fax: 763.871.1100
Minnetonka Office: 5075 South River Road, Suite 100
Phone: 763.871.3200 Fax: 763.871.1100
Lakewood Office: 20400 Lakewood Blvd, Suite 100

SITE No. MPLSMN3500
LAKE ELMO

at&t
4201 MARKET CENTER DRIVE, SUITE 600
MINNETONKA, MINNESOTA 55343

DATE	REVISIONS	BY	CHK	APP
08/26/08	ISSUED FOR REVIEW AND COMMENT	REB	REA	REB
08/27/08	REVISED FOR FINAL COMMENTS	REB	REA	REB
PROJECT: 08/26/08 SHEET NO. 43119 SHEET TITLE: SITE PLAN DRAWN BY: ROBLEY A. EVANS				

SITE PLAN

PROJECT NO. MPLSMN3500-C01

Planning Commission
Date: 11/10/08
Public hearing
Item: 4b

ITEM: Hold a public hearing to consider an application for a wireless telecommunications tower permit to install a 125-foot tower at 9057 Lake Jane Trail North

REQUESTED BY: FMHC Corporation, Applicant

SUBMITTED BY: Kyle Klatt, Director of Planning 

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Lake Elmo Planning Commission is being asked to consider a request from FMHC Corporation on behalf of T-Mobile Communications to construct a new 125-foot high telecommunications tower on property owned by Daniel and Jean Olinger at 9057 Lake Jane Trail North in Lake Elmo. This property is located at the intersection of Lake Jane Trail North and Jamaca Avenue North immediately north of the City's Fire Station No. 2 property. The selected tower site on the Olinger property is approximately 600 feet from Lake Jane and over 1,000 feet from the closest boundary with the Sunfish Lake Park property.

The Lake Elmo City Code permits new towers on certain properties within the City that meet all of the established criteria for wireless telecommunications towers. The attached report demonstrates that the applicant has complied with these requirements and therefore the tower is a permitted use according to the Code.

ADDITIONAL INFORMATION:

- The Olinger property is over 10 acres in size and is zoned residentially, thus meeting the requirements for the construction of a new tower that exceeds the base district height requirements.
- The City Code requires the execution of a wireless telecommunication tower agreement before a building permit may be issued for the proposed tower. This agreement needs to include a list of conditions attached to the permit among other requirements as specified by the ordinance.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the applicant's request for a wireless telecommunications tower permit to construct a new 125-foot high telecommunications tower at 9057 Lake Jane Trail North in Lake Elmo because it meets all the criteria for the issuance of such a permit, provided the following conditions are met:

- 1) That the tower be painted a blue or light gray color instead of the dark brown treatment depicted on the submitted plans.
- 2) That the applicant submit all documentation requested by the City Engineer prior to approval of a building permit for the tower or related accessory equipment.

- 3) That the applicant and property owner enter into an agreement with the City in accordance with Section 150.116 of the wireless telecommunications tower ordinance prior to the issuance of a building permit for the tower or related accessory equipment.
- 4) That the height of the proposed security fence be limited to 6 feet (72 inches) in height to remain consistent with the Lake Elmo fence ordinance.

MOTION FOR CONSIDERATION:

I move we recommend that the City Council approve the request from FMHC Corporation on behalf of T-Mobile Communications to construct a new 125-foot high telecommunications tower at 9057 Lake Jane Trail North in Lake Elmo based on the findings provided by staff and provided the following conditions are met:

- 1) That the tower be painted a blue or light gray color instead of the dark brown treatment depicted on the submitted plans.
- 2) That the applicant submit all documentation requested by the City Engineer prior to approval of a building permit for the tower or related accessory equipment.
- 3) That the applicant and property owner enter into an agreement with the City in accordance with Section 150.116 of the wireless telecommunications tower ordinance prior to the issuance of a building permit for the tower or related accessory equipment.
- 4) That the height of the proposed security fence be limited to 6 feet (72 inches) in height to remain consistent with the Lake Elmo fence ordinance.

ORDER OF BUSINESS:

- Introduction..... Kyle Klatt, Planning Director
- Report by staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Applicant CommentsChair facilitates
- Questions of the Applicant Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS:

1. Detailed staff report on the request
2. Aerial image of the site with the required ¼ mile search radius
3. Application form
4. Propose lease tract description
5. Site survey – existing conditions

6. Photo simulation of tower (4 locations)
7. Property owner letter of acknowledgement
8. Site plans and elevation drawings (4)
9. Letter from T-Mobile RF Engineer
10. Existing and proposed coverage maps
11. T-Mobile's 2 year plan
12. T-Mobile search ring
13. Coverage maps – water tower site and neighboring tower sites
14. Landscape plan
15. Public letters: 8989 Lake Jane Trail N; 4235 Ivy Court
16. Letter from City Attorney
17. Tower question and answer sheet

City of Lake Elmo Planning Department
Telecommunications Tower Permit Request

To: Planning Commission

From: Kyle Klatt, Planning Director *KK*

Meeting Date: 11/10/08

Applicant: FMHC Corporation

Owner: Daniel and Jean Olinger

Location: 9057 Lake Jane Trail North

Zoning: Rural Residential (RR)

Introductory Information

Requested Permit: The applicant has filed an application for a Wireless Telecommunications Tower Permit on behalf of T-Mobile Corporation to construct a new 125-foot high telecommunications tower on property owned by Daniel and Jean Olinger at 9057 Lake Jane Trail North in Lake Elmo.

Application Summary: The Lake Elmo City Code includes provisions related to wireless communications facilities, and allows new towers to be constructed on sites that meet the specific criteria outlined in the code. This type of use does not require a conditional use permit (as mistakenly stated on the public hearing notice and application form), and therefore is not subject to these particular requirements in the code; it is a permitted use subject to the issuance of a special permit.

The proposed site for the wireless communications tower is located near the intersection of Jamaca Avenue North and Lake Jane Trail, and would be located approximately 600 feet from Lake Jane. This site lies immediately north of the City's Fire Station Number 2 and the Washington County/MPCA landfill.

The applicant is proposing to lease a 40 by 40-foot portion of this property and to construct a 125-foot high monopole tower and related equipment storage buildings. An antenna array for T-Mobile Communications is also depicted on the submitted site plans. The tower has been designed to accommodate at least two additional wireless carriers and there is space reserved within the fenced compound area for the related accessory buildings. Access to the site would be gained via an access easement over the existing driveway off of Jamaca Avenue North.

Applicable Codes: Section 150.110 through 150.126 Wireless Telecommunication Tower Permit.
Describes the permit requirements, application process, allowed locations, co-

location requirements, standards, and other requirements related to telecommunications facilities.

Section 11.02 Definitions

WIRELESS TELECOMMUNICATION FACILITY. The combination of a wireless telecommunication tower, antennae, and tower accessory equipment.

WIRELESS TELECOMMUNICATION TOWER. Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or to serve as an antenna.

Findings & General Site Overview

Site Data: Lot Size: 13.89 acres (includes home site, excludes road right-of-way)

Existing Use: Single Family Residential/Equipment Storage

Existing Zoning: R1 – Single Family Residential and RR – Rural Residential

Property Identification Number (PID): 10-029-21-32-0012

The Daniel and Jean Olinger property is currently split between two different zoning districts with the portion fronting Lake Jane Trail and extending to the lake zoned R-1 and the larger back portion zoned RR. There is approximately 11 acres that are zoned RR, and therefore, the portion zoned R-1 could be split from the RR area and still comply with the underlying zoning requirements for lot size.

Application Review:

Application Requirements:

The City Code specifies the areas within the City in which a new wireless communication tower would be prohibited and those areas where it would be an allowed use. The proposed site meets these requirements because it is an agriculturally or residentially zoned parcel greater than 10 acres and is not subject to an open space/conservation easement or within an airport impact zone.

The split zoning of this parcel does not present any problems for compliance with the permitted tower locations since both R-1 and RR zones are considered residential districts. In the future, the property owner will not be allowed to reduce the parcel on which the tower is located to less than 10 acres (the minimum size for RR zoning anyway).

An application under the City's Wireless Telecommunication Tower Ordinance must include specific information as documented in the Ordinance. This information has been attached for consideration by the Planning Commission as follows:

- a) **A sketch drawn to scale acceptable to the City Planner and City Engineer.**
The applicant has submitted a survey that depicts the western portion of the parcel under consideration with all buildings on an adjacent to this site. The project drawings for the tower provide details concerning the structures to be

located on the leased property, including the tower and accessory building. The survey shows that the closest structure on a neighboring property is a residential home 323 feet away. The next closest structure is the City's Fire Station building at 328 feet. The closest on-site building is a small accessory building 100 feet from the proposed tower. A 15 foot-wide access easement would be provided over an existing driveway off of Jamaca Avenue North.

- b) *A sketch drawn to scale or a photo image acceptable to the City Planner and City Engineer which illustrates the relative size of the proposed wireless telecommunication tower or existing structure on which the antenna will be located compared to structures located within 100 feet of the perimeter of the parcel on which the tower is located and which illustrates the visibility of the tower from adjoining parcels located within 100 feet of the perimeter of the parcel on which the tower is located.* In addition to an elevation drawing of the proposed tower, the applicant has included a series of photo-simulated images of the tower at four strategic locations near the site. The first two represent views from the roads immediately adjacent to the site, while the last two were taken at the edge of Sunfish Lake Park and across Lake Jane.
- c) *A report from a qualified and licensed professional engineer.* This report must accomplish the following:
 - 1) *Describes the wireless telecommunication tower height and design including a cross-section and elevation.* There are four plan sheets included with the application, including a cover page, site plan, enlarged site plan, and an elevation drawing. The design of the tower is shown as a monopole structure with a maximum height of 125 feet.
 - 2) *Certifies the wireless telecommunication tower's compliance with structural and electrical standards.* Additional information submitted by the applicant includes a letter from T-Mobile's Senior RF Engineer regarding the existing and proposed coverage maps for this area and frequencies to be used by the antenna (with maps), detailed information concerning the design and reliability of a monopole structure, specifications for the antenna, and drawings related to compliance with structural and electrical standards. All of this detailed information, with the exception of the coverage letter and maps, has not been included in the Planning Commission packet. The City Engineer has asked for additional details to be provided for these plans, which would need to be confirmed prior to the issuance of a building permit for the tower.
 - 3) *Documents the height above grade for the mounting positions, which can be used for co-location and the minimum separation distances between the co-location positions.* The submitted plans indicate that the T-Mobile antennas would be installed at the maximum height of the tower at 125 feet above grade and future co-location antennas would be located at 85 feet and 105 feet, which results in spacing of 20 feet between these locations.

- 4) ***Describes the wireless telecommunication tower's capacity to support antennae, including an example of the number and type of antennas that can be accommodated on the wireless telecommunication tower.***
The plans as noted above show two additional location for antennas in the future. The detailed engineering reports include multiple antenna mounting positions as part of these documents.
- d) ***A 2-year plan for wireless telecommunication facilities to be located within the city shall be submitted by the applicant. The city acknowledges that the plans are fluid and in all likelihood will change depending upon market demands for the service. The city will maintain an inventory of all existing and reasonably anticipated cell site installations.*** The applicant has provided a brief one-paragraph statement that this site is the only part of Lake Elmo that is included in its two year plan. Maps have been provided that illustrate how this site connects to the four existing sites in the surrounding area. Of the other information that is to be included with this plan, the applicant has provided a description of the radio frequencies to be used by the proposed equipment in a letter from their engineer and a map showing the closest of their wireless communications facilities to the proposed tower site (all but one of which is located outside the city limits. This coverage map includes the service areas for the sites within and outside the City.
- e) ***The cost for mailing addresses and application fee.*** The applicant has provided the required mailing addresses for the public hearing and paid all required fees.
- f) ***Confirmation that the applicant is properly licensed by the F.C.C., or is the authorized representative of a wireless telecommunication provider properly licensed by the F.C.C.*** Information concerning the PCS broadband license for T-Mobile has been provided but not included in the Planning Commission packet.
- g) ***Written authorization from the property owner describing the area which will be subject to the tower lease and acknowledging that the property owner will be responsible for removal of the wireless telecommunication tower, antennae, and tower accessory equipment which is unused or abandoned for 12 consecutive months.*** The property owner has signed a letter drafted by FMHC Corporation acknowledging the removal requirement. The applicant has also provided a memorandum of lease that has executed by the property owner and T-Mobile. This issue must also be included in an agreement between the applicant, property owner, and City.
- h) ***Documentation of the steps to be taken by applicant to avoid causing destructive interference to co-located previously established public safety communications facilities.*** The applicant's engineer in the included letter has indicated that the frequency bands apportioned to T-Mobile by the Federal Communications Commission (FCC) are well isolated from bands used by public safety communication systems, and that they have not had any such

problems on other sites that they control. FCC licensing requirements further limit the frequencies that can be used, and include penalties for causing interference with public safety facilities. The fire chief has also reviewed the request and did not state any objections to the proposed tower and antennas from a public safety perspective. A copy of the City's FCC radio station authorization has also been obtained and included with this file. No conflicts are anticipated based on all of the above information.

- i) ***A detailed landscape plan, which indicates how tower accessory equipment will be screened.*** The applicant has provided a landscape plan for this site that shows new evergreen plantings around the perimeter of the tower site. Although there does not appear to be any existing vegetation in the immediate vicinity of the leased area, there are larger stands of vegetation to the south and west of the tower. The existing vegetation, which is mapped on the larger-view site plan, provides a very effective screen for the accessory buildings and base of the tower and should be preserved on the site as much as possible during the life of the tower. The required agreement should include a provision related to the long-term maintenance of the existing and proposed landscaping on the site.

Other information that has been included in the Commission packet, but not directly related to the ordinance requirements cited above, include a map of the required search ring area for co-location, and coverage maps describing the wireless coverage in this area under current conditions, with the proposed tower, and with placement of an antenna on the City's Ideal Avenue water tower.

**Permit
Review:**

Co-Location Requirements

A major component of the wireless communication ordinance is the requirement that new antennas be located on existing towers or structures which exceed 75 feet in height and which are located within ¼ mile of the antenna site being proposed. In this case, there are no such structures within the search distance that meet this requirement; therefore, the applicant may proceed with the current request to build a new facility. Should the tower permit be issued by the City, additional carriers looking to locate an antenna in this area would be required to co-locate on this antenna rather than building yet another tower near this site.

Please note that the search ring area provided by the applicant represents the area needed to accommodate their service objectives and is not a representation of the ¼ mile search radius required by the City. Included with this report is a map produced by the Planning Department that depicts the radius required by the Zoning Ordinance.

Tower Standards

The wireless communications ordinance includes a section devoted to the standards each tower must meet. The following is a discussion of each of these standards based on the information submitted to date:

- a) ***Design - To blend into the surrounding environment through the use of***

color and architectural treatment. The plans for the proposed tower show that it will have a "Cor-Ten" brown weathering steel finish. This means that the steel will not be painted a specific color and that the tower is designed to weather over a period of time. The applicants have indicated that this treatment will provide a more natural look to the tower and that it will blend in well with the existing vegetation around the site. There are no specific architectural treatments proposed that would cause the tower to look like anything other than a straight monopole structure. The included elevation drawing and photo-simulation photographs should provide a fairly good approximation of what the tower will look like on the site, although the color shown is not an exact match for what is proposed.

The selected site for the tower is located behind an existing berm and in the vicinity of larger trees and other vegetation that will provide some screening of the tower base from the south and east. This berm and vegetation will provide a fairly effective screen from certain locations around the site, and will keep most of the tower base and any accessory buildings on the ground out of site from public roads and adjacent property. The tower will be most visible in the immediate area around the intersection of Jamaca Avenue North and Lake Jane Trail.

Other Options/Design Considerations: There are four options that the Planning Commission may want to consider in reviewing the tower request for compliance with this standard:

1. Requiring a different color for the tower in order to provide a reduced visual impact above the neighboring tree line. In this case the tower could be painted a light blue or gray color to better match the color of the sky. While a brown color will blend in with the buildings and vegetation on the ground, it would likely have a stronger visual impact when viewed against the sky than a blue or gray color.
2. Moving the tower to an alternative location on the proposed site. From a visual inspection of the site and a review of aerial imagery for this area, there do appear to be other options on the Olinger property that could provide additional screening of the tower base and accessory equipment, especially when viewed from the northwest portion of this site. The tower site proposed on the attached plans will take advantage of the elevation changes, but places the tower in a location that is more visible from Jamaca Avenue. A site further south would place the tower behind existing vegetation and provide a little better buffer from the properties immediately to the west. This location would be closer to the fire station and an access road to the trails in Sunfish Lake Park.
3. Under this section of the code, the City could ask that the applicant consider other means of reducing the visual impact of the tower, including disguising the structure as something else (i.e. a tree, flagpole, or other natural feature). Although this is an option for the City to consider, there are limits as to how well this particular tower

could be disguised since it is designed to be the tallest structure in the area. Towers that are designed to either look like something else or blend into an existing environment are typically called "stealth" or "camouflage" towers.

Afton has recently approved a new tower for the Washington County Sheriff's Office that makes use of stealth techniques and staff has requested information from their office to use as an example of alternate tower designs. Other towers have been approved or built recently in Washington County and designed to be camouflaged; however, these types of towers will typically be lower than the one that is proposed by T-Mobile. For instance, the Afton tower will be 88 feet tall compared to the current request for a 125-foot tower. A recent tower approved in Stillwater was designed as a stealth tower with the antennas hidden inside the monopole structure, but was 75 feet high.

4. Reducing the overall height of the tower and therefore eliminating the need to provide room for additional carriers is not an option that the City can mandate. The proposed tower could be reduced to 75 feet in height and be designed as a single use facility; however, this would place the tower near or below the existing tree line in the area and may not provide for the coverage that is sought by T-Mobile. The City's wireless communications ordinance limits height based on the zoning district, size of the parcel, and distance from streets or residential structures, and the current proposal falls within the range permitted under the ordinance at 125 feet. The applicant is required to allow for co-location if the tower exceeds 75 feet in height. The City cannot mandate that only a single-use tower be built, and therefore, not a restriction that the City can place on the applicant.
- b) ***Design - To be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.*** The plans for the tower indicate that it will be a monopole structure. The proposed height and location makes a stealth or camouflaged design less effective.
 - c) ***Design - All proposed wireless telecommunication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower is between 75 feet and 100 feet in height.*** The plans and supporting engineering details show that the tower is over 100 feet high and designed to accommodate two additional carriers in accordance with this section.
 - d) ***Design - Where possible, all proposed wireless telecommunication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.*** The tower plans indicate that it will be able to accept additional antennas; the actual separation between antennas will depend on the specific design requirements of each

carrier.

- e) **Setbacks from lot line:** *In all residential zoning districts, wireless telecommunication towers shall be set back 1 foot for each foot of tower height plus 20 feet.* The required setback for the proposed tower is 145 feet based on the height of the tower of 125 plus 20 additional feet. The setback from the west and south property lines exceeds 225 feet.
- f) *In all zoning districts, towers may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts a commercial or business zoned property and the wireless telecommunication tower does not encroach upon any easements.* This requirement is not applicable since the tower far exceeds any required rear or side setback for the RR district.
- g) *Wireless telecommunication towers shall not be located between a principal structure and a public street.* The proposed tower will not be located between the principal structure on this lot and a street.
- h) *A required setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow for the integration of a wireless telecommunication tower with an existing or proposed structure such as a church steeple, power line support device, or light standard.* Not applicable since the tower meets the required setback from a street.
- i) *A required setback may be reduced or its location in relation to a public street varied upon providing the city with a licensed professional engineer's certification that the wireless telecommunication tower is designed to collapse or fail within a distance or zone shorter than the required setback distance.* The applicant has provided information related to the fall zone for the proposed tower, although this information is not required since a reduced setback is not being sought.
- j) **Height -** *In all residential zoning districts, the maximum height of any wireless telecommunication tower including all antennas and other attachments, shall not exceed 1 foot for each 1 foot the tower is setback from a residential dwelling unit up to a maximum of 195 feet for parcels of 40 acres or more and 125 feet for parcels between 10 to 40 acres in size.* The height of the tower will be 125 feet and falls within the maximum permitted height since it is located more than 275 feet from the closest residential structure.
- k) **Height in non-residential zoning districts...** This section is not relevant since the applicant's site is zoned residentially.

Other Requirements

- a) **Lighting:** There is no lighting proposed for the tower. The FAA may require a hazard light which will fall outside of the City's jurisdiction. The tower is likely below the height at which the FAA would require such a light.

- b) **Signs and Advertising:** There will be no signs or advertising allowed on the tower and none are proposed.
- c) **Interference with Public Safety Telecommunication:** The tower will need to comply with FCC regulations and licensing requirements.
- d) **Prohibited Subdivisions.** The parcel on which the tower is located may not be reduced in size below 10 acres. The Olinger property could be subdivided at some point in the future because a portion of it is zoned R-1 outside of the 10 acres necessary for the tower site.
- e) **Accessory Utility Buildings:** *All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment.* The proposed accessory building will be constructed with a brick face and a dark metal roof. The brick treatment should match the surrounding residential uses well and not stand out in this area. The proposal includes securing the leased area with an eight-foot high chain link fence with barbed wire along the top. Section 154.125 of the Zoning Ordinance, **FENCES AS SCREENING AND SECURITY, AS REQUIRED**, limits the height of security fences on agricultural and residential property to no more than 72 inches in height. The applicant's plans should be revised to comply with this requirement.
- f) **Ground Mounted Equipment -** *All ground mounted equipment accessory to a wireless telecommunication tower shall be enclosed in a building with brick walls and have a dark colored standing seam metal roof and be further screened with sufficient trees, as determined by the City Planner, and shrubs to substantially reduce the visual impact.* The proposed plans meet the building design requirements. The City Forester has completed a review of the landscape plan and indicated that the plan as submitted will provide for screening when the plant materials are mature. There are some notes from the forester that should be incorporated into the final plan.

Included with the Planning Commission report are two additional pieces of information for consideration by the Commission. The first is a question and answer sheet prepared by the Planning Department to address some of the anticipated questions regarding the tower proposal. The other document is an opinion from the City Attorney noting that the proposed tower is an allowed use and must comply with the City Code sections that are reviewed above.

**Tower Permit
Conclusions:**

Based on a review of the applicable code sections, Staff is recommending that the Planning Commission recommend approval of the tower request based on the following:

- 1) That the applicant has submitted all required documentation for an application to install a new wireless telecommunication tower.
- 2) That the applicant has demonstrated compliance with the applicable City Code

provisions for wireless telecommunications towers.

- 3) That the proposed site meets all required setbacks and that the tower is within the maximum permitted height for a Rural Residential zone.

Staff is further recommending that the following conditions be included with this recommendation:

- 1) That the tower be painted a blue or light gray color instead of the dark brown treatment depicted on the submitted plans.
- 2) That the applicant submitted all documentation requested by the City Engineer prior to approval of a building permit for the tower or related accessory equipment.
- 3) That the applicant and property owner enter into an agreement with the City in accordance with Section 150.116 of the wireless telecommunications tower ordinance prior to the issuance of a building permit for the tower or related accessory equipment.
- 4) That the height of the proposed security fence be limited to 6 feet (72 inches) in height to remain consistent with the Lake Elmo fence ordinance.

Other Options:

The Planning Commission may consider denying the request for a new tower provided it can demonstrate that the applicant has failed to comply with the provisions of the wireless telecommunications tower ordinance. These requirements are detailed in the preceding sections of this report.

Examples of information that would support a recommendation for denial include:

- that the tower does not comply with the maximum height restrictions or setbacks based on the zoning and size of the applicant's parcel,
- that the tower will cause interference with an established public safety communications facility,
- that the tower exceeds 75 feet in height and has not been designed to accommodate additional carriers,
- that an alternate design would blend in better to the surrounding environment.

This list is not intended as an exclusive recording of all possible findings that could be made and should be used as an example to formulate findings that are not in or differ from the Staff report.

Resident Concerns:

Staff has received two letters in advance of meeting from residents in the surrounding neighborhood, one that is opposed and another that offers support for the tower. The full text of these letters are attached for review by the Planning Commission.

Additional

Neither the watershed district nor the DNR provided comment in opposition to the

Information: | proposed wireless telecommunications tower permit.

Conclusion:

FMHC Corporation is seeking approval of a wireless telecommunications tower permit to construct a new 125-foot high telecommunications tower on property owned by Daniel and Jean Olinger at 9057 Lake Jane Trail North in Lake Elmo.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the wireless telecommunications tower permit request;
- B) Recommend denial of the wireless telecommunications tower permit request.

The 60-day review period for this application ended on 10-24-08, and has already been extended beyond the initial period to the maximum of 120 days. The current review deadline is 12/24/08.

Staff Rec:

Staff is recommending approval of the wireless telecommunications tower permit to construct a new 125-foot high telecommunications tower on property owned by Daniel and Jean Olinger at 9057 Lake Jane Trail North in Lake Elmo based on the following:

- 1) That the applicant has submitted all required documentation for an application to install a new wireless telecommunication tower.
- 2) That the applicant has demonstrated compliance with the applicable City Code provisions for wireless telecommunications towers.
- 3) That the proposed site meets all required setbacks and that the tower is within the maximum permitted height for a Rural Residential zone.

And with the conditions as outlined on pages 9 and 10 of this report.

Denial Motion

To deny the request, you may use the following motion as a guide:

Template:

I move we recommend that Council deny the requested wireless telecommunications tower permit based on the following findings...(please site reasons for the recommendation)

Approval Motion

To approve the request, you may use the following motion as a guide:

Template:

I move we recommend that the City Council approve the requested wireless telecommunications tower permit based on the following findings...(use staff's

*Wireless Tower Permit; FMHC Corporation
Planning Commission Report; 11-10-08*

(findings provided above or cite your own)

cc: Kelly Swenseth, FMHC Corporation
Daniel and Jean Olinger, 9057 Lake Jane Trail North
Susan Hoyt, City Administrator

Tower Search Radius
Olinger Site

LAKE JANE

TOWER SITE

TOWER SEARCH RADIUS

FIRE STATION #2

Sunfish Lake Park

AMERICAN

Tower Search Radius
Olinger Site

LAKE JANE

TOWER SITE

TOWER SEARCH RADIUS

Lake Jane Trail N

FIRE STATION #2

Sunfish Lake Park

Jamaca Ave N

KELLY D SCHWAB
KELLY D SCHWAB
RICHARD S
JAN LAMMICK

TIN & JENNIFER TRAN
CITY OF LAKE ELMO
JOHN & JANET BERSCHENS

JOHN & JANET BERSCHENS

JOHN & JANET BERSCHENS

JOHN & JANET BERSCHENS

JOHN & JANET BERSCHENS

JOSEPH & CHARLOTTE MORIS TRS

CITY OF LAKE ELMO

JOSEPH & CHARLOTTE MORIS TRS

SHAFER CONTRACTING CO INC

CITY OF LAKE ELMO

CITY OF LAKE ELMO

WASHINGTON CO & RAMSEY CO

MAE S NIPPOLDT

CITY OF LAKE ELMO

Fee \$ _____

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: Kelly Swenseth FMHC Corporation, 2901 Metro Drive Suite 225, Bloomington MN 55425
 (Name) (Mailing Address) (Zip)

TELEPHONES: None 952-831-1043 218-791-0382 952-831-0623
 (Home) (Work) (Mobile) (Fax)

FEE OWNER: Daniel and Jean Olinger Lake Jane Trail North, Lke Elmo MN 55042
 (Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-1047
 (Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): See Attachment at Exhibit B

DETAILED REASON FOR REQUEST: T-Mobile is proposing to build a one-hundred twenty five foot (125') monopole to locate antennas for a wireless communications facility. The tower and facilities would be available for two additional carriers to collate their antennas on the monopole and their ground equipment within a forty by forty foot (40'x40') fenced compound with the accessory ground equipment to be located within a shelter that complies with Lake Elmo's tower ordinance requirements.

***VARIANCE REQUESTS:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Kelly Swenseth Aug 26, 2008
Signature of Applicant Date

Signature of Applicant Date

RECEIVED

Aug 27 2008



August 15, 2008

**PROPOSED LEASE TRACT, UTILITY &
ACCESS EASEMENT DESCRIPTIONS FOR:
T-MOBILE USA, INC.,
SITE A1N0672-Lake Elmo, MN
"Daniel Olinger"**

PROPOSED LEASE TRACT DESCRIPTION:

An area for lease tract purposes over, under and across that part of Government Lot 5, Section 10, Township 29 North, Range 21 West of the Fourth Principal Meridian, Washington, Minnesota described as follows:

Commencing at the southwest corner of said Government Lot 5; thence North 00 degrees 53 minutes 21 seconds West, bearings based on Washington County Coordinate Grid, along the west line of said Government Lot 5 a distance of 1543.70 feet; thence on a bearing of East a distance of 240.17 feet to the point of beginning of the lease tract to be described; thence on a bearing of North a distance of 40.00 feet; thence on a bearing of East a distance of 40.00 feet; thence on a bearing of South a distance of 40.00 feet; thence on a bearing of West a distance of 40.00 feet to said point of beginning.

Said lease tract contains 1,600 square feet.

PROPOSED UTILITY EASEMENT DESCRIPTION:

An easement for utility purposes 10.00 feet in width, over, under and across Government Lot 5, Section 10, Township 29 North, Range 21 West of the Fourth Principal Meridian, Washington, Minnesota. The center line of said easement is described as follows:

Commencing at the southwest corner of said Government Lot 5; thence North 00 degrees 53 minutes 21 seconds West, bearings based on Washington County Coordinate Grid, along the west line of said Government Lot 5 a distance of 1543.70 feet; thence on a bearing of East a distance of 295.17 feet; thence on a bearing of South a distance of 5.00 feet to the point of beginning of the center line to be described; thence on a bearing of West a distance of 262.08 feet to the east line of Jamaica Avenue North and said center line there terminating.

Said utility easement contains 2,621 square feet.



7415 WAYZATA BOULEVARD, 1 MINNEAPOLIS, MN 55425, 1 952-744-6837, 1 www.efnsurvey.com

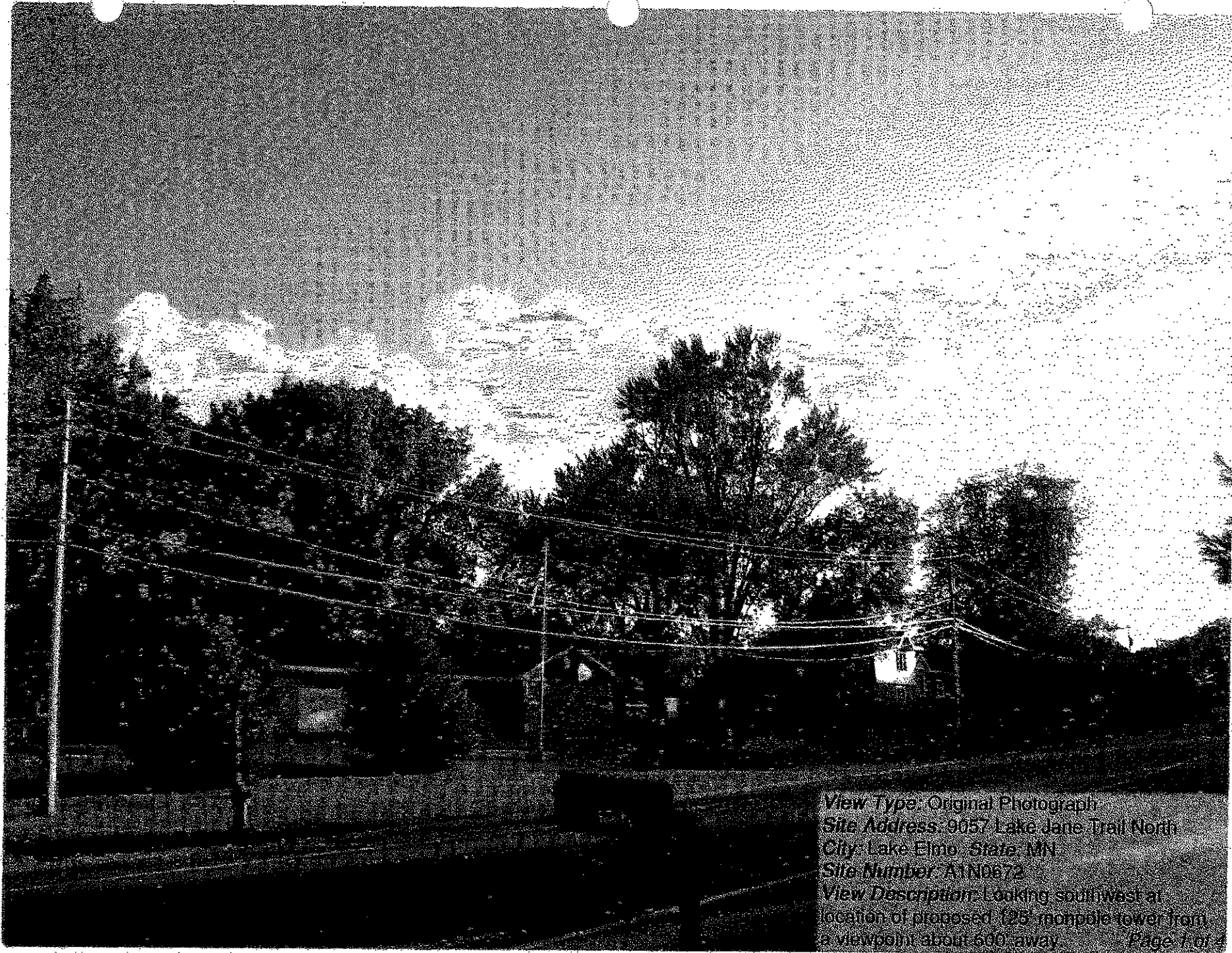
Egan, Field & Nowak, Inc.

PROPOSED ACCESS EASEMENT DESCRIPTION:

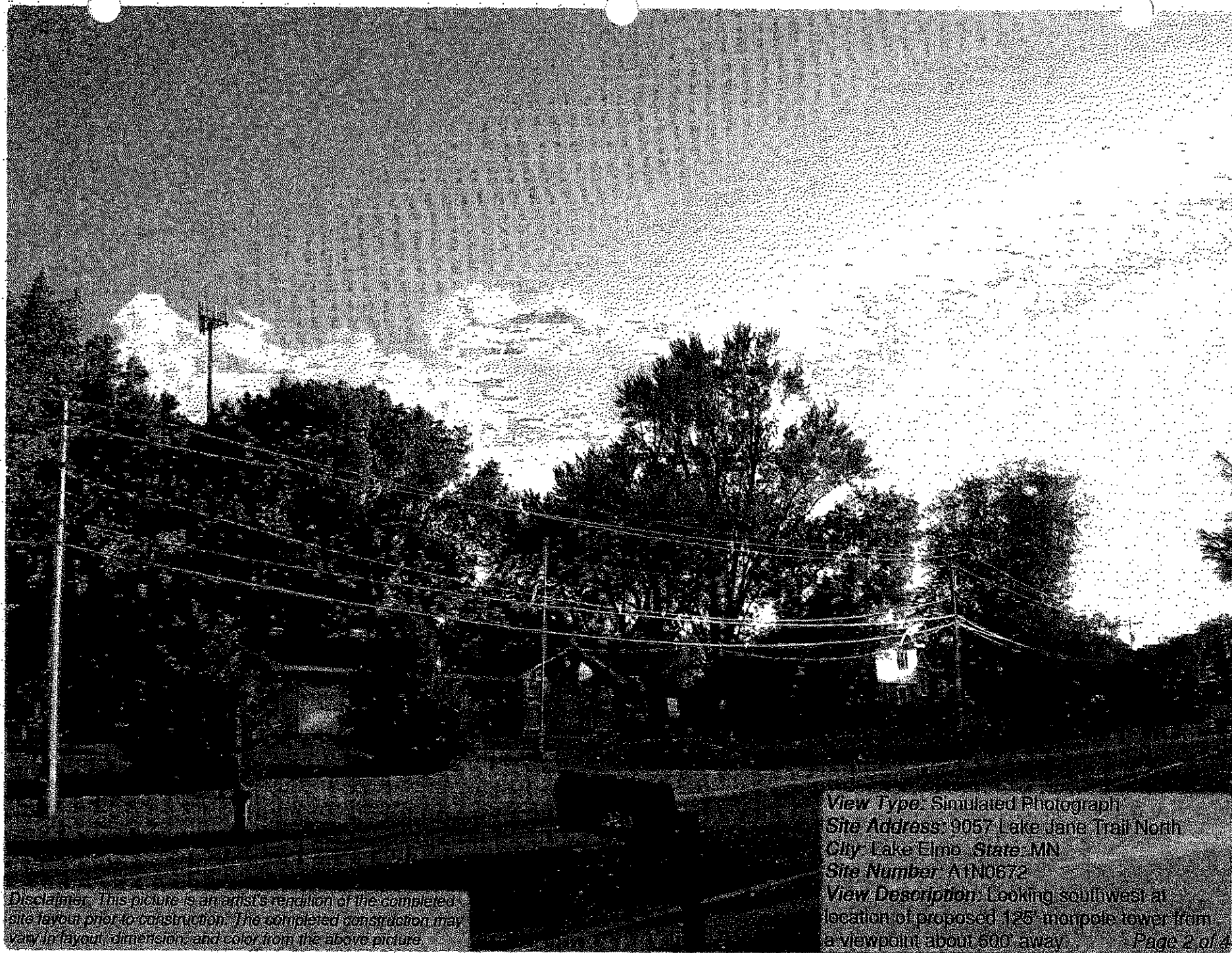
An easement for access purposes 15.00 feet in width, over, under and across Government Lot 5, Section 10, Township 29 North, Range 21 West of the Fourth Principal Meridian, Washington, Minnesota. The center line of said easement is described as follows:

Commencing at the southwest corner of said Government Lot 5; thence North 00 degrees 53 minutes 21 seconds West, bearings based on Washington County Coordinate Grid, along the west line of said Government Lot 5 a distance of 1543.70 feet; thence on a bearing of East a distance of 287.67 feet to the point of beginning of the center line to be described; thence on a bearing of North a distance of 52.77 feet; thence northwestely a distance of 31.20 feet along a tangential curve, concave to the southwest, having a radius of 32.50 feet and a central angle of 55 degrees 00 minutes 00 seconds; thence North 55 degrees 00 minutes 00 seconds West, tangent to said curve, a distance of 19.35 feet; thence westerly a distance of 36.79 feet along a tangential curve, concave to the south, having a radius of 32.50 feet and a central angle of 64 degrees 51 minutes 53 seconds; thence South 60 degrees 08 minutes 07 seconds West, tangent to the last described curve, a distance of 32.54 feet; thence westerly a distance of 15.04 feet along a tangential curve, concave to the north, having a radius of 32.50 feet and a central angle of 26 degrees 31 minutes 04 seconds; thence South 86 degrees 39 minutes 11 seconds West, tangent to the last described curve, a distance of 148.85 feet to the east line of Jamaica Avenue North and said center line there terminating.

Said access and utility easement contains 5,048 square feet.



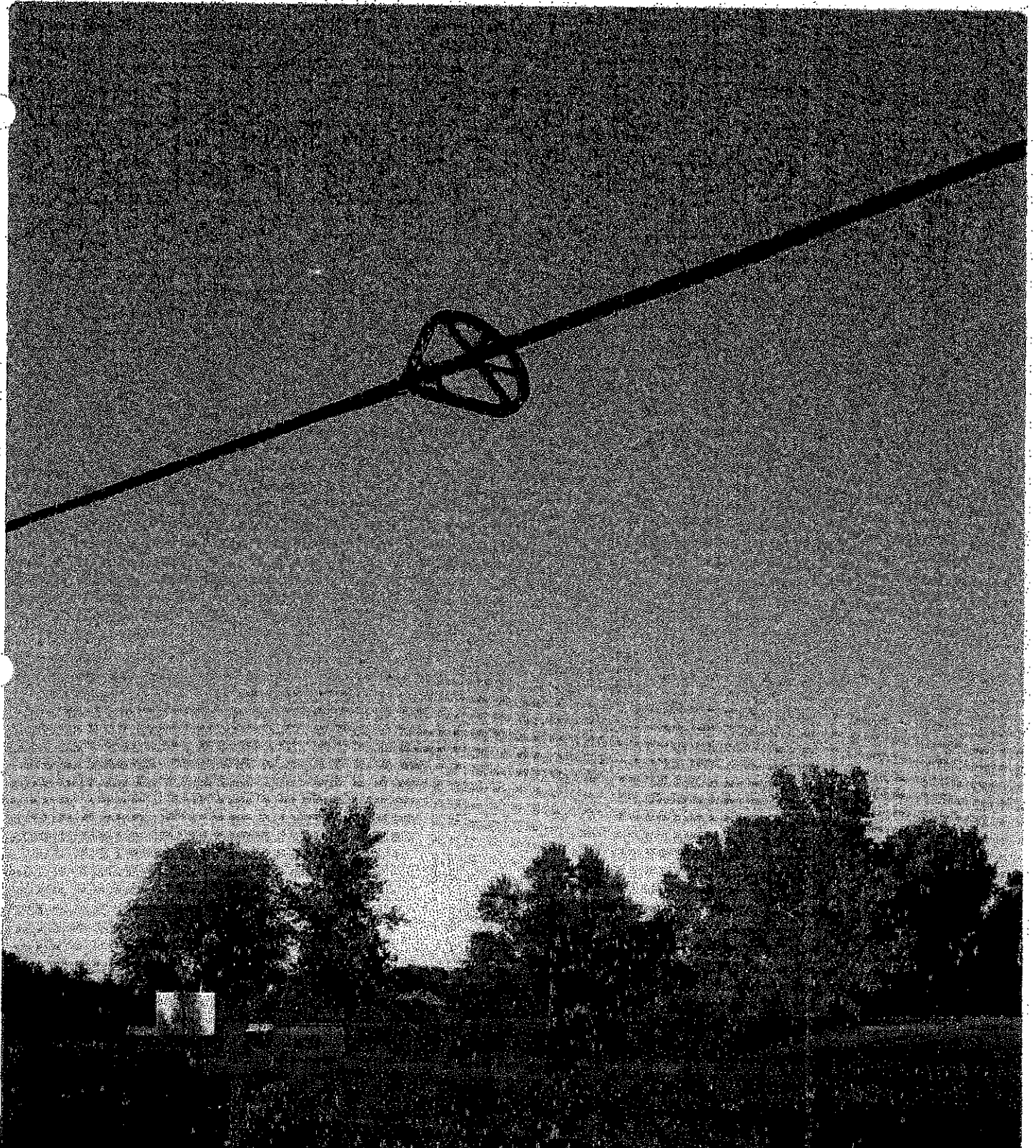
View Type: Original Photograph
Site Address: 9057 Lake Jane Trail North
City: Lake Elmo, State: MN
Site Number: A1N0672
View Description: Looking southwest at location of proposed 125 monopole tower from a viewpoint about 600' away



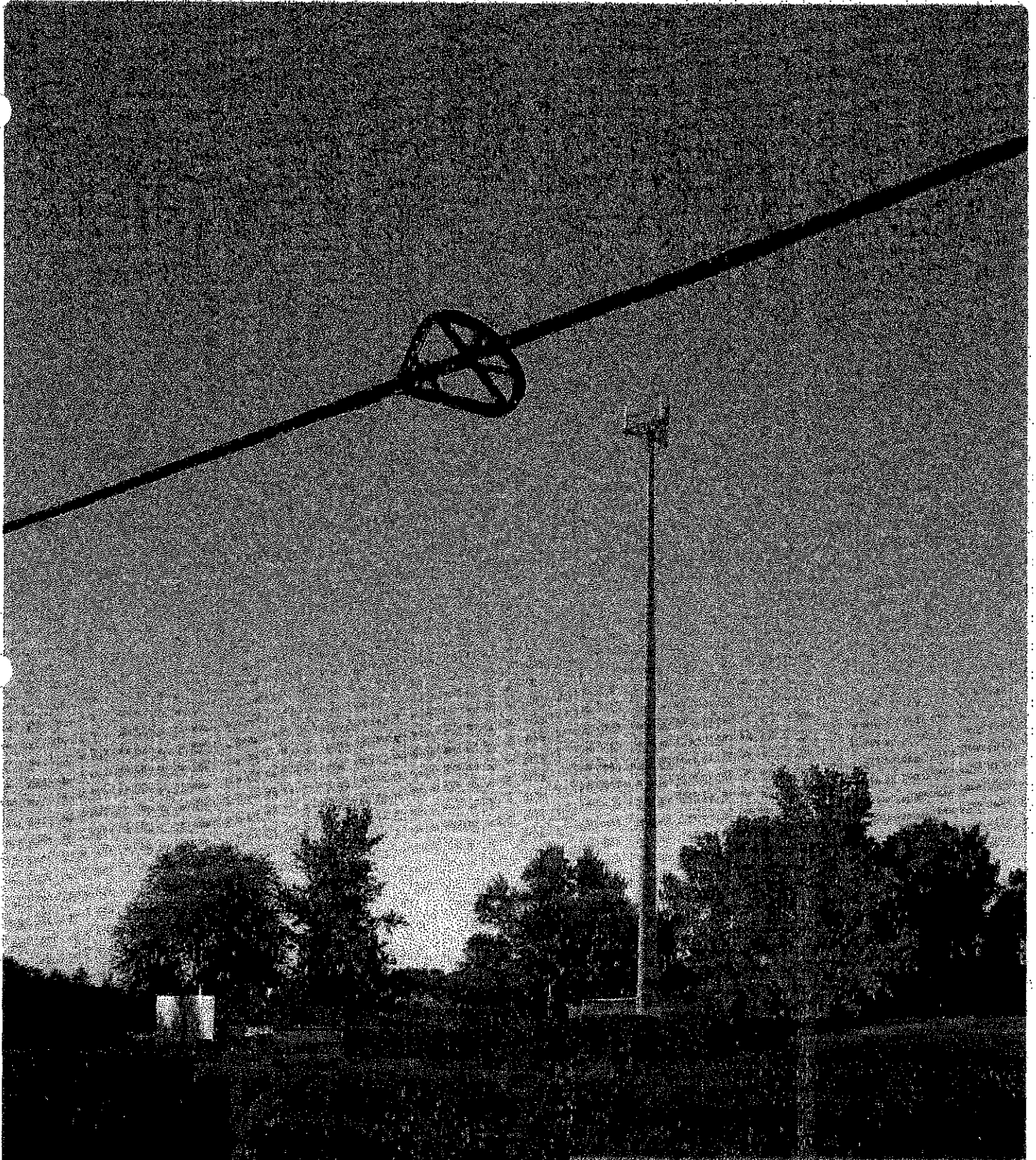
View Type: Simulated Photograph
Site Address: 9057 Lake Jane Trail North
City: Lake Elmo, State MN
Site Number: AIN0672

View Description: Looking southwest at
location of proposed 125' monopole tower from
a viewpoint about 500' away

Disclaimer: This picture is an artist's rendition of the completed
site layout prior to construction. The completed construction may
vary in layout, dimension, and color from the above picture.

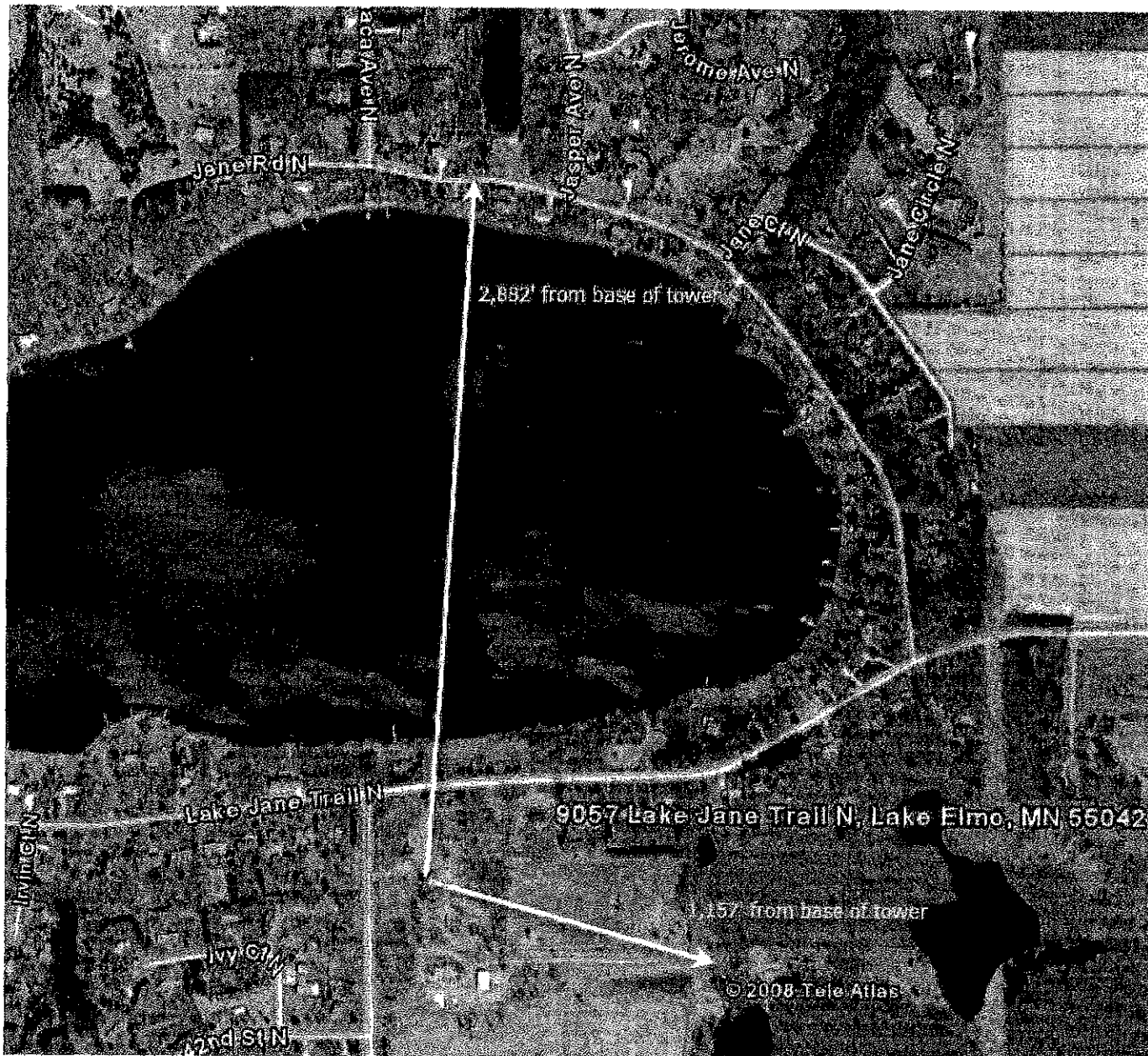


View Type: Original Photograph
Site Address: 9057 Lake Jane Trail North
City: Lake Elmo, State: MN
Site Number: A1N0672
View Description: Looking northeast at location of proposed 125' monopole tower from a viewpoint about 400' away. *Page 3 of 4*



Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

*View Type: Simulated Photograph
Site Address: 9057 Lake Jane Trail North
City: Lake Elmo, State: MN
Site Number: A1N0672
View Description: Looking northeast at location of proposed 125' monopole tower from a viewpoint about 400' away. Page 4 of 4*



Kelly Jane Swenseth
FMHC Corporation
2901 Metro Drive, Suite 225
Bloomington, MN 55425
Office: 952-831-1043
Cellular: 218-791-0382
kswenseth@fmhc.com

Kyle Klatt

From: Kelly Swenseth [kswenseth@fmhc.com]
Sent: Wednesday, November 05, 2008 9:44 AM
To: Kyle Klatt
Cc: pconlin@fmhc.com
Subject: A1N0672 - Lake Elmo: Photo Simulations of T-Mobile Monopole at the Daniel Olinger Property
Attachments: A1N0672-photosim-R2-110408.pdf

Kyle,

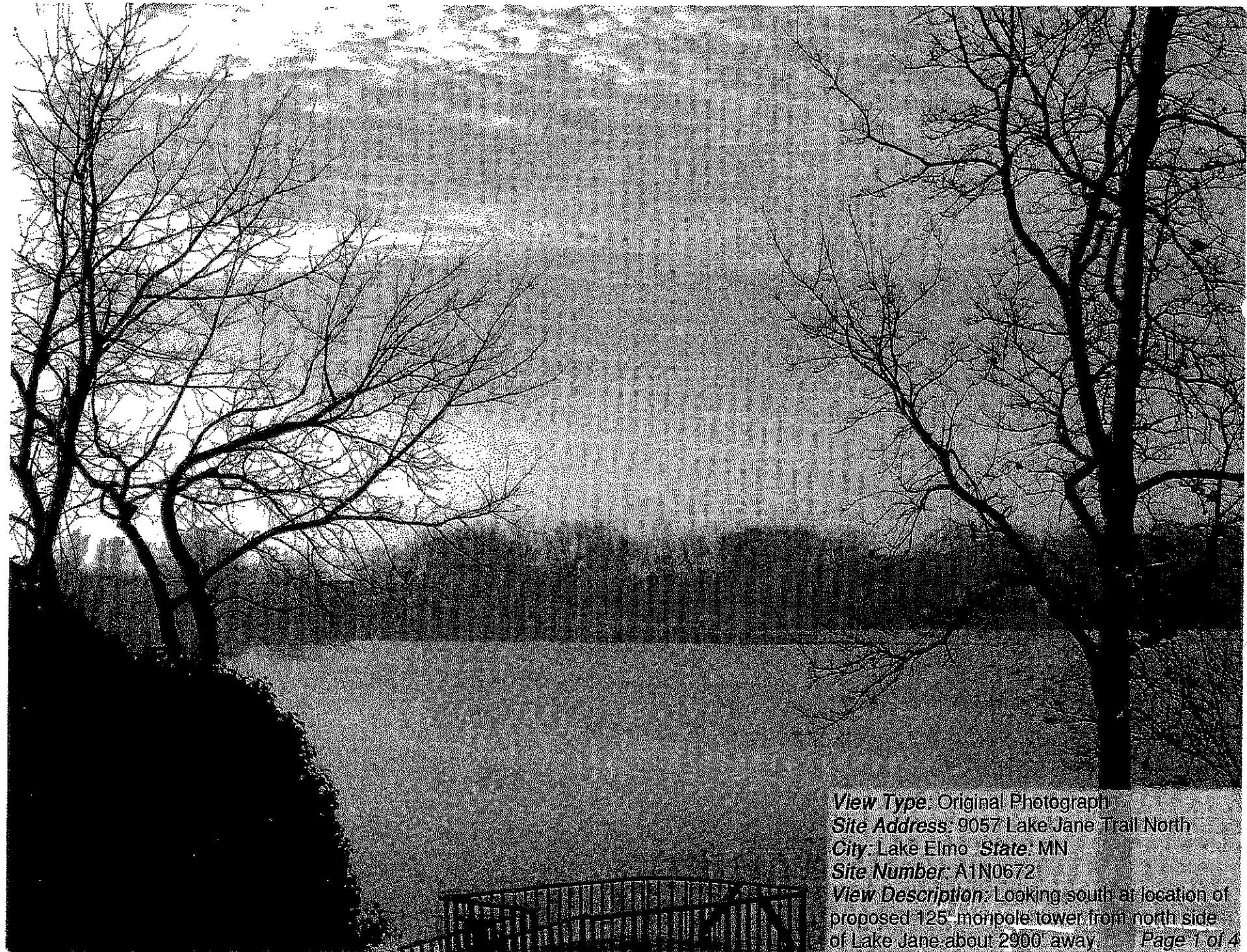
Please find the attached PDF of the photo simulations for 125' monopole proposed for the Dan Olinger property. Ryan measured the trees adjacent to the tower site on Monday and determined them to be between 70' to 80' tall.

The wood H-frame transmission tower off to the south of the proposed site that you asked about is somewhere in the range of 70' to 80' above ground level. The steel transmission tower to the east of the wood H-frame is much taller than that.

Below is an aerial photo showing the locations from where the pictures were taken and the approximate distances they are from the base of the proposed monopole.

Best regards,

Kelly



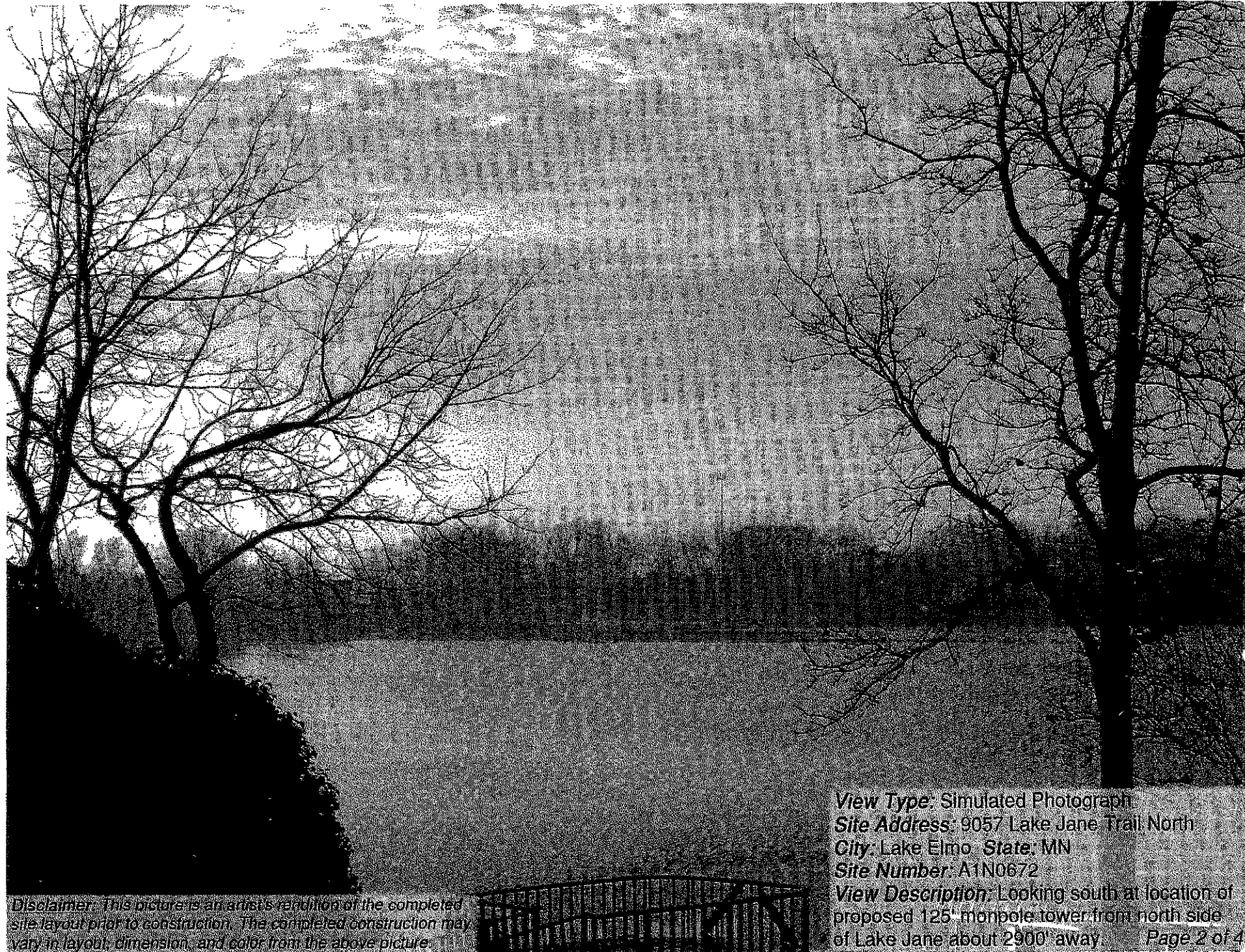
View Type: Original Photograph

Site Address: 9057 Lake Jane Trail North

City: Lake Elmo **State:** MN

Site Number: A1N0672

View Description: Looking south at location of proposed 125' monopole tower from north side of Lake Jane about 2900' away.



View Type: Simulated Photograph
Site Address: 9057 Lake Jane Trail North
City: Lake Elmo **State:** MN
Site Number: A1N0672

View Description: Looking south at location of proposed 125' monopole tower from north side of Lake Jane about 2900' away. Page 2 of 4

Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.



Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

View Type: Simulated Photograph

Site Address: 9057 Lake Jane Trail North

City: Lake Elmo **State:** MN

Site Number: A1N0672

View Description: Looking west at location of proposed 125' monopole tower from Sunfish Park about 1200' away.

Friday, August 8, 2008

Daniel & Jean Olinger
9057 Lake Jane Trail North
Lake Elmo, MN, 55042

Re: T-Mobile Telecommunications Tower Removal Letter

Dear Daniel & Jean,


Per the Lake Elmo zoning code, we are required to get your written authorization describing the area which will be subject to the tower lease and acknowledging that the property owner will be responsible for removal of the wireless telecommunication tower, antennae, and tower accessory equipment which is unused or abandoned for 12 consecutive months. Along with this letter is a copy of the zoning drawings that outline the area which is subject to the tower lease.

By signing this document you are agreeing with the removal requirement stated above.


Sincerely,

Gary Buster

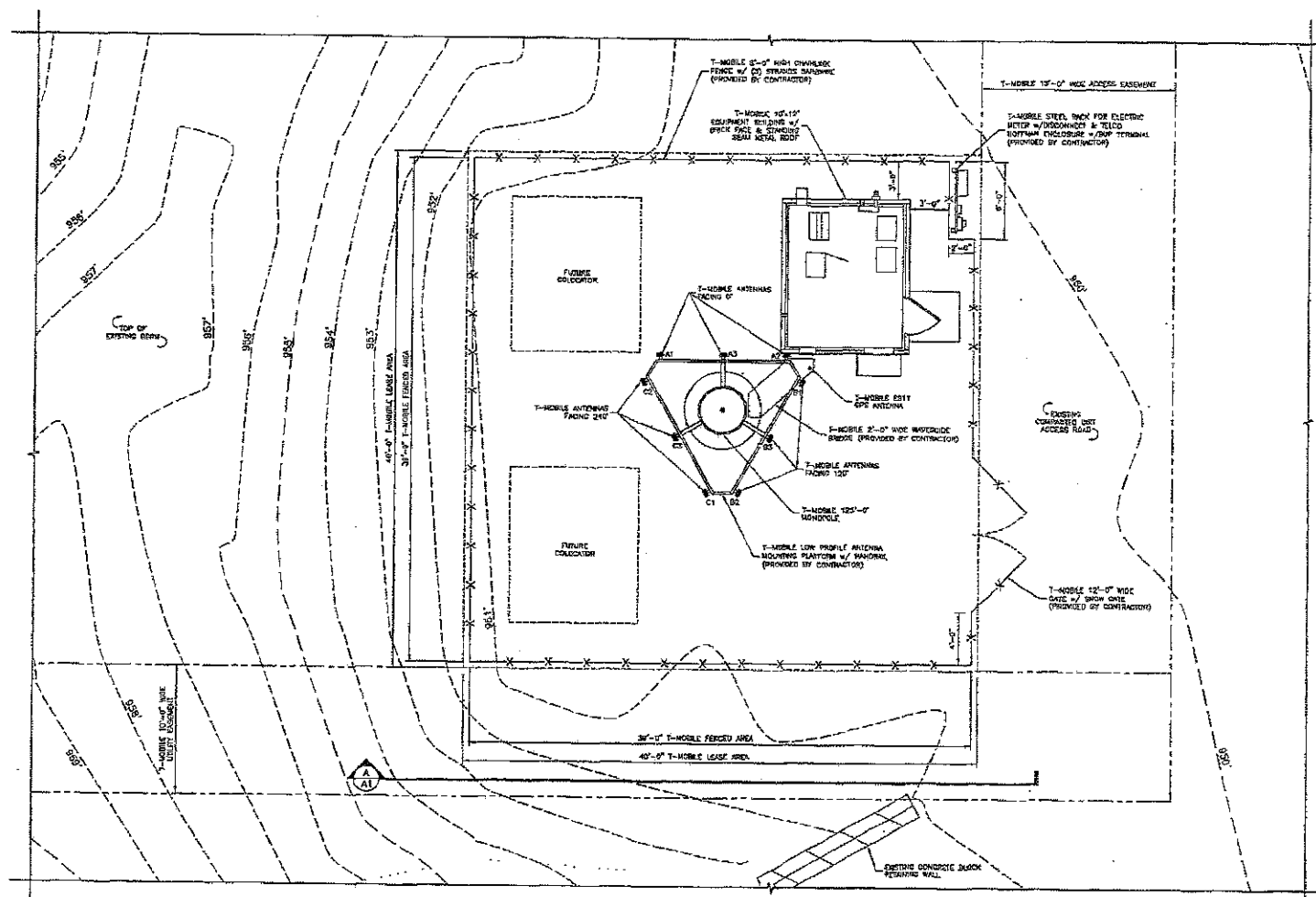
Gary Buster
FMHC Corporation
2901 Metro Drive, Suite 225
Bloomington, MN, 55425
952-831-1043- Office
952-831-0623- Fax
417-830-7543- Cell



Daniel Olinger



Jean Olinger



- NOTES**
1. T-MOBILE MONOPOLE TO HAVE A DOT-TEN BROWN WEATHERING STEEL FINISH.
 2. T-MOBILE EQUIPMENT BUILDING SHALL HAVE A BROWN FACE AND A DARK COLORED STANDING SEAM GUTTA ROOF.
 3. LANDSCAPING TO BE INSTALLED BY CONTRACTOR AT CITY DISCRETION.

ENLARGED SITE PLAN
SCALE: 1/4" = 1'-0" (SHEET 227347)

REV	DATE	REVISION DESCRIPTION	APPROVED BY	DATE	BY	DATE	BY	DATE	BY	DATE	BY	DATE
1	2/20/08	ISSUED FOR PROPOSAL										
2	3/14/08	UPDATED SURVEY DATA										



NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF T-MOBILE - MINNEAPOLIS MARKET AND IS LOANED TO THE SUBMITTER FOR THEIR CONFIDENTIAL USE ONLY. IN CONNECTION WITH THE LOAN OF THIS DRAWING, THE SUBMITTER AGREES AND AGREES TO RETURN TO T-MOBILE ALL COPIES AND TO NOT BE REPRODUCED, COPIED, LOANED OR OTHERWISE DISCLOSED BY ANY INDIVIDUAL, FOR ANY PURPOSE OTHER THAN THAT WHICH IT IS LOANED FOR.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

DESIGNED BY: MICHAEL SANDRET
DATE: 2/20/08

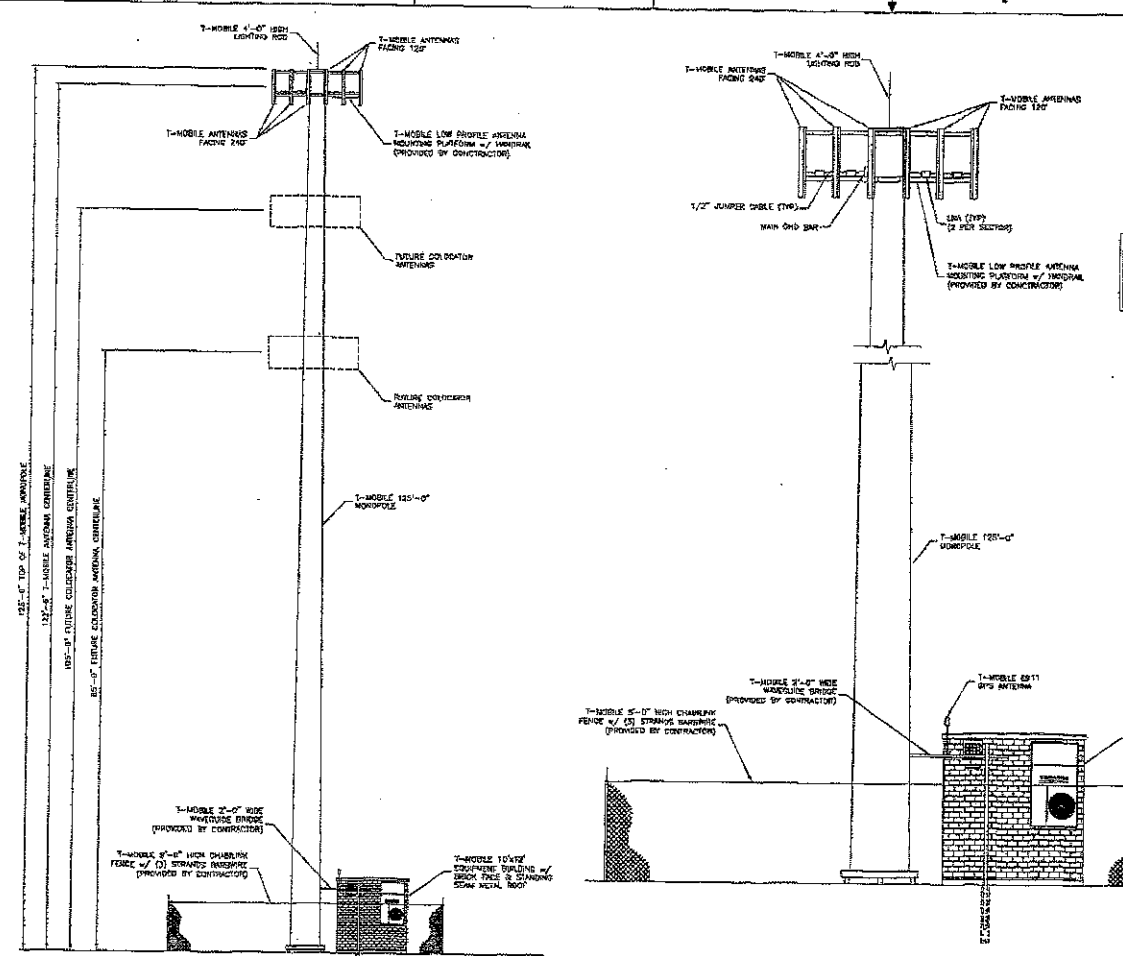
CHECKED BY: C. MILLER
DATE: 3/1/08

APPROVED BY: [Signature]
DATE: [Blank]

LAKE ELMO - OLINGER PROPERTY
A11N672
ENLARGED SITE PLAN

8057 LAKE JANE TRAIL NORTH
LAKE ELMO, MINNESOTA

SCALE: AS SHOWN
DRAWING NUMBER: A11N672-C2
SHEET: 2



LMA REQUIREMENTS		
NO.	TYPE	SECTION LENGTHS
1	ETW00005200 LMA/TNA PER SECTOR	0'
2	ETW00005200 LMA/TNA PER SECTOR	330'
3	ETW00005200 LMA/TNA PER SECTOR	120'
4	ETW00005200 LMA/TNA PER SECTOR	240'
5	ETW00005200 LMA/TNA PER SECTOR	240'
6	ETW00005200 LMA/TNA PER SECTOR	240'

NOTES:
 1. CONTRACTOR SHALL SET ALL T-MOBILE ANTENNAS TO ZERO BROADCAST ELECTRICAL DISTORTION AT TIME OF INSTALLATION.
 2. T-MOBILE BY ENGINEERS SHALL THEN SET TO PROPER ALL AT SITE TURN-UP.

NOTES:
 1. T-MOBILE WINDSOLE TO HAVE A ONE-TEN SEVEN WEATHERING STEEL TOWER.
 2. T-MOBILE EQUIPMENT BUILDING SHALL HAVE A BRICK FACE AND A DARK COLORED STANDING SEAM GALVALUME ROOF.
 3. LANDSCAPING TO BE INSTALLED BY CONTRACTOR AT CITY DISCRETION.

ANTENNA AND COAXIAL CABLE REQUIREMENTS							
NO.	ANTENNA TYPE	SECTOR LENGTHS (FEET)	CONNECTION LENGTHS (FEET)	COAXIAL CABLE LENGTH (FEET)	DIAMETER (IN)	COLOR CODE	
A1	T-MOBILE-8518-REV	0'	0'	R1	170'	7/8"	RED
				R2	170'	7/8"	TRIPLE RED
A2	T-MOBILE-8518-REV	0'	0'	R3	170'	7/8"	DOUBLE RED
				R4	170'	7/8"	TRIPLE RED
A3	T-MOBILE-8518-REV	0'	0'	R5	170'	7/8"	RED
				R6	170'	7/8"	TRIPLE RED
B1	T-MOBILE-8518-REV	120'	0'	R7	170'	7/8"	YELLOW
				R8	170'	7/8"	TRIPLE YELLOW
B2	T-MOBILE-8518-REV	120'	0'	R9	170'	7/8"	DOUBLE YELLOW
				R10	170'	7/8"	TRIPLE YELLOW
C1	T-MOBILE-8518-REV	240'	0'	R11	170'	7/8"	BLUE
				R12	170'	7/8"	TRIPLE BLUE
C2	T-MOBILE-8518-REV	240'	0'	R13	170'	7/8"	DOUBLE BLUE
				R14	170'	7/8"	TRIPLE BLUE
D1	T-MOBILE-8518-REV	240'	0'	R15	170'	7/8"	RED
				R16	170'	7/8"	TRIPLE RED

* FOR MORE INFORMATION REFER TO STANDARD DRAWING E33.

NOTE: T-MOBILE EDN CABLE SHALL BE 4PA COAX CABLE.

- NOTES:
- ANTENNA CABLE LENGTHS HAVE BEEN OBTAINED BASED ON THESE PLANS. CABLE LENGTHS LISTED ARE APPROXIMATE AND ARE NOT INTENDED TO BE USED FOR FABRICATING LOS TO FIELD CONDITIONS. ACTUAL ANTENNA CABLE LENGTHS INCURRED MAY VARY FROM LENGTHS INDICATED.
 - ALL ANTENNA/COAX CABLES TO BE COLOR CODED AS THREE (3) LOCATIONS LISTED 1/2" WIDE AND ELECTRICIAN TAPE.
 - A. TOP OF TOWER (ANTENNA LEVEL)
 - B. BASE OF TOWER
 - C. AT ITS CABINET CONNECTION POINT
 - ANTENNA/COAX CABLES SHALL UTILIZE GROUNDING WIRE CONNECTED AT THREE (3) POINTS OF TOWER AS FOLLOWS:
 - A. TOP OF TOWER (ANTENNA LEVEL) ONE END MECHANICALLY CONNECTED TO TOWER.
 - B. BOTTOM OF TOWER, ONE END MECHANICALLY CONNECTED TO GROUNDING WIRE.
 - C. AT ITS CABINET CONNECTION POINT.
 - ANTENNA SECTIONS SHALL BE MEASURED WITH TRUE NORTH AS SHOWN ON THE SITE PLAN. MAGNETIC NORTH IS 2.5 DEGS. OF TRUE NORTH.

ED11 ANTENNA REQUIREMENTS						
NO.	ANTENNA TYPE	SECTOR LENGTHS (FEET)	CONNECTION LENGTHS (FEET)	COAXIAL CABLE LENGTH (FEET)	DIAMETER (IN)	COLOR CODE
1	GPS L1 (ED11)	-	80'	170'	1/4"	-

DOWNLEAF CONTROL REQUIREMENTS						
NO.	ANTENNA TYPE	SECTOR LENGTHS (FEET)	CONNECTION LENGTHS (FEET)	COAXIAL CABLE LENGTH (FEET)	DIAMETER (IN)	COLOR CODE
1	ATN-001 SCARD	0'	170'	1/4"	-	-

ENLARGED ELEVATION SCALE 1/4"=1'-0" (9 22'x30')

SOUTH ELEVATION SCALE 1/8"=1'-0" (9 22'x31')

REV	DATE	REVISION DESCRIPTION	APPROVED	BY	FOR	DATE	REFERENCE DRAWING
1	7/2/02	ISSUED FOR PROPOSAL					
2	8/1/02	ISSUED SURVEY DATA					



NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE PROPERTY OF T-MOBILE. UNAUTHORIZED REPRODUCTION OR DISSEMINATION OF THIS DRAWING IS STRICTLY PROHIBITED. ANY REPRODUCTION OR DISSEMINATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF T-MOBILE IS PROHIBITED. THIS DRAWING IS THE PROPERTY OF T-MOBILE AND SHALL NOT BE REPRODUCED, COPIED, LOANED OR USED FOR ANY PURPOSE OTHER THAN WHICH IT IS PREPARED.

I hereby certify that this plan specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signature: _____ Title: _____ LICENSE NUMBER: _____
 Date: _____ No. Exp: 12/02

PROJECT NO. _____

OWNER BY: J. DEBISLE DATE: 7/30/02

DESIGNED BY: C. KELLY DATE: 8/1/02

APPROVED BY: _____ DATE: _____

CLIENT APPROVAL DATE: _____ SCALE: AS SHOWN DRAWING NUMBER: A1N672-A1 REV: 2

LAKE ELMO - OLINGER PROPERTY A1N672 ANTENNA INFO. & TOWER ELEVATION 9057 LAKE JANE TRAIL NORTH LAKE ELMO, MINNESOTA

Memorandum

From: Thierry Colson, Senior RF Engineer, T-Mobile USA

Date: 3/31/2008

Re: Lake Elmo Fire Station 2, Lake Elmo, MN (AIN0672C)

I am the Senior Engineer responsible for the design and location of this proposed site. I have been doing wireless network design for 12 years, and have planned and built hundreds of sites. It is my intention to describe the goals and objectives of this particular location and to examine the other possible locations we've considered in this area.

I have attached a map of T-Mobiles current site locations in the Lake Elmo and surrounding area. Also indicated on this map is the proposed T-Mobile Tower at the Fire Station N2.

Our primary objective with this site is to provide new coverage in the City of Lake Elmo. It's important that this new coverage link and compliment the existing coverage. It's also important that we minimize the potential overlap in areas where the existing coverage is already of an acceptable quality. Our target objective is the area around Lake Jane. Currently in this area there is very poor or no coverage.

I have attached a map that is a computer generated depiction of our current coverage in our target area. The color scheme represents the general strength of the signals generated by our network. The green areas are the strongest, and represent a signal strong enough to penetrate most commercial and Residential buildings. The yellow is typically strong enough to provide service In-car. The last signal level displayed is the grey, and indicates areas where the signal is strong enough for outdoor coverage.

I have also attached a map using the same color scheme that depicts the coverage of our proposed site at the Fire Station. Comparing these two maps and the improvement in both the amount of our coverage and the strength of that coverage is very apparent.

For reference, I've also attached a map depicting the coverage as it would be if we were to abandon the Fire Station location site, and collocate on the Water Tower or the Xcel tower. This plan has two drawbacks. This location is only 1 mile from our existing site at the Oakdale WT on Hadley Avenue North. Secondly, it does not provide as much new coverage in the Northeastern portion of our target area as our proposed FS site does.

The frequencies used by our equipment will be restricted to the bands as follows:

Transmit : PCS B block (1950 to 1964), PCS C4 Block (1980 to 1985), AWS R3-E (2140 to 2145)
Receive : PCS B block (1870 to 1885), PCS C4 Block (1900 to 1905), AWS R3-E (1740 to 1745)

August 5, 2008

These bands apportioned to T-Mobile by the FCC are well isolated from other bands used by public safety communication systems. There have been no incidences of interference with public safety systems on our existing sites, or any interference with consumer radio, television, or similar services.

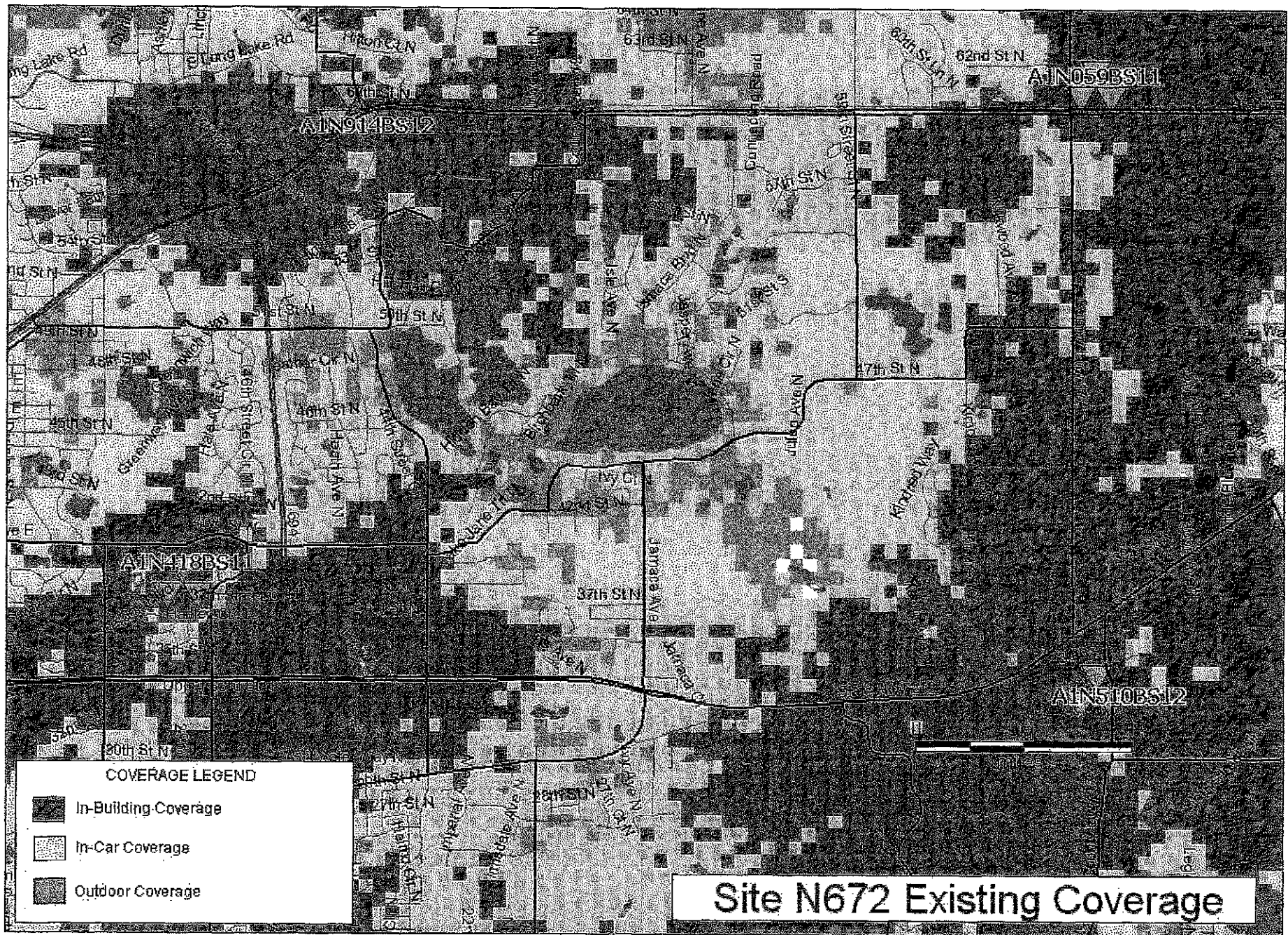
Part of the license from the FCC states that we can not transmit outside of our assigned frequency blocks. One of the penalties listed is loss of our license. We take interference very seriously, and in the rare event that any interference occurred, we would work to correct it as quickly as possible.

CONCLUSION

I hope that this information will assist the Town in its decision-making process. I look forward to meeting with you and discussing the information included in this report as well as providing any additional information that you may require.

Sincerely,

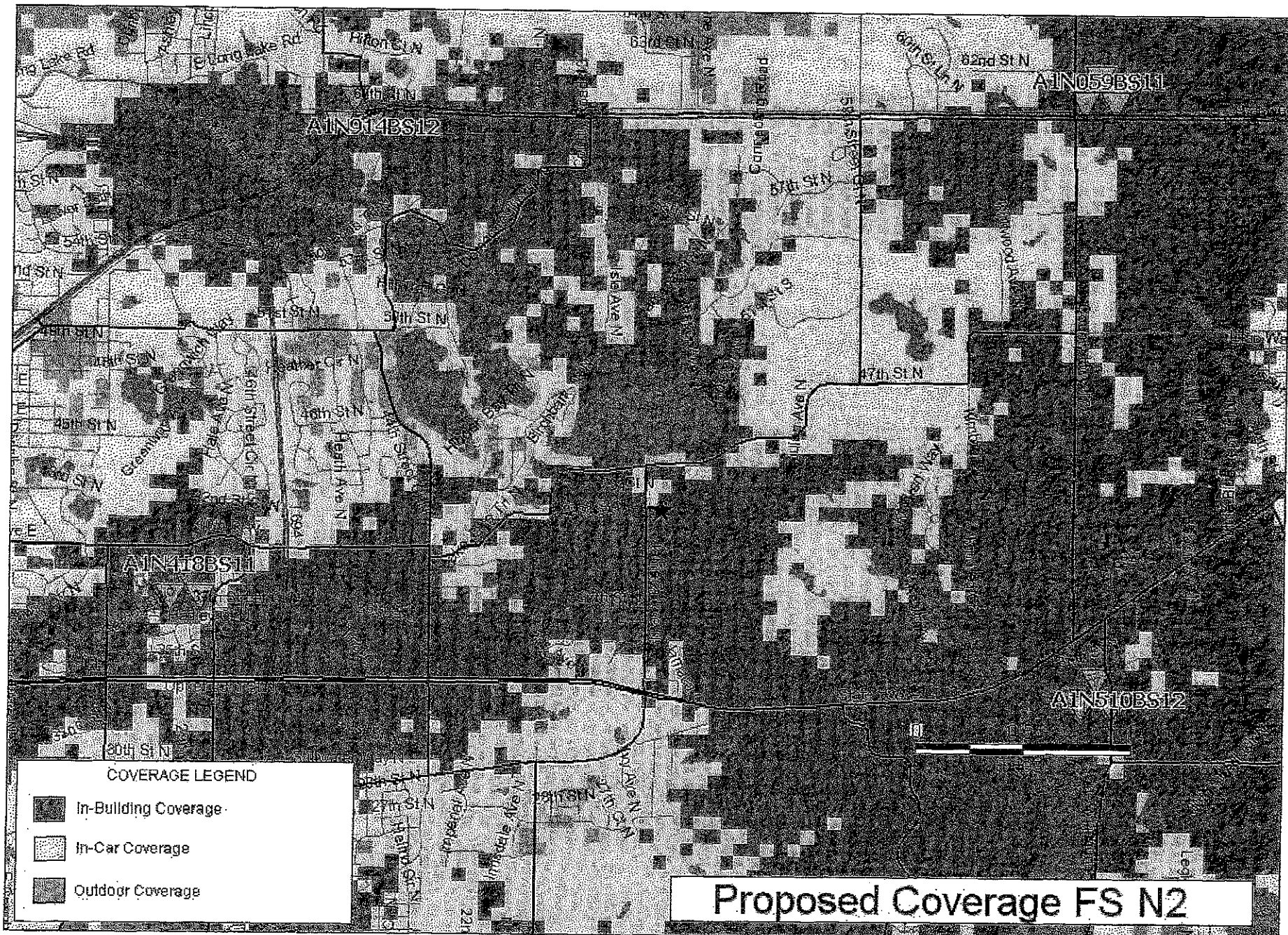
Thierry Colson
Sr RF Engineer






COVERAGE LEGEND

- In-Building Coverage
- In-Car Coverage
- Outdoor Coverage

Site N672 Existing Coverage



COVERAGE LEGEND

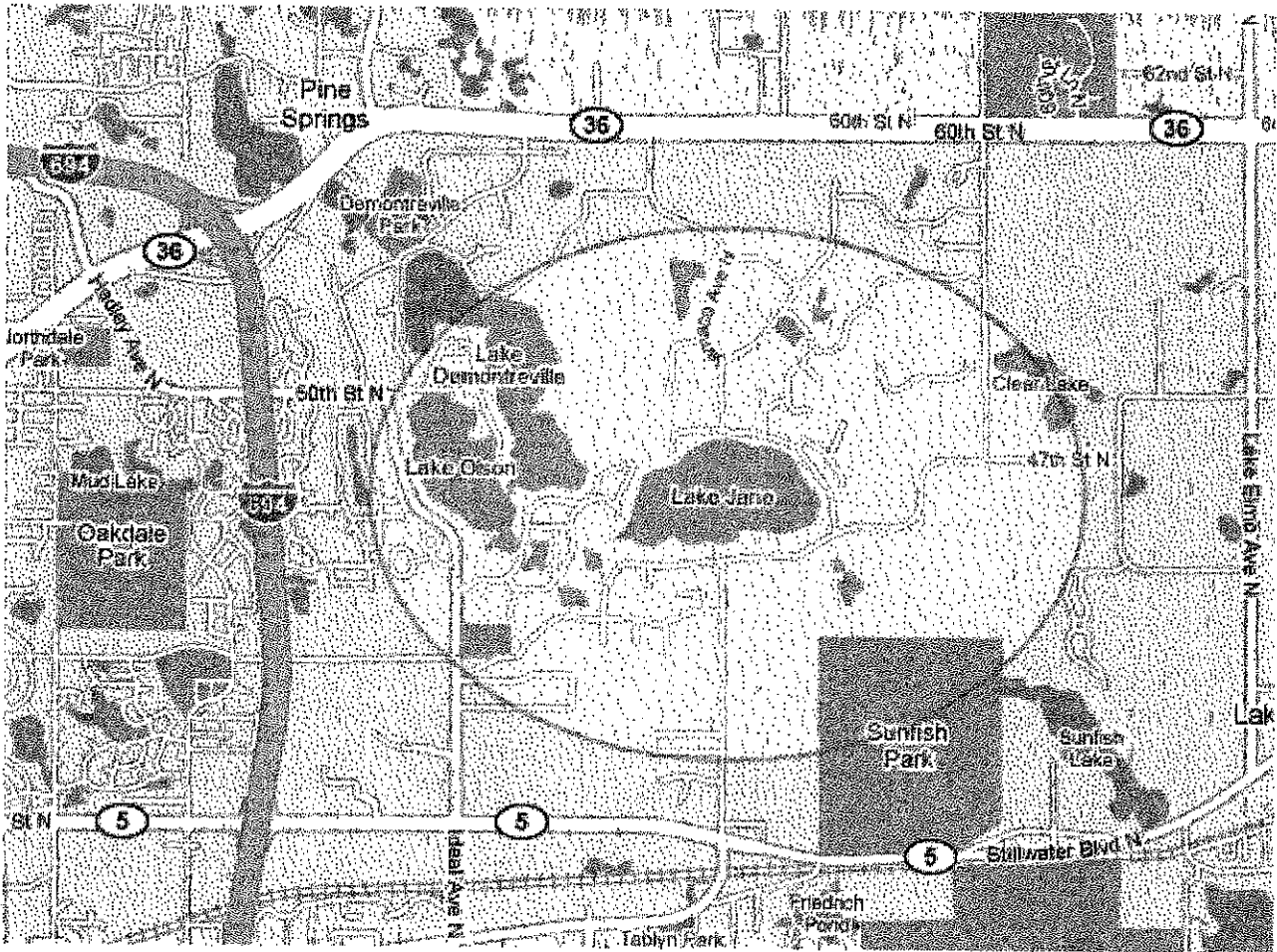
-  In-Building Coverage
-  In-Car Coverage
-  Outdoor Coverage

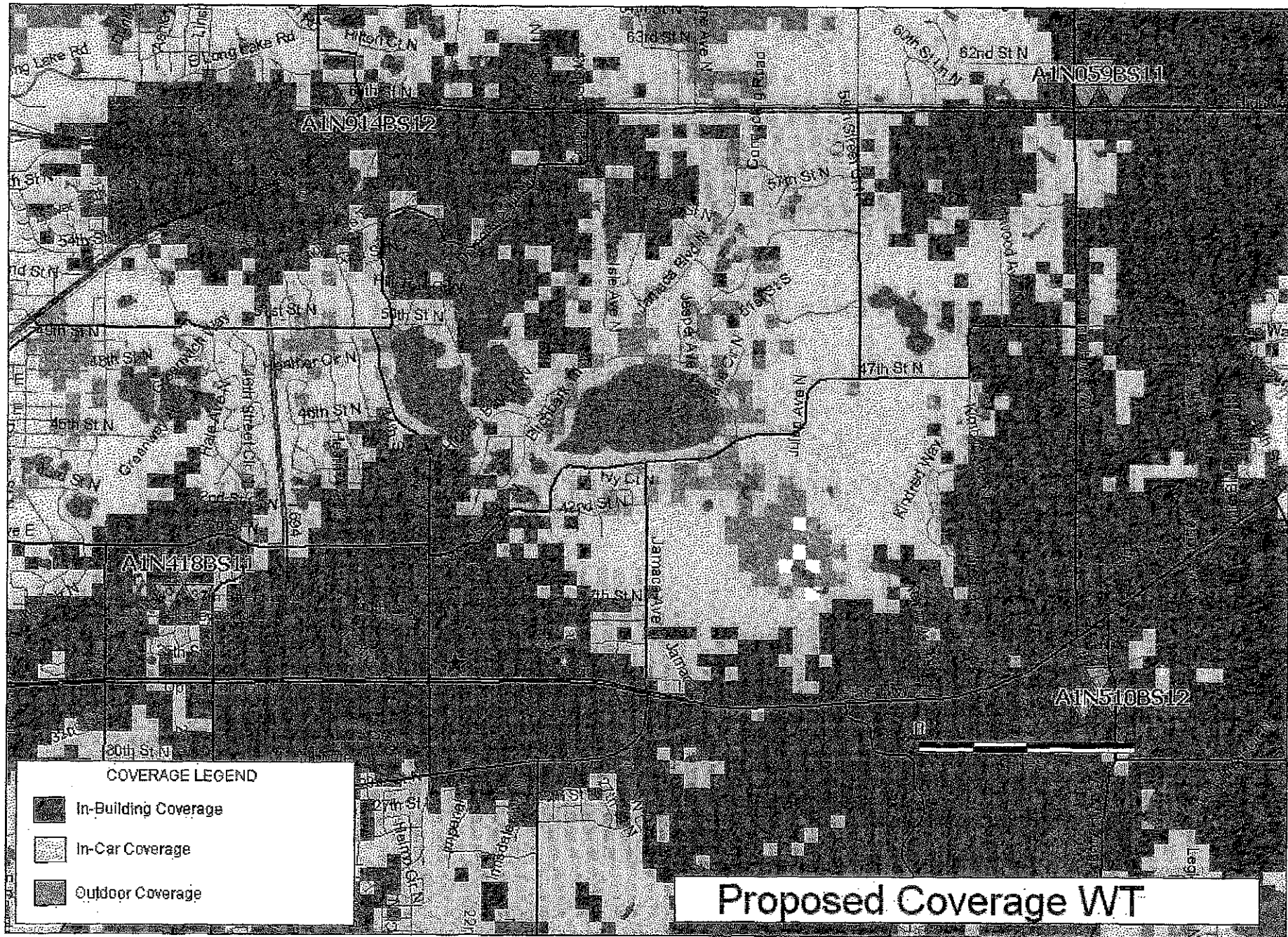
Proposed Coverage FS N2

T-Mobile's Two Year Plan for Lake Elmo

As the attached plots show, there is only one site in T-Mobile's Two Year Building Plan for the Lake Elmo area. Centered south of Lake Jane, the proposed site A1N0672D located on the Olinger Property, will fulfill the objective of providing In-Building and In-Car coverage in the area West and Northwest of Lake Elmo. The attached plots illustrate how this proposed site connects to the four existing sites in the surrounding area.

Search Ring Area for Location of Proposed T-Mobile Monopole





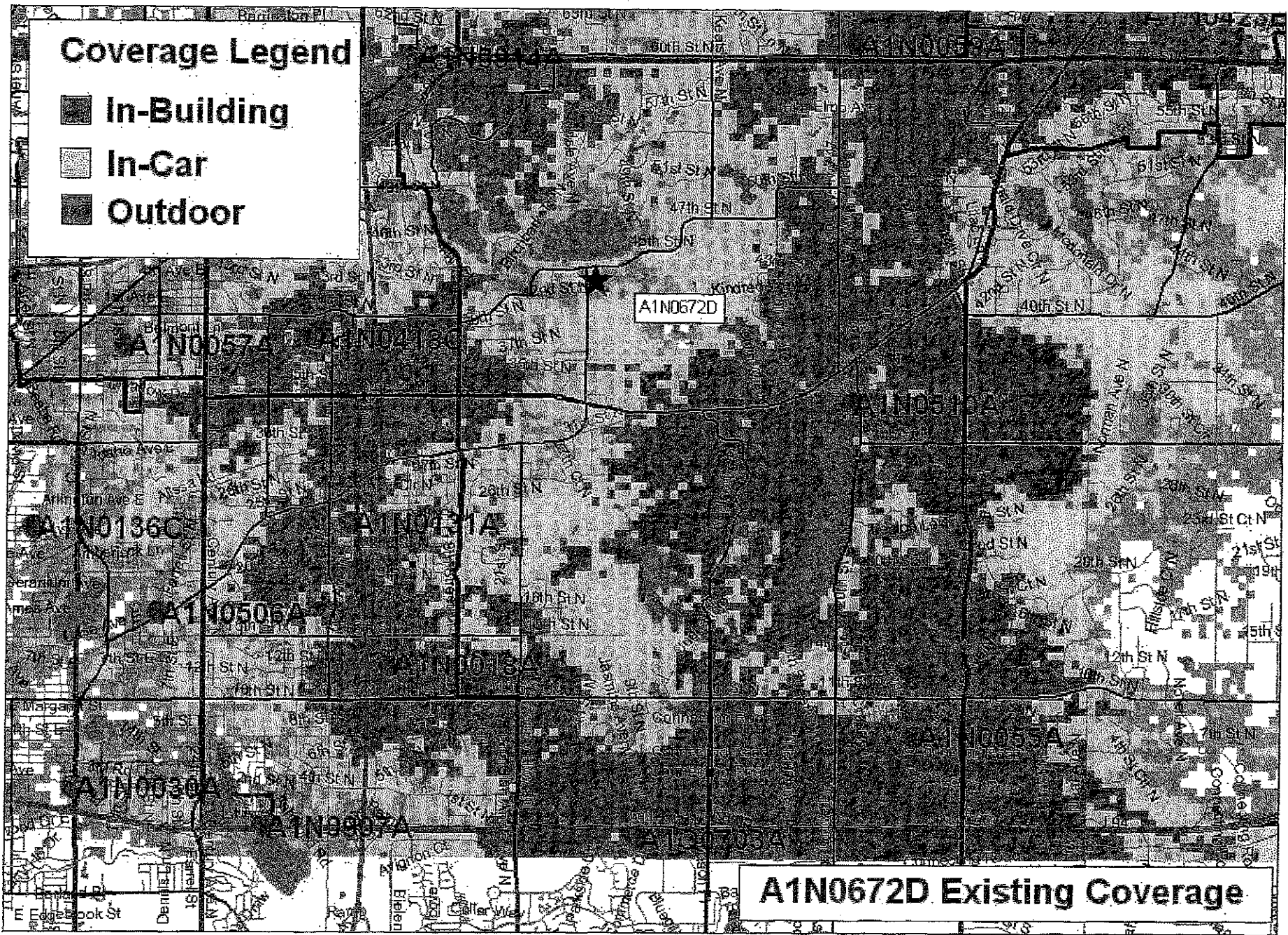
COVERAGE LEGEND

- In-Building Coverage
- In-Car Coverage
- Outdoor Coverage

Proposed Coverage WT

Coverage Legend

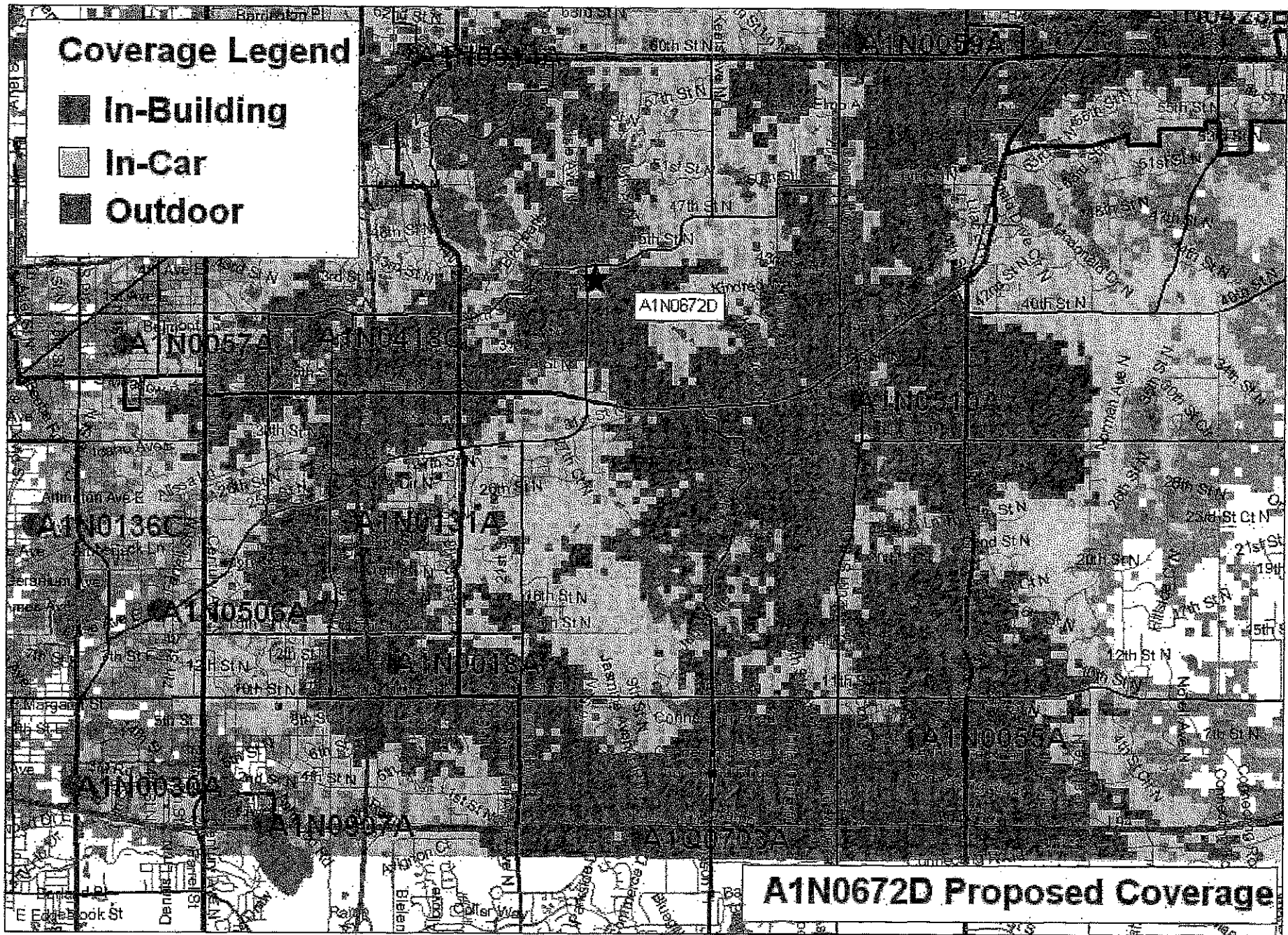
-  In-Building
-  In-Car
-  Outdoor



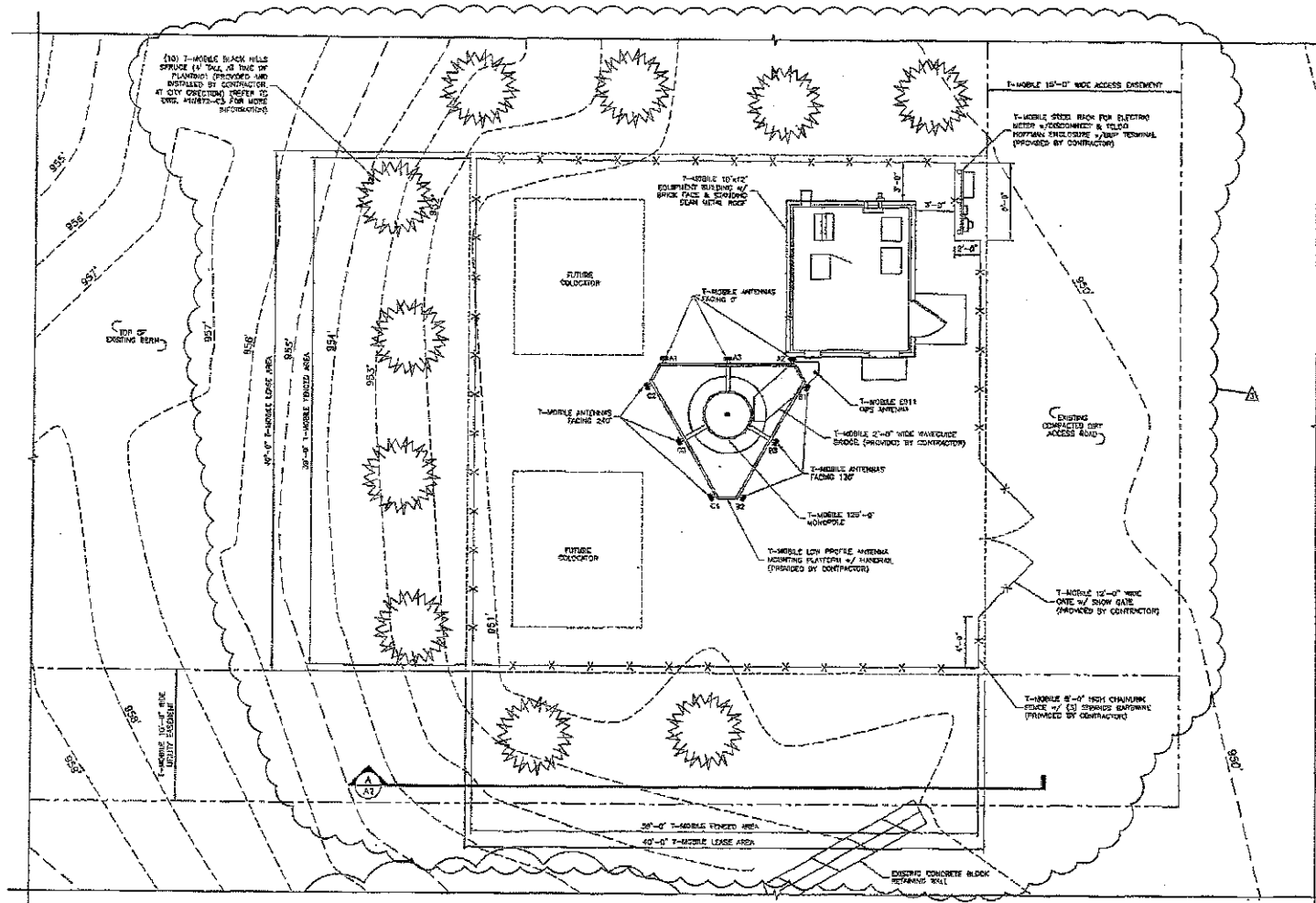
A1N0672D Existing Coverage

Coverage Legend

-  In-Building
-  In-Car
-  Outdoor



A1N0672D Proposed Coverage



NOTES:
 1. T-MOBILE WOULD LIKE TO HAVE A 100'-100' SIGNAGE WORKING WITH SITE PLAN.
 2. T-MOBILE TRUMPET SIGNAGE SHALL HAVE A BROWN FACE AND A DARK COLORED STAINING BEAM NEAR FACE.
 3. LANDSCAPING TO BE REVIEWED BY DEVELOPER AT CITY LEVEL. (REFER TO ENG. A1N672-C2 FOR MORE INFORMATION)

ENLARGED SITE PLAN
 SCALE: 1/4" = 1'-0" (© 2004)

REV	DATE	REVISION DESCRIPTION	ISSUED	SUPPRESSED	BY	EN	SP	REVIEW	REVISION DRAWING
1	7/20/06	ISSUED FOR PROPOSAL							
2	8/18/06	UPDATED SURVEY DATA							
3	9/27/06	ADDED LANDSCAPING PLAN							

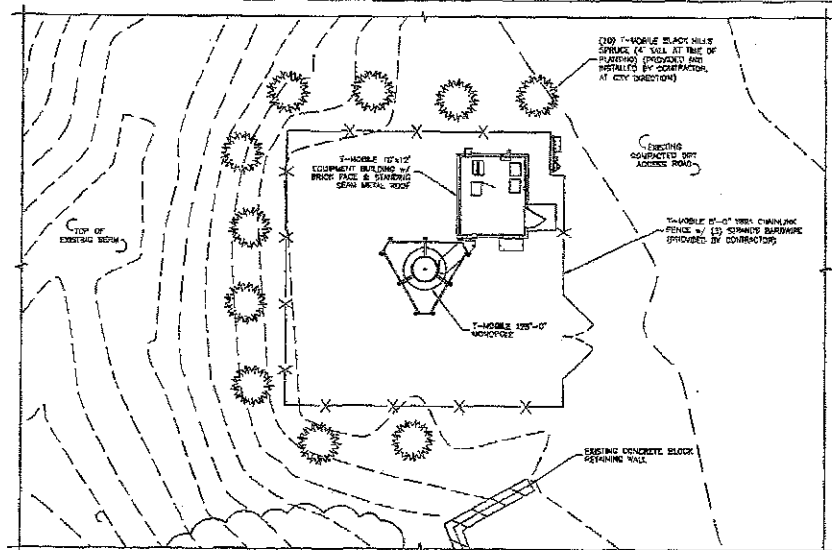


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly Licensed Professional Engineer under the laws of the State of Minnesota.

 MICHAEL WOODLEY
 LICENSE NO. 17883

PROJECT NO.
 DESIGNED BY: J. GUSTAFSON 7/20/06
 CHECKED BY: C. MILLER 8/1/06
 APPROVED BY: _____
 CLIENT APPROVAL: _____
 DATE: _____

LAKE ELMO - OLINGER PROPERTY
 A1N672
 ENLARGED SITE PLAN
 9057 LAKE JANE TRAIL, NORTH
 LAKE ELMO, MINNESOTA
 SHEET NUMBER: A1N672-C2
 REV: 3



LANDSCAPING PLAN
 SCALE: 1/4" = 1'-0" (10/22/24)

PLANT SCHEDULE

CODE	QTY	COMMON NAME	SIZE	ROOT	REMARKS
A	10	BLACK HOLE SPRUCE	4"	BAG	STRAIGHT LEADER
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-

LANDSCAPE NOTES

1. REFER TO SITE PLAN FOR DIMENSIONS AND SET DATA.

2. REFER TO GRADING PLAN FOR GRDES, EROSION CONTROL, AND RESTORATION OF GRADED AREAS.

GENERAL NOTES

- LANDSCAPE CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS ON PROPERTY WITH THE ORIGINAL CONTRACTOR AND BY CALLING Gopher State One Call (551-654-0700) PRIOR TO STARTING NEARBY LOCATIONS.
- COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON SITE.
- PROTECT EXISTING TREES AND/OR EQUIPMENT. SPECIAL MEASURES ARE PROVIDED ON SITE. WHETHER SHOWN ON THE DRAWING OR NOT, THEY SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED AND/OR SET IN AN AREA TO BE GRADED. ANY QUESTION REGARDING WHETHER PLANT MATERIAL SHOULD REMAIN OR NOT SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
- ALL EXISTING TREES TO REMAIN TO BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD AND DAMAGED OR HAZARDOUS BRANCHES.
- RE TREES AND SHRUBS ARE BALLED AND BURLAPPED.
- NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED BY THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO THE SUBMISSION OF A BID. ANY SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO THE SUBMISSION OF A BID.
- ALL PLANT MATERIAL SHALL CONFORM WITH THE VENDOR LISTING OF THE AMERICAN STANDARD FOR HURSEY STOCK. PREVIOUS ASSOCIATION OF HURSEY STOCK.
- CONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL THEY ARE ACCEPTED. ANY ACTS OF NEGLIGENCE OR DAMAGE WHICH OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL PROVIDE A WRITTEN REPORT FOR THE OWNER ACCEPTANCE INSPECTION.
- WARRANTY FOR LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING OF ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
- CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE WITH ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER.
- AREA OF DISTURBANCE FOR SEEDING SHALL BE FIELD VERIFIED AT CONCLUSION OF CONSTRUCTION.
- SEED SHALL BE APPLIED AT 200#/1000 SQ. FT. AND INCORPORATED INTO THE SOIL ALSO COVERED WITH A STRAW MULCH.

PLANTING SPECIFICATIONS

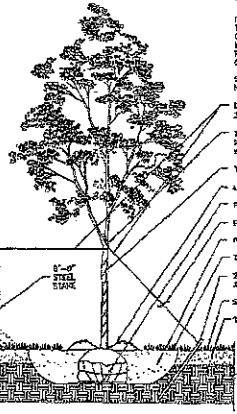
- PLANTING BED PREPARATION: ALL BASS PLANTING BEDS SHALL BE TILLED TO A MINIMUM DEPTH OF 10". AMENDMENTS SHALL BE APPLIED AFTER CULTIVATION.
- PREPARE SOIL: SOIL EXCAVATED FROM PLANTING HOLES AND PROCEED AMENDMENTS REMOVE ALL DEBRIS INCLUDING ROCKS LARGER THAN 3" DIAMETER.
- PERFECTURE: ALL PLANT MATERIALS SHALL BE PERFECTURED UPON INSTALLATION WITH EITHER BRICK MULCH OR OTHER SPECIFIED FERTILIZER BLEND AS WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS.
- MULCH MATERIAL AS SPECIFIED ON THE LANDSCAPE PLANS. MULCH WHICH ALL PLANTING BEDS TO 3" DEPTH OVER FIBER MAT NEED BARRIERS WITH NO OTHER MAT WEED BARRIER. ALL EVERGREEN AND DECIDUOUS TREES TO RECEIVE 6" DEEP SHREDED HARDWOOD MULCH WITH NO MULCH IN CONTACT WITH TREE TRUNK.
- TREE SHADING: IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO SHADE AND/OR GUY THE TREES ACCORDING TO THE DETAILS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE EVERY STEP NECESSARY TO MAINTAIN THE TREES AND SHRUBS IN AN UPRIGHT AND PLANE CONDITION AT ALL TIMES UNTIL THE END OF THE PLANT GUARANTEE PERIOD. EXCEPT WHERE INDICATED, SOIL AND WIND CONDITIONS ARE A FACTOR.
- TREE WRAPPING: WRAPPING MATERIALS SHALL BE QUALITY, HEAVY WEIGHT POLYPROPYLENE CROCK BINDER MANUFACTURED FOR THIS PURPOSE. WRAP ALL DECIDUOUS TREES PLANTED IN THE FALL PRIOR TO 12-1 AND REMOVE ALL WRAPPING AFTER 5-1.
- RODENT PROTECTION: PROVIDE ON ALL TREES, EXCEPT SPRUCE UNLESS OTHERWISE SPECIFIED.
- PLANTING PLAN: ALL PROPOSED PLANTS SHALL BE LOCATED CAREFULLY AS SHOWN ON THE PLANS. PLANT TYPES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS TAKE PRECEDENCE OVER NOTES. PROTECT EXISTING DIMENSIONS TO THE SCALE DRAWINGS.

PLANTING NOTES

- NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL PLANT MATERIAL LOCATIONS MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY AND ALL BIDDING.
- IF THE LANDSCAPE CONTRACTOR RECEIVES ANY DISCREPANCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS, OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT MATERIAL ESTABLISHMENT, SURVIVAL, OR QUALITY, THEY SHALL BRING THESE DISCREPANCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE PRESENT IN FIELD. SHOULD AN ADJUSTMENT BE MADE, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.
- ALL PLANT TO BE INSTALLED AS PER PLANTING DETAILS.
- ONE SHRUB PER TREE AND SIZE IN EACH PLANTING BED AND EVERY TREE SHALL BE HEAVILY SHADEDED (CORONOR OR LATHA NONWEAVE) WITH A PLASTIC TIE WHICH SHALL NOT BE REMOVED PRIOR TO OWNER ACCEPTANCE.
- REPAIR ALL DAMAGE TO PREVENT FROM PLANTING OPERATIONS AT NO COST TO THE OWNER.

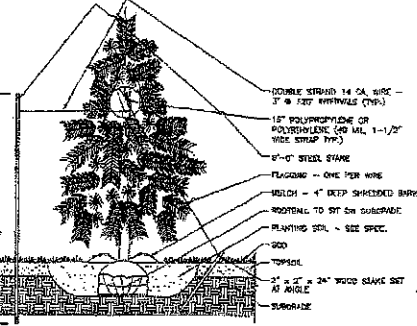
DECIDUOUS TREES

NOTE:
 TWO ALTERNATE METHODS OF TREE SHADING ARE ILLUSTRATED.
 IT IS THE CONTRACTOR'S OPTION TO SHAD TREES. HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLANE POSITION THROUGHOUT THE GUARANTEE PERIOD.
 SHEDDY BOTTOMS AND SIDES OF HOLE PRIOR TO PLANTING.



CONIFEROUS TREES

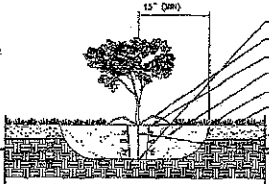
NOTE:
 CONIFER TO HAVE SHREDED HARDWOOD WHICH BARRIERS NOTED OTHERWISE. NO MULCH TO BE IN CONTACT WITH TRUNK.
 SPARSELY NOTED AND SIDES OF HOLE PRIOR TO PLANTING.
 TWO ALTERNATE METHODS OF TREE SHADING ARE ILLUSTRATED.
 IT IS CONTRACTOR'S OPTION TO SHAD TREES. HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLANE POSITION THROUGHOUT THE GUARANTEE PERIOD.



NOTE:
 1-1/2" MOBILE MONOPILE TO HAVE A 200-100 BROWN WEATHERING STEEL FRAME.
 1-1/2" MOBILE EQUIPMENT BUILDING SHALL HAVE A BRICK FACE AND A DARK COLORED STANDING SEAM METAL ROOF.
 LANDSCAPING TO BE INSTALLED BY CONTRACTOR AT CITY DISCRETION. REFER TO Dwg. 11/17/24 FOR SOIL INFORMATION.

SHRUB

NOTE:
 HAND LOOSEN ROOTS OF CONFINED MATERIAL (TYP.)
 SPECIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.
 SHRUBS TO SIT ON SUBGRADE
 MULCH - 4" DEEP SHREDED BARK
 LANTHANA FIBER - SEE SPEC.
 PLANTING SOIL - SEE SPEC.
 4" PVC GROUND
 REFER TO PLAN FOR GROUND COVER
 SUBGRADE
 SHREDDING OF BRANCHES IN BED TO TAKE PRECEDENCE OVER DIMENSION FROM LEVEL.



REV	DATE	REVISION DESCRIPTION	DESIGNED BY	CHECKED BY	APPROVED BY	DATE	SCALE	DATE
3	5/24/24	REVISD LANDSCAPING PLAN						



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signature: _____ Date: 5/24/24
 Name: MICHAEL HACHNEY
 License No: 17282

PROJECT NO. _____

DATE: 5/24/24

SCALE: AS SHOWN

CLIENT APPROVAL: _____ DATE: _____

ISSUE: 1/1/24

DRAWING NUMBER: A1N872-03

SHEET NO. 3

8989 Lake Jane Trail N.
Lake Elmo, MN 55042
November 2, 2998

RECEIVED

NOV 4 2008

Ms. Kelli Matzek, Planner
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

Dear Ms. Matzek;

Thank you for the opportunity to provide input into the planned erection of a new 125-foot Wireless communication tower on property at 9057 Lake Jane Trail N, We will be out of town should the matter be discussed on November 10th as is planned, so will not be attending the hearing,

Although we are in close proximity to this proposed tower, we have no objection to its construction and wish to have this noted. However, we do wish to be kept informed as to when and if construction is expected to be completed.

Sincerely yours,



Paul H. Pallmeyer

From: SDiederichs [mailto:SDiederichs@comcast.net]
Sent: Tuesday, November 04, 2008 9:00 AM
To: Kelli Matzek; Susan Hoyt
Subject: Proposed cell phone tower south of Lake Jane

Hello Susan and Kelli,

I cannot adequately express via email my total disapproval of a 125 foot cell phone tower proposed in a residential area. Placing that kind of structure, along with an 8 foot high fence with 3 strands of barbwire, is clearly not appropriate on Jamaca avenue next to homes and Lake Jane.

I am all for technology and a cell phone user, but placement of towers must minimize adverse visual impact, not introduce health/hazard concerns, and certainly not negatively impact property values. Certainly there has to be a less intrusive place for this tower.

Finally, we moved to Lake Elmo 16 years ago to get away from lights, noise, and to enjoy the character of Lake Elmo. The fact that this proposal even sees the light of day is unsettling.

Thanks for your time and hope to see you at the meeting on November 10th,

Steve Diederichs
4235 Ivy Court
Lake Elmo, MN 55042

Warren E. Peterson
Jerome P. Filla
Daniel Witt Fram
Glenn A. Bergman
John Michael Miller
Michael T. Oberle
Steven H. Bruns*
Paul W. Fahning*
Sonja R. Ortiz
Amy K. L. Schmidt
Ben I. Rust
Jonathan R. Cuskey
Jared M. Goerlitz



Suite 800
55 East Fifth Street
St. Paul, MN 55101-1718
(651) 291-8955
(651) 228-1753 facsimile
www.pfb-pa.com

(651)290-6907
iffilla@pfb-pa.com

November 6, 2008

Kyle Klatt
City Planning Director
City of Lake Elmo
3800 Laverne Ave. North
Lake Elmo, MN 55042

RE: Wireless Telecommunication Tower
Lake Jane Trail

Kyle:

Although wireless telecommunication towers are not listed as a permitted, conditional or accessory use in the agricultural or residential zoning districts of the City, this type of use is allowed in those zoning districts if located on parcels greater than ten (10) acres (City Code Section 150.113(C)); or if located on parcels less than ten (10) acres if the tower and support facilities are located within 100 feet of the right of way of a public utility transmission line (City Code Section 150.112(A)). However, the applicant must comply with the provisions of City Code Sections 150.110-150.126.

If you have any questions, please contact me.

Very truly yours,

Jerome P. Filla

JPF/jmt

General Question and Response Handout: T-Mobile Tower Review

Prepared by: Lake Elmo Planning Department

Date: 11/6/08

Does the request comply with all applicable zoning regulations?

The Planning Department and City Engineer have completed an initial review of the request and found that it meets all of the required zoning standards. The application as submitted is also complete. The applicant has been asked to provide additional information concerning the fall zone for the tower, an additional narrative for the co-location plans, and to further document potential visibility from Sunfish Lake Park.

The Zoning Ordinance specifies that a tower may be located in a rural residential zoning district on parcels of 10 acres or more. This site is 15 acres. The proposed tower will be 125 feet high.

Can the tower be located somewhere else in the City?

Yes - there are several sites that meet the zoning criteria for the construction of a new wireless communications tower; however, the current application is a CUP and therefore the City must review the current application against these requirements as well. Based on the coverage maps provided by the applicant, moving the tower further away from the Olinger property also will move it further away from the area that it presently lacking in coverage. Other potential sites either place it closer to Sunfish Lake or other residential areas.

The applicants have studied possible co-location on the City's Ideal Avenue water tower, but have indicated that this site will not provide the improved coverage that is sought. This tower is also well outside the City's required search radius and the applicant is not be required to conduct this analysis in order to apply for the CUP that is being sought.

Can the tower be located somewhere else on the Olinger property (further away from Jamaca Avenue)?

Because it is a 15-acre parcel, there are other locations on this property that would meet the required setbacks for a new tower. The proposed site was chosen because it would place the tower and related accessory buildings behind an existing berm and vegetation, while other portions of the site are much more open and visible from adjacent property. The property owner also used the propose site for storage and non-agricultural activities and farms most other areas on the property. The propose site would also require the least amount of disturbance to provide access and electric service to the tower.

It looks like the extreme southeastern part of the site might be an option, however, this would place the tower immediately adjacent to Sunfish Lake Park.

Can the tower be camouflaged somehow?

Yes – there are techniques that can be used to make the tower look like something else; however, in this location it will still be the highest object around. Camouflaging works best in urban areas where the height of the tower would not be in such stark contrast to the surrounding properties. In this case, proper color selection and screening around the site would produce better results than attempts to conceal the tower. It is a monopole design, which in most cases, is usually less-intrusive than a lattice-style design.

What color will the tower be painted?

The plans indicate that the tower will be coated with a brown color. T-mobile's project manager indicated this color was chosen to help the monopole tower blend in better with the surrounding trees and other vegetation. Other colors could be used at the request of the City.

Is the Water Tower on Ideal Avenue and Option?

The applicant has submitted an RF study performed by one of their engineers. This study shows that an antenna placed on the water tower will not provide improved service for tri-lakes area much beyond the current situation. The RF Engineer will be attending the Planning Commission to discuss his findings and to address any questions about his work.

The City could verify this work by hiring an independent RF consultant; however, such a study would be expensive and likely require hiring someone from out state.

Does the tower comply with FAA requirements?

The applicant will need to obtain all required federal and state permits before commencing construction of the tower. The City's Village water tower was recently registered with the FAA and found to not pose a hazard for aircraft. It does not appear that a 125-foot tower in this location will require any special lighting.

Have the fall zones been properly identified and will the tower pose a risk to anyone?

T-mobile has submitted an analysis concerning the safety of the proposed tower, and included the calculations that would be performed to determine the appropriate fall zone. The final determination of a fall zone will vary depending on the type of steel used; however, so a definite answer would not be available at this time. Planning staff has asked that the applicant provide a range of distances that could be impacted based on the best available information.

The tower meets all required setbacks from residential dwelling units. No such setbacks are required from other types of buildings.

Will other carriers be able to co-locate on this antenna?

The tower has been designed to support at least two additional carriers in compliance with the Zoning Ordinance. The applicant has been asked to provide an additional narrative that better explains the submitted drawings depicting the potential co-location areas on the tower.

Will the tower be visible from Sunfish Lake Park and Lake Jane?

The upper portions of the tower will likely be visible from Lake Jane and from certain portions of Sunfish Lake Park. Staff has met with the applicant on site next with the specific purpose of better determining the potential visual impact from these two locations. One result of this meeting will be at least one additional photo-simulation showing the tower at the edge of the Sunfish Lake Park properties. The two photo-simulations that were initially submitted show how the tower will look from two vantage points fairly close to the proposed site.

What other options might be available for providing cellular service in the selected service area?

A single use tower under 75 feet in height would be allowed by the Zoning Ordinance; however, single use facilities would likely not work as well in Lake Elmo as they do in more urban environments. Additional height is needed in Lake Elmo to provide service to residential areas that are spread out across a larger distance due to the abundance of lakes, parks, open space, farm land, and other areas with few residential structures.

Planning Commission
Date: 11/10/08
Public hearings
Items: 4c and 4d

ITEMS: Hold a public hearing to consider a zoning text amendment to allow a bus/truck terminal as a non-agricultural low impact use in the HD-A-BP zoning district

Hold a public hearing to consider an interim use permit for a truck terminal within a HD-A-BP zone at 11530 Hudson Boulevard.

REQUESTED BY: Terry Emerson, E&E Properties, LLC, Applicant

SUBMITTED BY: Kyle Kiatt, Director of Planning 

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Lake Elmo Planning Commission is being asked to consider two separate requests from Terry Emerson of E&E Properties, LLC as follows:

- To amend the Zoning Ordinance requirements for non-agricultural low impact uses to allow for semi-trailer truck parking and a semi-trailer transfer operation as an interim use in the HD-A-BP zoning district.
- To approve an Interim Use Permit to establish a Bus/Truck Terminal facility as a non-agricultural low impact use at 11530 Hudson Blvd. S. in Lake Elmo.

The City's regulations for both the A – Agriculture zoning district and HD-A-BP district (Agriculture holding zone) currently do not allow the parking and storage of semi-trailers as a non-agricultural low impact use. Because these requests are interconnected, they have been placed on the Planning Commission agenda for action concurrently. If the Commission does not recommend approval of the requested zoning amendment, the interim use request cannot proceed and will need to either be withdrawn or recommended for denial.

ADDITIONAL INFORMATION:

- Staff will present additional information comparing the former use of the property at 11530 Hudson Boulevard South with the proposed interim use.
- A consent agreement is presently being drafted and will be presented to the City Council in conjunction with the interim use permit request if recommended for approval by the Planning Commission.

STAFF RECOMMENDATION:

The Staff recommendation for each of the requests is summarized as follows:

Non-agricultural low impact use zoning amendments:

Staff recommends approval of the request by Terry Emerson of E & E Properties, LLC, to amend the Zoning Ordinance requirements for non-agricultural low impact uses to allow for

semi-trailer truck parking and a semi-trailer transfer operation as an interim use in the HD-A-BP zoning district in accordance with the draft Ordinance, based on the following:

- 1) That the proposed Ordinance amendments will affect a small number of parcels within the City that are planned for future business park development.
- 2) That the proposed Ordinance will not substantially alter the current uses and activities permitted as a non-agricultural low-impact use.
- 3) That the propose Ordinance will allow the reasonable use of agricultural property on an interim basis until such time that public sewer service is provided to the area south of 10th Street.

Interim Use Permit

Staff recommends approval of the interim use permit to establish a truck terminal at 11530 Hudson Boulevard South based on the following:

- 1) That the applicant has demonstrated compliance with all of the standards for a non-agricultural low impact use; and
- 2) That the applicant has demonstrated compliance with all applicable City Code standards for the issuance of an interim use.

Staff is further recommending that the following conditions be included with this recommendation:

- 1) That the applicant enters into a consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.
- 2) That additional screening be provided in all locations recommended by the City Forester in order to replace vegetation that has either died. The intent of this condition is to provide for full screening of the interim use.
- 3) That the interim use is valid for a period of two years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site.
- 4) That the interim use will terminate when any portion of the property is rezoned or when public sanitary sewer is provided to the site.
- 5) That the interim use permit commence upon the effective date of the applicant's current request to amend the non-agricultural low impact use sections of the City Code.

MOTIONS FOR CONSIDERATION:

Non-agricultural low impact use zoning amendments:

I move we recommend that the City Council approve the request by Terry Emerson of E & E Properties, LLC, to amend the Zoning Ordinance requirements for non-agricultural low impact uses to allow for semi-trailer truck parking and a semi-trailer transfer operation as an interim use in the HD-A-BP zoning district in accordance with the draft Ordinance, based on the findings provided by staff.

Interim Use Permit

I move we recommend that the City Council approve the interim use permit to establish a truck terminal at 11530 Hudson Boulevard South based on the findings provided by staff and provided the following conditions are met:

- 1) That the applicant enters into a consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.

- 2) That additional screening be provided in all locations recommended by the City Forester in order to replace vegetation that has either died. The intent of this condition is to provide for full screening of the interim use.
- 3) That the interim use is valid for a period of two years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site.
- 4) That the interim use will terminate when any portion of the property is rezoned or when public sanitary sewer is provided to the site.
- 5) That the interim use permit commence upon the effective date of the applicant's current request to amend the non-agricultural low impact use sections of the City Code.

ORDER OF BUSINESS (2 SEPARATE AGENDA ITEMS):

- Introduction..... Kyle Klatt, Planning Director
- Report by staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Applicant CommentsChair facilitates
- Questions of the Applicant Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS:

1. Application form
2. Detailed staff report for the zoning amendment
3. Draft ordinance amending non-agricultural low impact use provisions
4. Properties affected by proposed zoning amendment
5. Detailed staff report for the interim use permit request
6. Location Map
7. Legal description of property
8. Project description
9. Additional project information (10/30/08)
10. Site plan
11. Existing site conditions (aerial image)
12. City Engineer traffic review

**City of Lake Elmo
DEVELOPMENT APPLICATION FORM**

Fee \$ 1185.00
ck # 2377

RECEIVED
OCT 15 2008

- | | | |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | <input type="radio"/> 01 - 10 Lots |
| <input checked="" type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | <input type="radio"/> 11 - 20 Lots |
| <input type="checkbox"/> Flood Plain C.U.P. | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="radio"/> 21 Lots or More |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Excavating & Grading Permit |
| <i>Interim Use Permit</i> | | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.) | | <input type="checkbox"/> PUD |

APPLICANT: E+E Properties LLC 11530 Hudson Blvd. N. 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 777-9022 436-6055 612-845-3373 436-2068
(Home) (Work) (Mobile) (Fax)

FEE OWNER: EN Properties, LLC
(Name) (Mailing Address) (Zip)

TELEPHONES: Same
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
11530 Hudson Blvd. N. Lake Elmo Mn. 55042
See Attached

DETAILED REASON FOR REQUEST: To allow the use of existing building with driveway access. To amend zoning code 154.034 section E to allow truck terminal and mechanic repair facility with access to I-94 Frontage road

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:


In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

[Signature] 10-13-08
Signature of Applicant Date

Signature of Applicant Date

City of Lake Elmo Planning Department
Non-Agricultural Low Impact Use Ordinance Amendment Request

To: City Council

From: Kyle Klatt, Planning Director 

Meeting Date: 11-10-07

Introductory Information

***Summary &
Action
Requested:***

The Planning Commission is being asked to consider a request from Terry Emmerson of E & E Properties, LLC, 11530 Hudson Boulevard North, to amend the Zoning Ordinance requirements for non-agricultural low impact uses to allow for semi-trailer truck parking and a semi-trailer transfer operation as an interim use in the HD-A-BP zoning district.

The ordinance as requested would only change the requirements for this particular use as an interim use in the City's agricultural holding districts south of 10th Street. The intent of the ordinance is to leave all of the current regulations for other agricultural zones in the City in tact.

The zoning amendment that will be needed in order to accomplish this objective is a revision of the definition of non-agricultural low impact uses to allow for the parking of semi-trailer trucks in the HD-A-BP holding district. Revising this definition, however, would change the applicability of this ordinance to all zoning districts, which is not recommended. Therefore, the Planning Department is suggesting the following Ordinance changes based on the applicant's request:

- 1) Amending the definition of "non-agricultural low impact uses" to remove any reference to the parking of semi-trailer trucks. A definition for Bus/Truck Terminal has been added to incorporate a specific definition into the Zoning Ordinance for the use that has been requested.
- 2) Amending the standards for non-agricultural low impact uses in the A - Agricultural zoning district provisions to prohibit the parking of semi-trailer trucks (and Bus/Truck Terminals).
- 3) Amending the criteria for non-agricultural low impact uses in the HD-A-BP holding zone to specifically permit the parking of semi-trailer trucks and a Bus/Truck Terminal as an interim use.

The specific Ordinance amendments are included in the attached draft Ordinance for consideration by the Planning Commission.

***Additional
Information:***

In response to the zoning text amendment that was received, Staff has drafted an Ordinance that attempts to: 1) limit the extent and area that a Bus/Truck Terminal could be established and 2) to allow this type of use under the City's current requirements for

a non-agricultural low impact use. Should the amendment be approved by the City, the applicant has further submitted a request for this specific use in a location that conforms to the draft Ordinance.

The attached aerial image depicts the parcel that would be affected by the proposed changes, which include four properties in the extreme south eastern portion of the City near the intersection of Manning Avenue and Hudson Boulevard South. These properties are all guided for Business Park Development in the City's Comprehensive Plan, and accordingly, have been placed into the HD-A-BP holding district until such time that sewer service is available to these sites. The applicant owns a parcel immediately adjacent to Hudson Boulevard South and has recently used this property for a school bus garage under the non-agricultural low impact use standards.

Should the proposed amendment be approved by the City, the only change from the current ordinance would be the allowance of semi-trailer parking on parcels zoned HD-A-BP rather than limiting these uses to only off-road mobile construction equipment of any weight or any vehicle over 26,000 pounds capable by design of being licensed for use on public roadways. All other requirements, including the amount a land that must be set aside for agricultural uses, the total number of trips generated by the use, and other current non-agricultural low impact standards would remain the same.

The standards for all other A - Agriculture districts would not be changed and semi-trailer truck parking would still no longer be allowed in these areas if the amendment were approved.

**Ordinance
Review:**

Staff is recommending approval of the proposed amendment because it is consistent with the City's long range plan for the area south of Tenth Street and because it would continue to allow the reasonable use of existing parcels that are planned for future sewer development in advance of the zoning and comprehensive plan updates that will impact this area. A critical component of the ordinance as drafted is that it allows semi-trailer truck parking only on those parcels that are zoned A - Agriculture and also located within the temporary holding zone along Interstate Highway 94. Since the Ordinance currently allows for the parking of larger vehicles on these sites, including buses and off-road mobile construction equipment, there should not be a significant difference in the operation or impact from these sites.

By limited the allowed sites for Bus/Truck Terminals to only those parcels within a certain distance of the interstate, the ordinance has been drafted to ensure that only those parcels that have close access to the Highway will be allowed to accommodate semi-trailer truck parking on a limited basis.

**Commission
Options:**

The Planning Commission has the following options:

- A) Recommend approval of the proposed ordinance to amend the non-agricultural low-impact use regulations;
- B) Recommend staff make changes to the proposed ordinances, or add additional

changes;

- C) Table the item for further study; or
- D) Recommend denial of the request upon finding that the proposed ordinance would have a negative effect on the City or that the ordinance is inconsistent with the Lake Elmo Comprehensive Plan.

The 60-day review period for this application will end on December 30, 2008, and can be extended another 60 days if needed.

Staff Rec: Staff is recommending approval of the request by Terry Emmerson of E & E Properties, LLC, to amend the Zoning Ordinance requirements for non-agricultural low impact uses to allow for semi-trailer truck parking and a semi-trailer transfer operation as an interim use in the HD-A-BP zoning district in accordance with the draft Ordinance, based on the following:

- 1) That the proposed Ordinance amendments will affect a small number of parcels within the City that are planned for future business park development.
- 2) That the proposed Ordinance will not substantially alter the current uses and activities permitted as a non-agricultural low-impact use.
- 3) That the propose Ordinance will allow the reasonable use of agricultural property on an interim basis until such time that public sewer service is provided to the area south of 10th Street.

Denial Motion Template: To deny the request, you may use the following motion as a guide:

I move we recommend that the City Council deny the request to amend the non-agricultural low impact section of the Zoning Ordinance to allow a bus/truck terminal as an interim use in the HD-A-BP zoning district based on the following findings...(please site reasons for the recommendation)

Approval Motion Template: To approve the request, you may use the following motion as a guide:

I move we recommend that the City Council approve the request to amend the non-agricultural low impact section of the Zoning Ordinance to allow a bus/truck terminal as an interim use in the HD-A-BP zoning district based on the following findings...(use staff's findings provided above or cite your own)

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING REGULATIONS GOVERNING NON-
AGRICULTURAL LOW IMPACT USES**

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby amended to read as follows:

NON-AGRICULTURAL LOW IMPACT. The outdoor storage of off-road mobile construction equipment of any weight, ~~excluding semi-truck trailers,~~ or any vehicle over 26,000 pounds capable by design of being licensed for use on public roadways; the indoor storage of the aforementioned items and other goods and materials which, in the determination of the City Council, do not jeopardize the health, safety, or welfare of the city; nature farms; agricultural museums; farmer's markets; small engine repair shops; contractor maintenance shops; or office space as an accessory use to the aforementioned uses.

TERMINAL, BUS/TRUCK. An area and building where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

Section 2. The City Council of the City of Lake Elmo hereby ordains that Section 154.033 subd (F) is hereby amended to read as follows:

(F) Non-agricultural low impact use standards.

(1) (a) The city desires to maintain and preserve open space and agricultural land within the city. The city recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells his or her land for development. The city further recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by conditional use permit, might allow a farmer or large property owner an economical use of his or her property that is zoned for agriculture. The following standards shall apply to these types of uses.

(b) It is also the intent of the city to preserve the appearance of rural character within the community by establishing standards for the setback and screening from adjacent property and public roadways by natural features of any open storage as may be associated with the non-agricultural use.

(2) (a) All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.

(b) The area where the non-agricultural low impact use is located shall be legally defined as approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.

(c) Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.

(d) Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land, with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.

(e) Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the conditional use permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the conditional use permit.

(f) Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.

(g) The property owner shall maintain the remaining land or farm outside of the CUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.

(h) All lighting shall comply with the city's regulations.

(i) All signs shall comply with the city's regulations.

(j) Rate and volume of runoff from the CUP shall not exceed the 1% rule and shall be verified by the City Engineer.

(k) In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the

contiguous real estate from Agriculture to a more intensive use, the conditional use permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the city agrees otherwise. This section shall not apply if the city initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.

(l) Non-agricultural low impact uses may not include the parking or storage of semi-trailer trucks or a Bus/Truck Terminal except as otherwise permitted as an Interim Use in the HD-A-BP zoning district.

(l) All conditional use permits granted to a non-agricultural low impact use shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.

(m) The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.

Section 3. The City Council of the City of Lake Elmo hereby ordains that Section 154.034 Agricultural Business Park Holding District (HD-A-BP) is hereby amended to read as follows:

(A) Purpose. The Agricultural Business Park Holding District (HD-A-BP) is intended to regulate land use within agricultural areas planned and staged for business park development with access to regional sewer service. Areas zoned HD-A-BP will be rezoned upon the availability of sewer service and when consistent with the "Development Staging Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Business Park use.

(B) General regulation. All regulations governing the Agricultural (A) zoning district shall also apply to properties zoned Agricultural Business Park Holding District (HD-A-BP) except as outlined in this section.

(C) Permitted uses. The permitted uses in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that non-farm dwellings shall be prohibited.

(D) Uses permitted by conditional use permit. The uses permitted by conditional use permit in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.

(E) Use permitted by interim use permit. The following uses may apply for an interim use permit in the HD-A-BP zoning district:

1) Non-agricultural low impact uses under the same regulations as in the Agricultural (A) district with the exception that the Non-Ag Area shall not exceed 5% of the property owner's contiguous agricultural zone gross lot area.

2) A non-agricultural low impact use as permitted under this Section may include a Bus/Truck Terminal provided the use is located on a parcel within 1,000 feet of Interstate Highway 94

(F) Accessory uses and structures. Regulations governing accessory uses and structures in the HD- A-BP zoning district shall be the same as in the Agricultural (A) zoning district.

(G) Minimum district requirements. The minimum district requirements in the Agricultural Business Park Holding District (HD-A-BP) shall be the same as in the Agricultural (A) zoning district.

(H) Cluster development. Cluster development in the HD-A-BP zoning district is prohibited.

(I) Non-agricultural low impact use standards. Regulations governing non-agricultural low impact use standards in the HD-A-BP zoning district shall be the same as the Agricultural (A) zoning district.

Section 3. Adoption Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. _____ was adopted on this ____ day of _____, 20____, by a vote of ____ Ayes and ____ Nays.

<signature>
Mayor Dean Johnston

ATTEST:

<signature>
Susan Hoyt
Administrator

This Ordinance No. _____ was published on the _____ day of _____,
20____.

Four Properties Affected by Revised Interim
Use Ordinance Proposed; HD-A-BP



Interstate 94

October 29, 2008

City of Lake Elmo Planning Department
Interim Use Permit Request: Non-Agricultural Low Impact Use

To: Planning Commission

From: Kyle Klatt, Planning Director

YK

Meeting Date: 11/10/08

Applicant: Terry Emmerson, E & E Properties, LLC

Owner: E & E Properties, LLC

Location: 11530 Hudson Boulevard South

Zoning: HD-A-BP (Agricultural District Holding Zone)

Introductory Information

Requested Permit:

The applicant has submitted request for an Interim Use Permit to establish a Bus/Truck Terminal facility as a non-agricultural low impact use at 11530 Hudson Blvd. S. in Lake Elmo. This application was submitted concurrently with a request to amend the Zoning Ordinance to specifically allow the proposed interim use. For the purpose of this review, it is assumed that the amendment will be approved by the City Council. If it is not, the application for an interim use will be invalid.

Application Summary:

The requested interim use would allow a bus/truck terminal to be established on this property as a non-agricultural low impact use. The site has previously been used as a school bus garage and office; however, the bus company did not renew it lease with the property owner for this past year and the previously approved Conditional Use Permit for this particular activity is no longer valid. In the interests of finding a suitable use for the old garage building and parking area, the applicant is proposing bring a truck terminal and storage operation on to this site.

The attached application proposal, with the October 30, 2008 update, provides information about the trucking operation that is proposed fort his site. Details include the following:

Name of company: D & T Trucking

Type of business: Regional and long haul trucking

On-Site Activity: Trailer storage, dispatching, minor repair and maintenance, fueling station

Materials transported: Light refrigerated and dry goods

Daily Trips: 120 trips per day

Truck traffic: 20-25 per day/40 per day peak

Truck Traffic Origin: Primarily outstate, all traffic coming to the site will originate from the interstate highway

Employees: 17 office, 3 mechanics

Hours of operation: 6:00 am to 6:00 pm, limited truck access after 6:00 pm

Zoning Classification: Bus/Truck Terminal under the Non-agricultural low impact use standards

The applicant has not proposed any changes to the site plan that has previously been approved by the City for the bus garage, and will make use of the existing building, driveway, and parking areas that were used formerly by the bus company. A fueling station will be included as part of the site plan in the same location as a similar facility that served the bus garage.

Applicable Codes:

Section 154.033, Subd. (F) Non-agricultural low impact use standards

This section is referenced in the HD-A-BP zoning district to determine the standards for non-agricultural low impact uses within the holding zone.

Section 154.034 HD-A-BP - AGRICULTURAL BUSINESS PARK HOLDING DISTRICT (as amended)

Specifies that a bus/truck terminal is allowed as an interim use under the requirements for a non-agricultural low impact use.

Section 11.02 Definitions (as amended)

NON-AGRICULTURAL LOW IMPACT. The outdoor storage of off-road mobile construction equipment of any weight or any vehicle over 26,000 pounds capable by design of being licensed for use on public roadways; the indoor storage of the aforementioned items and other goods and materials which, in the determination of the City Council, do not jeopardize the health, safety, or welfare of the city; nature farms; agricultural museums; farmer's markets; small engine repair shops; contractor maintenance shops; or office space as an accessory use to the aforementioned uses.

TERMINAL, BUS/TRUCK. An area and building where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

Findings & General Site Overview

Site Data:	Lot Size: 70 acres (excludes road right-of-way)
	Existing Use: Agriculture/Vacant school bus garage
	Existing Zoning: HD-A-BP: Agriculture District Holding Zone
	Property Identification Number (PID): 36-029-21-43-0001

Although this site is less than 70 acres once road right-of-way and road easements are deducted from the total land, all previous reviews for non-agricultural low impact uses on the site have used the net total of 70 acres for purposes of determining compliance with the standards. This is the amount used in the current review to maintain consistency with past decisions on the property.

Application Review:

Permit Review:

Under the present ordinance, the storage or maintenance of semi-trailer trucks is not permitted as a non-agricultural low impact use based on the definition that excludes such uses. Should the ordinance be amended in accordance with the request submitted by the applicant, a trucking terminal would be permitted as an interim use in the HD-A-BP district subject to the same requirements for non-agricultural low impact uses. A review of the current request compared to these standards is as follows:

- a) *All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.* Because this use is classified as an interim use under the HD-A-BP district, any rezoning of the property would terminate the property owner's ability to continue operation of the use.
- b) *The area where the non-agricultural low impact use is located shall be legally defined as approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.* The HD-A-BP interim use requirements follow these standards, but allow the "Non-Ag" area to be a maximum of 5% of the gross lot area. Of the applicant's 70 acres, 3.5 acres may be devoted to the "Non-Ag" portion of the site. The total area that is currently devoted to the non-agricultural activities is slightly less than 3.3 acres. With no changes proposed to the parking areas, driveways, or buildings, the applicant will be able to meet this requirement.

A review of the building footprint and asphalt/concrete surfaces on the applicant's site plan shows that building is 15,360 square feet in size and the other asphalt and concrete surfaces total 9,500 square feet which is 0.8% of the continuous agricultural gross lot area. The total area for these surfaces fall under the maximum permitted by this section.

- c) *Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.* The applicant's parcel is 70 acres in size and therefore meets this standard.

- d) *Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land, with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre. Since the applicant's property has frontage along Hudson Boulevard, he is allowed to have 6 trips per day per acre for a maximum of 420 vehicle trips per day.* The description for the trucking operation indicates that there will be a total of 60 vehicles accessing the site everyday for a net total of 120 vehicle trips per day. The applicant has also stated that there is potential for additional truck traffic during peak times which would push the total vehicle trips closer to 200 per day. Even factoring in additional trips by employees working in the office, the total trips under the proposal presented will be well under the maximum for the site. The estimates for the bus garage, in comparison, showed that there had been 328 vehicle trips each day on this site. The proposed truck terminal should generate a fewer number of vehicle trips based on this and fall within the required limits prescribed by the Ordinance.
- e) *Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the conditional use permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the conditional use permit.* The current parking areas are located at or beyond 50 feet from the Hudson Boulevard right-of-way, and the building is set back a distance of 100 feet. A landscape berm with plantings has been provided around the perimeter of the site and provides an effective screen from the adjacent property and roads. There are a few areas within this screening area where plants have recently died; there plants should be replaced to fill in any screening holes as a condition of approval for the interim use. As the berm and screening is presently in place, Staff has not recommended that the applicant be required to submit a cross section diagram. With no changes proposed to the current site the applicant will be able to meet this condition.
- f) *Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.* Based on the past use of this property, the proposed truck terminal should not generate any additional impact than the bus garage. The usage by the site will need to be monitored to ensure that the total limit established by this provision is not exceeded.

- g) ***The property owner shall maintain the remaining land or farm outside of the CUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.*** There are no changes proposed with the applicant's request.
- h) ***All lighting shall comply with the city's regulations.*** No changes to the current lighting situation is proposed; any such changes would need to be approved after submission of a revised lighting plan for the property.
- i) ***All signs shall comply with the city's regulations.*** The business owner will need to secure the proper sign permits before installing any new signage on the property.
- j) ***Rate and volume of runoff from the CUP shall not exceed the 1% rule and shall be verified by the City Engineer.*** Because there are no site changes proposed under the applicant's proposal, the City Engineer was not asked to revisit the storm water calculations submitted with past proposals on the property. There is a storm water pond on the site that should continue to function the way it was originally designed.
- k) ***In the event that the property owner, or future property owner, initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the conditional use permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the city agrees otherwise. This section shall not apply if the city initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.*** The City's interim use requirements are somewhat different than this section in that an interim use will terminate if any of the following occur: 1) the date stated in the permit; 2) upon violation of conditions under which the permit was issued; 3) upon change in the city's zoning regulations which renders the use nonconforming; or 4) the redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district. Because this use is classified as an interim use under the HD-A-BP regulations, the interim standards should be applied to this particular use. The major differences between these two sections are that the property owner is not given one year to remove the business when the comprehensive plan or zoning is changed for the site and the City may initiate a rezoning that requires the removal of the business.
- l) ***Non-agricultural low impact uses may not include the parking or storage of semi-trailer trucks or a Bus/Truck Terminal except as otherwise permitted as an Interim Use in the HD-A-BP zoning district.*** As a interim use in the HD-A-BP district the applicant is permitted to request a truck terminal.
- m) ***All conditional use permits granted to a non-agricultural low impact use shall be reviewed on an annual basis, and may be rescinded, after a 2-week***

notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized. As an interim use, the property will be subject to the violation and termination requirements for interim uses.

- n) **The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.** This section is not applicable to the current request.

The City Engineer was asked to perform a traffic review for the proposed business and noted that the proposed traffic that will be generated by the proposed business falls well below the threshold for a MnDOT traffic impact study. The most significant area of concern indentified in this report is the turning movements on and off of Manning Avenue. Additional study of these intersections is encouraged as part of the City's ongoing transportation planning efforts.

**Permit
Review:**

Staff is recommending approval of the request for an interim use permit primarily because the proposed use is not intended to have any additional impacts beyond the former use of the property, and in some instances, should reduce the overall impacts that can be observed. The most significant change from the previous operation on this site is the size of the vehicles that will be stored on the site. Given its close proximity to an interstate highway; however, this area seems well-suited for the traffic that is anticipated compared to other portions of the City. The bus garage also generated a fair amount of additional traffic (beyond normal bus routes) since it was located in the extreme southern portion of the City. The truck terminal is anticipated to produce very little traffic outside of the immediate connecting roads to Highway 94.

In reviewing the standards for granting an interim use, Staff has made the following findings:

- 1) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. ***This criterion is met.***
- 2) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. ***Although the truck terminal will produce noise and other impacts associated with the entering and existing of semi-trailer trucks, its isolated location and close proximity to a major interstate corridor will help the use remain compatible with the surrounding land uses until such time the zoning regulations change on the property. Given the restrictions on the size and net traffic generated by the use under the non-agricultural low impact use provisions, the impact to adjacent properties will be minimal. This criterion is met.***
- 3) The use will not adversely impact implementation of the Comprehensive Plan. ***The improvements occupy a minor percentage of the overall parcel and may not be expanded beyond the current limits. This criterion is met.***
- 4) The date or event that will terminate the use is identified with certainty. The

applicant has specified in the application materials that the use will terminate once the property is sold or developed under future zoning. **Staff is recommending that the termination date be set at either 1) when the property is rezoned or 2) at such time that sewer service is provided to the site. Either of these actions will be required before the property may be redeveloped into some other use. With the proposed change in language staff finds that this criterion is met.**

- 5) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future. **A consent agreement will need to be approved by the City Council as a condition of approval.**
- 6) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit. **This item can also be addressed as part of a consent agreement with the City.**
- 7) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel. This criterion is met.
- 8) The term of the interim use does not exceed 2 years. **The interim use permit will need to be revisited by the City in two years.**

**Interim Use
Permit
Conclusions:**

Based on a review of the applicable code sections, Staff is recommending that the Planning Commission recommend approval of the interim use permit based on the following:

- 1) That the applicant has demonstrated compliance with all of the standards for a non-agricultural low impact use; and
- 2) That the applicant has demonstrated compliance with all applicable City Code standards for the issuance of an interim use.

Staff is further recommending that the following conditions be included with this recommendation:

- 1) That the applicant enters into a consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.
- 2) That additional screening be provided in all locations recommended by the City Forester in order to replace vegetation that has either died. The intent of this condition is to provide for full screening of the interim use.
- 3) That the interim use is valid for a period of two years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site.

- 4) That the interim use will terminate when any portion of the property is rezoned or when public sanitary sewer is provided to the site.
- 5) That the interim use permit commence upon the effective date of the applicant's current request to amend the non-agricultural low impact use sections of the City Code.

Other Options:

The Planning Commission may consider denying the request for an interim use provided it can demonstrate that the applicant has failed to comply standards of the non-agricultural low impact use provisions or the interim use ordinance. These requirements are detailed in the preceding sections of this report.

Examples of information that would support a recommendation for denial include:

- that the use will generate more vehicle trips per day than allowed as a non-agricultural low impact use,
- that the interim use will adversely impact the implementation of the Comprehensive Plan

This list is not intended as an exclusive recording of all possible findings that could be made and should be used as an example to formulate findings that are not in or differ from the Staff report.

Resident Concerns:

There have been no letters or other comments submitted to the City in advance of the public hearing on this matter.

Additional Information:

Neither the watershed district nor the DNR provided comment in opposition to the proposed interim use permit.

Conclusion:

Terry Emmerson of E&E Properties, LLC has submitted request for a Interim Use Permit to establish a Bus/Truck Terminal facility as a non-agricultural low impact use at 11530 Hudson Blvd. S. in Lake Elmo.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the interim use permit request;
- B) Recommend denial of the interim use permit request.

The 60-day review period for this application will end on 12/30/08 and may be extended an additional 60 days if more time is needed for the City's review of this application.

Staff Rec: Staff is recommending approval of the interim use permit for a Interim Use Permit to establish a Bus/Truck Terminal facility as a non-agricultural low impact use at 11530 Hudson Blvd. S. in Lake Elmo based on the following:

- 1) That the applicant has demonstrated compliance with all of the standards for a non-agricultural low impact use; and
- 2) That the applicant has demonstrated compliance with all applicable City Code standards for the issuance of an interim use.

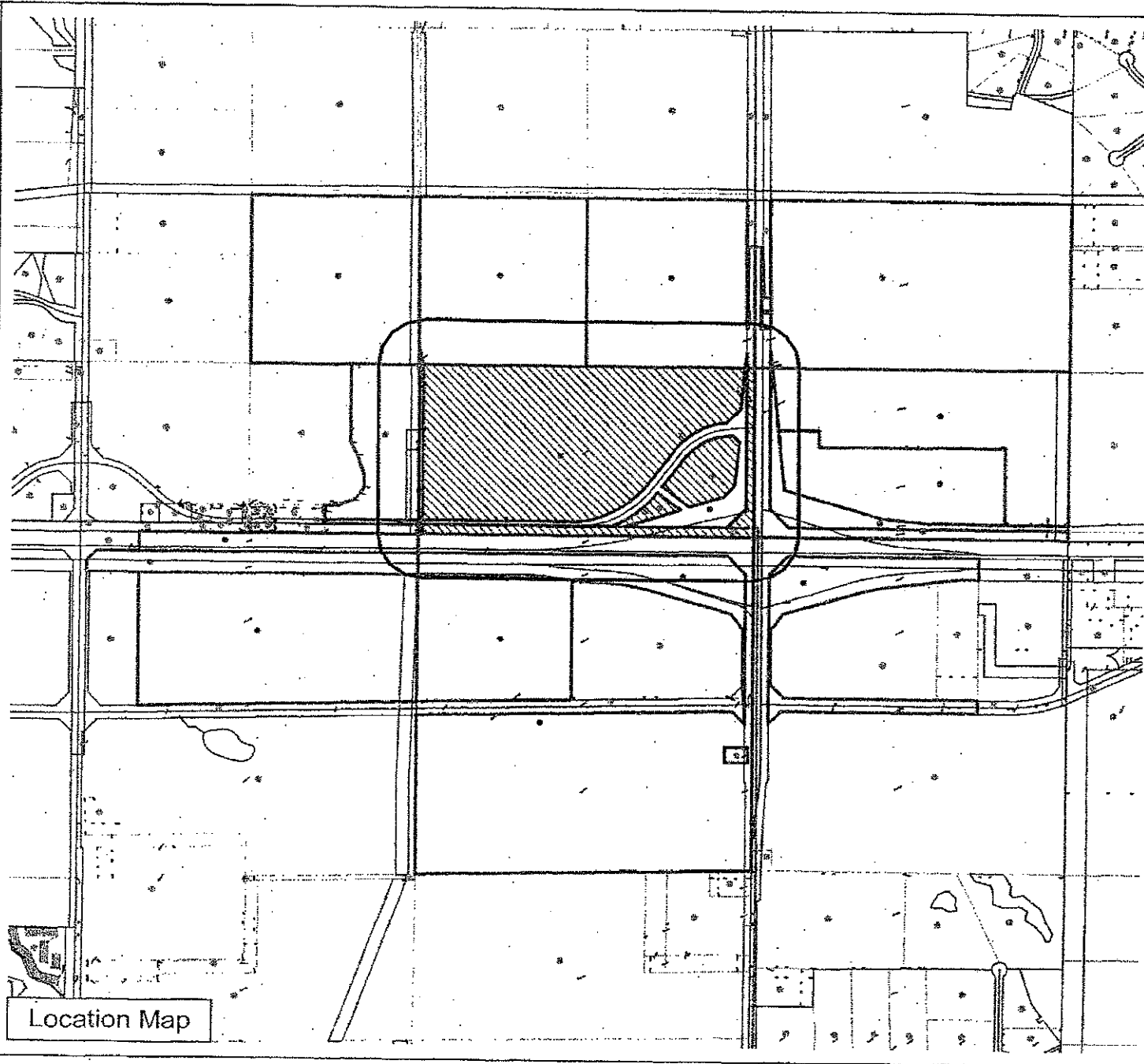
Denial Motion | To deny the request, you may use the following motion as a guide:

Template: I move we recommend that Council deny the requested interim use permit based on the following findings...(please site reasons for the recommendation)

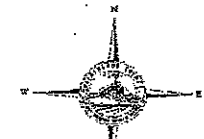
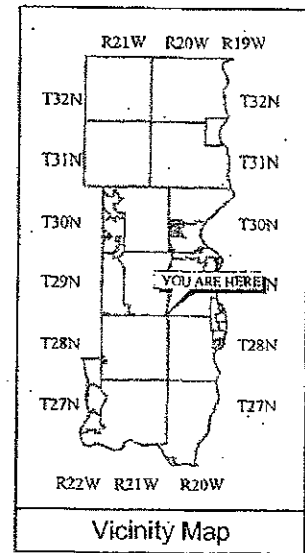
Approval Motion | To approve the request, you may use the following motion as a guide:

Template: I move we recommend that the City Council approve the requested interim use permit based on the following findings...(use staff's findings provided above or cite your own)

cc: Terry Emmerson, E&E Properties, LLC



Location Map



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OCT 19 2007

0 1140
Scale in Feet

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office, Phone (851) 430-6875

Parcel data based on AS400 information current through: June 30, 2007
Map printed: August 15, 2007

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OCT 13 2008

That part of the South Half of the Southeast Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota lying easterly of the West 33.00 feet (2 rods) thereof, EXCEPT that part designated as Parcel 44 on Minnesota Department of Transportation Right of Way Plat No. 82-35, State Project No. 8292 (94-392)904, recorded as Document No. 424557 in the office of the County Recorder, Washington County, Minnesota.

Subject to highway easements in favor of Washington County as described in Book 258 of Deeds, page 91, and Book 309 of Deeds, page 831, of record, and on file in said office of the County Recorder.

Also, subject to highway easements in favor of the State of Minnesota as described in Book 109 of Deeds, page 622, Book 109 of Deeds, page 638, and Book 220 of Deeds, page 11, of record and on file in said office of the County Recorder.

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OCT 15 2008

Proposal:

E&E Properties is requesting to amend the zoning code 154.034 HD-A-BP Section E, which is "Use permitted by interim use permit".

The building was built for outside storage of equipment and repair facility. As you know the property was used as the school bus terminal for the Stillwater Area Schools for the past six years. The company lost their contract with the School District and the School District leased property in Oak Park Heights for the new bus company. The building has been vacant since July 2008.

E&E Properties is requesting this zoning code to be amended to allow us to lease a portion of the building and property to D&T Trucking. The building location affords easy access to exit and enter the I -94 corridor. D&T Trucking is a regional and long haul over the road trucking company providing light refrigerated and dry goods transportation services to the continental 48 states. This means their trucks are gone 2-7 days. There would be no negative impact on traffic flow.

Under the current zoning the allowable trips per day is 420. D&T Trucking trips per day including office personnel and shop mechanic personnel and trucks would be 1/3 of the previous trips of the bus company. The typical daily use would be approximately 35 cars and 20-25 trucks per day. The total of 60 vehicles would generate 120 trips/day. This total could be 200 trips/day once a month. The majority of that would traffic on and off I-94. Their would be approximately 25 Tractor trucks and 40 trailers parked on the property.

The remaining portion of building and property upon lease would not exceed or generate more trips than the previous tenants Laidlaw Transit. The nature of these types of business would be less trips and the flow would be on/off I-94. The use of the property and building and impact does not differ from its previous use. Impact would be directed to the on/off of I-94 and would generate less trips.

A fueling station would be installed where the previous station was with Laidlaw Transit.

Under the Interim use zoning code stated above we are requesting language be added to allow a trucking terminal and mechanic repair facility with access to I-94 frontage road.

The building and site has not changed from the original plan. All signage if any will be approved by the city and lighting changes if any would also be by city approval.

October 30, 2008

In response to your letter dated October 21, 2008.

- The property within 500 feet of 11530 Hudson Blvd. consists of, road right of way, vacant, or in farm land. The closest business is the Vali Hi Drive In theater.
- A copy is enclosed with proof of ownership.
- D& T Trucking will have 20 full time employees. Approximately 17 office and 3 mechanics. There will be 20 to 25 trucks that will come and go on a normal day. Once a month this number could be as high as 40. The office and shop personnel would come in morning and leave afternoon. The trucks would run through out the day from 6am to 6pm without any peak periods of activity. The route these trucks will take is the frontage road to Manning Avenue then east or west on I-94. There would be little impact on Lake Elmo public streets. The type of trucks operating from the site would be approx 76' long with tractor trailer. The trailers are approx. 53' long.
- A plan of the existing sewer and water is enclosed.
- In regards to definitive termination date for Interim use. The building exists and I need to lease it to provide my income until the property is sold or developed under future zoning.

The above should address each of the items stated in the letter.

Terry Emerson



ENGINEERS • ARCHITECTS • PLANNERS

444 Cedar Street, Suite 1500
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

MEMORANDUM

To:	Ryan Stempski	Reference:	E&E Properties
Copies To:	Jack Griffin, City Engineer		Traffic Review
			City of Lake Elmo, Minnesota
From:	Bryant Ficek	Proj. No.:	14078.001
Date:	October 28, 2008	Routing:	

As requested, the potential traffic impacts from the proposed development in the Interim Use Permit application have been reviewed. The proposed development is a truck terminal and repair facility, located on the north side of the I-94 frontage road to the west of the Manning Avenue interchange. Although a formal traffic study with detailed analysis was not provided, the site information provided in the application and available traffic data from other sources are sufficient for a traffic review.

On an average day, about 35 vehicles from employees and 20 to 25 trucks are expected from the site, equating to approximately 120 trips per day. The maximum trips per day are expected to be 200, which would include other miscellaneous trips such as mail or parts deliveries and employee trips for lunch. It should be noted that Mn/DOT guidelines indicate that a traffic impact study is not needed if the proposed site will generate less than 2,500 trips per day or 250 trips per peak hour. In this case, the maximum expected trips are well below this threshold.

The majority of trips are expected to be to and from the I-94 and Manning Avenue interchange. Hours of operation were not listed, although truck drivers are more likely to travel during off-peak times to avoid congestion.

The frontage road is an undivided two-lane roadway. Manning Avenue is a four-lane divided roadway. The intersections of Manning Avenue with the frontage road, the I-94 westbound ramps, and the I-94 eastbound ramps will experience the greatest impact from the proposed site. The Manning Avenue approaches at these intersections provide two through lanes in each direction and exclusive left- and right-turn lanes. Exclusive turn lanes are also provided on the ramp approaches to Manning Avenue. The frontage road provides one approach lane for all movements at Manning Avenue. Each intersection is under side-street stop sign control, with Manning Avenue traffic able to proceed without stopping.

At a planning level, the roadway and intersection geometry provides sufficient capacity for the current traffic volumes of 12,000 vehicles per day on Manning Avenue and 940 vehicles per day on the frontage road. This geometry is expected to accommodate the relatively small daily traffic generated by the proposed site. The side-street delay at each intersection will increase with the larger and slower starting truck traffic. In particular, the peak hour delay for the side streets may noticeably increase if a significant number of the expected truck traffic occurs during the peak. As mentioned, truck trips are more likely to occur during non-peak periods, suggesting only a minor overall increase in intersection side-street delays.

With one approach lane on the frontage road at the Manning Avenue intersection, the truck turning movements should be examined. In particular, the eastbound-to-southbound right turn may need additional pavement for the longer trucks. The ramp intersections with Manning Avenue provide sufficient corner radii to accommodate larger vehicles.

The sight distance for the ramp intersections may also need to be reviewed. A recent visit to the site area noted that the rise in elevation to bridge over I-94 limits the sight lines. The actual sight distance was not measured during this visit. The sight distance may therefore be acceptable, but less than comfortable. A cursory review of crash records at the three Manning Avenue intersections and on the frontage road did not reveal a specific crash problem or trend. However, the sight distance should be measured to determine if adequate sight is available for those vehicles stopped on the side-street approaches to the Manning Avenue intersections. In addition, the crash and severity rates should be examined in the future to determine if the introduction of additional truck traffic had a significant effect. Depending upon the exact results of the sight distance study or any future crash study, mitigation such as all-way stop control or signalization may be needed.

The two ramp intersections on Manning Avenue are provided with overhead street lighting. It does not appear that the Manning Avenue and frontage road intersection or the proposed site entrance have street lighting. Depending upon the hours of operation, overhead street lighting at one or both locations may be desired to aid other drivers as they approach the site on the frontage road.

Based upon the traffic review of the information presented in this memorandum, the proposed site detailed in the Interim Use Permit is not expected to adversely affect traffic operations in the area. However, the City is recommended to consider the following items in conjunction with their overall review of the proposed site:

- Providing overhead street lighting at the Manning Avenue and frontage road intersection and/or the site entrance to improve safety.
- Examining the eastbound-to-southbound right-turn movement at the frontage road and Manning Avenue intersection to determine if additional pavement is needed for the larger trucks.
- Examining sight distance at the Manning Avenue intersections with the I-94 ramps to determine if adequate sight distance is provided for both passenger cars and trucks.
- Examining intersection crash rates in the near future to determine if the increase in truck traffic has resulted in an increase in crashes.

The results of the sight distance study or crash rate study may require mitigation such as improved intersection control. Any identification of traffic issues and potential mitigation will need to be discussed with Mn/DOT and Washington County. If you have questions or comments about the information provided in this memorandum, please contact me at (651) 726-7944 or bryant.ficek@tkda.com.

SITE PLAN 2002

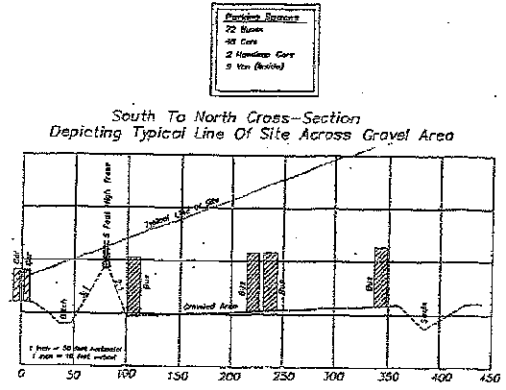
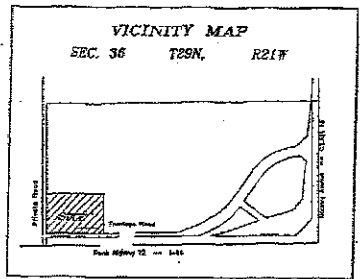
Bus Storage Site

E & E PROPERTIES, LLC

Folz, Freeman, Dupuy & Associates, Inc.
 LAND SURVEYING - LAND PLANNING
 1111 S. HARRISON ST. - COLEMAN, MINNESOTA 55428
 (612) 426-8833

SCALE:
 1" = 30' Feet

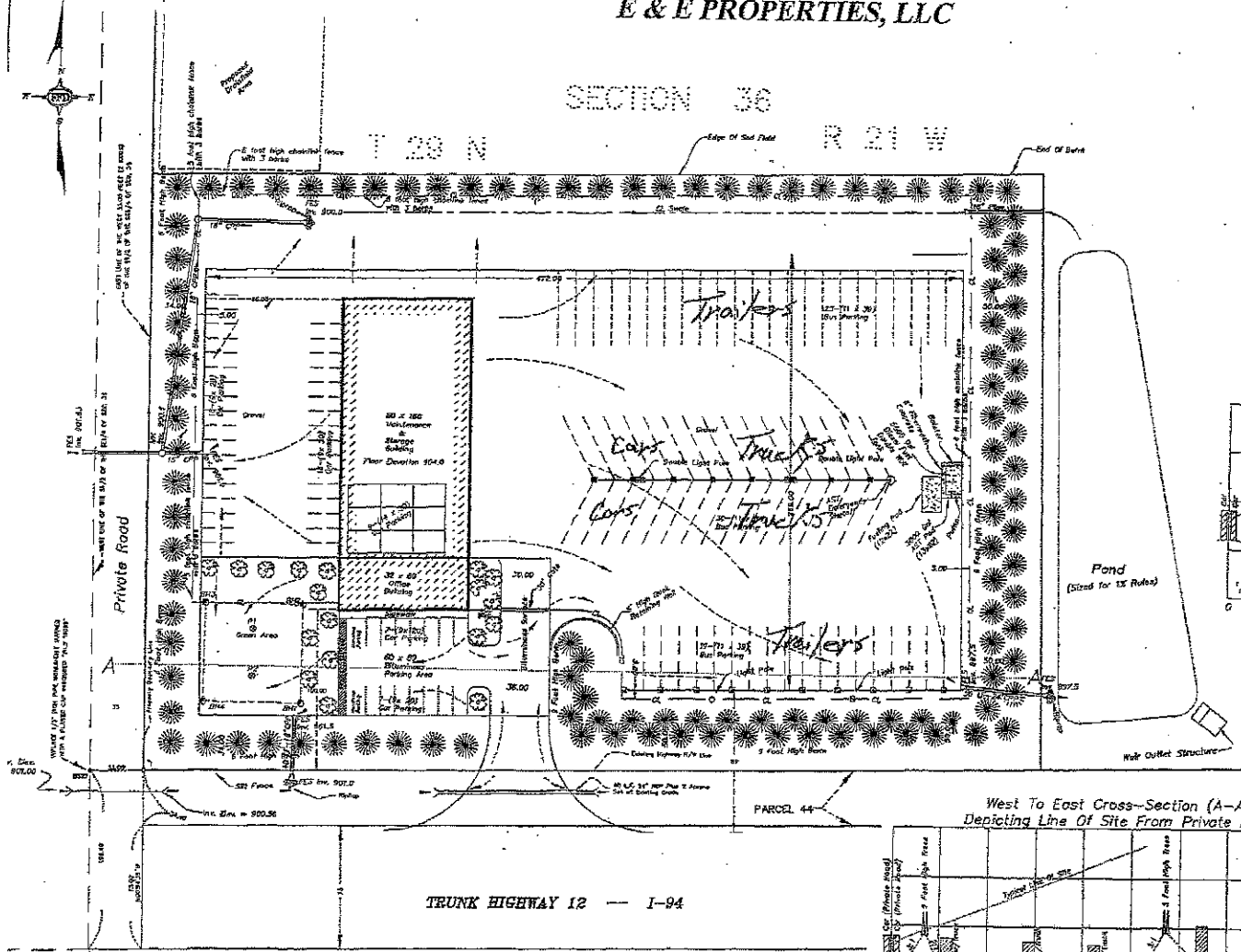
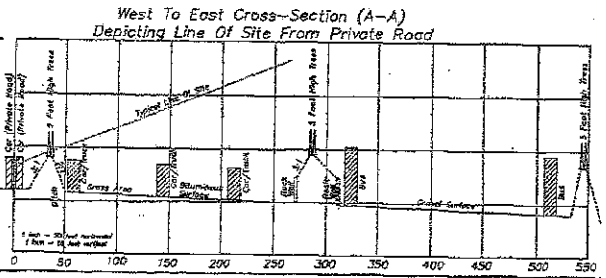
SECTION 36
 T 28 N R 21 W



LEGEND

Elevations Are Based On N.G.V.D. - 1929 A.D.

- Denotes Existing Contours
- - - - - Denotes Proposed Road Elevation
- Denotes Proposed Drainage Direction
- Denotes Proposed Elevation Top
- Denotes Proposed Catchment Area
- Denotes 4' Manhole Offset Box
- Denotes 2' Manhole Offset Box



TRUNK HIGHWAY 12 -- I-94

TOTAL AREA OF PARCEL = 70 ACRES (PARCEL ID #26,923,7143,0801)
 IMPERVIOUS SURFACE = 0.64 ACRES = 0.9%
 SITE AREA = 2.76 ACRES = 3.94%

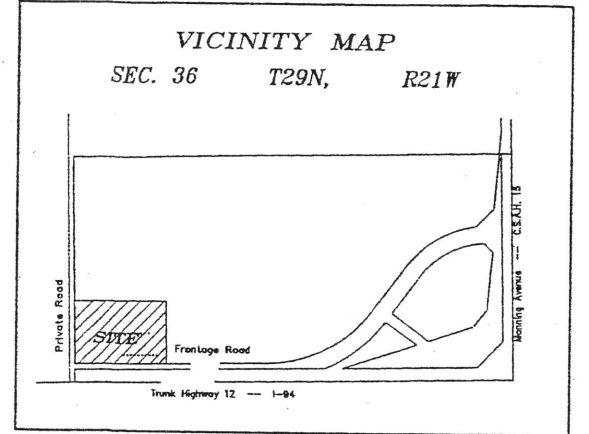
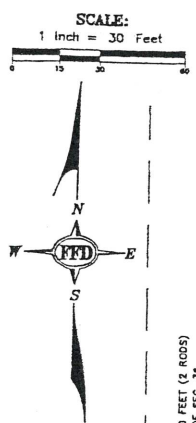
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 OCT 13 2008

SITE PLAN 2002

Bus Storage Site

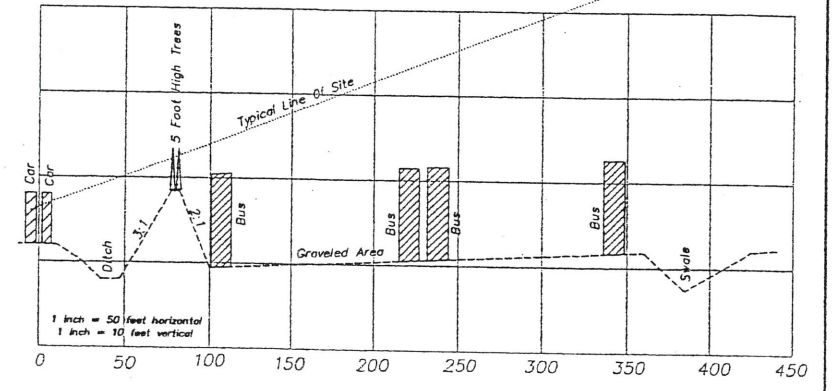
E & E PROPERTIES, LLC

Folz, Freeman, Dupay & Associates, Inc.
 LAND SURVEYING • LAND PLANNING
 1815 NORTHWESTERN AVENUE • STILLWATER, MINNESOTA 55082
 (612) 439-8833



Parking Spaces	
72	Buses
48	Cars
2	Handicap Cars
9	Van (Inside)

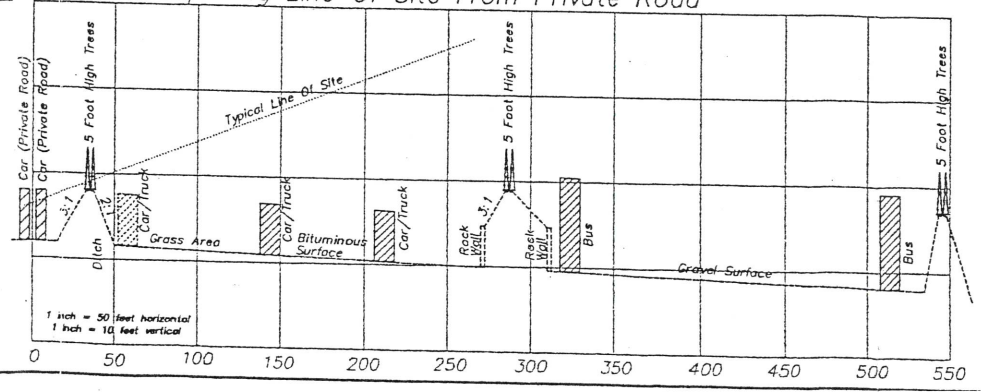
South To North Cross-Section
 Depicting Typical Line Of Site Across Gravel Area



LEGEND

- Elevations Are Based On N.C.V.D. - 1929 Adj.
- Denotes Existing Contours
- X(903.5) Denotes Proposed Spot Elevations
- - - Denotes Proposed Drainage Direction
- ☼ Denotes Proposed Evergreen Tree
- ☼ Denotes Proposed Deciduous Tree
- Denotes 4 Receptacle Outlet Box
- Denotes 2 Receptacle Outlet Box

West To East Cross-Section (A-A)
 Depicting Line Of Site From Private Road



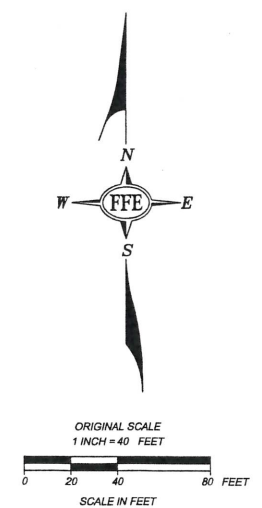
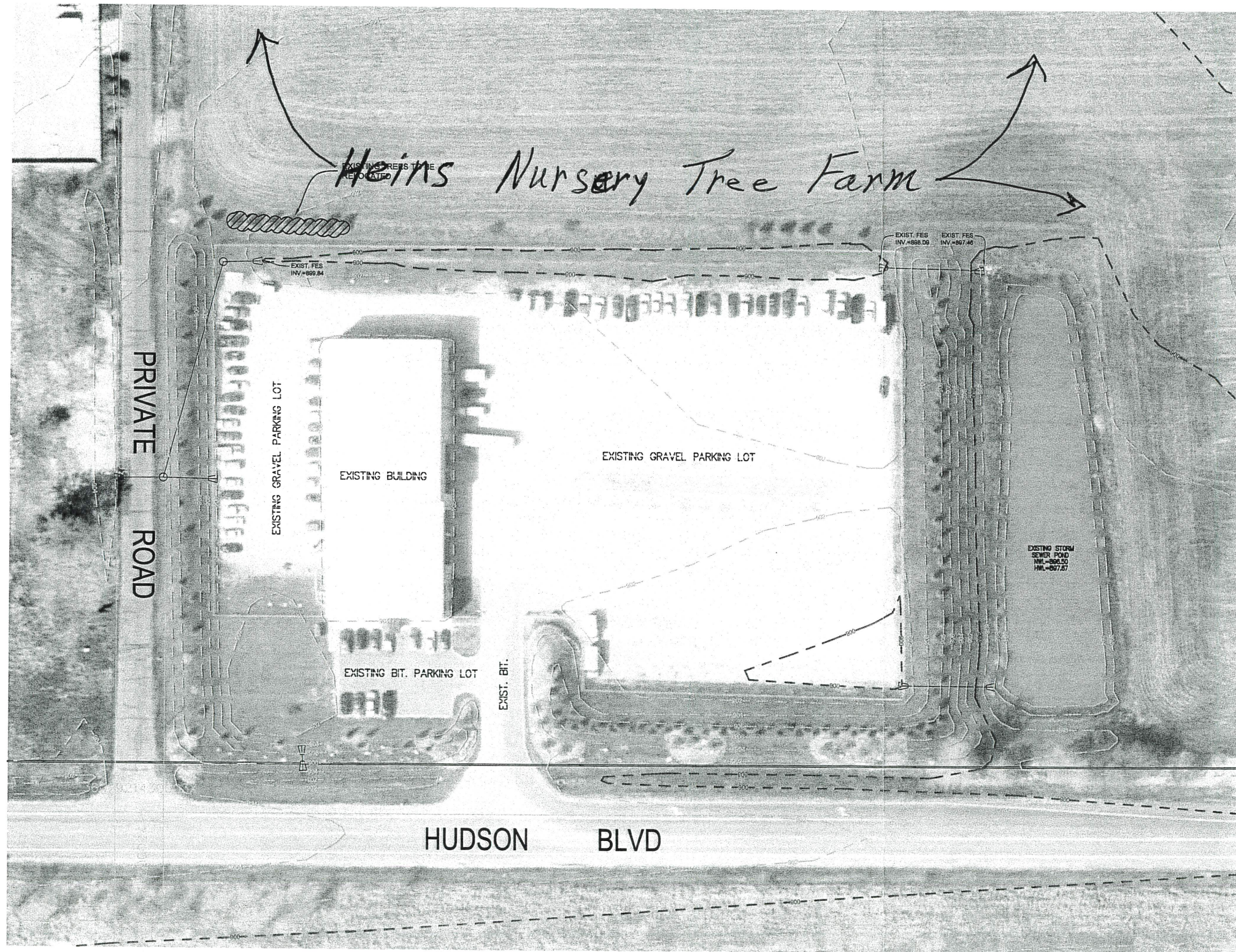
TOTAL AREA OF PARCEL = 70 ACRES (PARCEL ID #36.029.21.43.0001)
 IMPERVIOUS SURFACE = 0.64 ACRES = 0.9%
 SITE AREA = 2.76 ACRES = 3.94%

Revised 5-20-02 --- Add outlet Boxes, Add additional trees

I HEREBY CERTIFY THAT SURVEY OR PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 TIMOTHY J. FREEMAN MINNESOTA LICENSE NO. 16990 DATE
 DAVID L. DUPAY MINNESOTA LICENSE NO. 17222

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 OCT 15 2003

EXISTING CONDITIONS



LEGEND

	EXISTING CONTOUR
	EXISTING STORM SEWER WITH CATCH BASIN W/ M.H. & F.E.S.

NOTES

1) 2005 AERIAL WASHINGTON COUNTY AERIAL PHOTO

NO.	REVISION	DESCRIPTION	DATE (DRAWN/CHKD)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

TODD A. ERICKSON
40418
LICENSE NO.
DATE

DESIGNED BY: TAE
DRAWN BY: JSR
CHECKED BY: VJV
INITIAL DATE: 08-23-07
JOB NO: 07-163

Folz, Freeman, Erickson, Inc.
LAND PLANNING
SURVEYING
ENGINEERING

1245 55TH STREET NORTH, LAKE ELMO, MN 55042
Phone (651) 439-8833 Fax (651) 430-0331
Website: www.ffe-inc.com

OWNER/DEVELOPER
E&E PROPERTIES
OWNER'S ADDRESS
11530 HUDSON BLVD. N, SUITE A
LAKE ELMO, MN 55042

SHEET NAME
EXISTING CONDITIONS
PROJECT NAME
**E&E PROPERTIES PARKING ADDITION
LAKE ELMO, MN**

SHEET NO.
C1
SHEET 1 OF 3

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