



City of Lake Elmo

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3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

Planning Commission Meeting

AGENDA

May 29, 2002

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



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MINUTES APPROVED: MAY 13, 2002
LAKE ELMO PLANNING COMMISSION MINUTES

APRIL 22, 2002

Planning Commission Chairman Tom Armstrong called the Planning Commission meeting to order at 7:00 p.m. in the Council chambers. PRESENT: Armstrong, Taylor, Deziel, Bunn, Berg, Sessing, Sedro, Helwig, Ptacek, Herber (arrived at 7:02).

1. **AGENDA**

M/S/P Helwig/Sedro – to approve the April 22, 2002 Planning Commission agenda, as presented. (Motion passed 9-0).

2. **MINUTES**: April 8, 2002

M/S/P Armstrong/Berg – to approve the April 8, 2002 Planning Commission minutes, as amended. (Motion passed 9-0).

3. **PUBLIC HEARING**: Comprehensive Plan Amendment
Nass/Buberl/Bidon – Amend RAD to C

Planner Dillerud presented a summary of his review, dated April 17, 2002, provided in the Planning Commission packet.

Neal Blanchette, Larkin, Hoffman, Daly & Lindgren, representing Mr. Nass stated Mr. Buberl to the east and Mr. Bidon, who owns property between the two parcels Mr. Nass owns, have joined in the application. Mr. Blanchette stated the easements and terrain of the site makes Rural Agricultural Development infeasible. The properties slope toward Highway 36, and that, combined with the power line easement, would force residents intending to be rural too close to a major highway; or, would force oversized lots that would idle most of the property. Mr. Blanchette stated that he didn't think large lot residences would want to be next to a freeway scale road.

Commissioner Sessing asked what Mr. Blanchette was talking about as far as large lots...5 or 10 acre lots. Mr. Sessing used Prairie Hamlet OP, at the southwest corner of Keats Avenue and Highway 36 as an example of how the power line easement can be addressed through RAD based land development. He noted that a portion of the required Preserved Open Space was that land subject also to the power line easement in Prairie Hamlet, and could be with this site.

Commissioner Sedro stated that with the applicant's site there are trees that would make a buffer. She observed that Prairie Hamlet lots sold, and they didn't even have trees.

Planner Dillerud asked Mr. Blanchette his opinion as to which City would drive land use where land use philosophies differ between the cities. Mr. Blanchette responded that commercial development is the best use to develop per input from professional planners. It maximizes the benefit of the Freeway.

Chairman Armstrong opened up the public hearing at 7:30 p.m.

Ken Hauth stated he has lived there 13 years and described this area as completely wooded with rolling hills and would be against commercial development. Mrs. Hauth stated there is no reason why this couldn't be developed as residential.

Jane Longacre stated she saw this property as suitable for residential development. The development north and south has been residential.

Carol Plamquist Eihlers stated that this site has wildlife and is the last zone for wildlife in the area. She noted that there is a DNR protected pond on one side; and another pond that flows into Long Lake. Since Buberl has leveled the hill, they now have Highway 36 noise. This land would be suitable for multiple homesites.

Chairman Armstrong closed the public hearing at 7:37 p.m.

Commissioner Sedro asked if this area feeds into the watershed that has water problems? Commissioner Berg, who works for the Washington County SWD, stated it doesn't contribute to our downstream VBWD, but does continue to contribute to the Browns Creek Watershed, including an existing trout stream.

Commissioner Deziel stated that he wouldn't mind seeing some commercial, but not when it wrecks the land and buffer zone. He also observed that this is a very peaceful area; and be a good piece of land for mixed use.

M/S/P Sessing/Ptacek – to recommend denial of the application of Nass, Buberl, and Bidon for a Comprehensive Plan Amendment to reclassify approximately 49 acres; located in Section 6, from Rural Agricultural Development (RAD) to Commercial based on the Findings contained in the April 17, 2002 Planning Staff Report. (Motion passed 8-0-1:Abstain:Deziel)

4. Hiner Site Plan

Planner Dillerud reported the City Council has approved the following applications regarding this site:

1. Minor Subdivision to create the site of approximately 40 acres.
2. Comprehensive Plan Amendment from RED to RAD.
3. Rezoning from RR to AG.
4. Conditional Use Permit for a Golf Practice Facility as Commercial Recreation.

Planner Dillerud stated the site plan has a putting practice course and asked if this is another name for mini golf. Dillerud explained that the City engineer has noted there is excess material to leave this site. The City does not allow mining and will be watching

carefully what will be done with the material, since it is commercial grade sand and gravel.

Mr. Hiner stated he knows he has to comply with the architectural standards of the City, and the building will be stone, brick and cedar. (Per the drawing, the cream part of the building is stucco and the rust part would be stone or brick. There is no metal roof.) He said he wasn't thinking about asphaltting all the parking spaces, but would utilize a new product called Netlawn on the 40 space overflow parking area. This product allows air to infiltrate into the soils, and not compress the grass. Hiner provided pictures showing the difference between a putting course and mini golf course.

M/S/P Armstrong/Sessing - to approve the Section 520 Site Plan for the Hiner Development to construct a Golf Practice Facility on a 40 acre site north of Hudson Blvd. and west of Keats Avenue based on the recommendation of the City Planner, subject to the conditions listed in the April 18, 2002 Planning Staff Report with amending condition #2 Construction of 40 parking spaces shall be natural turf of a new product, Netlawn, and that there no decorative mini golf structures (Motion passed 9-0).

5. Daniel Rude Variances

Planner Dillerud reported that Mr. Rude requested this application be placed on this Planning Commission agenda for further commission consideration. Mr. Rude noted that the lot is the same size as Peterson's lot to the north and, larger than the other lots in the neighborhood. He said he has an approved septic system design for the site, and wants to preserve the trees.

Commissioner Berg stated that he wanted to take a cautious approach. He said that the Commission will be looking at the lots in the Old Village with forthcoming studies, and depending on what the study reveals, this may be the size of a lot that is buildable. Based on the issue of health, safety and welfare, he would recommend keeping City owned properties for common wastewater treatment uses if emergencies arise.

Commissioner Bunn stated she can't imagine that the outcome of the Village Scale Housing Study would go against buildings on lots such as this in this area unless there is a technical issue for septic systems. She stated she is in favor of infilling because this saves land in other areas of the city.

Commissioner Ptacek pointed out staff recommended denial of a variance for a home site on Stillwater Blvd. The City cannot continue to allow exceptions, but should proceed with developing the Old Village plan and let the outcomes develop.

Commissioner Taylor stated she didn't usually want to grant variances, but finds this to be a perfect size lot for this area

MS/F Deziel/Taylor – to recommend approval of the zoning variances based on findings in Mr. Rude's letter of March 11, 2002. (Motion failed 2-7)

M/S/P Armstrong/Ptacek - Based on the City Planner's recommendation, to recommend the Council deny the zoning variances requested by Dan Rude. (Motion passed 7-2:Deziel, Taylor).

6. Land Use/Water Quality Relationship: Presentation by Jeff Berg & Jay Michels.
No minutes were taken on the presentation.

The Commission adjourn the meeting at 9:52 p.m.

**CITY OF LAKE ELMO
PLANNING COMMISSION MINUTES
MAY 13, 2002**

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

Mr. Dillerud introduced and welcomed Kimberly Schaffel, the new Recording Secretary for the Planning Commission.

AGENDA

M/S/P Helwig/Sedro To accept the Agenda as presented. VOTE: 8-0.

MINUTES

Commissioner Bunn amended the Minutes of April 22, 2002.

Page 3, Paragraph 5: Commissioner Bunn stated that she can't imagine that the outcome of Village Scale Housing the study would go against buildings on lots such as this in this area unless there is a technical issue for septic systems.

M/S/P Helwig/Sedro to accept the Minutes of April 22, 2002 as amended. VOTE: 8-0.

PUBLIC HEARING: EN PROPERTIES/LAIDLAW TRANSIT

A Public Hearing was called to consider the application of EN Properties/Laidlaw Transit to Amend a Conditional Use Permit for Non-Agricultural Low Impact to allow a bus terminal to operate from the property generally described as the northwest quadrant of Manning Avenue and Hudson Boulevard. Notice of Public Hearing was published in the Stillwater Gazette and affected property owners were notified.

Staff Report, City Planner, Charles Dillerud

The City Planner presented his report for an application for new use of land that came before the Commission over one year ago for a CUP that was inconsistent with Code at the time. The approved plan allowed for outside storage on the east side of the parcel and a building with an office and shop/repair facility. That contractor storage yard is no longer feasible for the owner.

The site owner, Terry Emerson, has found a potential user, Stillwater School District. They have awarded a two-year contract to Laidlaw Transit for bus service. They wish to use the Emerson property as a bus terminal. The proposed use doesn't differ greatly from previous use. The same amount of storage will be utilized, and the area is screened well. The shop will be used for general maintenance. The contractor used the site primarily in summer; the bus company would use it primarily during the school year.

The Municipal Code requires traffic on a daily basis not to exceed 3 individual trips per day per acre. The parcel is 70 acres which calculates to 210 vehicle trips per day. The application exceeds that maximum. No storage or parking has been approved on the west side of the building. No exterior lighting has been approved. The probability for fueling on this property would be another major concern.

The "Further Resolved" clause in the previous approval said Mr. Emerson's 10th Avenue & Manning operation must be cleaned up by March 2002. He recommended that the cleanup be a condition added by the Commission should it approve this application.

He is uncomfortable with parking availability, and the possibility that cars will park on Hudson Rd., or that the applicant will return with problems and amendment requests. No recommendations were made by staff. He suggested the Commission begin with the existing resolution. He noted that the City Attorney recommended a new resolution.

Terry Emerson, Owner

Buses would be only on the east side. They would like six lights in the parking lot. Laidlaw Transit will stay within the Code. They will speak to the Fire Marshall about fueling. He has a fueling system that is up to date and meets federal and state regulations should Laidlaw choose to fuel on site. There will be no parking on the street.

He thought cleanup of his other property was to be within one year after he moved from that site. The building and trailer will be removed. He will try to finish by July 1.

The Code says average trips. Bus travel will be busiest 175 days per year but the remainder of the year will have very few trips. The State and Metropolitan Council Plans average trips per day over the entire year.

The Gazette reported that Laidlaw's contract saves the school district a little over \$250,000 per year for two years. 10-13 staff members are active throughout the year.

The only change to the site plan is to extend one berm on the east side further north, and plant more trees. There will be fence all the way around, and the site will be hidden from the roads. There will be a locked gate for security.

Commissioner Deziel

The Commissioner investigated the site this afternoon. He said the view from the highway is screened but the other two sides are not; many trees are dead, and the berms are bare.

Terry Emerson

When it is dry enough, the trees will be planted, and he will seed after the trees are planted.

Commissioner Deziel

Why should the Commission feel comfortable this will get done?

The City Planner said we still have \$7,000 of Mr. Emerson's money as guaranty.

Commissioner Helwig

The Commissioner asked how many buses and what sizes will be parked on the property.

Don Dilks, Area Manager of Maintenance for Laidlaw Transit, Inc.

The fleet will be 81 vehicles, from cut-away vans to 78-passenger buses. There will be 81 bus drivers plus office/shop staff. 81 vehicles will be housed all summer for maintenance. Less than fifty buses would be parked on site during the school year. If there are more than 50, they'll use satellite parking and shuttle the drivers to the buses. They will stay under the maximum number of trips per day.

City Planner

Many buses go in and out more than once per day. Some drivers go home between trips, raising the numbers. There are extracurricular activities in summer, on nights, and weekends.

Don Dilks

Laidlaw has addressed that issue. The intent is that 14-16 vehicles would never come south of Hwy 36, some will go east, some south to Afton and farther. They will disperse.

The Chair opened the Public Hearing at 7:20 p.m.

There were no speakers.

The Public Hearing was closed at 7:21 p.m.

Commissioners Deziel and Bunn

The application makes sense, as the use would benefit the school district and the education of our own students.

Commissioner Deziel

He thinks the Commission should rezone this area as GB or HB without extending the Low Impact CUP. Also, he would like Mr. Emerson to do the work expected of him by last March.

City Planner

He is concerned about parking. He fears he will have an enforcement problem if this CUP is approved. He could accept a weekly average of trips but not an annual one.

Chairman Armstrong

The language in the Code is loose; an annual average does not adequately reflect heavy traffic periods.

Commissioner Sedro

She remembered creating the ordinance for the 210 trips per day. She said the point was to limit traffic impact on neighbors.

Commissioner Bunn

The application is incomplete to the satisfaction of the Commission. They were not supplied with the numbers or sizes of buses, a Parking Plan, a Lighting Plan, and a Fueling Plan. This is on the highway; perhaps the ordinance should be amended. Traffic will be dispersed by the time they reach the neighbors two miles away.

Commissioner Helwig

He remembered a previous problem with traffic on that road. Neighboring residents and the City Council did have problems with potential traffic due to a proposed truck stop. Making it a business zone would be bad news, and create new problems.

Mr. Emerson

The applicant requested they table the application to a future date.

M/S/P Helwig/Deziel To table the application until a future meeting at the request of the applicant.

Chairman Armstrong

There would be much higher impact with the bus facility than intended by the Low Impact CUP. Mr. Emerson is presenting 6 to 8 trips per acre per day. Based on rough calculations, the Chair is suggesting a maximum of 35 buses there, in order to keep Low Impact standards. He asked if there is commercial zoning specifically for buses.

Commissioner Bunn

She asked staff to see if the number of buses could be constrained or if they could change the Code along freeways.

Commissioner Helwig

He agreed with Commissioner Bunn.

City Planner

Recommended that after tabling this application for two weeks, he could publish a Public Hearing Notice for a change in the Code. He said he needs proof this concept will work.

Mr. Dilks

He said he can lay it out on a diagram. There are 82 parking places. The longest bus is 38.5 feet. Two cars can park where a bus was parked. He would like two lights each at the north, middle, and south on the east side.

City Planner

A Lighting Engineer needs to design it to be sure it conforms to Code. He asked the applicants to provide drawings in advance of the next meeting.

Commissioner Sedro

Would it be possible to have information for the next meeting regarding the number of trips at various hours of the day?

Mr. Dilks

New routing will not be done until July or August. Noontimes are published on the school district web site. However, he can do the calculations using last year's routes.

Jim Johanson, Area General Manager for Laidlaw

His office is in Champlin where 80 buses travel out of a terminal next to City Hall. They have staggered start and departure times; it is not a sea of yellow leaving the terminal at one time. He suggested the Commission ask Champlin about his credentials and those of Laidlaw.

VOTE: 8-0.

M/S/P Bunn/Deziel To instruct staff to post a Notice of Public Hearing in order to alter traffic requirements along freeways and frontage roads to amend the Code. VOTE: 5-3 (Taylor/Sedro/Helwig).

520 SITE PLAN: MARQUESS DEVELOPMENT CORP.

State Highway 5 and 55th Street North

Staff Report, City Planner, Charles Dillerud

This hearing is dealing only with exterior surfacing because the layout was approved last year. The application was made before the adoption of new exterior surfacing standards. There are three existing buildings with similar architecture. They are nice looking buildings. Asphalt shingles already exist on three buildings. The four buildings should look alike. He showed a display of the building materials of cedar, stone, brick in caps, and asphalt shingles. He recommended approval.

M/S/P Deziel/Helwig To approve the application with one condition, to comply with the recommendations of the City Engineer. VOTE: 8-0.

PUBLIC HEARING: ZONING MAP AMENDMENT, HB TO GB

A Public Hearing was called to consider an Amendment to the Zoning Map from HB (Highway Business) to LB (Limited Business). Notice of Public Hearing was published in the Stillwater Gazette and affected property owners were notified.

Staff Report, City Planner, Charles Dillerud

The City Planner said the City Council reviewed zoning text repeal at their last meeting. The Council decided to wait for a new Zoning Map. By repealing the zoning of HB District, three businesses will be impacted. One site is not Guided for GB but for Limited Business.

The first business is Cenex. A small parcel of land adjacent to Cenex is owned by the Washington County Agricultural Society. This area should be rezoned to GB.

The second site to be rezoned from HB to GB is Lake Elmo Oil. They have two parcels.

The third site is not as simple. Dale Properties owns two large pieces side by side. 200 X 600 got chopped out and somehow zoned differently. The business is related to HB; a motorized hang glider facility. He suggests they bypass the third site tonight.

He recommends that the first two sites go from HB to GB. If rezoned properly to LB, the motorized hang glider business would be allowed to continue but couldn't expand because you cannot have a same or similar business there - but does not put it out of business.

Commissioner Deziel

He asked if the rezoning further restricted business uses.

City Planner

Auto service for Cenex and Lake Elmo Oil is a permitted GB use. The City Planner said rezoning would not further restrict the sites, except in the hang glider site.

Chairman Armstrong

The hang glider business is probably non-conforming already since they do more than simply sell the machines.

The Chair opened the Public Hearing at 7:50 p.m.

There were no speakers.

The Public Hearing was closed at 7:51 p.m.

M/S/P Deziel/Sedro Based upon the recommendation of the City Planner, to recommend that the City Council rezone HB to GB the Cenex and LEO sites. VOTE: 8-0.

OTHER BUSINESS

City Planner, Charles Dillerud

In February, the Met Council declared our Comprehensive Plan complete, and began a 60-day review period. Before it expired in April, they declared a 60-day extension.

Met Council received letters from Lake Elmo property owners because the City did not propose to extend sewer service to their properties. The Met Council sponsored a forum to allow concerns to be voiced. The City Planner attended the meeting and explained Lake Elmo's Plan. No action was taken.

Commissioner Berg

He directed the City Planner to try to get minutes from that meeting.

City Planner

Met Council has a new review deadline of June 8. The Regional Administrator said there may not be a Met Council Staff recommendation. The City Planner said he is willing to consider another extension and bring it to the City Council. Our plan is going to do a good job of meeting the 2030 Rural Area Draft. A letter arrived today asking for extension until August. 60 days may give us an opportunity to prove we are right. The City may be inconsistent with the 1996 Regional Blueprint but consistent with the 2030 Regional Blueprint.

Commissioner Deziel

Which area wanted to be in MUSA?

City Planner

The 94 corridor and north on Inwood. Those areas had representatives who spoke.

Commissioner Deziel departed at 8:36 p.m.

Commissioner Bunn

She asked about the Old Village Neighborhood Design Study.

City Planner

It will not start until June.

CALENDAR EVENTS

June 20, may be a busy day in Lake Elmo. The Union Pacific Railroad is bringing a classic train from Eau Claire to St. Paul, pulled by a Challenger Steam Engine. The Mississippi River Cleanup and Oakdale Parade Days are scheduled for the same day.

Chairman Armstrong

Thanked the City Planner for representing the City to the Met Council.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Kimberly Schaffel
Planning Secretary



City of Lake Elmo

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3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

MEMORANDUM

DATE: 5/23/2002
TO: LAKE ELMO PLANNING COMMISSION
FROM: CHARLES DILLERUD, CITY PLANNER
SUBJECT: PJK REALTY, INC.

The attached materials represent a Variance for PJK Realty that was tabled at the request of the applicant by the Planning Commission at their regular meeting held April 8, 2002.

At the request of the applicant, this application has been placed on the agenda for May 29, 2002. Adjacent property owners have been notified.



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MINUTES APPROVED: April 22, 2002
LAKE ELMO PLANNING COMMISSION MINUTES

APRIL 8, 2002

Chairman Armstrong called the Planning Commission meeting to order at 7:00 p.m. in the Council chambers. PRESENT: Planning Commission Members: Taylor, Ptacek, Armstrong, Sessing, Sedro, Helwig, (Bunn arrived 7:03 p.m.), (Berg arrived 7:04 p.m.), (Deziel arrived 7:24 p.m.)

MAC Members: Stanley, Talcott, Gustafson

1. AGENDA

ADD Other: LB Zoning

M/S/P Armstrong/Helwig – to approve the April 8, 2002 Planning Commission agenda, as amended. (Motion passed 6-0.)

2. MINUTES: March 25, 2002

M/S/P Armstrong/Sedro – to approve the March 25, 2002 Planning Commission minutes, as presented. (Motion passed 5-0-1:Abstain:Herber).

**3. PUBLIC HEARING: Zoning Variance – Minimum Lot Size
Patrick Kinney – PJK FRealty, Inc.**

Planner Dillerud reported this vacant parcel of 30,403 sq.ft. consists of two separate platted lots; the south lot is Lot 7, Beau Haven and is approximately 19,000 sq.ft. in area; and the north lot is Outlot G Eagle Point Creek, and is 11,400 sq.ft. in area. The two lots are legally combined by Washington County and under single ownership. Dillerud explained that neither the Land Use Plan nor the Zoning Map were amended to change the RE guiding and zoning of the Outlots to SRD and R-1, consistent with the Beau Haven lots. He suggested this should be a City “housekeeping” item regardless of the deposition of this applicant.

The applicant submitted the report of a qualified septic system designer that advised that the site is large enough to support two septic systems. Given the location of the OHW (Flood Elevation) of Eagle Point Creek, Dillerud questioned how the 75 foot OHW setback from the 940 contour would be maintained for both septic drain fields.

Mr. Kinney asked that his proposal be tabled because he had not heard this information before. When asked by a Planning Commission member if this lot would be for his residence, Mr. Kinney answered it will be a single family residence, but the lot would be for sale.

Jon Duffert and Marie Rau, 8364 Stillwater Blvd. N., submitted a petition with names of neighbors in opposition to the proposal, stating a house would not fit into the neighborhood because the lot is very thin. Chairman Armstrong acknowledged a letter

from Dorsey & Whitney, LLC voicing the strong objections of John Duffert and Mare Rau to the variance request.

Chairman Armstrong opened up the Public Hearing at 7:18 p.m.

Alan Markart, 8308 Stillwater Blvd., stated the land is next to his and there's a steep incline and would require much excavation and fill needed to keep from flooding out.

Albert Christ talked about safety issues. He stated that the lot is on a hill and the access is blind.

Chairman Armstrong closed the public hearing at 7:22 p.m.

M/S/P Herber/Sessing – to postpone agenda item at the request of the applicant. (Motion passed 9-0.)

4. **PUBLIC HEARING:** Open Space Preservation Concept Plan
Krongard/Wier

Planner Dillerud reported the proposed OP Concept Plan is comprised of a single 34+ parcel and a 6+ acre portion of a second parcel for a total of 40.74 acres. The existing parcel (Wier) from which the 6+ acres will be taken now exists as a 16.655 acre parcel. If the OP is eventually approved and plated, the remainder of the Wier site will continue to comply with the RR minimum parcel size of 10 acres.

Tim Freeman, Folz, Freeman and Dupay, reported the plan meets the letter and intent of the OP code and will meet the regulations for ponding. Freeman reported that Outlot C has a huge hill, which will not be disturbed. He said people want to gather on village greens, so it is important to keep a village green even if we move lots. He said there is a DNR Protected wetland at the southeast corner; and that there may be additional wetlands along the entire west periphery of the site.

Commissioner Taylor suggested that they move the triangular village green further south to make it larger. Commissioner Sessing would like to see the cul-de-sacs backed away from buffer zones.

Chairman Armstrong opened up the Public Hearing at 8 p.m.

Neil Krueger, 4452 Lake Elmo Avenue N., explained when the MN Design Team visited Lake Elmo, the message from the residents was Listen to the Land. This residential proposal takes 40 acres of farmland for which the highest and best use is Ag. Mr. Krueger pointed out items in the Open Space Ordinance; such as; who is responsible for landscaping that dies and not replaced, the outlots do not give contiguous open space; and homes should be visually absorbed. Mr. Krueger added that the scenic vista is severely interrupted by the high homes on the berm when you drive down 43rd Street. The higher the homes the more light pollution. He stated that buffer zones shall be 100' from

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: April 3, 2002 for the Meeting of April 8, 2002

Applicant: Patrick Kinney – PJK Realty, Inc.

Location: North Side of Stillwater Blvd. and West of Innsdale Avenue

Requested Action: Zoning Variance – Minimum Lot Size

Land Use Plan Guiding: SRD (Part) and RED (Part)

Existing Zoning: R-1(Part) and RE(Part)

Site History and Existing Conditions:

This vacant parcel of 30,403 square feet consists of two separate platted lots: the south lot is Lot 7, Beau Haven and is approximately 19,000 square feet in area; and, the north lot is Outlot G Eagle Point Creek, and is 11,400 square feet in area. The two lots are legally combined by Washington County, and under single ownership.

Beau Haven was platted in 1961, as a part of East Oakdale Township, under Washington County zoning and platting ordinances. Nine lots were created, all of which were 16,000 to 20,000 square feet in area. City records reveal that homes were constructed on most of the lots during the 1960's. All of the lots but the subject have homes constructed today.

A feature of the platting of Eagle Point Creek Estates – north and east of Beau Haven – in 1995 was the creation of 9 outlots, ranging in area from 6,250 square feet to approximately 13,000 square feet. Those outlots were designed and created specifically to be added to each of the 9 previously platted Beau Haven lots to increase the area of those Beau Haven lots. It appears that the intentions of the Eagle Point plat design and approval were accomplished. Each of the outlots created now is in the same ownership as the adjoining Beau Haven lot.

It appears also that when the 1995 action was taken to create the outlots, and combine those outlots with existing Beau Haven lots, neither the Land Use Plan nor the Zoning Map were amended to change the RE guiding and zoning of the outlots to R-1 – consistent with the Beau Haven lots. That constitutes a technical oversight, which should be corrected on both the Land Use Plan and the Zoning Map, regardless of the decision regarding this variance application. The balance of this Staff Report assumes those map corrections will be accomplished.

The 940 Floodplain contour of Eagle Point Creek (North) extends to a maximum of 70 feet south into the northwest corner of the parcel, based on the elevations presented with the 1995 Eagle Point Creek Estates Plat, and the July 2, 1979 FEMA Flood Zone Map. That results in the entire parcel being located within the 300 foot Shoreland Zone of Eagle Point Creek (North) as well. Those determinations were not made until the Planning Staff Report was in preparation, and DNR has only been recently notified of the variance application.

Discussion and Analysis:

The applicant proposes construction of a home on the last remaining Beau Haven/Eagle Point Creek blended parcel. The R-1 lot area standard is 1.5 acres (65,340 square feet); and, the applicants combined parcel is 30,403 square feet. While the Beau Crest portion of the combined lot existed prior to the effective date of the current Zoning Ordinance (1979), the outlot did not. Regardless of that, the parcel does not qualify under either of the "grandfather" provisions of the Zoning Ordinance for Lots of Record (60% of R-1 minimum, or 1 acre).

In a letter dated March 18, 2002 the applicant advises that the party he purchased the parcel from was told that the lot was buildable by the Building Official, but the applicant later advised by the City Planner, in writing, that it was not buildable – due to lack of sufficient lot area. The Building Official does not recall any conversation regarding the buildable status of the parcel, and there is no written record of such a confirmation. The applicant also references the other homes constructed on what would be non-conforming lots under the 1979 Zoning Ordinance – more non-conforming than his parcel. Those homes were constructed 10-15 years prior to 1979, responsive to a different zoning ordinance, and within a different governmental entity.

The applicant has submitted the report of a qualified septic system designer that advises that the site is large enough, and of sufficient soils quality, to support two septic systems. The City does not have a graphic depicting where those septic sites would be located. Given the location of the OHW (Flood Elevation) of Eagle Point Creek, we question how the 75 foot OHW setback from the 940 contour would be maintained for both septic drain fields.

Findings and Recommendations:

Planning Staff has previously advised the Commission that the Minnesota Supreme Court has sustained the right of a City refuse building permits on a land parcel that is non-conforming as to parcel area. There clearly is such a thing as an unbuildable parcel. Staff recommends the following Findings:

1. The requested variance does not exhibit extraordinary or exceptional circumstances which do not apply generally to many other properties in the R-1 zone. A significant number of vacant tax parcels, zoned R-1 and of a similar parcel area exist within the platted areas of the City.
2. The granting of the variance will confer on the applicant a special privilege that is denied by standards of the Zoning Ordinance to other owners of land under similar circumstances within the R-1 district. Numerous vacant tax parcels of similar area are denied the privilege to that would be conferred on the applicant by approval of the variance.
3. The granting of the variance would be materially detrimental to the purposes of the Zoning Ordinance by establishing a significantly reduced standard for unsewered R-1 lot area. Granting of the variance request would more than double the land use intensity from that assumed by the Zoning Ordinance for unsewered parcels.
4. The hardship claimed by the applicant is economic alone.

Planning Staff recommends denial of the requested variance.

Planning Commission Actions Requested:

Motion to recommend to the City Council Denial of the variance application of Patrick Kinney to construct a home on Lot 7, Beau Haven and Outlot G, Eagle Point Creek Estates, based on the Findings prescribed in the April 3, 2002 Planning Staff Report.

Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Elevations From Eagle Point Creek Estates Preliminary Plat
3. FEMA Flood Zone Map – July, 1979
4. Applicant's Documentation

3/18/02

I purchased this lot from the previous owners, Scott and Kim Beaver in May of 2001. This lot was represented as buildable and based on the surrounding homes around this property there was no reason to believe otherwise. Scott had a discussion with the building inspector Jim McNamra regarding the buildability and Jim indicated all that had to be done was a perk test showing it would perk.

A perk test was done by Dale Eklin in March of 2001 (see attached) and a system was designed for the lot. Subsequently, I moved forward and purchased the lot with a design to be compatible with the lot and surrounding homes. (see Plat).

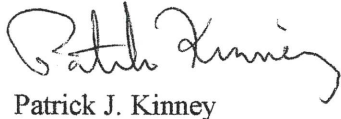
On Feb. 5, 2002 I enquired about the possibility of moving the house further back on the lot and talked to Chuck Dillerud about the setbacks. He then sent a letter regarding the buildability of the lot. (see attached).

If you look at a plat of the other existing 8 neighboring homes 8282, 8308, 8364, 8384, 8404, 8428, 8464 and 8488 Stillwater Blvd. you will find all these homes were built on lots approximately half the size of my current lot. A few years back parcel 2 was added to this lot and similar parcels to the neighboring lots increasing their lot sizes.

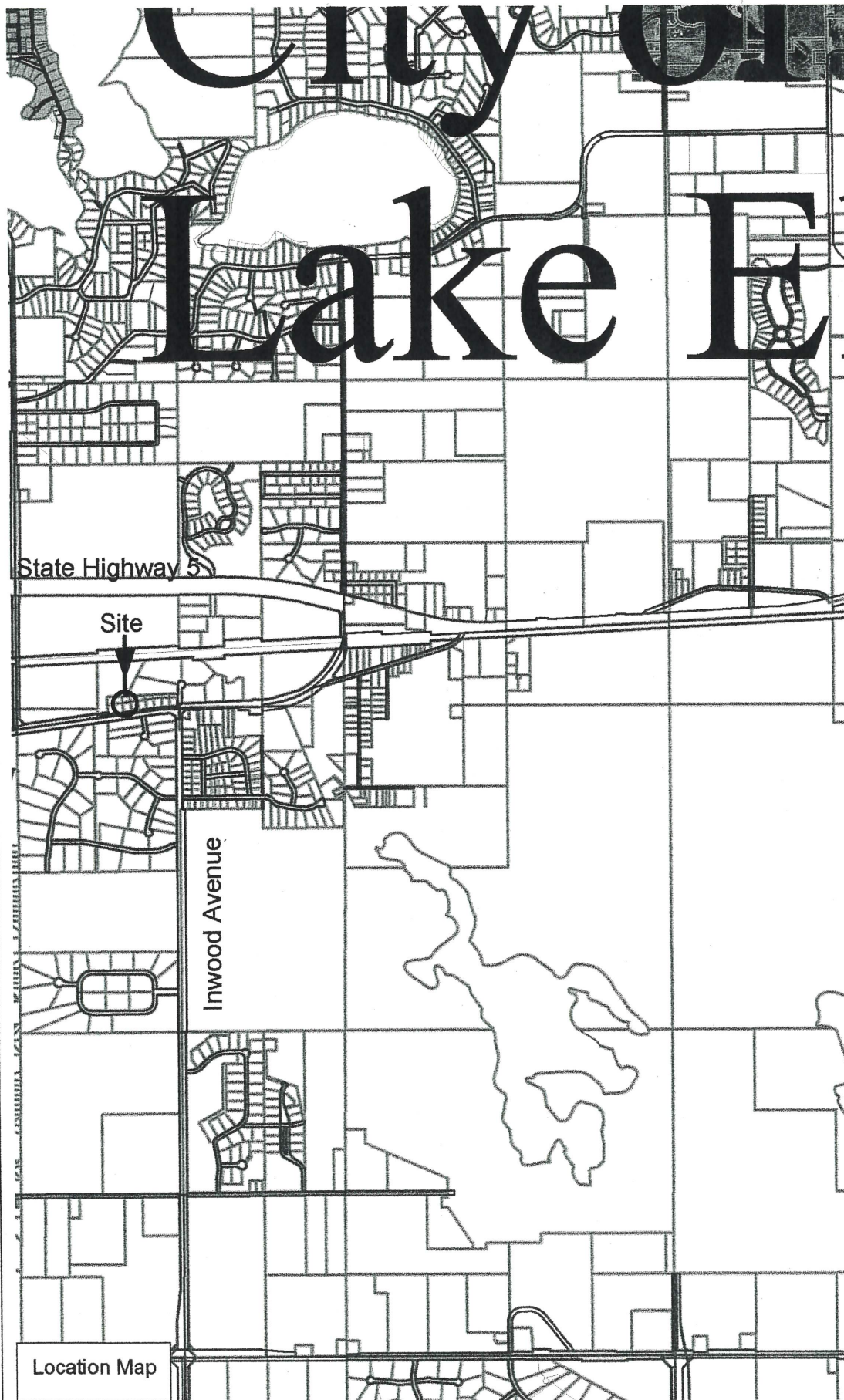
I believe the current ordinance is unfair regarding this lot since it was platted long ago with the other neighboring lots in which homes have been built and especially since the original lot has nearly doubled in size over the lot sizes of the neighboring 8 homes.

I am requesting that you grant me a variance to build a modest home based on the information I have presented.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick J. Kinney".

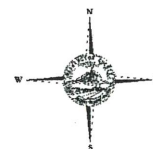
Patrick J. Kinney



Location Map



Vicinity Map



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) 430-8875

Parcel data based on AS480 information current through: February 28, 2002
Map printed: April 3, 2002



CREEK EDDY

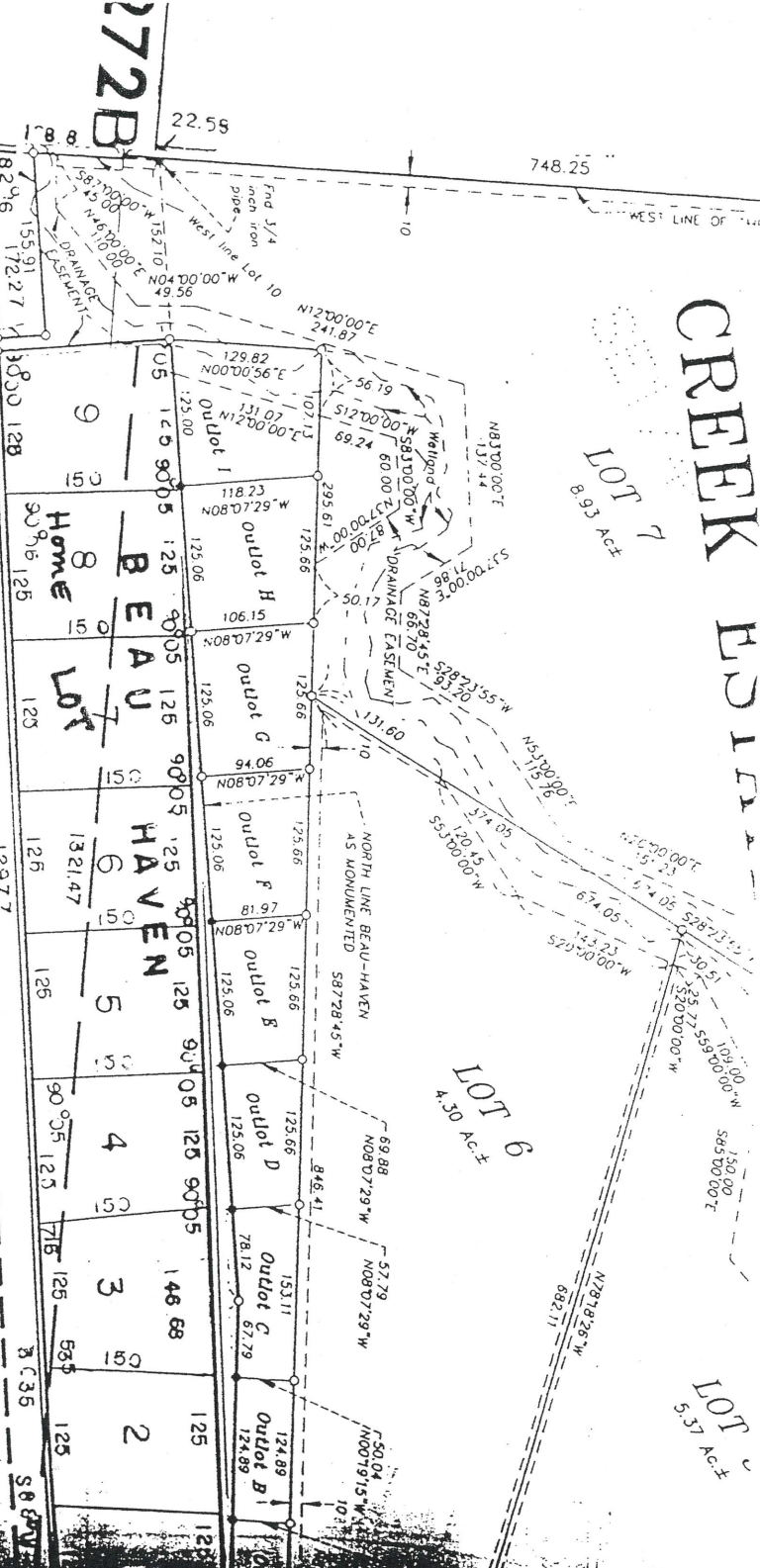
LOT 7
8.93 AC±

LOT 6
4.30 AC±

LOT 5
5.57 AC±

STATE HWYWAY NO 212

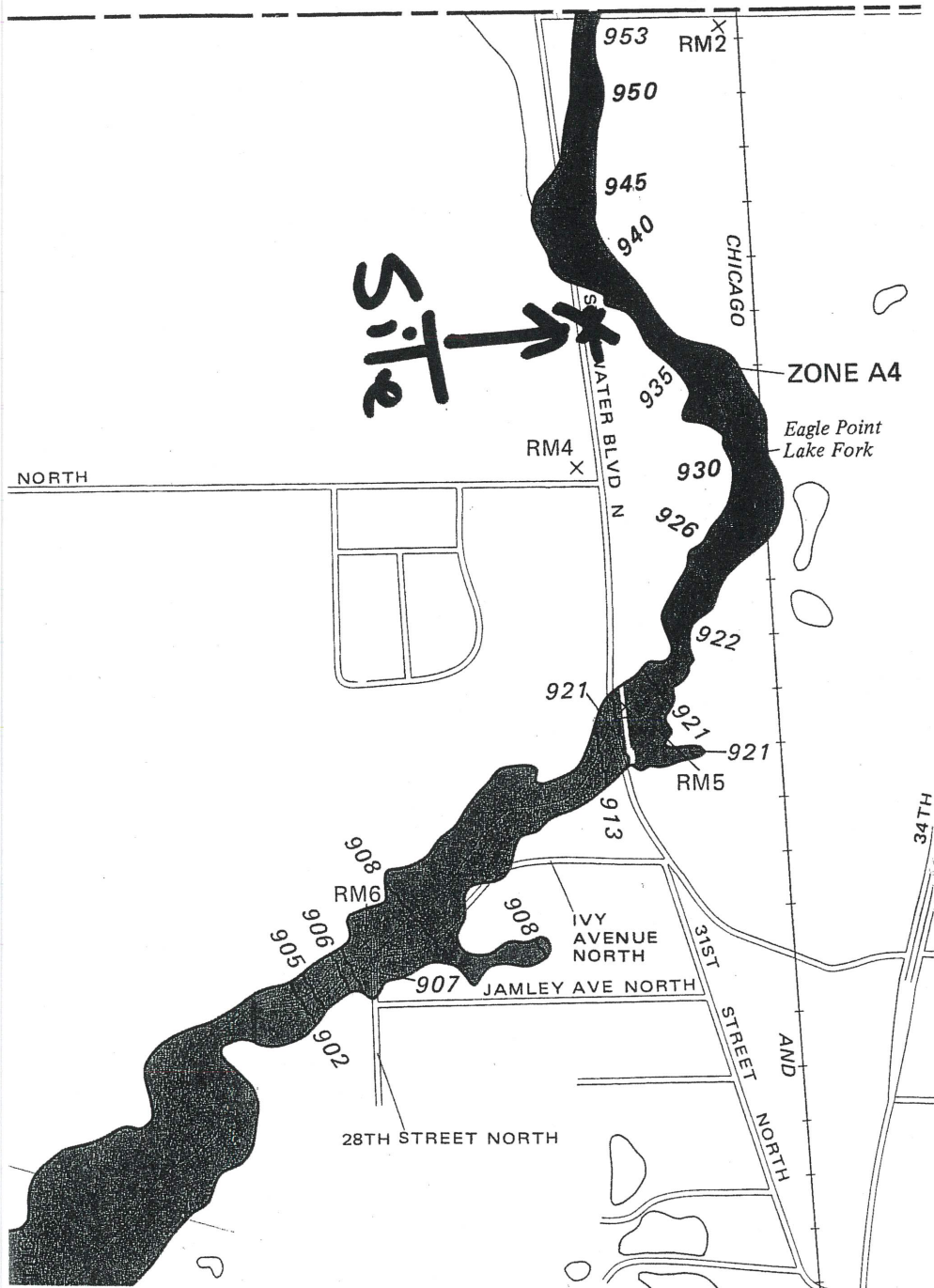
NE 1/4 NW 1/4 SEC. 21



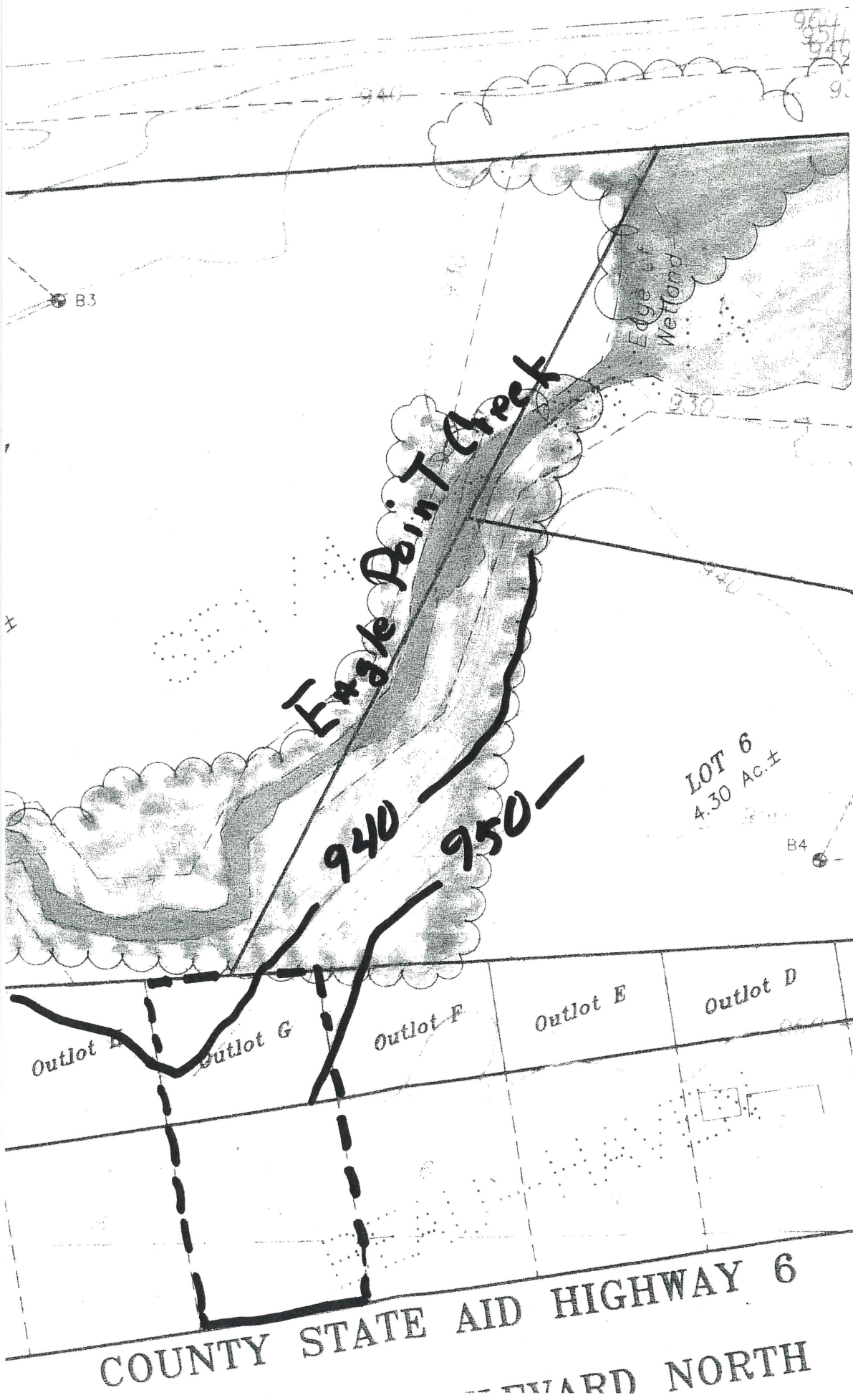
ELEVATION REFERENCE MARKS

CE	ELEVATION (FT. NGVD)	DESCRIPTION OF LOCATION	REFERENCE MARK	ELEVA (FT. N)
	907.09	Nail in utility pole located southwest of the intersection of 28th Street North and Ivy Avenue North; Lake Elmo, Minnesota.	RM13	936.
	909.29	Nail in Northern States Power Company utility pole bearing the number 6357, west of Kevin Avenue North and approximately 30 feet north of farm entrance road; pole is the third pole south of the Roger Ericson farm house, in the southwest quarter of the southwest quarter of Section 23, T 29 N, R 21 W; Lake Elmo, Minnesota.	RM14	935.
			RM15	895.
	897.32	Nail in utility pole west of Kevin Avenue North, the fifth utility pole south of Elevation Reference Mark RM7, approximately 15 feet west of Kevin Avenue; Lake Elmo, Minnesota.	RM16	903.
	995.648	At southeast corner of bridge No. 82812 of northbound I-694 over Soo Line Railroad; disk stamped "8286 B".	RM17	921.
*	1022.921	At southeast corner of bridge No. 82816, South Avenue over I-694, 1.5 miles south of State Highway 36, disk stamped "8286 D".	RM18	922
	991.58	66 feet southeast of junction of Ideal Avenue North and 40th Street North, in the northwest face of a 4-foot diameter twin-trunked Oak tree; head of 0.5-inch lag screw.	RM19	895
	931.75	At culvert under Hidden Bay Trail North at outlet of Lake Olson, on top of south end of west headwall, 49 feet west of road; a chiseled square.		

*OUTSIDE CORPORATI



CEMVA Flood Zone Map
July, 1979



Post-it® Fax Note

7671

Date 4 MAR. # of pages 1

To PAT KINNEY

From Dan G

Co./Dept.

Co. EG RUD

Phone #

Phone # 786-5556

Fax # 651-770-8890

Fax #

CERTIFICATE OF SURVEY

FOR: Pat Kinney

Lot Area = 30,403 sq. ft.
0.70 Acres



I Object to the Variance Described on the Attached Letter

	Printed Name	Address	Signature
1	Carol Bert Price	9334 Stillwater Blvd	Carol Price
2	Marlene Rasmussen	8364 Stillwater Blvd	Marlene Rasmussen
3	Jon Duffert	8364 Stillwater Blvd	Jon Duffert
4	Jack & Luann Valento	2930 INNSDALE AVE.	Luann Valento
5	Clifford Schmitt	2876 Inwood Ave	Clifford Schmitt
7	MARIA LAI	2895 INNSDALE	Maria Lai
8	Jack Lai	2895 INNSDALE	Jack Lai
9	Jack Frenzo	2935 Inwood Ave	Jack Frenzo
10	John Sadengask	2965 INNSDALE	John Sadengask
11	Pauline Herder	8428 Stillwater Lake Elmo	Pauline Herder
12	Bobbea Durr	8404 Stillwater Blvd Lake Elmo	Bobbea Durr
13	Bill K	3082 Inwood Ave	Bill K
14	James Shuppel	3033 Inwood AVE North LAKE ELMO	James Shuppel
15	BILL KEAR	2960 INNSDALE AVE NO LAKE ELMO	BILL KEAR
16	ALLAN R. MARKBYT	8308 STILLWATER BLVD	Allan Markby
17	MARK & LORI LILLEMoen	8255 STILLWATER BVD.N.	Mark Lillemoen
18			
19			
20			
21			
22			

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JULIA L. RAU
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rau.julia@dorseylaw.com

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SHANGHAI

April 5, 2002

BY FACSIMILE

Lake Elmo Planning Commission
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, Minnesota

Re: PJK Realty Request for Variance
Parcel 1: Lot 7, Block 1, Beau Haven
Parcel 2: Outlot G, Eagle Point Creek Estates

Dear Members of the Planning Commission:

I write, on behalf of John Duffert and Marie Rau, to voice strong objections to the request by PJK Realty, Inc. for a variance that would permit the construction of a residence on a 31,250 square foot parcel where a 1.5 acre parcel is required. A Planning Commission hearing is scheduled for Monday, April 8th with respect to this variance request. Mr. Duffert and Marie Rau own and reside at the property immediately to the east (8364 Stillwater Blvd. North, Lake Elmo).

The property in question previously was part of a larger parcel owned by Scott and Kimberly Beaver, consisting of Lot 7 and Lot 8, Beau Haven. The Beavers lived at 8308 Stillwater Blvd (Lot 8). County records reflect that in August, 2001, they sold the two lots to separate buyers: Lot 8 was sold on August 23, 2001, and Lot 7 was sold (to PJK Realty) on August 10, 2001. Clearly, a greater price could be extracted by dividing lots among different purchasers in this manner. The sellers and purchasers were aware (or should have been aware) of the zoning restrictions, which have been in place for years.

In reviewing PJK Realty's request, we know that you will be closely examining whether PJK Realty has shown, as required by Minnesota law, that (1) strict enforcement of the zoning code would cause practical difficulties or undue hardship because of circumstances unique to the

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Lake Elmo Planning Commission
April 5, 2002
Page 2

property under consideration; and (2) the variance would be in keeping with the spirit and intent of the ordinance.¹ It is difficult for us to see how either of these requirements could be met, given the nature of the neighborhood as a whole and the events leading up to PJK Realty's request for the variance.

With respect to the first legal requirement, there is nothing unique about this property. It does not have an unusual shape, topography or other characteristics. Indeed, the property is deep with a narrow street frontage, making its shape more conducive to becoming an eyesore if a house is allowed to be built upon it. This property is not different than the surrounding properties, many of which consist of multiple lots, that, if divided up, would not conform to the zoning restrictions.

Neither is there is a recognizable financial or other hardship to justify a variance as required by law. It is unlikely that the Beavers could have met the hardship test if they had requested a variance before dividing the property between two separate buyers. This committee should not sanction the division of this property and the sale to separate buyers so as to create the appearance of a practical difficulty or undue hardship for the purpose of obtaining a zoning variance. The hardship or practical difficulty cited to support a variance must not be self-inflicted.² Lake Elmo's 1.5 acre minimum is common knowledge, and the buyer (a realtor!) intentionally placed itself in the position of requiring a zoning variance in order to make use of the property. If variance requests such as this are granted, why would other Lake Elmo property owners not be encouraged to also seek variances by selling off non-conforming slivers of property? Other surrounding property owners, including John Duffert and Marie Rau, own two or more separate lots. Why would they then not sell one lot while retaining or separately selling another?

And, with respect to the second legal requirement, such a variance could not be in keeping with the spirit and intention of the ordinance. The neighborhood consists of open spaces, large lots and generally well separated housing. PJK Realty is not asking for a 10% or even a 20% variance from the zoning ordinance. Rather, it asks you to approve the construction of a home on less than half of the area required by current zoning restrictions, crowded between the house owned by John Duffert and Marie Rau and the house on Lot 8 previously owned by the

¹ See Minnesota Statutes Section 394.27, Subd. 7

² See Land Use Practice & Forms, Sec. 34.5, West Pub. 2000; and see American Land Planning Law, Volume 5, page 313, Criteria for the Validity of Variances ("there is no right to obtain a variance simply in order to obtain a higher return . . . [i]f hardship is self-created, this cannot serve as a foundation for a valid variance").

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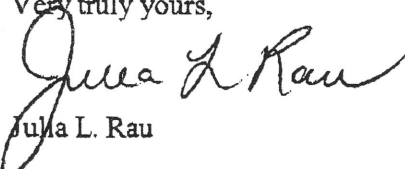
Lake Elmo Planning Commission
April 5, 2002
Page 3

Beavers (now on 43/100 acre, less than one-third of the area required by current zoning restrictions). The variance requested by PKJ Realty would not conform to the neighborhood, which, although it has developed over the years so that not all properties currently conform to the zoning laws, remains relatively open and spacious. If granted, the variance certainly could lead down the slippery slope of allowing variances for smaller and smaller lots, essentially eliminating the application of zoning restrictions altogether.

Marie Rau and John Duffert purchased their home in Lake Elmo in large part because of the open space in the neighborhood and Lake Elmo's historical sensitivity to these and similar issues. The construction of a house on a sliver of neighboring land will not fit into the neighborhood and will negatively affect their privacy, views and enjoyment of their property. The ordinance was intended to address these issues, and a variance would not be in keeping with its intent and spirit.

For these reasons, we ask that you deny the request of PJK Realty for a variance. Thank you for your consideration.

Very truly yours,



Julia L. Rau

cc: John Duffert
Marie Rau

MEMO

(May 22, 2002 for the Meeting of May 29, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: CUP Amendment – EN Properties/Laidlaw Transit

At its meeting May 13 the Commission tabled this application to amend the existing CUP for this Non-Agricultural Low Impact Use site from offices/shop/storage area for an excavation contractor to a similar type of use for a school bus company. There were numerous issues raised by the May 9 Planning Staff Report and Commissioners for which the applicants had not provided documented responses by May 13.

Since May 13 City staff has met with the applicants and provided them with an outline of the manner of documentation we believe necessary to fully describe the proposed use of the site; depict modifications to the site that are proposed; and, address the question of forecasted vehicle trips within the context of the zoning ordinance standard for Non-Agricultural Low Impact Uses. The applicants delivered additional documentation to the City on May 17. That additional documentation can be summarized as follows:

Vehicle Parking/Storage

The applicants have submitted a Site Plan, Staff dated May 22, 2002, which depicts a parking arrangement for 72 buses east of the structure; and, 9 additional buses within the structure. The Site Plan also depicts automobile parking for 14 vehicles south of the structure; and, 34 vehicles west of the structure. The applicants have also provided a narrative operations plan for the site that would limit the number of buses stored at the site during the school operating year to 56. Finally, the applicant has submitted a lease for off-site parking of 25 buses in Afton.

While not directly stated in the documentation submitted, it is understood by City Staff that since only 56 buses would regularly stored and operating in/out of this site during the 175 day school year. The balance of "bus parking" depicted (25 parking spaces) would not used during that period for bus parking, but would accommodate the driver/staff vehicle parking requirements, over and above the 48 dedicated parking spaces for that purpose. It is our understanding that the full compliment of 81 buses would be stored on the site only during the school year "break" periods; and, during the summer months. During these time periods the only drivers coming to the site will be those engaged in charters – probably within the 48 car parking spaces that will remain available, even with all 81 buses stored on site.

Site Plan Modifications

The applicants propose to modify the previously approved EN Properties Site Plan as follows (at least what we have detected by comparing the approved Site Plan with the Plan dated May 22):

1. Discontinue use of the west overhead doors (7) on the structure (removing the “drive through” feature of the structure); and substituting 34 car parking spaces west of the structure for the previously approved exit drives (only).
2. Installation of a chain link security fence surrounding the entire site. The fence is proposed to be located inside of the site screening.
3. Installation of exterior lighting in the east parking/storage area, together with engine heater plug-ins.
4. Installation of a refueling station at the east site periphery.

Vehicle Trip Generation

This aspect is acknowledged to be the most difficult (and speculative) for the applicants to address – and they have addressed the issue in detail. We advised the applicants of the necessity of such detail to establish a basis for the Commission’s consideration of any amendments to the ordinance maximum trip generation standard that will be considered later in this agenda. The applicants have modeled both on and off peak periods as to the probable traffic movements in/out of the site.

City staff observations and discussion of the new information provided by the applicants are as follow:

1. The solutions proposed to the concern with parking appear to address the issues raised – if in a rather complex manner. If the remote bus parking strategy functions as intended, and is continued during the entire life of the CUP, it will not only result in the parking storage plan succeeding, but significantly reduce the vehicle trip count at the Lake Elmo site. We note, however, that the Afton remote site lease is strictly “month-to-month” and is for exactly 25 spaces. Unless the CUP is also “month-to-month”, it would appear that the proposed parking strategy could collapse on short notice, leaving no “home” for 25 buses and the drivers. The applicants and the City would be right back to where we started, with 81 buses and a site too small to handle that many during school year operations. What would be the consequences should the remote site lease not be renewed?

Will the City even be aware of the problem until a "spot check" of the site reveals a combination of vehicles in excess of the approved CUP?

2. The applicants' electrician has provided cut sheets and a luminaire graphic for the proposed exterior lighting (neither attached to this memo). The exterior lights are proposed to be full 90 degree cut-off fixtures, mounted 20 feet above grade (including the concrete base piers). The luminaire plan shows elevated foot candle "hot spots" at the north site peripheries - where no exterior lighting is otherwise proposed. Staff is continuing to discuss this apparent conflict with the applicant's electrician. In other respects, the exterior lighting plan appears to meet City Code standards.
3. As this Staff Report is drafted, we have not been advised by the Fire Chief of any comments or recommendations regarding the propose refueling station. Any such information will be brought to the May 29 meeting.
4. The vehicle trip generation for the site - based on the site capacity-plus-remote parking strategy - has been demonstrated by the applicant by two separate approaches: 1.) Essentially annualized; and 2.) Peak Daily ("Standard School Day"). Not surprisingly, it is the Standard School Day that yields the highest ADT - 328 trips per day. Even the annualized trip generation for the operating strategy proposed yields slightly in excess of the 3 trips per day now prescribed by the City Code. On that basis, the applicant is proposing - indirectly - that at least 4.685 trips per day be the standard adopted by the City for a Non-Agricultural Low Impact Use with as direct access as this site has to arterial roadways.

We suggest that the applicants have now adequately documented this proposal. We also suggest that the applicants have accurately analyzed the true capacity for the site to accommodate the use substitution proposed. We all suggest that the site modifications proposed by the applicants are City Code compliant and reasonable - subject to any forthcoming recommendations of the Fire Chief regarding the fueling station proposal.

We note, however, that we are still addressing what amounts to an 81 bus base facility - which is in excess of the site capacity during the 175 days of Standard School Day operations. The applicant proposes to address that shortcoming with the remote site in Afton. The site would transition from a 56 buses and bus drivers' vehicles on site, to 81 buses and no bus drivers' vehicles on site at several points during the calendar year. In addition, the remote site is proposed to be leased "month-to-month". It appears that significant City staff time could be required to insure the transitions in site use occur as planned; and/or, that the remote facility remains in place - a potential CUP enforcement task that the City is not staffed to address to the degree that may be expected. We are not prepared to recommend denial on that basis - only cautious consideration, in at least that context.

The City Attorney has advised that any approval for the bus terminal CUP be a new Non-Agricultural Low Impact Use CUP, rather than an amendment to the existing excavation contractor CUP. We have attached a draft of how that new CUP might appear should the Commission recommend approval. We have incorporated conditions related to

the proposed remote site; and, use specifications related to the representations the applicants have made in their latest application documentation.

Attachments:

1. Draft Approval Resolution
2. Applicants May 17, 2002 Documentation
3. Draft Planning Commission Minutes of May 13, 2002
4. Planning Staff Report of May 9, 2002



Transit, Inc.

Midwest Region

1240 E. Diehl Road - Suite 100, Naperville, IL 60563

Phone - (630) 955-0003 Fax - (630) 955-0653

May 20, 2002

City of Lake Elmo
City Planner and Planning Commission
3800 Laverne Avenue North
Lake Elmo, MN 55042-9629

HAND DELIVERED

Re: EN Properties / Laidlaw Transit, Inc.; CUP Amendment

In April the Stillwater Area Schools District 834 awarded it's transportation Contract for school years 02/03 and 03/04 to Laidlaw Transit, Inc. who was the low bidder for the work. Laidlaw has been working with EN Properties to present to the Planning Commission a workable plan for the utilization of the site located at 11530 Hudson Boulevard North.

On May 13th, 2002 Laidlaw and EN Properties met with the City Planner and the Commission to determine the needs required and questions to be answered to establish occupancy of the site for the purpose of School Bus Transportation.

It was established that the current Non-Agricultural Low Impact Use Conditional Use Permit (CUP) could not to be conformed to by Laidlaw, but would need to be modified to fit the increased use of the property. The City Planner and Commissioners also presented questions that could only be answered by further research by Laidlaw and EN Properties. The issues were tabled by the Commission to allow the time for that information to be collected and presented.

Attached to this letter is, very hopefully, the information that will satisfy the City Planner's and the Planning Commission's needs to modify or create the CUP and allow for occupancy of the site by Laidlaw Transit, Inc. Please review the research results and determine whether it is complete enough or if more is yet necessary.

Attachments:

Trip Study:

- Operation on a Standard School Day
- Off Season Uses
- Comparison of Actual vs. Standard School Day

Revised Site Plan:

- Site Parking
- Lighting / Electrical Plug-ins
- 5000 gallon Above Ground Storage Tank for Diesel Fuel
- Berm and Security Fencing

Intended Road Use Plan:

- Trip Mapping

The Revised Site Plan

Site Parking

Laidlaw is providing 81 new buses to service the Stillwater Area School District as follows:

16-77 Passenger, conventional, seated.

1-60 Passenger, conventional, with wheel chair lift.

51-71 Passenger, conventional, seated.

1-30 Passenger, conventional, with wheel chair lift.

2-22 Passenger, Van / Cutaway.

7-10 Passenger, Van / Cutaway, with wheel chair lift.

3-8 Passenger, Van / Cutaway, with wheel chair lift.

Laidlaw has designed the parking to be able to park the entire compliment at the site, during the periods listed in the previous section, but will only park 56 units permanently on site while school is operating.

Drivers will utilize the East side of the building, which will render the drive through capabilities of the building unusable, but allow for 62 cars to be place on the site, utilizing the North edge of the driveway.

Lighting / Electrical Plug-ins

Light Standards (4) will be placed on site as described in the site plan. These will be on the South side and in the center rows of parked buses. EN Properties hired a lighting designer to create an exterior lighting and photometric plan; the results are included in this submittal.

In conjunction with the installation of the lighting, receptacles will be placed within the bus parking area to provide for easier winter starting. These will be timed to turn on three hours prior to driver arrival in the morning.

5000 gallon, Diesel Aboveground Storage Tank (AST)

An 8" fiber-mesh concrete pad will be installed to support a 5000-gallon, Diesel, AST. This tank is self contained and double walled and will be continuously monitored for any defect in its operation. This tank will meet or exceed all Federal, State and Local regulations.

A sketch of the AST and a list of its specifications are included with this submittal and a complete set of installation and monitoring specifications has been provided to the Lake Elmo Fire Marshall, who will review them and talk to the Building Inspector during the week of the May 20th. He will communicate his findings as soon as he can.

Security Fencing

Perimeter fencing shall be installed within the berm and along the North site line. The landscaping has been relocated on the North site line to be outside of the fence and additional material has been added at the North ends of the East and West berms to further block the view. It is a 6 foot high, chain link fence with three strands of barbed wire at the top.

5/88
CD

Trip Study

It was determined during a study of the trips on and off the site that Laidlaw Transit, Inc. could not come within the guidelines of the existing CUP on a daily average basis due to the requirement of 3 trips per acre per day for the 70-acre parcel, or 210 trips per day average. The study is included below.

Though Laidlaw had never intended to operate its entire fleet from the site there were too many thoughts, feelings and beliefs that could not be firmly established due to lack of reasonable proof to the reality of their happening. Laidlaw therefore has attempted to develop a concrete base from which to determine its site use.

Laidlaw presents a plan that reduces the amount of onsite parking during the school year from 81 buses to a total of 49 operating plus 7 spare vehicles daily, to reduce the trips on and off site, and has applied each to actual trips.

The Contract requires Laidlaw to operate 70 routes, 7 spare and 4 extra curricular buses daily. Laidlaw has set up a Parking Lease for 25 buses and drivers cars in Afton, MN during the school year. These buses will not affect the site usage in any substantial way and will bring to a minimum the routes going on and off the site.

Below is a breakdown of the vehicle utilization in relation to trips on and off the site.

Fifty-six (56) buses will be utilized for morning, midday and afternoon routes (45), extra curricular trips (4) and as spares for emergency/maintenance (7). Fifty-six staff and driver's cars will come and go during a standard school day as explained below.

Site Operation on a Standard School Day (175 day year):

51 Cars Arrive	5:15 AM through 6:00 AM	(Staff and Drivers)
45 Buses Leave	5:45 AM through 7:00 AM	
25 Buses Return	9:00 AM through 10:00 AM	(Midday routes (20) will not return to site)
25 Cars Leave	9:00 AM through 10:00 AM	
10 Cars Arrive	10:00 AM	(Afton drivers conducting business)
10 Cars Leave	1:00 PM	(Afton drivers return to afternoon routes)
29 Cars Arrive	1:15 PM through 2:00 PM	(Includes 4 extra curricular drivers)
29 Buses Leave	1:45 PM through 2:30 PM	(Includes 4 extra curricular routes)
49 Buses Return	4:30 PM through 5:30 PM	
55 Cars Leave	4:30 PM through 6:00 PM	

328 Trips per Standard School day

57400 Trips attributed to Regular School Service

This figure is liberal as it states that 10 drivers will come and 4 extra curricular routes will be dispatched on a daily basis, which is not likely, but they were added, as the choice does not belong to Laidlaw. In the school year, they represent an addition of 4900 trips in total.

Off Season Uses:

The operation of the Contract creates needful use of the buses for other purposes besides the actual transportation of the children from home to school. Laidlaw has separated these, from the trips above, as they occur outside of the 175-day School Calendar.

On a Saturday or a Sunday a school may request use of a bus or buses for a special activity. This could generate the following trips, presuming 2 buses are asked for. 34 trips have been added for the year.

2 Cars Arrive (No staff on site)
2 Buses Leave
2 Buses Return
2 Cars Leave

5/88
COP

8 Trips per day**272 Trips per year**

Along with the Contract comes the requirement to operate the Summer School Program. Thirty routes will be utilized between June 16th and July 31st, which equates to 34 half days. Buses will leave the site, stay at the school, and return in the early afternoon.

36 Cars Arrive (Includes Staff)
30 Buses Leave
30 Buses Return
36 Cars Leave

132 Trips per day**4488 Trips per year**

Between June 16th and August 31st Laidlaw will operate, for private charter, 10 buses per day for 56 days of the summer. These buses will leave the site until the charter is complete and then return to the facility.

10 Cars Arrive (Staff already on site)
10 Buses Leave
10 Buses Return
10 Cars Leave

40 Trips per day**2240 Trips per year**

During Christmas Break, Spring Break, and summer, from the last day of school to the first day of school, all of the Afton buses (25) may be brought to the site for maintenance purposes. This may require the movement of the buses a maximum of 6 times.

25 Buses Arrive
1 Shuttle takes drivers to their cars
1 Shuttle Returns

27 Trips per day**162 Trips per year**

By State Regulation, Laidlaw is required to provide initial training to both Permitted and new drivers prior to the school start-up each year. The road training of each Permitted driver takes two days to perform while the new drivers receive four days on the road. This is in conjunction with classroom training at the site. The training takes place in July and August and 6 buses are used for 45 days.

12 Cars Arrive (Includes Staff)
6 Buses Leave
6 Buses Return
12 Cars Leave

36 Trips per day**1629 Trips per year**

These Off Season Trips account for the additional trips (over and above the daily trips for the school year) that fill in the rest of the days and months of the year.

242 Trips per day total for Off Season Uses**8791 Trips per year total for Off Season Uses****Total Trips per Year****66191**

5188
CROD

Comparison of Actual vs. Standard School Day

A comparison was made between the calculated monthly usage of the above annual trip requirements and the Standard School Day average trips per day (328) using the actual operating days of 289 to create a balance in the information. The remaining 76 days of the year no buses are taken off site.

Trips Per 289 Operating Days (POD)

Calculated Monthly Trips POD:

JUN	4559
JUL	4520
AUG	1964
SEP	6592
OCT	6584
NOV	5272
DEC	4971
JAN	6955
FEB	6592
MAR	4998
APR	6256
MAY	<u>6928</u>

66191 Trips per year

Standard School Day Trips POD:

7216
7216
7216
7872
8528
7544
7872
8856
7872
7872
8200
<u>8528</u>

94792 Trips per year

The comparison reveals that the 328 average trips that are needed per operating day, during the 175 the school year, become excessive on the 114 days that the buses run outside of the school year, this the result of the quantity of buses not being used for school during the 289 operating days.

Existing CUP Trips POD	60690	210 Trips per day	3 Trips per acre
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Trips @ 328 POD	94792	328 Trips per day	4.685 Trips per acre
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Laidlaw recognizes there is no easy answer to this mathematical problem, but it is confident in the way the figures were developed. The Trips are based on trip-by-trip analysis. We have shown the actual number of trips (328) that we have established for the Standard School Day, and cannot reduce it further and still accomplish the job.

5/18/88
COP

L A I D L A W

EDUCATION SERVICES MIDWEST REGIONAL OFFICE

1240 EAST DIEHL ROAD, SUITE 100 NAPERVILLE, ILLINOIS 60563
TEL. 630 / 955-0003 FAX 630 / 955-0294

May 16, 2003

Goebel Enterprises
12501 Hudson Road South
Afton, MN 55001

Re: **Parking Area Lease**

This Parking Area Lease is made this 1st day of September, 2002, by and between Goebel Enterprises whose address is 12501 Hudson Road South, Afton, MN 55001 (hereinafter called "Lessor") and Laidlaw Transit Inc., a Delaware Corporation whose address is 1240 East Diehl Road, Suite 100, Naperville, IL 60563 (hereinafter called "Lessee")

For and in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. **LEASED PREMISES:** Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor the premises (hereinafter the "Premises") described as:

25 - 12' x 40' Parking Stalls;

Commonly known as: A portion of the parking lot at 12501 Hudson Road South, Afton, MN 55001 said portion a part of the property upon which the Lessor currently conducts its business.

2. **LEASE TERM:** The initial term of this Lease shall be from September 1, 2002 through September 30, 2002 and shall automatically renew for additional one (1) month periods beginning October 1, 2002 unless Lessor or Lessee shall give at least (30) days prior written Notice to the other of its intention to terminate the Lease, said Notice being given on or before the 1st of any month prior to

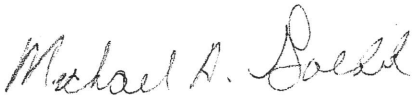
5/18/03
CLD
5/18/03

the automatic renewal date. (The initial term and its renewal periods hereinafter the "Term")

3. **RENT:** Rent shall be in the amount of \$50.00 per month per Parking Stall payable on the first day of the month beginning on September 1st, 2002 and continuing each month thereafter during the Term.
4. **USE OF PREMISES:** The Premises shall be used as a parking area for the School Buses and personal vehicles of the Lessee's drivers only.
5. **MAINTENANCE:** Lessee agrees to maintain the Premises in at least as good condition as at the beginning of the Lease, which includes additional gravel to the Premises as necessary.
6. **NO LIABILITY:** Lessor shall not be liable and will be held harmless for damage done to the Lessee's or Lessee's driver's vehicles while parking on the Premises.
7. **LEGAL FEES AND COST:** If either Lessor or Lessee brings an action against the other with respect to the Lease the prevailing party shall be entitled to recover reasonable attorney fees, costs and expenses.

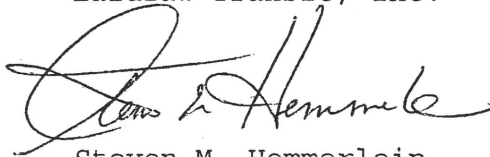
IN WITNESS WHEREOF, the parties have hereto set their hand and executed this Parking Area Lease as of the date first written above.

Pioneer Tank Lines, Inc.



Michael Goebel
President

Laidlaw Transit, Inc.



Steven M. Hemmerlein
Senior VP, Operations

5188
190

YELLOW = SCHOOL OPERATING DAYS (175)

Board approved April 25, 2002

No School on Teacher Workshop (WS), Staff Development (SD) or Day Time Conference Days

SCHOOL CALENDAR

2002-2003

ISD 834

JULY

M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

AUGUST

M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26 New Teacher Workshop	27 Teacher Workshop	28 Teacher Workshop	29 Teacher Workshop	30 No School

SEPTEMBER

M	T	W	TH	F
2 Holiday	3 First Day of School	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

OCTOBER

M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15 CONF HS 4-8 EVE	16 No School SD K-6 CONF HS K-6 DAY	17 Teacher Convention	18
21	22	23	24	25
28	29	30	31	

NOVEMBER

M	T	W	TH	F
				1
4	5	6*	7	8 WS K-6 SD HS
11	12	13	14	15
18	19	20	21	22
25** K-6 CONF 4-8 EVE	26 No School K-6 CONF WS HS	27 No School	28 Holiday	29 No School

DECEMBER

M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23 No School	24 No School	25 Holiday	26 No School	27 No School
30 No School	31 No School			

* End of First Quarter (44 days) **End of First Trimester (56 days)

JANUARY

M	T	W	TH	F
		1 Holiday	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23 HS CONF 4-8 EVE	24*
27 WS K-6 SD HS	28	29	30	31

* End of Second Quarter (44 days)

FEBRUARY

M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

MARCH

M	T	W	TH	F
3	4	5	6	7**
10 SD K-6 WS HS	11	12	13	14
17	18	19	20	21
24 No School	25 No School	26 No School	27 No School	28 No School
31				

**End of Second Trimester (61 days)

APRIL

M	T	W	TH	F
	1	2	3	4*
7 Teacher Workshop	8	9	10	11
14	15	16	17 Staff Develop- ment	18 No School
21	22	23	24 HS CONF 4-8 EVE	25
28	29	30		

* End of Third Quarter (43 days)

MAY

M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26 Holiday	27	28	29	30

JUNE

M	T	W	TH	F
2	3	4	5	6
9	10	11* Last Day of School	12 Teacher Workshop	13
16	17	18	19	20
23	24	25	26	27
30				

* End of Fourth Quarter (44 days) and End of Third Trimester (58 days)

5/8/02

SCHOOL CALENDAR**2003-2004****ISD 834****JULY**

M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

AUGUST

M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25 New Teacher Workshop	26 Teacher Workshop	27 Teacher Workshop	28 Teacher Workshop	29 No School

SEPTEMBER

M	T	W	TH	F
1 Holiday	2 First Day Of School	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

OCTOBER

M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14 HS CONF 4-8 EVE	15 No School SD: K-9 HS CONF 1/2 Day	16 Teacher Convention	17
20	21	22	23	24
27	28	29	30	31

NOVEMBER

M	T	W	TH	F
3	4	5*	6	7 WS: K-9 SD: HS
10	11	12	13	14
17	18	19	20	21
24** K-9 CONF 4-8 EVE	25 No School K-9 CONF WS: HS	26 No School	27 Holiday	28 No School

DECEMBER

M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24 No School	25 Holiday	26 No School
29 No School	30 No School	31 No School		

*End of First Quarter (44 days) **End of First Trimester (56 days)

JANUARY

M	T	W	TH	F
			1 Holiday	2 No School
5	6	7	8	9
12	13	14	15	16
19	20	21	22 HS CONF 4-8 EVE	23*
26 WS: K-9 SD: HS	27	28	29	30

*End of Second Quarter (44 days)

FEBRUARY

M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27

MARCH

M	T	W	TH	F
1	2	3	4	5**
8 SD: K-9 WS: HS	9	10	11	12
15	16	17	18	19
22 No School	23 No School	24 No School	25 No School	26 No School
29	30	31		

**End of Second Trimester (61 days)

APRIL

M	T	W	TH	F
			1	2*
5	6	7	8 Teacher Workshop	9 No School
12	13	14	15	16 Staff Develop
19	20	21	22 HS CONF 4-8 EVE	23
26	27	28	29	30

*End of Third Quarter (43 days)
days)**MAY**

M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31 Holiday				

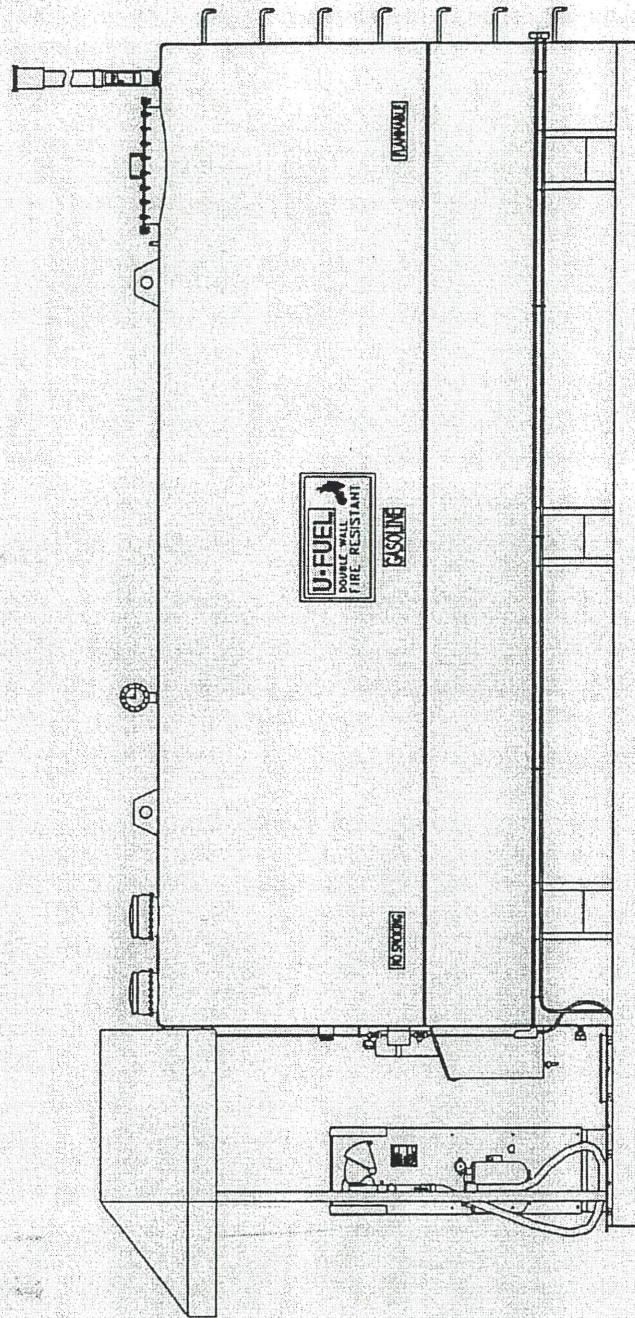
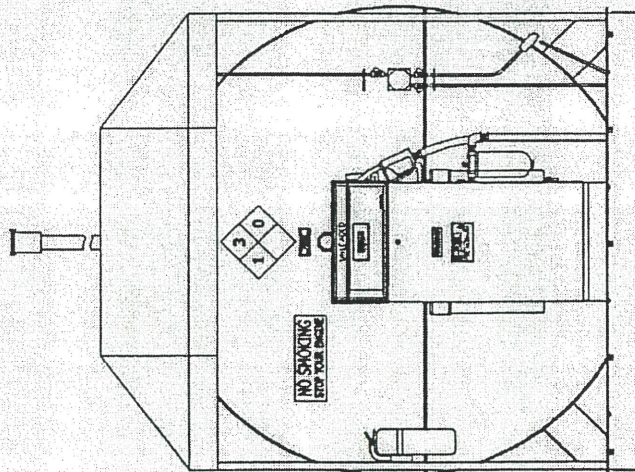
JUNE

M	T	W	TH	F
	1	2	3	4
7	8	9* Last Day of School	10 Teacher Workshop	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

*End of Fourth Quarter (44 days) and End of Third Trimester (58 days)

5/18/04

SINGLE PRODUCT WITH DECK



- ☐ 5,000 GALLONS-Ø96"x13'-4"
- ☐ 6,000 GALLONS-Ø96"x16'-0"
- ☐ 8,000 GALLONS-Ø96"x21'-4"

QTY	CAPACITY IN GALLONS	TANK PART NO.	DIMENSIONS	DRAWN BY	SEE	CHECKED BY	DATE
							1-12-00
				DWG NO.		JOB NO.	
				F/N	970014		
							TANK WITH DECK



5/12/01
Ces

**CITY OF LAKE ELMO
PLANNING COMMISSION MINUTES
MAY 13, 2002**

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

Mr. Dillerud introduced and welcomed Kimberly Schaffel, the new Recording Secretary for the Planning Commission.

AGENDA

M/S/P Helwig/Sedro To accept the Agenda as presented. VOTE: 8-0.

MINUTES

Commissioner Bunn amended the Minutes of April 22, 2002.

Page 3, Paragraph 5: Commissioner Bunn stated that she can't imagine that the outcome of Village Scale Housing the study would go against buildings on lots such as this in this area unless there is a technical issue for septic systems.

M/S/P Helwig/Sedro to accept the Minutes of April 22, 2002 as amended. VOTE: 8-0.

PUBLIC HEARING: EN PROPERTIES/LAIDLAW TRANSIT

A Public Hearing was called to consider the application of EN Properties/Laidlaw Transit to Amend a Conditional Use Permit for Non-Agricultural Low Impact to allow a bus terminal to operate from the property generally described as the northwest quadrant of Manning Avenue and Hudson Boulevard. Notice of Public Hearing was published in the Stillwater Gazette and affected property owners were notified.

Staff Report, City Planner, Charles Dillerud

The City Planner presented his report for an application for new use of land that came before the Commission over one year ago for a CUP that was inconsistent with Code at the time. The approved plan allowed for outside storage on the east side of the parcel and a building with an office and shop/repair facility. That contractor storage yard is no longer feasible for the owner.

The site owner, Terry Emerson, has found a potential user, Stillwater School District. They have awarded a two-year contract to Laidlaw Transit for bus service. They wish to use the Emerson property as a bus terminal. The proposed use doesn't differ greatly from previous use. The same amount of storage will be utilized, and the area is screened well. The shop will be used for general maintenance. The contractor used the site primarily in summer; the bus company would use it primarily during the school year.

The Municipal Code requires traffic on a daily basis not to exceed 3 individual trips per day per acre. The parcel is 70 acres which calculates to 210 vehicle trips per day. The application exceeds that maximum. No storage or parking has been approved on the west side of the building. No exterior lighting has been approved. The probability for fueling on this property would be another major concern.

The "Further Resolved" clause in the previous approval said Mr. Emerson's 10th Avenue & Manning operation must be cleaned up by March 2002. He recommended that the cleanup be a condition added by the Commission should it approve this application.

He is uncomfortable with parking availability, and the possibility that cars will park on Hudson Rd., or that the applicant will return with problems and amendment requests. No recommendations were made by staff. He suggested the Commission begin with the existing resolution. He noted that the City Attorney recommended a new resolution.

Terry Emerson, Owner

Buses would be only on the east side. They would like six lights in the parking lot. Laidlaw Transit will stay within the Code. They will speak to the Fire Marshall about fueling. He has a fueling system that is up to date and meets federal and state regulations should Laidlaw choose to fuel on site. There will be no parking on the street.

He thought cleanup of his other property was to be within one year after he moved from that site. The building and trailer will be removed. He will try to finish by July 1.

The Code says average trips. Bus travel will be busiest 175 days per year but the remainder of the year will have very few trips. The State and Metropolitan Council Plans average trips per day over the entire year.

The Gazette reported that Laidlaw's contract saves the school district a little over \$250,000 per year for two years. 10-13 staff members are active throughout the year.

The only change to the site plan is to extend one berm on the east side further north, and plant more trees. There will be fence all the way around, and the site will be hidden from the roads. There will be a locked gate for security.

Commissioner Deziel

The Commissioner investigated the site this afternoon. He said the view from the highway is screened but the other two sides are not; many trees are dead, and the berms are bare.

Terry Emerson

When it is dry enough, the trees will be planted, and he will seed after the trees are planted.

Commissioner Deziel

Why should the Commission feel comfortable this will get done?

The City Planner said we still have \$7,000 of Mr. Emerson's money as guaranty.

Commissioner Helwig

The Commissioner asked how many buses and what sizes will be parked on the property.

Don Dilks, Area Manager of Maintenance for Laidlaw Transit, Inc.

The fleet will be 81 vehicles, from cut-away vans to 78-passenger buses. There will be 81 bus drivers plus office/shop staff. 81 vehicles will be housed all summer for maintenance. Less than fifty buses would be parked on site during the school year. If there are more than 50, they'll use satellite parking and shuttle the drivers to the buses. They will stay under the maximum number of trips per day.

City Planner

Many buses go in and out more than once per day. Some drivers go home between trips, raising the numbers. There are extracurricular activities in summer, on nights, and weekends.

Don Dilks

Laidlaw has addressed that issue. The intent is that 14-16 vehicles would never come south of Hwy 36, some will go east, some south to Afton and farther. They will disperse.

The Chair opened the Public Hearing at 7:20 p.m.

There were no speakers.

The Public Hearing was closed at 7:21 p.m.

Commissioners Deziel and Bunn

The application makes sense, as the use would benefit the school district and the education of our own students.

Commissioner Deziel

He thinks the Commission should rezone this area as GB or HB without extending the Low Impact CUP. Also, he would like Mr. Emerson to do the work expected of him by last March.

City Planner

He is concerned about parking. He fears he will have an enforcement problem if this CUP is approved. He could accept a weekly average of trips but not an annual one.

Chairman Armstrong

The language in the Code is loose; an annual average does not adequately reflect heavy traffic periods.

Commissioner Sedro

She remembered creating the ordinance for the 210 trips per day. She said the point was to limit traffic impact on neighbors.

Commissioner Bunn

The application is incomplete to the satisfaction of the Commission. They were not supplied with the numbers or sizes of buses, a Parking Plan, a Lighting Plan, and a Fueling Plan. This is on the highway; perhaps the ordinance should be amended. Traffic will be dispersed by the time they reach the neighbors two miles away.

Commissioner Helwig

He remembered a previous problem with traffic on that road. Neighboring residents and the City Council did have problems with potential traffic due to a proposed truck stop. Making it a business zone would be bad news, and create new problems.

Mr. Emerson

The applicant requested they table the application to a future date.

M/S/P Helwig/Deziel To table the application until a future meeting at the request of the applicant.

Chairman Armstrong

There would be much higher impact with the bus facility than intended by the Low Impact CUP. Mr. Emerson is presenting 6 to 8 trips per acre per day. Based on rough calculations, the Chair is suggesting a maximum of 35 buses there, in order to keep Low Impact standards. He asked if there is commercial zoning specifically for buses.

Commissioner Bunn

She asked staff to see if the number of buses could be constrained or if they could change the Code along freeways.

Commissioner Helwig

He agreed with Commissioner Bunn.

City Planner

Recommended that after tabling this application for two weeks, he could publish a Public Hearing Notice for a change in the Code. He said he needs proof this concept will work.

Mr. Dilks

He said he can lay it out on a diagram. There are 82 parking places. The longest bus is 38.5 feet. Two cars can park where a bus was parked. He would like two lights each at the north, middle, and south on the east side.

City Planner

A Lighting Engineer needs to design it to be sure it conforms to Code. He asked the applicants to provide drawings in advance of the next meeting.

Commissioner Sedro

Would it be possible to have information for the next meeting regarding the number of trips at various hours of the day?

Mr. Dilks

New routing will not be done until July or August. Noontimes are published on the school district web site. However, he can do the calculations using last year's routes.

Jim Johanson, Area General Manager for Laidlaw

His office is in Champlin where 80 buses travel out of a terminal next to City Hall. They have staggered start and departure times; it is not a sea of yellow leaving the terminal at one time. He suggested the Commission ask Champlin about his credentials and those of Laidlaw.

VOTE: 8-0.

M/S/P Bunn/Deziel To instruct staff to post a Notice of Public Hearing in order to alter traffic requirements along freeways and frontage roads to amend the Code. VOTE: 5-3 (Taylor/Sedro/Helwig).

520 SITE PLAN: MARQUESS DEVELOPMENT CORP.

State Highway 5 and 55th Street North

Staff Report, City Planner, Charles Dillerud

This hearing is dealing only with exterior surfacing because the layout was approved last year. The application was made before the adoption of new exterior surfacing standards. There are three existing buildings with similar architecture. They are nice looking buildings. Asphalt shingles already exist on three buildings. The four buildings should look alike. He showed a display of the building materials of cedar, stone, brick in caps, and asphalt shingles. He recommended approval.

M/S/P Deziel/Helwig To approve the application with one condition, to comply with the recommendations of the City Engineer. VOTE: 8-0.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: May 9, 2002 for the Meeting of May 13, 2002

Applicant: EN Properties/Laidlaw Transit

Location: Northwest Quadrant of Manning Avenue and Hudson Blvd.

Requested Action: Amend CUP for Non-Agricultural Low Impact Use

Land Use Plan Guiding: RAD

Existing Zoning: AG

Site History and Existing Conditions:

The City Council approved several separate, but related, actions in February and March, 2001 that concluded on March 6, 2001 with the adoption of Resolution #2001-012, approving a Conditional Use Permit to allow "...a contractor's office/shop/equipment storage facility..." as an Non-Agricultural Low Impact Use on a 70 acre site at the described location. Subsequently, the City Council approved a Section 520 Site Plan for the "CUP Area" (4%) of the site on May 1, 2001.

Construction of the site improvements is complete – but remain subject to the release of escrow for site improvements and landscape materials survival – and the owner has occupied the site for the purposes approved by the CUP. The owner has previously advised the City that the business intending to occupy the site (contractor's office/shop/storage yard) has been terminated; and that a new use would be solicited. Subsequently, the site owner proposed the use of the site as a school bus terminal for the firm (Laidlaw Transit) that will be the Stillwater School District school bus vendor for at least the next two years. The owner suggested that the school bus terminal use could be substituted for the approved use without the need to amend the CUP; and, presented that position to the City Council in April, 2002.

Upon the advice of the City Attorney, the City Council did not concur in the substitution of uses without specific amendment to the CUP to that end. Any CUP amendment must be reviewed by the same process as an initial CUP application – Hearing, Planning Commission recommendation, and City Council Resolution. A Public Hearing Notice has been published regarding this proposed CUP amendment, and adjacent property owners have been notified by letter. **The Planning Commission must conduct a Public Hearing.**

The applicants have proposed no revisions to the approved Site Plan. It is assumed that the site will remain physically exactly as depicted on the approved Site Plan.

Discussion and Analysis:

The applicants have submitted an April 22, 2002 letter describing the proposed bus terminal operation, with hand written notes added later. Since no additional application documentation has been submitted, it is our expectation that the applicants intend to abide by the conditions of Resolution #2001-012 without exception.

As with any change of use (be it rezoning or CUP substitution), it becomes the task of the City to determine the relative differences between the current approved use, and the proposed use, within the context of the applicable Findings specified by the City Code. In the case of Conditional Use Permits, those Findings are a part of Section 300.06 Subd. 4A, paraphrased as follows:

1. Effect on the public health, safety, morals, convenience and welfare.
2. Effect on traffic and parking in the vicinity.
3. Effect on public utilities and school capacity.
4. Effect on property values in the surrounding neighborhood.
5. Effect on the Comprehensive Plan.

In many respects, the proposed use differs little from the approved use of the site. We are still dealing with offices/maintenance facilities/outside storage of vehicles of less than 26,000 pounds tare weight. We are also still dealing with operations that are of a somewhat seasonal nature – albeit reversed. While the approved use would result in operations during the construction season, and mostly a storage function during the winter months; the bus operation would involve operations during the school year, and mostly storage during the summer months.

Given the size of the site; the nature of development and land uses in this area of the City; and, the lack of public utilities, we suggest that the proposed bus operations use of the site results in little difference from the excavation contractor's use in the context of the Findings 3-5 noted above. The usual bus terminal locational issues, such as idling motors and early morning activity, should not be concerns over the brief time line that use of the site for this purpose is proposed. Once the area does develop with other uses, however, issues could arise.

With nearly the entire bus "fleet" departing and returning daily during the operating period of the year, there will be an increased traffic level at the site - with bus operations substituted for excavation contractor operations. Will those increased comings and goings exceed the 210 vehicle trips per day allowed on the Non-Agricultural Low Impact Use standards of the Code? (70 acres times 3 trips per day per acre) With 70-80 buses operating from the facility (2 trips each per day)- and two trips each for the drivers and office/maintenance staff - it appears that the 210 trips per day would be significantly exceeded during school year operations.

If, however, the vehicle trips generated by the site are averaged over the entire calendar year – as the applicant has suggested they be – the Code standard would likely be met. This approach to the trip generation standard of the Code requires consideration of the intent of that trip generation standard. That intent could be to limit the use of the adjacent public roadway to preserve the physical integrity of the roadway, thereby preserving the public welfare by extending the useful life of the roadway surface – a fiscal consideration.

It is more likely that the intent of the trip generation standard of the Code is to limit the perceived site use intensity – as measured by "comings and goings". In this case, the strategy of averaging vehicle trips over an entire calendar year would not meet the intent of the standard. For a bus operation, the measurement of the probable compliance with the vehicle trip generation would be – at a minimum – 4 trips per day per bus stored on site, plus 2 trips per day per non-bus-driver employee on site. On that basis, the maximum number of buses stored on the site – and assuring that the Code vehicle trip generation standard is maintained - would depend on the number of non-driver employees on the site. The number of buses permitted to be stored on the site would then be calculated using the 4 trips per day per bus model. Using this approach to maintaining the intent of

the vehicle trip generation standard, it is unlikely that more than 50 buses could be operated from the site – probably even fewer.

We have not been provided information regarding how the outside bus storage would be physically distributed on the portions of the site designed for outside storage. Would 50 (or 70 or 80) buses fit on the designated storage area east of the principal structure? How would the parking of 50 (or 70 or 80) drivers' personal vehicles coordinate with the stored buses at the beginning and end of the operating day, when most buses will depart on/return from their runs within a brief window of time? At some point (or several points) during the operating day the site would have to accommodate not only most of the 50 (or 70 or 80) buses, but most of the 50 (or 70 or 80) bus drivers' personal vehicles – plus the shop/office employees' vehicles. We have no evidence that the applicants have addressed that probability. As a result, we can not assure the Commission that parking along Hudson Blvd. will or will not be the outcome.

While the City could easily post Hudson Blvd. for “No Parking Anytime” (and Hudson Blvd. will become a City street yet in 2002 by turn back from MnDOT), that could easily result in little but a “band aid”; and, endless difficulties for both the City (enforcement) and the applicants (employee parking citations). In the end we could be right back before the Commission with either an action to repeal the CUP based on non-compliance; or, the applicant will be back with some type of amendment, and a sad story. We do not believe that favorable Findings can be made regarding “vehicular traffic and parking”, or the “the public welfare”, without the applicants providing the City with a detailed strategy addressing the trip generation and parking issues we have noted here.

In our brief meeting with Laidlaw representatives prior to the April City Council discussion we suggested to them that, in addition to the trip generation and parking issues, we had at least the following concerns regarding the proposed use substitution:

1. No storage of any type is permitted west of the principal structure. Were they aware of that? It appeared as if Laidlaw was not aware of that at the time.
2. Were they aware that no lighting is approved for the outside storage area; and, that exterior lighting is a closely regulated matter in Lake Elmo? It appeared as though Laidlaw was not aware of either fact; and, that lighting could become an issue as their drivers arrive early on a winter morning to begin their duties – and perhaps be a site security issue as well. Neither issue was of particular concern for an excavation contractor.
3. We inquired as to whether Laidlaw would be fueling the buses at this location. It appeared that such would be their intention. No fueling facilities have been approved for the site.
4. We advised Mr. Emerson that a condition of Resolution #2001-012 required “clean up” of his 10th Street North site within 1 year of the approval of the original CUP (by March 6, 2002). That condition has not been met to date. Mr. Emerson reported progress on the clean up.

We had assumed that Laidlaw/Emerson would address these issues/needs with the CUP amendment application.

Findings and Recommendations:

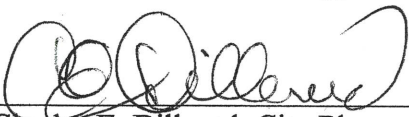
Staff does not believe that enough information regarding the bus operation use has been provided to enable the complete affirmative Findings required by the City Code for any new or amended Conditional Use Permit. Therefore we are not in a position to provide the Commission a recommendation at this time.

We suggest, however, that the Commission conduct the Public Hearing, and discuss the issues we have raised – and other issues that may surface at the Hearing or from Commissioners – with the applicants. Perhaps, as the result of this Report, the applicants will be prepared to fully address the issues raised here.

We have attached a copy of Resolution #2001-012, as well as a copy of the Code regarding Non-Agricultural Low Impact CUP's – as it reads following 2001 amendments. Should the Commission decide to render a recommendation on May 13, the existing Resolution will be the point of departure.

Planning Commission Actions Requested:

None specific at this time. This application may require tabling pending receipt of additional documentation from the applicants regarding issues that have not as yet been addressed.



Charles E. Dillerud, City Planner

Attachments:

1. Resolution #2001-012
2. Section 300.06 Subdivision A
3. Applicants' Documentation

City of Lake Elmo
Washington County, Minnesota

Resolution 2001-012

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A NON-
AGRICULTURAL LOW IMPACT USE FOR E & H PROPERTIES, LLC

WHEREAS, E&E Properties, LLD (herein applicant) and E&N Properties, LLC herein fee owner) of approximately 70 acres of land (herein applicant property) located in the City of Lake Elmo, is illustrated on "Exhibit A" attached is legally described as follows:

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, or 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 on 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.

WHEREAS, the Conditional Use Permit would allow applicant its successors and assigns to utilize the CUP Area for certain Non-Agricultural Low Impact Uses, subject to the City's Regulations, and subject to the conditions attached to the City's approval.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on January 8 and January 22, 2001, and reviewed and recommended approval of the Conditional Use Permit.

WHEREAS, the Lake Elmo City Council on February 6 and March 6, 2001, reviewed the application and the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Lake Elmo City Council, that a Conditional Use Permit is hereby approved for E & E Properties, LLC, to locate a contractor's office/shop/equipment storage facility subject to the following conditions:

1. The permitted uses within the CUP Area shall be as follows:
 - a. A contractor's office, shop and equipment storage facility.

2. The area where the Non-Agricultural Low Impact use is located shall be legally defined and is hereafter known as the "CUP Area". The Cup Area shall not exceed 4% of the property owner's contiguous agricultural zoned area.
3. The impervious surface within the CUP Area not exceeding 1.5% of the applicants' property.
4. The water run-off from any existing or proposed buildings in the CUP Area shall meet the 1% rules as to rate and volume, as determined by the City Engineer.
5. The Conditional Use authorized shall comply with all State and Federal pollution and hazardous materials statutes and regulations.
6. Buildings within the CUP Area shall be located in accordance with the approved site plan attached as Exhibit "A".
7. The applicant will submit for approval by the City Council a commercial Site Plan responsive to Section 520 of the City Code.
8. Security lights may be installed in the CUP Area in accordance with the City's lighting regulations.
9. Any outside storage of vehicles, equipment or goods shall be screened from adjacent property and public rights-of-way. Screening shall include berming and landscaping shown in a landscape plan prepared approved by the City Council.
10. The site 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 the facility, whichever is more restrictive.
11. All of the applicant's property shall remain in an Agricultural Zone as long as this Conditional Use Permit remains in effect.
12. In the event that the applicant, or their successors or assigns, initiate a Comprehensive Plan Amendment and Rezoning of any of the property from Agriculture to a more intensive use, the CUP Area shall terminate and all non-conforming structures shall be removed within one year from the date of the City Council's adoption of the Comprehensive Plan Amendment and Rezoning. This condition shall not apply if the City initiates rezoning or if the landowners are forced to transfer title to any part of the property due to Eminent Domain.
13. The City recognizes that the Non-Agricultural Low Impact Use permitted by this resolution allows the applicants the economic means to preserve and maintain approximately 67 acres of agriculturally zoned land. If the City, without the property owners concurrence, should take any action to make this a legal non-conforming use under the zoning ordinance, the City hereby agrees to allow the


reconstruction of any non-conforming structures in the CUP Area that may become damaged beyond 50% of their replacement cost, so long as all other conditions of this resolution are in compliance.

14. It is expressly understood by the applicants that any hazard to the health or welfare of the City could and would be grounds for revocation of this permit.

BE IT FURTHER RESOLVED that:


1. All buildings, equipment, trailers, machinery and unspecified material relative to the business shall be removed from the current location of E&H Earthmovers located at the corner of County Road 15 and County Road 10 within one year of the date of approval of this CUP.

Adopted by the Lake Elmo City Council this 6th day of March 2001.



Lee Hunt, Mayor

Attest:



Mary Kueffner, City Administrator



STILLWATER
AREA
SCHOOLS

1875 South Greeley Street
Stillwater, Minnesota 55082
Tel: 651-351-8340
fax: 651-351-8380
tdd: 651-351-8338
www.stillwater.k12.mn.us

May 23, 2002

RECEIVED

MAY 23 2002

CITY OF LAKE ELMO

Lake Elmo Planning Commission
City of Lake Elmo - City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

HAND DELIVERED

Re: Application for Conditional Use Permit – Bus Terminal

Dear Members of the Planning Commission:

It is my understanding that Laidlaw Transit, Inc. is applying for a Conditional Use Permit with the City of Lake Elmo. This letter is to inform you that District 834 has awarded a multi-year contract to Laidlaw. We do have a signed contract in place with Laidlaw to provide student transportation services for the Stillwater Area Schools, beginning with the 2002-2003 school year.

If you have any questions or if additional information is needed, please contact Mike Brabender at 651-351-8379, or contact me at 651-351-8321. Thank you.

Sincerely,

Daniel C. Parker
Assistant to the Superintendent for
Finance and Operations

DCP:ae

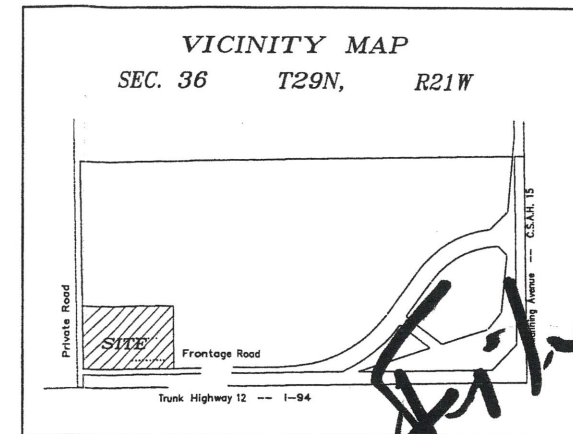
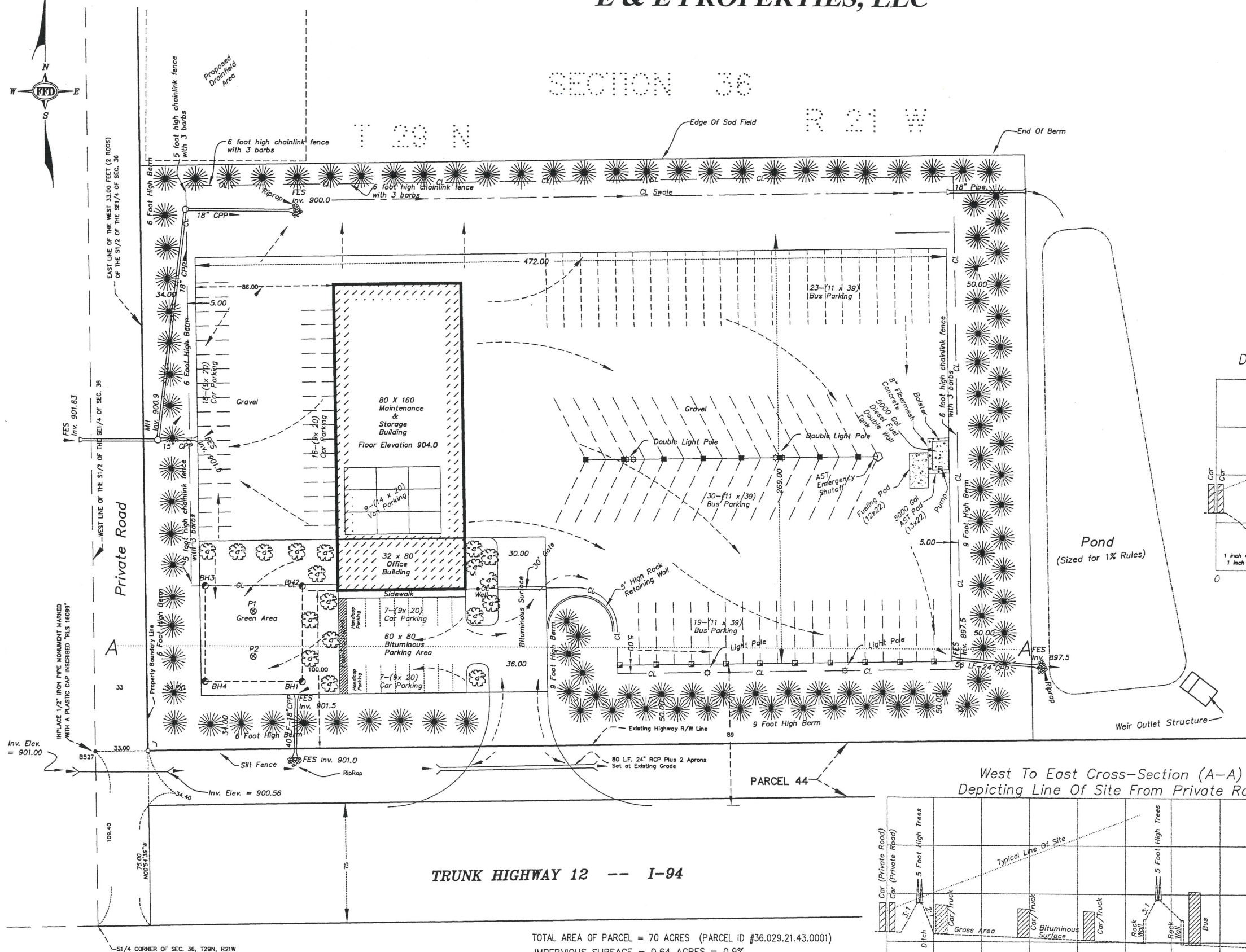
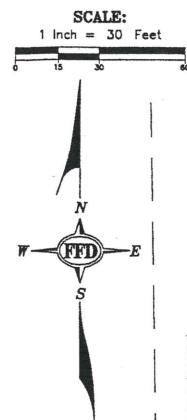
Copy: Mary Kueffner, City Administrator; Lee Hunt, Mayor; City Council Members

SITE PLAN

Bus Storage Site

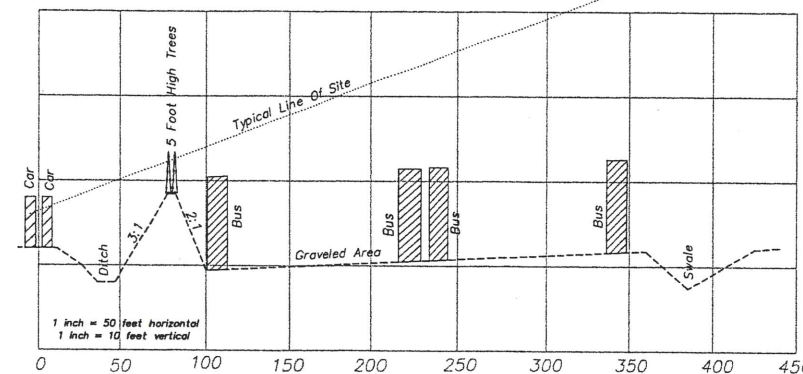
E & E PROPERTIES, LLC

Folz, Freeman, Dupay & Associates, Inc.
 LAND SURVEYING • LAND PLANNING
 1815 NORTHWESTERN AVENUE • STILLWATER, MINNESOTA 55082
 (612) 438-8833



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

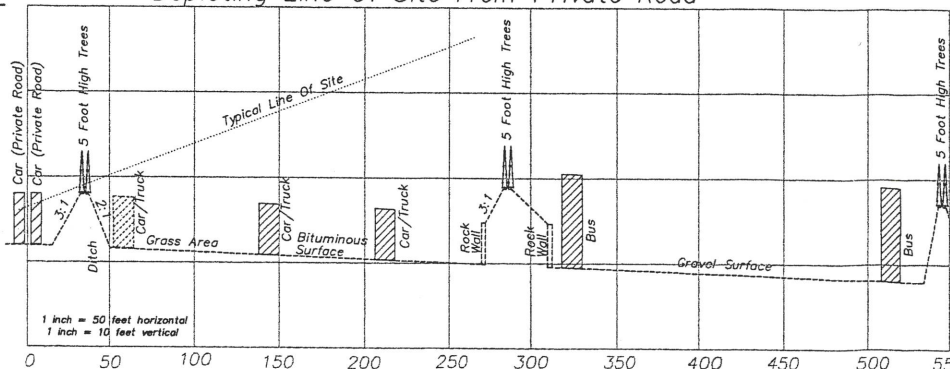
South To North Cross-Section
 Depicting Typical Line Of Site Across Gravel Area



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



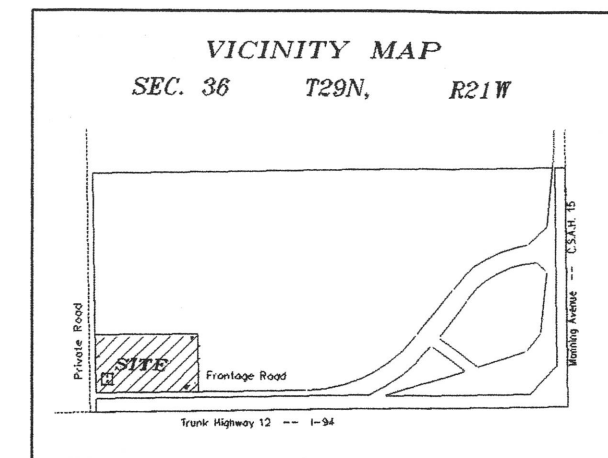
TOTAL AREA OF PARCEL = 70 ACRES (PARCEL ID #36.029.21.43.0001)
 IMPERVIOUS SURFACE = 0.64 ACRES = 0.9%
 SITE AREA = 2.76 ACRES = 3.94%

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. 16889 DATE
 DAVID L. DUPAY MINNESOTA LICENSE NO. 17252

SITE PLAN

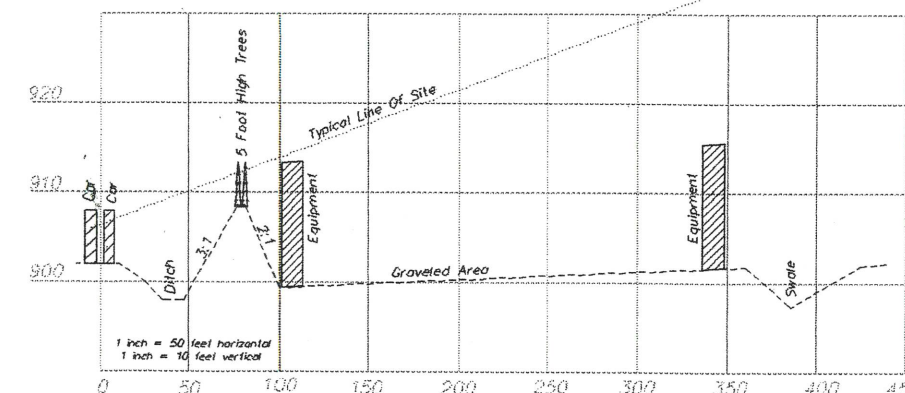
Grading and Drainage Plan E & H EARTH MOVERS, INC.

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



Equipment	Largest	Height	Length	Width
Scraper	631E	14'-1"	47'-9"	12'-11"
Scraper	627F	12'-2"	42'-5"	11'-4"
Dozer	D10	14'-3"	25'-5"	13'-0"
Dozer	D8	11'-6"	21'-0"	12'-11"
Dozer	D6	10'-5"	13'-1"	13'-1"

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



LEGEND

Elevations Are Based On N.G.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 SILT FENCE

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%

November 28, 2000
Revised December 19, 2000
Revised December 29, 2000
Revised January 17, 2001
Revised January 23, 2001 (add pine trees @ swale)

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. 16989 DATE
DAVID L. DUPAY MINNESOTA LICENSE NO. 17252

TRUNK HIGHWAY 12 -- I-94

1/4 CORNER OF SEC. 36, T29N, R21W

MEMO

(May 23, 2002 for the Meeting of May 29, 2002)

To: Lake Elmo Planning Commission

From:  Chuck Dillerud

Subject: Amendment to Trip Generation Standard of Low Impact AG

Section 300.07 Subd. 4A6d of the City Code specifies:

“Non-agricultural low impact uses shall not generate, on average, more than three vehicle trips per day per acre of contiguous agriculturally zoned area”.

At the May 13 meeting the Commission directed Staff to Notice a Public Hearing to consider amending that clause of the Code in a manner that would address Low Impact Non-Ag uses that are located in geographic areas of the City where trip generation in excess of the Code-specified amount would be acceptable. We understood this to mean where vehicles generated by the low impact non-ag use would have access to multiple arterial roadways without passing through areas of the City that could be adversely impacted by such higher traffic volumes. It was suggested that the EN Properties site might be an example of a site that could qualify for the higher traffic generation factor.

My recollection (and that of the Commissioner Armstrong on May 13) is that the 3 trips per acre standard roughly relates to the traffic generation that would be expected from a given acreage by residential development at Lake Elmo development density. Since maximum OP development density is now 16 units per 40 acres (and rarely, of ever, is less than maximum), the ITE standard of 10 trips per residential unit per day yields 160 trips per 40 acres, or 4 trips per acre. Typical RE development will yield closer to the 3 trips per acre per day that the Code uses for the non-ag low impact standard.

The determination of what is appropriate, in the context the Commission is considering, would appear to reside with at least the following factors:

1. What degree (or description) of enhanced arterial access is sufficient to support traffic generation beyond the present Code standard? It appears that the road access circumstances of the EN/Laidlaw site may satisfy those circumstances for some Commissioners. About the best description I can come up with that distinguishes access for that location goes something like:

“Direct access to the Interstate 94 Service Road (Hudson Blvd.); and, within ½ mile of an interstate highway access interchange.”

2. If the increased trip generation standard is going to be based on something other than what the current 3 trips per acre per day is based on (equivalency to forecasted residential trip generation from a site of equal size), what should be the basis? If we were to use the ITE trip generation standards for some other use (such as office) as the basis, will we not be implying that the site could, in fact be guided and zoned office – at least from a traffic generation perspective?

I have asked the City Engineer to provide the City some examples of ITE trip generation standards for other common land uses. As this is written I do not have that information in hand. I will, however, have it available on May 29.

At this point I am beginning to seriously question the strategic wisdom of amending the ordinance with regard to non-ag low impact use trip generation. The City may be less exposed to future challenges - that we would rather not face - by instead considering a zoning variance based on the particular circumstances of this site and use. I will be investigating the legal avenues available for “taking back” such a variance once the use is discontinued – surely an issue that must be addressed.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: May 23, 2002 for the Meeting of May 29, 2002

Applicant: Jahnke/Leonard

Location: 8242 Hidden Bay Trail

Requested Action: Shoreland Overlay District Variance

Land Use Plan Guiding: SRD

Existing Zoning: R-1

Site History and Existing Conditions:

Aside from replacement of the furnace in 2001, the only City Records regarding this parcel are the 1970 documents relating to constructing the existing home. That original construction occurred well before the Shoreland Overlay District was created by State Mandate.

The existing home is documented by City Records to be approximately 2,900 square feet in area (3 levels) on a land parcel of 27,443 square feet (.63 acre). All but a small portion of the southwest corner of the parcel is located within the 100 foot Shoreland OHW structure setback of Olson Lake (including the entire existing house/garage and septic system).

Discussion and Analysis:

The applicants propose additions to the kitchen and porch areas of the house; and the addition of a third (and fourth) stall to the existing two stall garage. Since the additions to the home will fill a structural "notch" on the water side; and, since the proposed garage addition is in line with the existing water side garage wall, none of the proposed enlargements will be closer to the water than what today exists. However, all of the proposed improvements would enlarge an existing non-conforming structure (all of which violates OHW setback), and are not permitted unless a Shoreland Variance is approved by the City.

City ISTS Records reveal that the City has received no notice (as required by City Code) that the septic system at this address has been inspected and/or pumped since 1996. City Code requires pumping of all private septic systems every two years. Should the requested variance be approved, a condition must also be that the septic system be inspected and (if necessary) upgraded for consistency with Section 325.06 requirements. That requirement does not, however, extend to the location of the system.

As required by the City Code and DNR Rules, a copy of this application has been forwarded to DNR for comment. No comments have as yet been received as of this writing.

Findings and Recommendations:

All proposed variances from Shoreland Overlay Standards are to be reviewed in the context of the Variance Findings prescribed by Section 300.06. Where additions to existing structures are

proposed where those existing structures predate Shoreland Zoning, it has been the general practice of Staff to recommend Findings that address that factor based on at least the following factors:

1. The scale of the proposed additions as related to the size of the existing structure.
2. Whether the proposed additions involve further encroachment on the OHW than already exists.
3. The scale of the resulting home related to other riparian homes in the neighborhood.
4. The platted area of the land parcel, related to the ability of the land owner to accomplish the home additions without violating OHW (or other) setback standards.

With one exception, the proposed additions to the home proposed appear to respond favorably to the factors Staff considers with the preparation of recommended Shoreland Variance Findings, where additions to existing non-conforming (by OHW setback) structures are proposed. The scale of the additions is minor in comparison to the size existing structure; the existing structure remains in scale with those in the neighborhood; and, no closer OHW encroachment is proposed.

The exception, we suggest, is the fourth garage stall proposed to be located beneath the proposed new third stall – or, at least the proposed second driveway serving that fourth stall. While the use of this extra space for storage – as the applicant has suggested – is reasonable, the addition of a second driveway access not only adds impervious site coverage, but would allow use of that lower garage area the full range of garage functions. Very few homes in this neighborhood feature fully functional four stall garages.

It is our recommendation that the variances applied for be approved, subject to conditions related to inspection and upgrade of the septic system prior to issuance of any Building Permits; and, deletion of the second driveway access to the fourth garage stall.

Planning Commission Actions Requested:

A Motion to recommend approval of the Shoreland Overlay District variances for expansion of a non-conforming structure to Jahnke/Leonard at 8242 Hidden Bay Trail per the plans Staff dated May 23, 2002, based on the Findings proposed by Staff, and conditions related to inspection and upgrade of the site's septic system, and deletion of the second driveway access.



Charles E. Dillerud, City Planner

Attachments:

1. Proposed Findings in Support of Variance Approval; and Recommended Conditions
2. Location Map
3. Applicant's Documentation

Recommended Findings and Conditions

Jahnke/Leonard Shoreland Variance

8242 Hidden Bay Trail

Findings

1. The existing home pre-dates Shoreland Regulations. The variance will not result in additional encroachment to the Ordinary High Water elevation of Olson Lake, nor result in violating other Zoning Ordinance dimensional standards.
2. The mass and scale of the home as the result of approving the variance will remain in keeping with other homes located in the Shoreland Overlay District. No special right of privilege to this property owner will result from the variance.
3. The variance is not totally the result of actions by the property owner. The imposition of Shoreland Standards after platting of the lot, and construction of the existing home, has resulted in the entire home being located within the OHW setback. No home modifications are possible without variance.
4. Several variances have been approved by the City under similar circumstances: no additional encroachment on the OHW; no property owner option to expand an existing home without violating OHW setback; and, modifications to an existing home in scale with other lake front properties – as a function of home living area.
5. A determination of “minimum variance necessary to alleviate the hardship” is not possible under these circumstances.
6. The variance is not detrimental to the purposes of the Shoreland Overlay District, nor other properties in the R-1 zone.

Conditions

1. Deletion of the proposed second driveway access to the fourth (lower) garage stall.
2. Inspection of the existing private septic system by a qualified professional, with a report to the City as to inspection findings, and required upgrades to the system to comply with Section 325.06 of the City Code. Inspection, report and required septic system upgrades shall be completed prior to issuance of any Building Permits for house or garage additions.

Find **Locate** **Show All** **Contractors** **Create Merge Data** **Exit**

0902921320008

OACE ACRES 4TH ADD

S

1

2/1/1996

4

Follow ups

8242 HIDDEN BAY TRL N

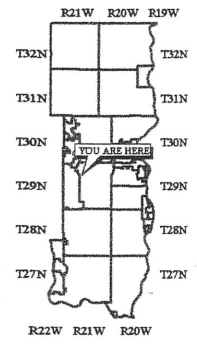
Pump Required

LEONARD,RICHARD L& JAHNKE, D M

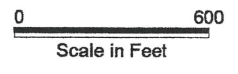
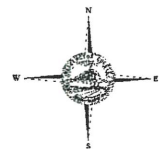
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2/1/1996	<input checked="" type="checkbox"/>	Pinkys	2		<input checked="" type="checkbox"/>



Location Map



Vicinity Map



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: (501) 430-8875

Parcel data based on A5400 information current through March 31, 2002.
Map printed: May 23, 2002

VARIANCE REQUEST

We are applying for this variance to provide a more suitable eating area in our kitchen, which currently consists of only counter eating space. By aligning the kitchen wall with the balance of walls facing northwest it will allow for a larger eating area.

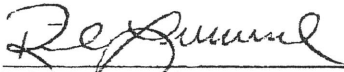
We are also applying for a variance to extend our garage by one stall. This will provide inside storage of non seasonal items such as wooden dock sections, patio furniture, a vintage truck and other items that neighbors may deem as an eye sore.

Our property was zoned smaller than most in our vicinity. The shape and size of the property and its proximity to Lake Olson call for a variance of the general standard zoning regulations.

However, we believe there would not be any special benefits or privileges that would not be extended to others in our district with similar needs and circumstances. The request would not be materially detrimental to the purposes of this ordinance or the property in the same zone. There has not been any action by us that resulted in these circumstances.

This variance request is stating the minimal variance, which would alleviate the hardship.

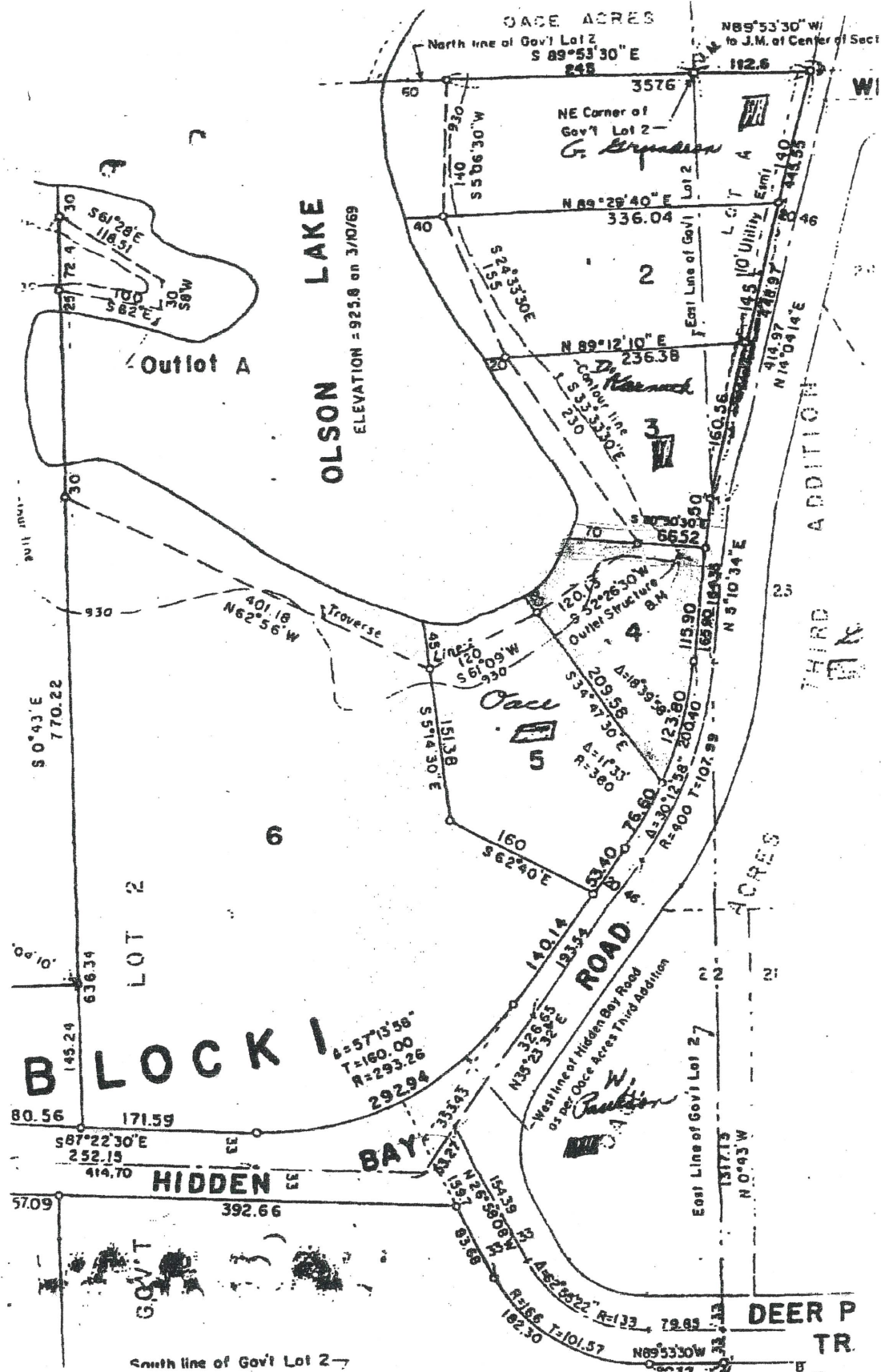
Thank you for taking the time to consider our request.

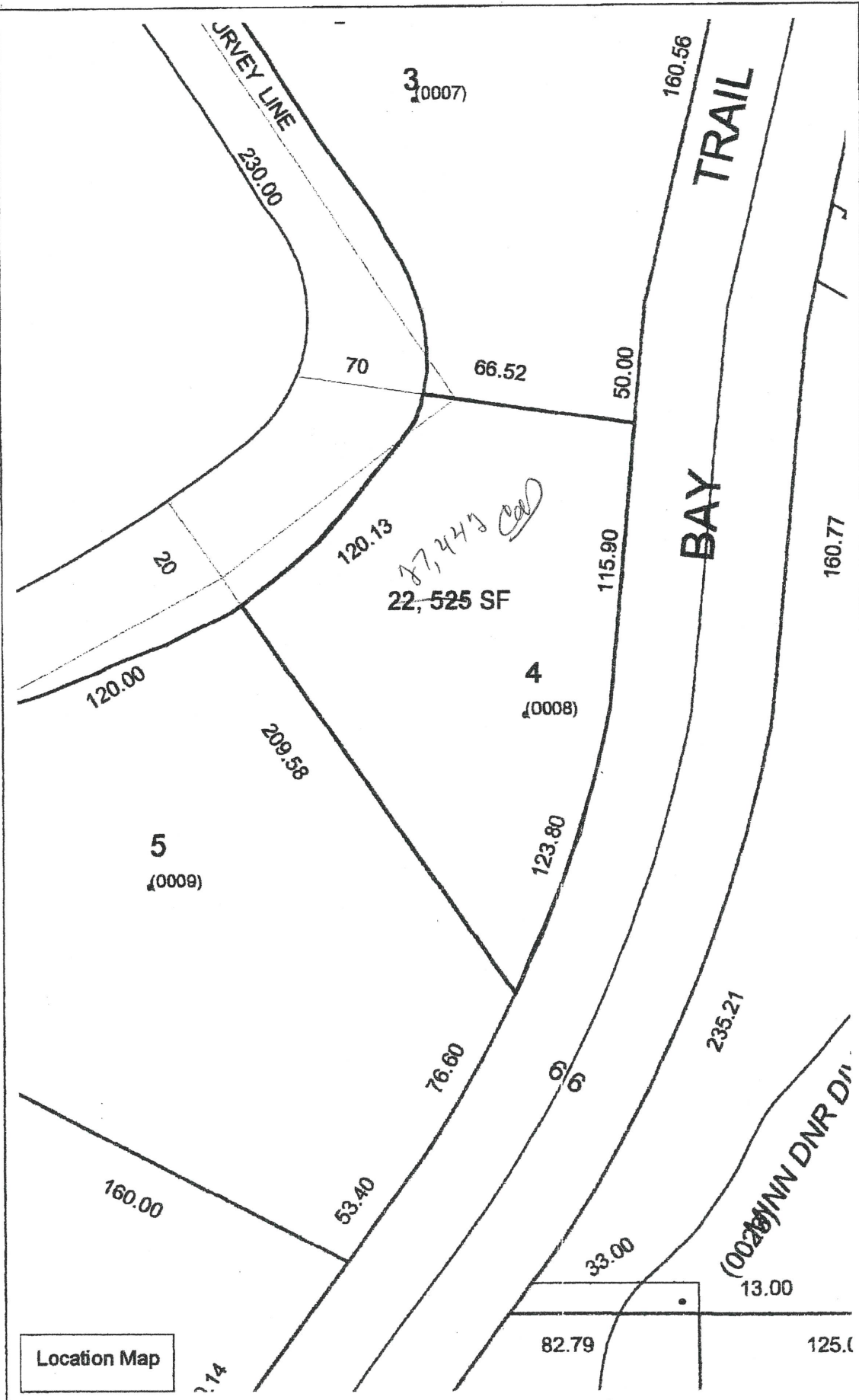


Rick Leonard

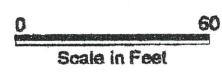
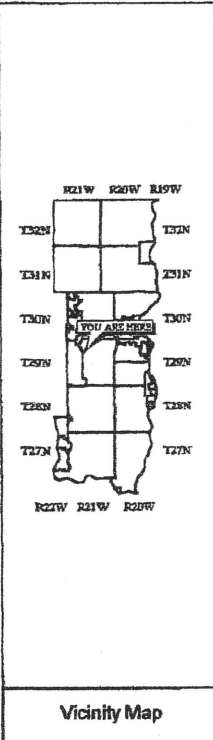


Danette Jahnke





Location Map



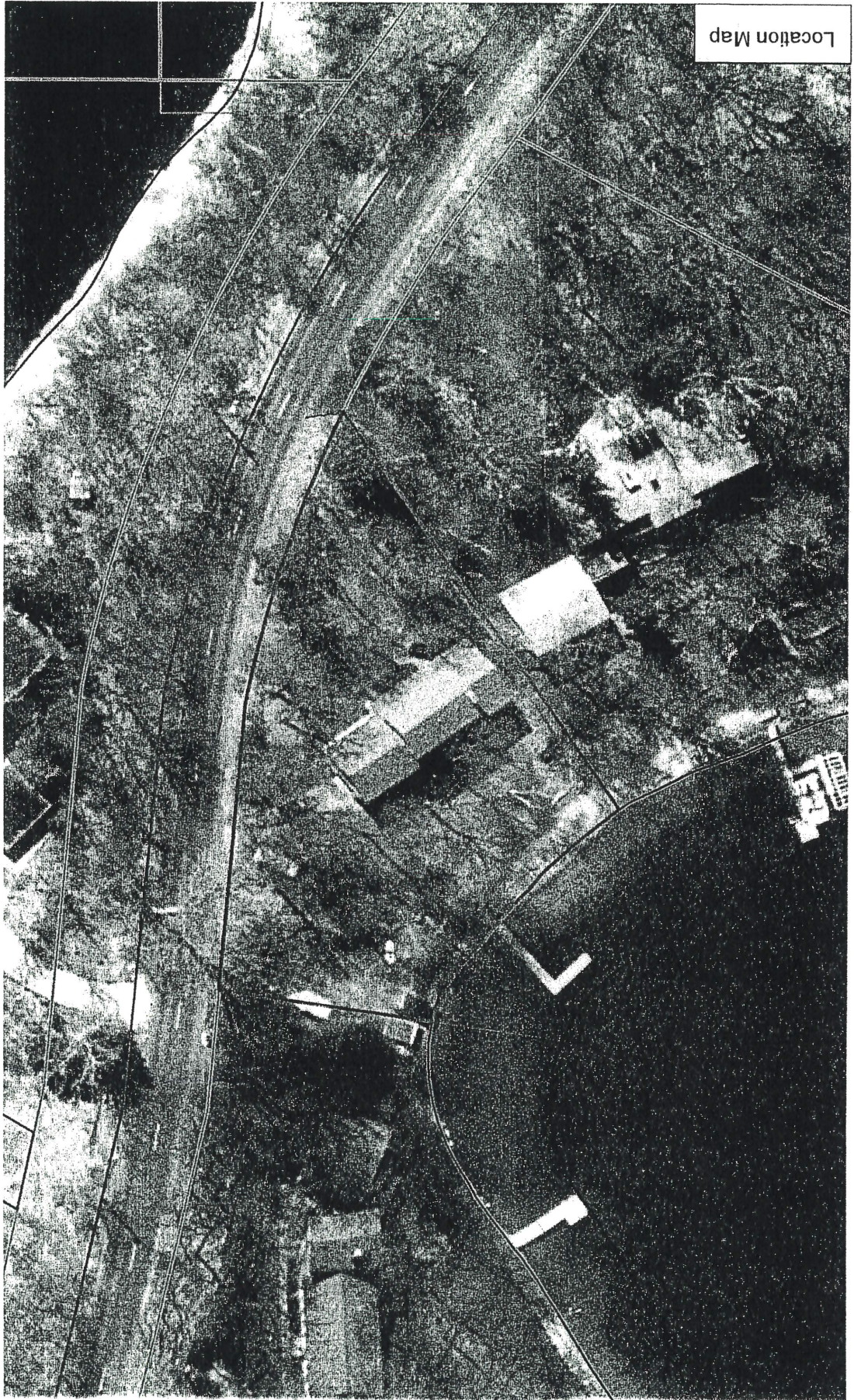
This drawing is the result of a comparison and reconciliation of the survey as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office, File # (000) 420-0070

Partial data based on A6400 information current through February 20, 2007

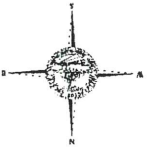
Map printed: April 1, 2007

Location Map

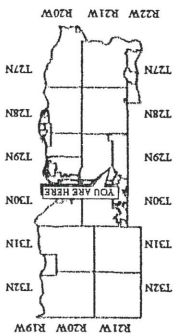


Scale in Feet

0 60



Vicinity Map

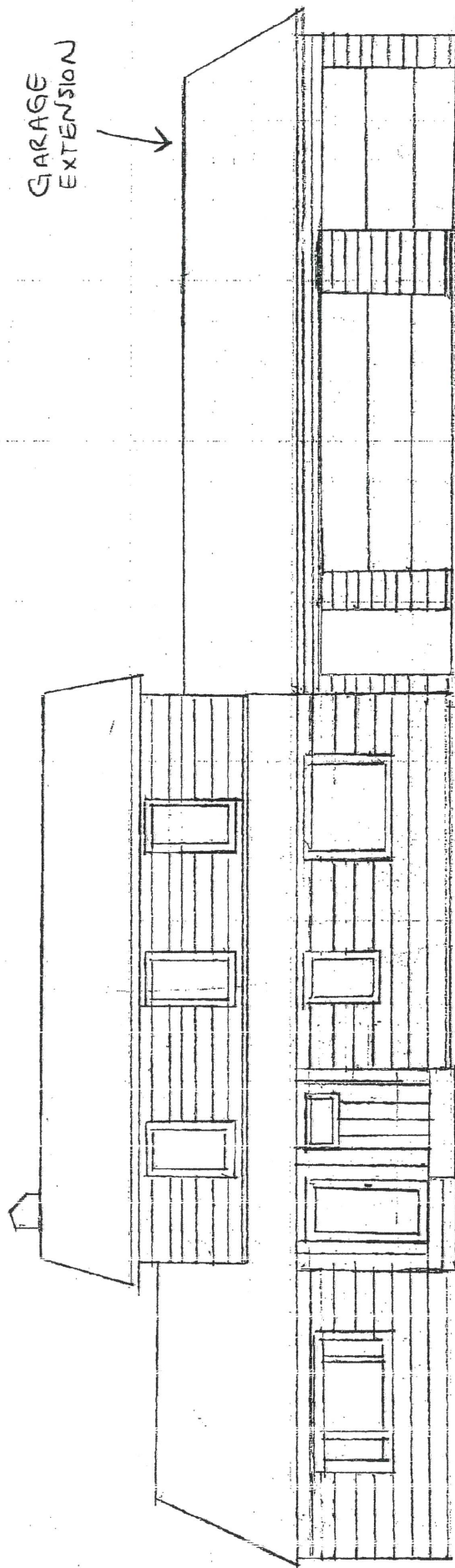


This drawing is the result of a compilation
and reproduction of land records as they
appear in various Washington County offices.
The drawings should be used for reference
purposes only. Washington County is not
responsible for any inaccuracies.
Source: Washington County Surveyor's Office
Phone: (505) 833-0875
Parcel data based on A-500 information
current through February 28, 2002.
Map revised: April 1, 2002.

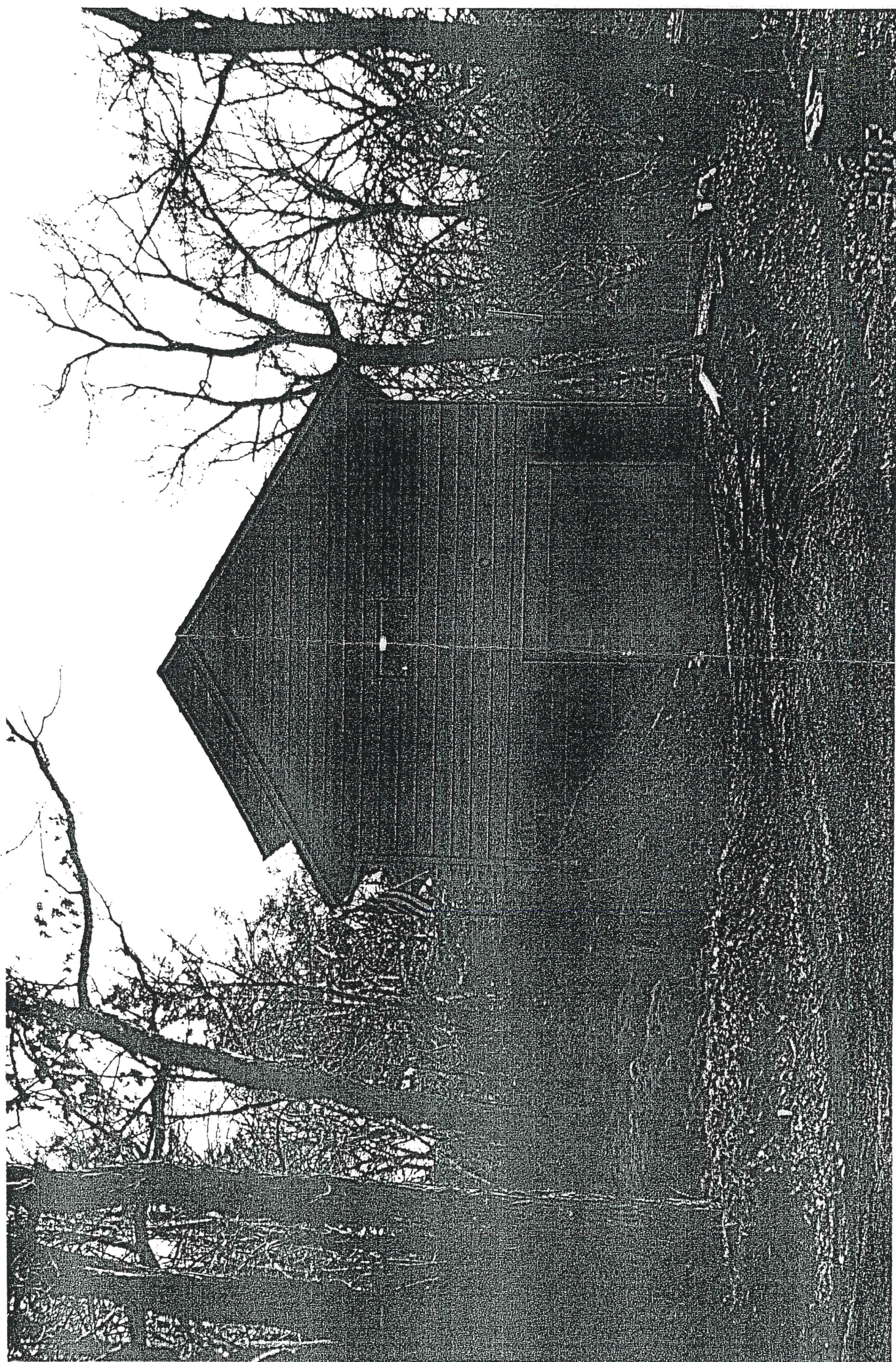
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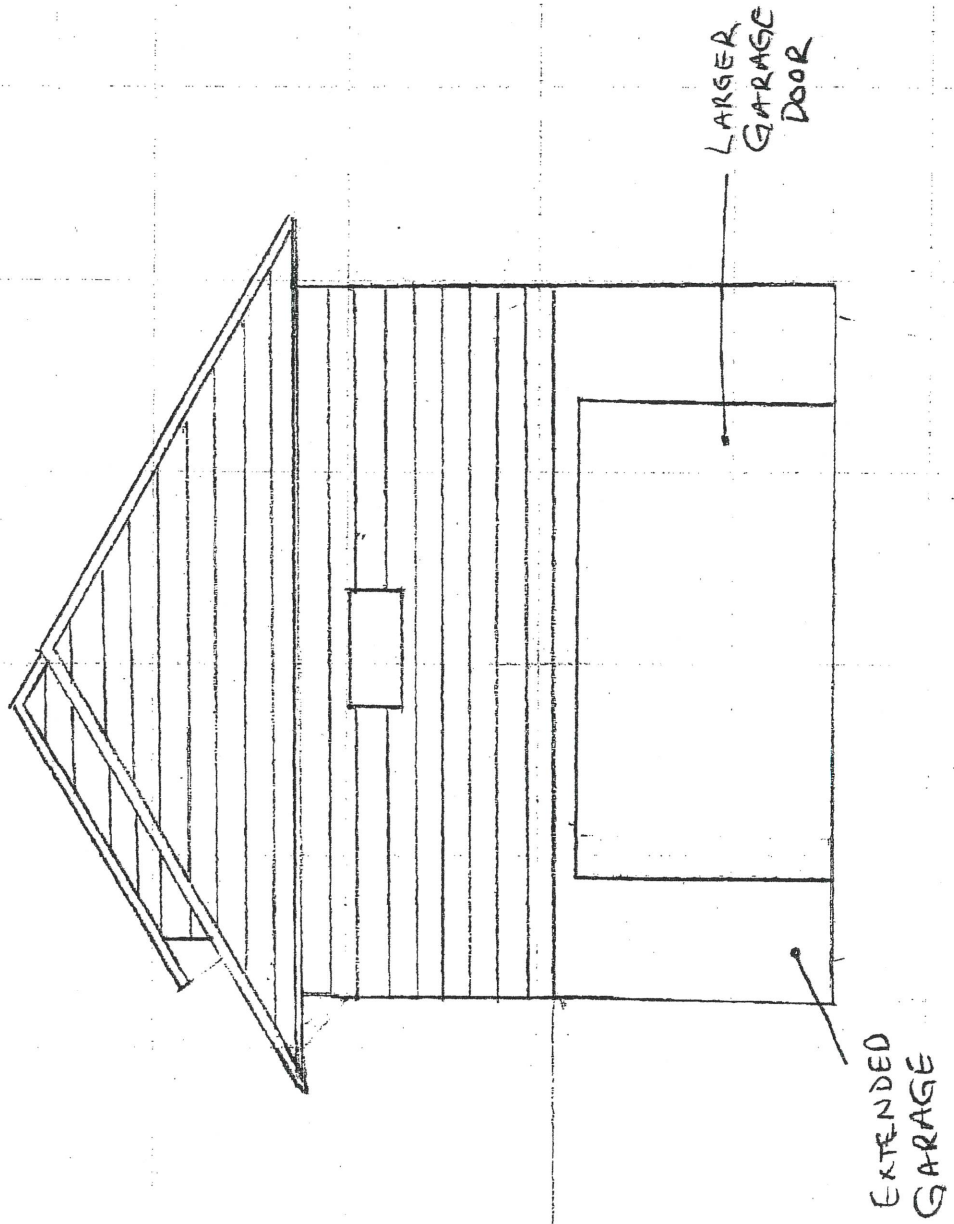
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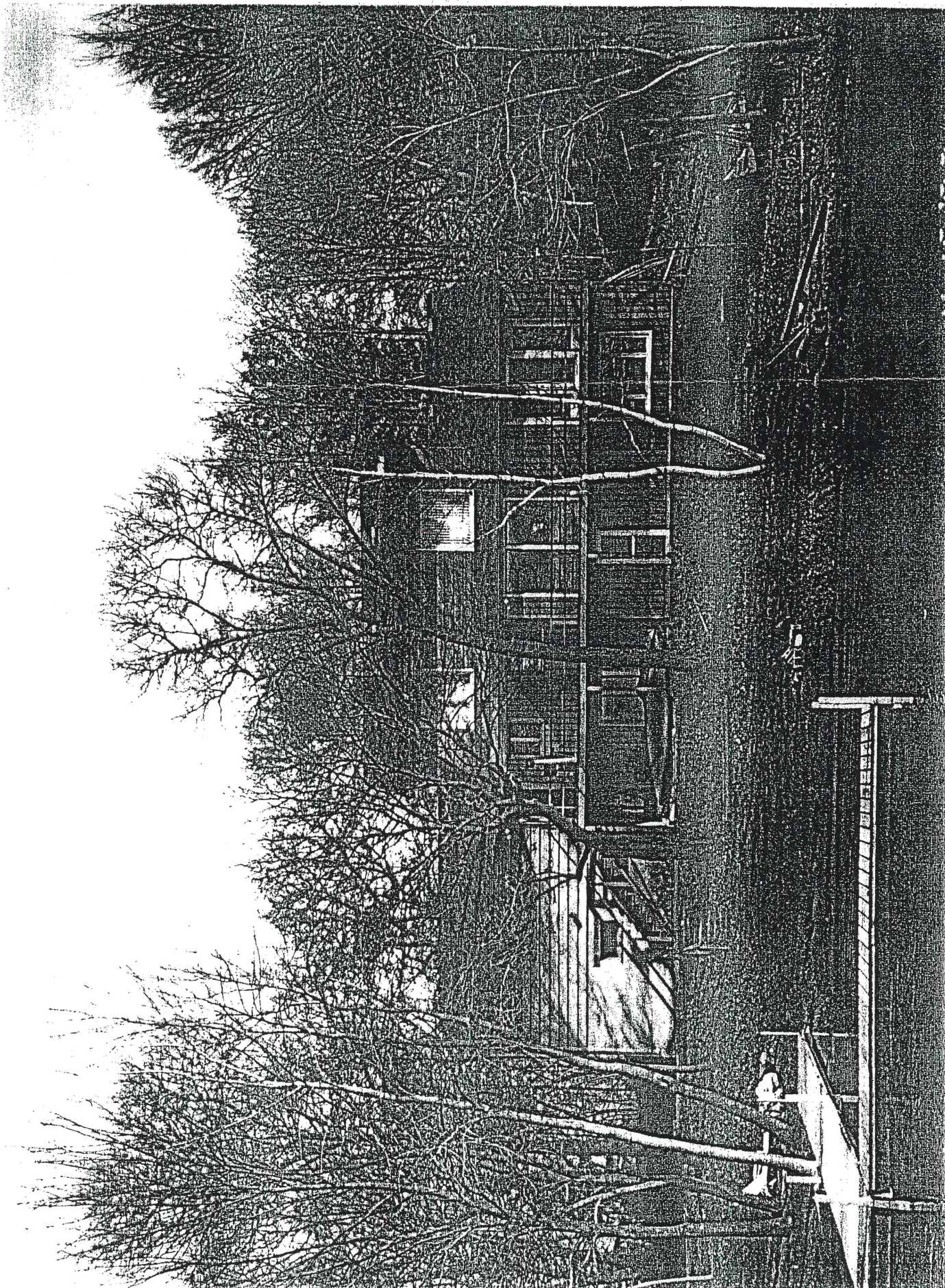
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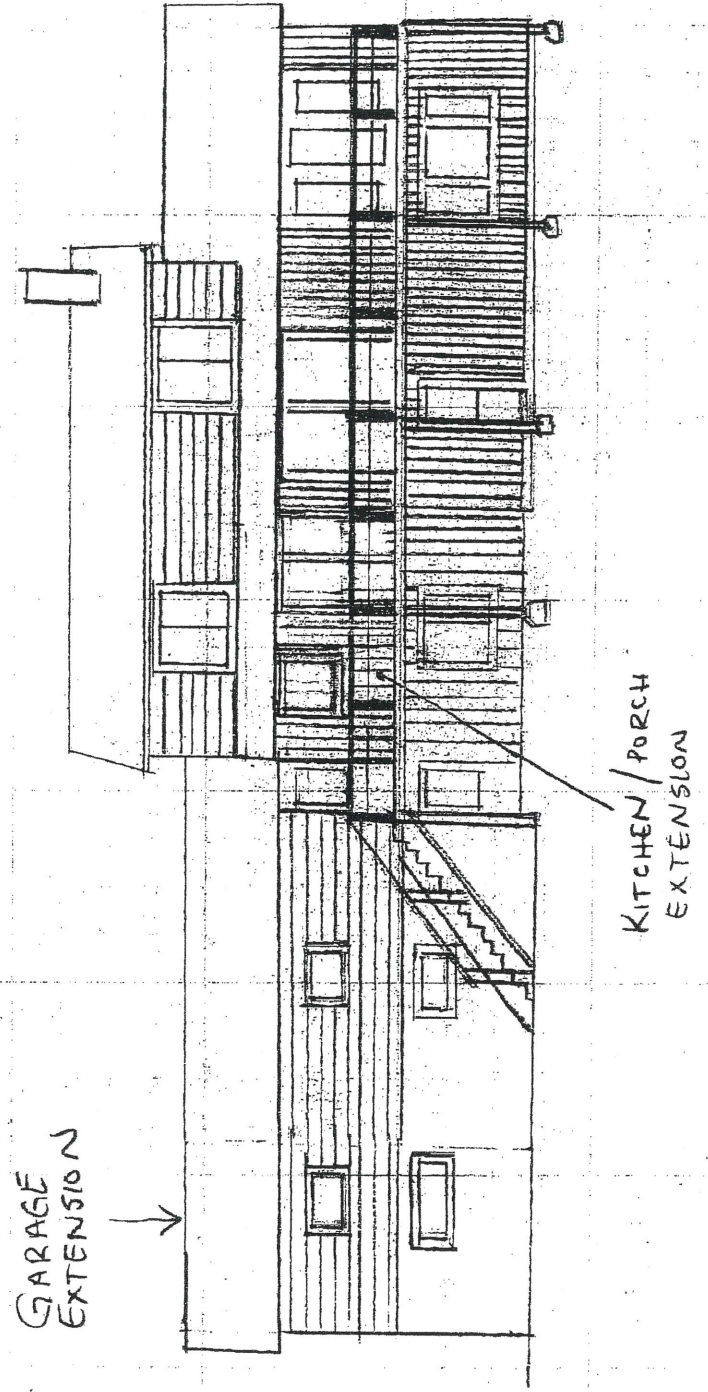
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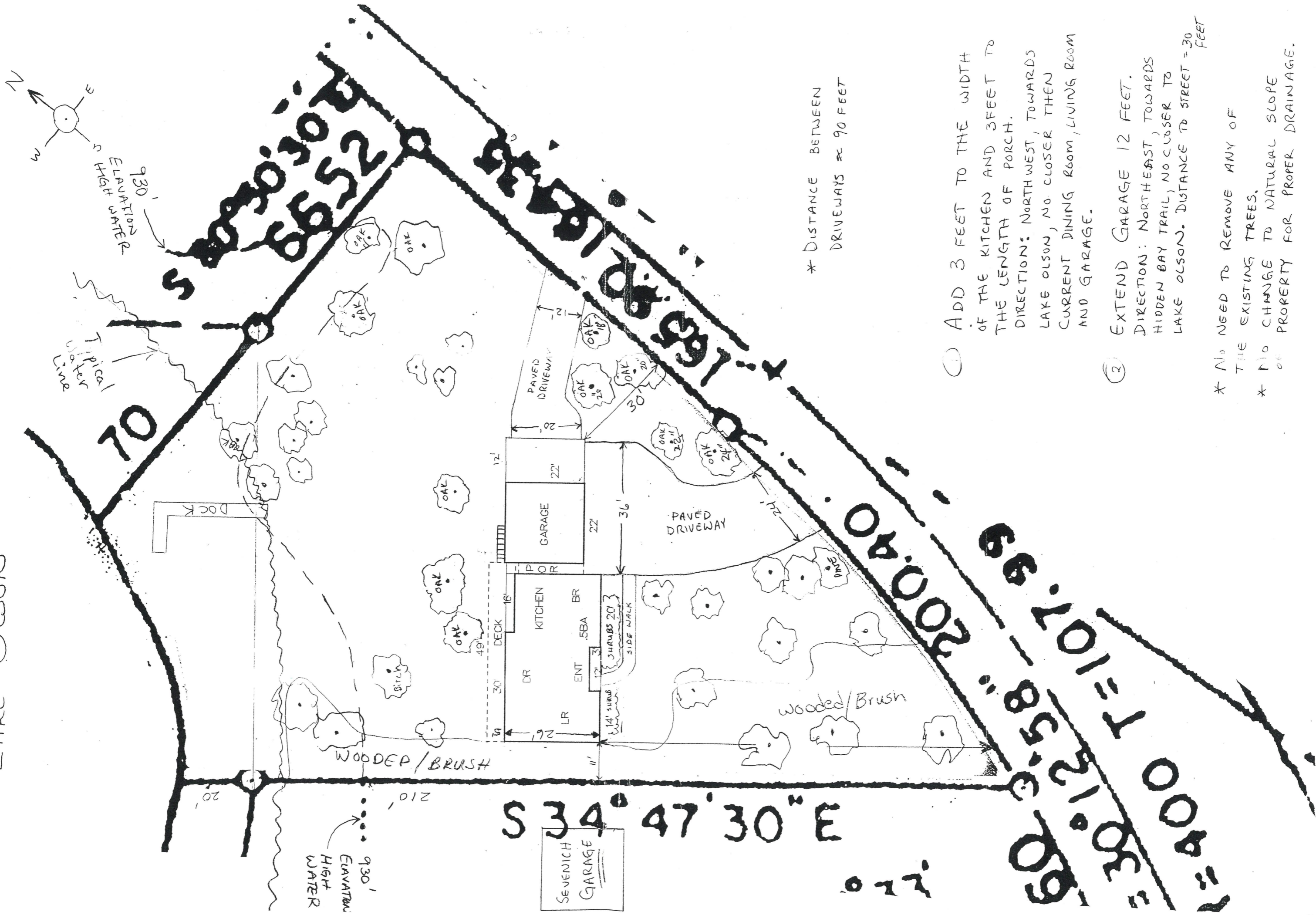


To:



1 INCH = 23 FEET

LAKE OLSON



* DISTANCE BETWEEN DRIVEWAYS ≈ 90 FEET

- ① ADD 3 FEET TO THE WIDTH OF THE KITCHEN AND 3 FEET TO THE LENGTH OF PORCH. DIRECTION: NORTH WEST, TOWARDS LAKE OLSON, NO CLOSER THEN CURRENT DINING ROOM, LIVING ROOM AND GARAGE.
 - ② EXTEND GARAGE 12 FEET. DIRECTION: NORTHEAST, TOWARDS HIDDEN BAY TRAIL, NO CLOSER TO LAKE OLSON. DISTANCE TO STREET = 30 FEET
- * NO NEED TO REMOVE ANY OF THE EXISTING TREES.
* NO CHANGE TO NATURAL SLOPE OF PROPERTY FOR PROPER DRAINAGE.

MEMO

(May 23, 2002 for the Meeting of May 29, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

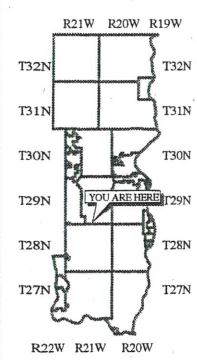
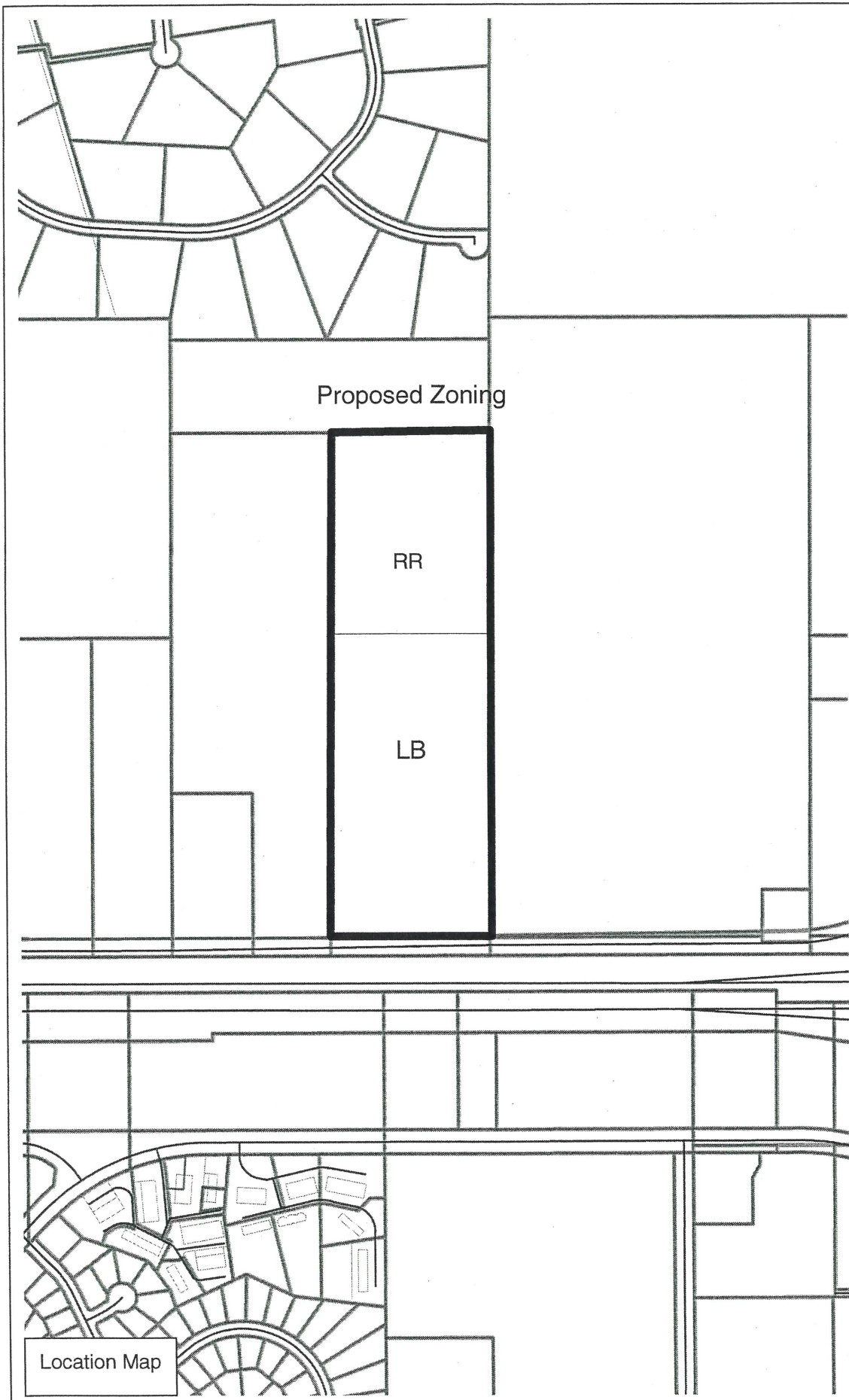
Subject: Zoning Map Amendment - HB to LB

We have again published Notice and advised the property owners in writing of the City proposal to amend the Zoning Map to reclassify a portion of a parcel fronting Hudson Road from the existing HB (Highway Business) to LB (limited Business). The basis for the proposed reclassification is both to bring the zoning of the site into consistency with the 1997 and 2000 Land Use Plans; and, as a compliment to the repeal of the HB zoning district that the Planning Commission has recommended previously.

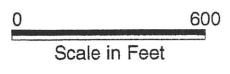
This particular site (of 3 currently zoned HB) was re-Noticed due to an error in the original Notice which stated that the new classification of the site would be GB (General Business). GB zoning of this site would be inconsistent with either Land Use Plan and, therefore, illegal. The other two current HB sites are classified "C", and therefore eligible for GB zoning.

The present HB zoning of this 32 acre tax parcel covers a very limited area of the tax parcel – the 200 wide by 600 foot long portion of the site occupied by the hang glider business. The balance of the 32 acres is presently zoned RR. The Land Use Plans both designate the south 1,250 feet of the tax parcel as LB, and the balance of the site RAD. Today, the balance of the site (in addition to the HB portion) is zoned RR.; and, we suggest to the Commission that the zoning reclassification include the entire Land Use Plan LB portion of the tax parcel, rather than just the hang glider site.

Staff recommends the Planning Commission adopt a recommendation to the City Council to rezone the south 1,250 feet of PID 34-029-21-34-0001 from HB (Highway Business) and RR (Rural Residential) to LB (Limited Business) based on consistency of the LB zoning classification with the Land Use Plan Element of the Comprehensive Plan.



Vicinity Map

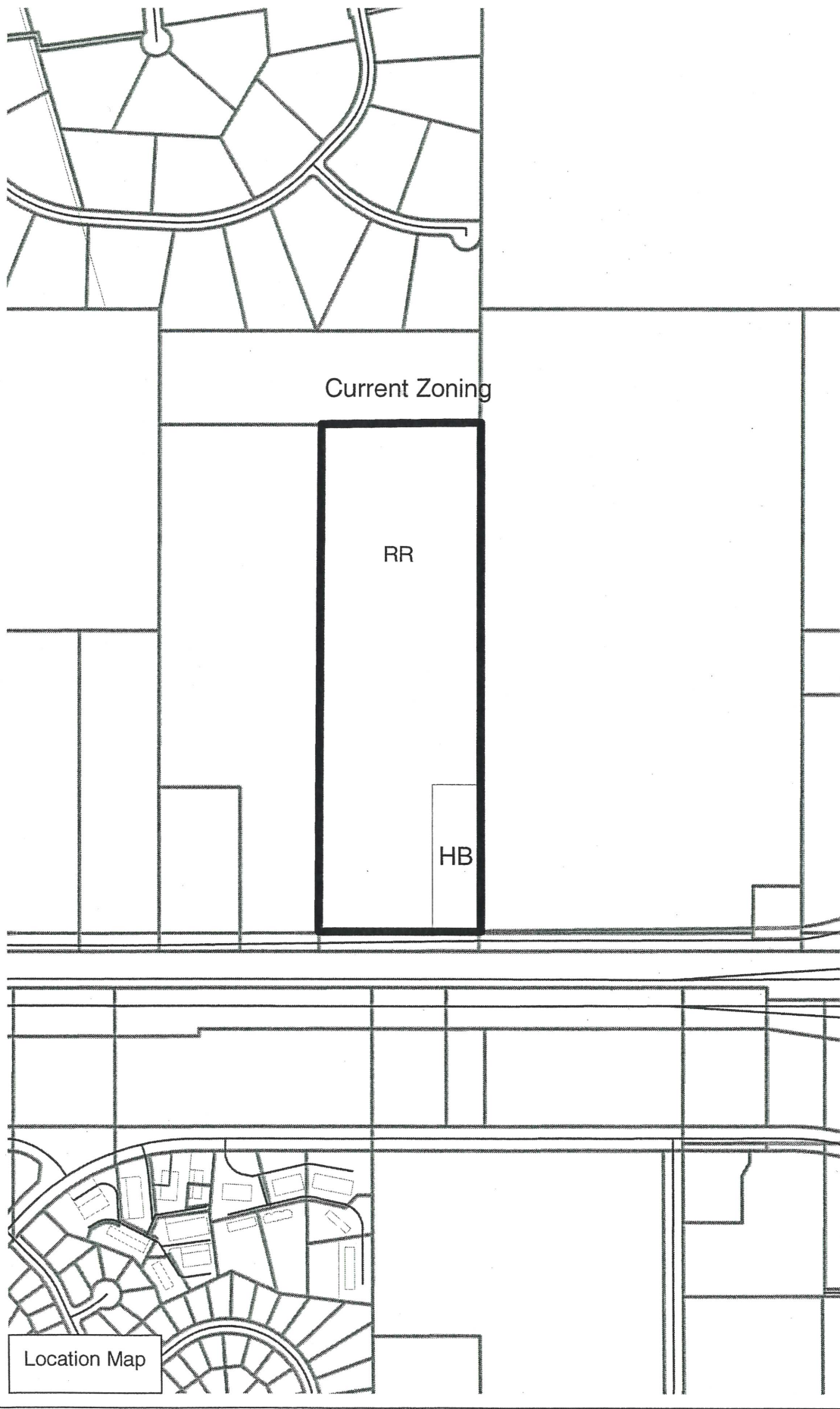


Location Map

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 (651) 430-6675

Parcel data based on AS400 information current through March 31, 2002.
Map printed: May 23, 2002.

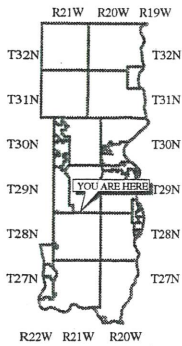


Current Zoning

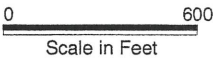
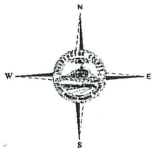
RR

HB

Location Map



Vicinity Map



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 (651) 430-6875

Parcel data based on AS400 information current through: March 31, 2002
Map printed: May 23, 2002

MEMO

(May 24, 2002 for the Meeting of May 29, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Site Plan Amendment – Bremer Financial/United Properties

I was recently asked by a United Properties representative whether there would be a Code problem or required review process involved for Bremer to include an “emergency generator” with the project. With visions of a back-up generator of the type the City has just purchased for our water wells and 201 lift pumps, I advised the Bremer representative that such a minor item should not be a Code problem, or in need of a formal Site Plan amendment.

I was later called by the firm that is to supply the generator unit. The call was to learn of the City’s Code requirements regarding sound levels for portable generating units. The description of the generator unit provided by the vendor changed the situation significantly – regardless of sound levels. Rather than the 8 foot by 4 foot unit of 150 KVA I had visualized as an emergency generator, the proposed unit was actually 36 feet long, 15 feet high, and 12 feet wide – producing **1,825 KVA**.

In addition, I was advised by the vendor that Bremer’s intended use of the generator was not just for emergency back-up, but also to provide electricity for the building responsive to an “interruptible” contract with Xcel. Xcel would have the right, under that contract, to cut off power from the grid to the Bremer building, and Bremer would rely on their own power generation during the periods Xcel specified – probably during high power demand periods in the summer months.

Following this conversation I informed United that what I now knew was a very different situation than I had first assumed. United say that they advised me of the actual size of the generator – you would think I would remember something as unusual as that. United also advises that they were not aware of the interruptible power strategy – and, that Bremer has since abandoned that strategy.

This morning (May 24) United has provided drawings that both show the proposed unit (that hasn’t changed), and how the landscape plan is proposed to screen the unit. I am adding this item to your May 29 agenda without any further review by staff – as a proposed Site Plan amendment. United will be available on May 29 to discuss the proposal further with the Commission.



UNITED PROPERTIES

RECEIVED

MAY 23 2002

CITY OF LAKE ELMO

May 23, 2002

Mr. Chuck Dillerud
City Planner
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

RE: Bremer Financial
Eagle Point Business Park

Dear Mr. Dillerud:

This is to formally request the City's approval of Bremer's placement of a generator on-site as an emergency back-up power source. Having back-up emergency power is critically important to this Operations Center function. The generator is sizeable, which is required for a building of this size. We have taken every opportunity to minimize its effects upon the surrounding community.

Enclosed is important information about the generator for your consideration.

Size: 36' L x 15' H x 12' W
1825 KVA

Location: To be located near the building in the truck dock area, approximately 113 feet from the east property line. Refer to attached site plan.

Visual: The generator, fuel tank, and muffler will be enclosed in a sound attenuated housing. The exterior panels will be painted to match the color of the building. Refer to the attached landscape plan which shows extensive plantings of 10' spruce trees along the east side of the enclosure. Please note also that the pad sits at a 1012 site elevation. Adding the enclosure which is approximately 15' high, results in a 1027 elevation. The berm along the east property line is shown to be at 1026, with considerable plantings of trees and shrubs above that. Therefore, the enclosure will hardly be noticeable from the east.

Noise: Most buildings having generators pay little attention to what they look like. Usually they are smaller than what is proposed for Bremer, but totally exposed with a muffler on top. Bremer's approach is to integrate this into the design of the overall project.

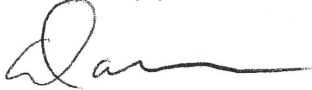
Mr. Chuck Dillerud
City of Lake Elmo
May 23, 2002
Page 2

It is entirely enclosed with sound attenuation panels, including the muffler, to minimize noise. Please refer to the attached letter from Dunham Associates, the electrical engineer for the project. We also believe that the tree plantings will also absorb some of the noise generated by this equipment.

Please refer to the attached exhibits for additional information about this generator. Bremer is considering working with Xcel Energy on a Peak Control Program, which would produce peak hour power to Xcel Energy.

We respectfully request your approval to allow Bremer to add the generator to their plan.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dale J. Glowa', with a long horizontal flourish extending to the right.

Dale J. Glowa
Senior Vice President
Development

Attachments
DJG/bls



May 23, 2002

Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Comm. No.: 04-02002
Project: Bremer Bank Operations Center - Eagle Point Development
Re: Back-Up Generator Design

Dear Mr. Dillerud:

Bremer Bank would like to install a diesel powered engine generator to provide back-up and emergency power to their new facility located in the Eagle Point Development in Lake Elmo, Minnesota.

The generator will be used to serve emergency loads during a power outage as required by the Life Safety Code (NFPA 101). In addition, the generator will provide back-up power to critical operational loads within the building.

It is the desire of Bremer Bank to enroll in the Peak Controlled Program offered by Xcel Energy. This program requires the generator to be operated for a maximum of 80 hours per year. The hours of operation under this program have typically occurred during daytime hours (10 am – 5 pm) in the summer. Xcel Energy requires their customers to transfer electrical load to generator on days with high demand (usually hot summer days). In addition to the hours called for by the Peak Controlled Program, the generator will operate during monthly testing and whenever there is an interruption in electrical service to the building.

The generator, fuel tank and silencer (muffler) will all be enclosed in a sound attenuated housing. The housing will be approximately 12' wide by 15' tall by 36' long, and will be located on the southeast side of the building near the loading dock and utility transformer. The housing will be painted to match the building. A picture of a similar generator housing is shown on the attached photograph.

The enclosure will be constructed to attenuate the sound produced by the generator and generator exhaust. The enclosure has been specified to provide a maximum sound pressure level of 65 dBA measured at a distance of 23 feet. Since sound pressure in an outdoor environment declines by the inverse square law, the sound pressure level will reduce by approximately 6 dBA for each doubling of the distance. This means that by doubling the distance from 23 feet to 46 feet, the sound pressure level will be reduced by approximately 6 dBA. The 6 dBA reduction repeats again by doubling the distance from 46 feet to 92 feet. The generator will be located approximately 110' from the nearest property line. Using the calculation above, we predict that the sound pressure level will be reduced to approximately 52 dBA measured at the property line. Variations in wind direction, humidity level, and landscaping will minimally affect the actual readings.

8200
Normandale
Boulevard
Suite 500

Minneapolis
Minnesota
55437-1075

Tel: 952-820-1400
Fax: 952-820-2760
dunhamassociates.com

Mr. Chuck Dillerud
Lake Elmo Planning Commission

May 23, 2002
Page 2

Attempting to put this sound pressure level into a meaningful comparison, we look to the 1997 ASHRAE Handbook on Fundamentals, Chapter 7, Table 3 (attached). As shown on the table, a sound pressure level of 52 dBA falls in the moderate range. Conversational speech has a sound pressure level of 60 dBA. Using this comparison, the sound produced by the generator (measured at the property line) would be less than the sound produced by two people having a conversation at the property line.

I hope that this information will satisfy your concerns about the proposed generator installation and the noise associated with its operation.

Please call me at (952) 820-1425 if you have any questions.

Sincerely,

DUNHAM ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "J. Rohkohl", written in a cursive style.

Jay Rohkohl, PE
Partner

Copy: Dale Glowa – United Properties

Table 3 Typical Sound Pressures and Sound Pressure Levels

Source	Sound Pressure, Pa	Sound Pressure Level, dB re 20 μ Pa	Subjective Reaction
Military jet takeoff at 100 ft	200	140	Extreme danger
Artillery fire at 10 ft	63.2	130	
Passenger jet takeoff at 100 ft	20	120	Threshold of pain
Loud rock band ^a	6.3	110	Threshold of discomfort
Platform of subway station (steel wheels)	2	100	
Unmuffled large diesel engine at 130 ft	0.6	90	Very loud
Computer printout room ^a	0.2	80	
Freight train at 100 ft	0.06	70	
Conversational speech at 3 ft	0.02	60	
Window air conditioner ^a	0.006	50	Moderate
Quiet residential area ^a	0.002	40	
Whispered conversation at 6 ft	0.0006	30	
Buzzing insect at 3 ft	0.0002	20	
Threshold of good hearing	0.00006	10	Faint
Threshold of excellent youthful hearing	0.00002	0	Threshold of hearing

^aAmbient.

scale for sound pressure can be created in a manner analogous to the decibel scale for sound intensity. In this case, the reference pressure is 20 μ Pa, which corresponds to the approximate threshold of hearing. Because pressure squared is proportional to intensity, sound pressure level L_p is

$$L_p = 10 \log(p/p_{ref})^2 \text{ re } p_{ref} \quad (3)$$

Because p_{ref} is 20 μ Pa (2×10^{-5} Pa), and $10 \log p^2 = 20 \log p$,

$$L_p = 20 \log(p/2 \times 10^{-5}) \text{ re } 20 \mu\text{Pa} \quad (4)$$

or

$$L_p = 20 \log p + 94 \text{ dB re } 20 \mu\text{Pa} \quad (5)$$

where p = root mean square (rms) value of pressure, μ Pa.

The human ear responds across a broad range of sound pressures; threshold of hearing to threshold of pain covers a range of approximately 10^{14} :1. Table 3 gives the sound pressure levels of various typical sources. The linear range scale for sound pressure in Table 3 is awkward in this form; therefore, the equivalent notations in the third column should be used.

Because the decibel is a logarithmic unit, two sound levels cannot be added arithmetically. Two common methods for adding decibels are used.

For the more accurate method of adding sound pressure levels, divide each by 10 and take the antilogarithm. Then add the antilogarithms, take the logarithm, and multiply by 10 to obtain the combined level. The process can be used to add a series of decibel levels, such as the octave band analysis of a noise (Table 4), to reach the overall level. Alternatively, add the largest and next largest, and repeat this process until the next addition has little or no influence.

The second method is simpler and slightly less accurate; simply refer to Table 5 to perform the desired addition. This method, although not exact, results in errors of 1 dB or less.

Table 4 Combining Decibels to Determine Overall Sound Pressure Level

Octave Band Frequency, Hz	Octave Band Level L_p , dB	Antilog of $L_p/10$
63	85	$3.2 \times 10^8 = 0.32 \times 10^9$
125	90	$1.0 \times 10^9 = 1.0 \times 10^9$
250	92	$1.6 \times 10^9 = 1.6 \times 10^9$
500	87	$5.0 \times 10^8 = 0.5 \times 10^9$
1000	82	$1.6 \times 10^8 = 0.16 \times 10^9$
2000	78	$6.3 \times 10^7 = 0.06 \times 10^9$
4000	65	$3.2 \times 10^6 = 0.003 \times 10^9$
8000	54	$2.5 \times 10^5 = 0.0002 \times 10^9$
		3.6432×10^9
		$10 \log (3.6 \times 10^9) = 96 \text{ dB}$

Table 5 Combining Two Sound Levels

Difference Between Two Levels to Be Combined, dB	0 to 1	2 to 4	5 to 9	10 and More
Number of decibels to be added to highest level to obtain combined level	3	2	1	0

HUMAN RESPONSE TO SOUND

What is Noise?

Sound becomes noise when

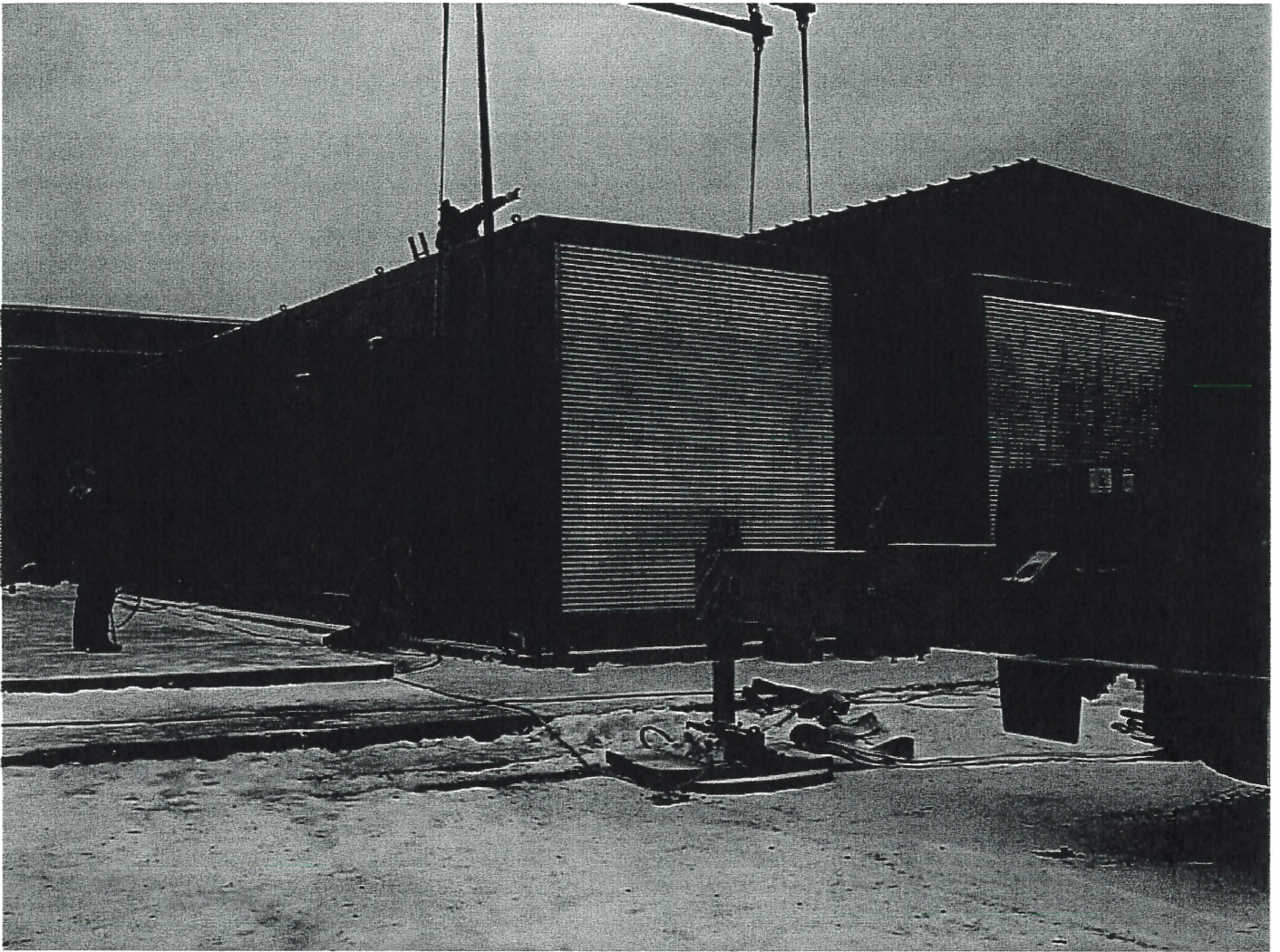
- It is too loud (the sound makes speech or speech intelligibility difficult, or it is uncomfortable)
- It is unexpected (e.g., the sound of breaking glass)
- It is uncontrolled (e.g., a neighbor's lawn mower)
- It happens at the wrong time (e.g., a door slamming in the middle of the night)
- It contains pure tones (e.g., a whine, whistle, or hum)
- It contains unwanted information (e.g., an adjacent telephone conversation or undesirable music)
- It is unpleasant (e.g., a dripping faucet)
- It connotes unpleasant experiences (e.g., a mosquito buzz or a siren wail)
- It is any combination of the above examples

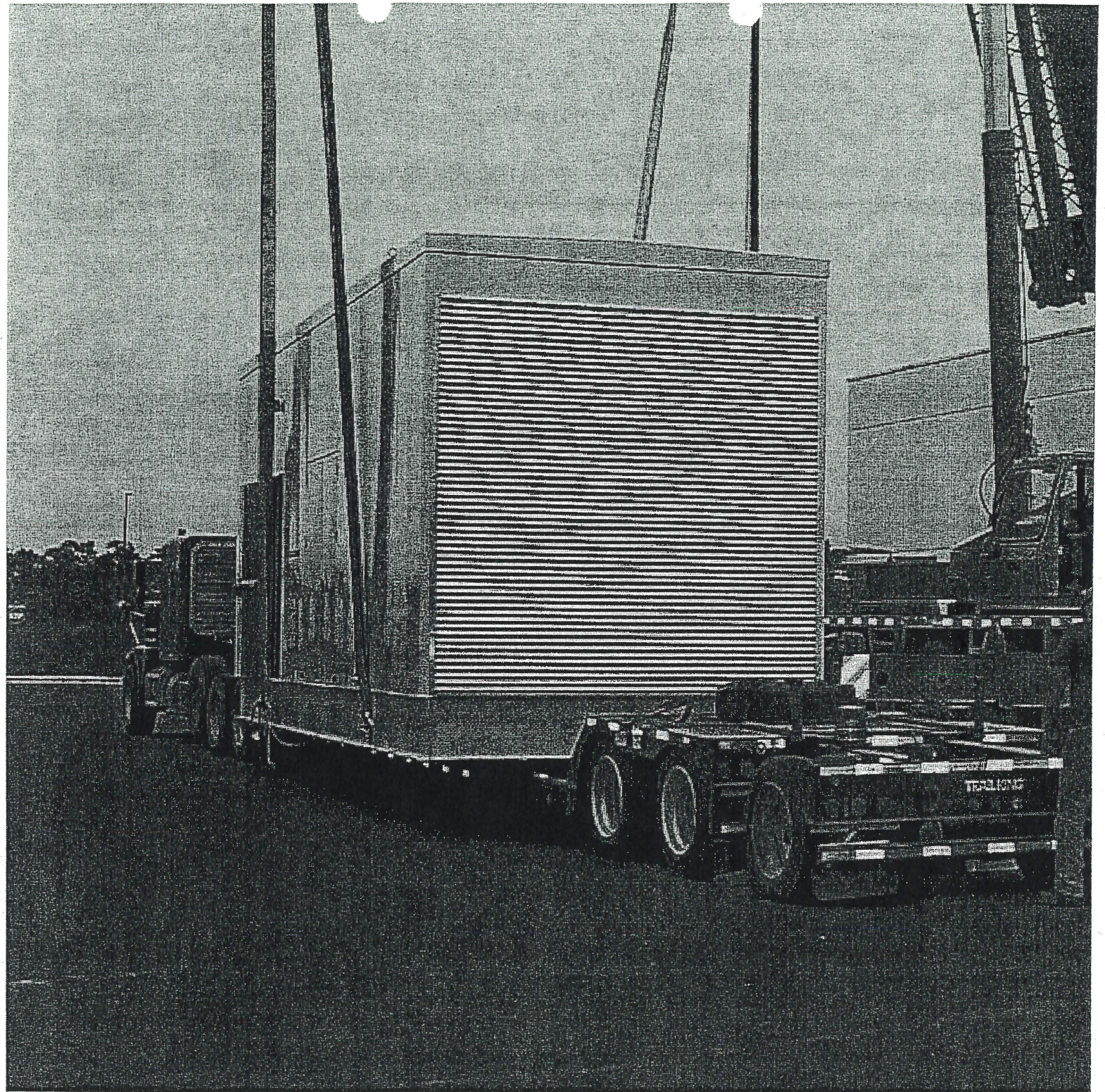
To be noise, sound does not have to be loud, just unwanted. In addition to being annoying, loud noise can cause hearing loss, and depending on other factors, it could affect stress level and heart rate.

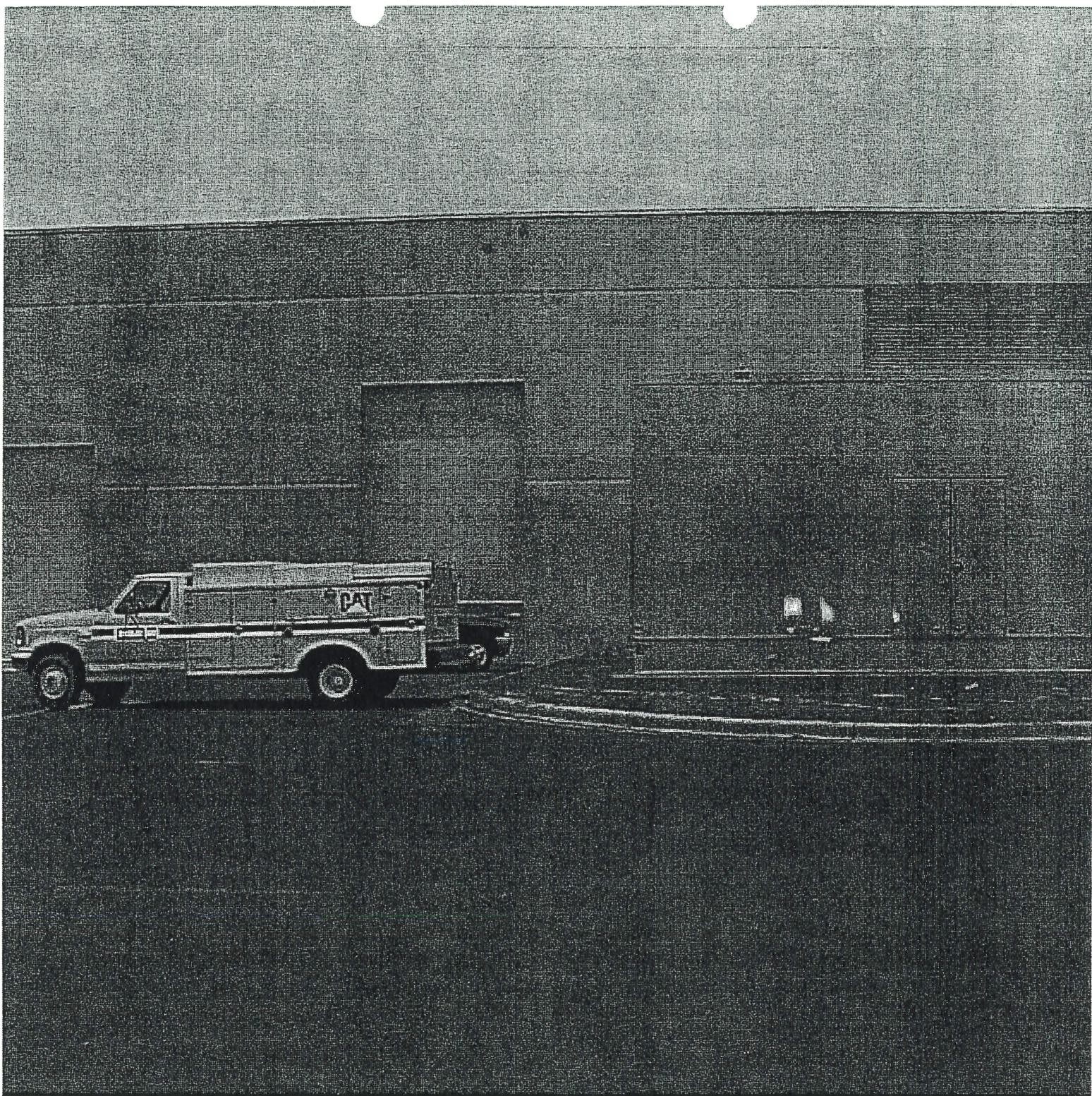
Predicting Human Response to Noise

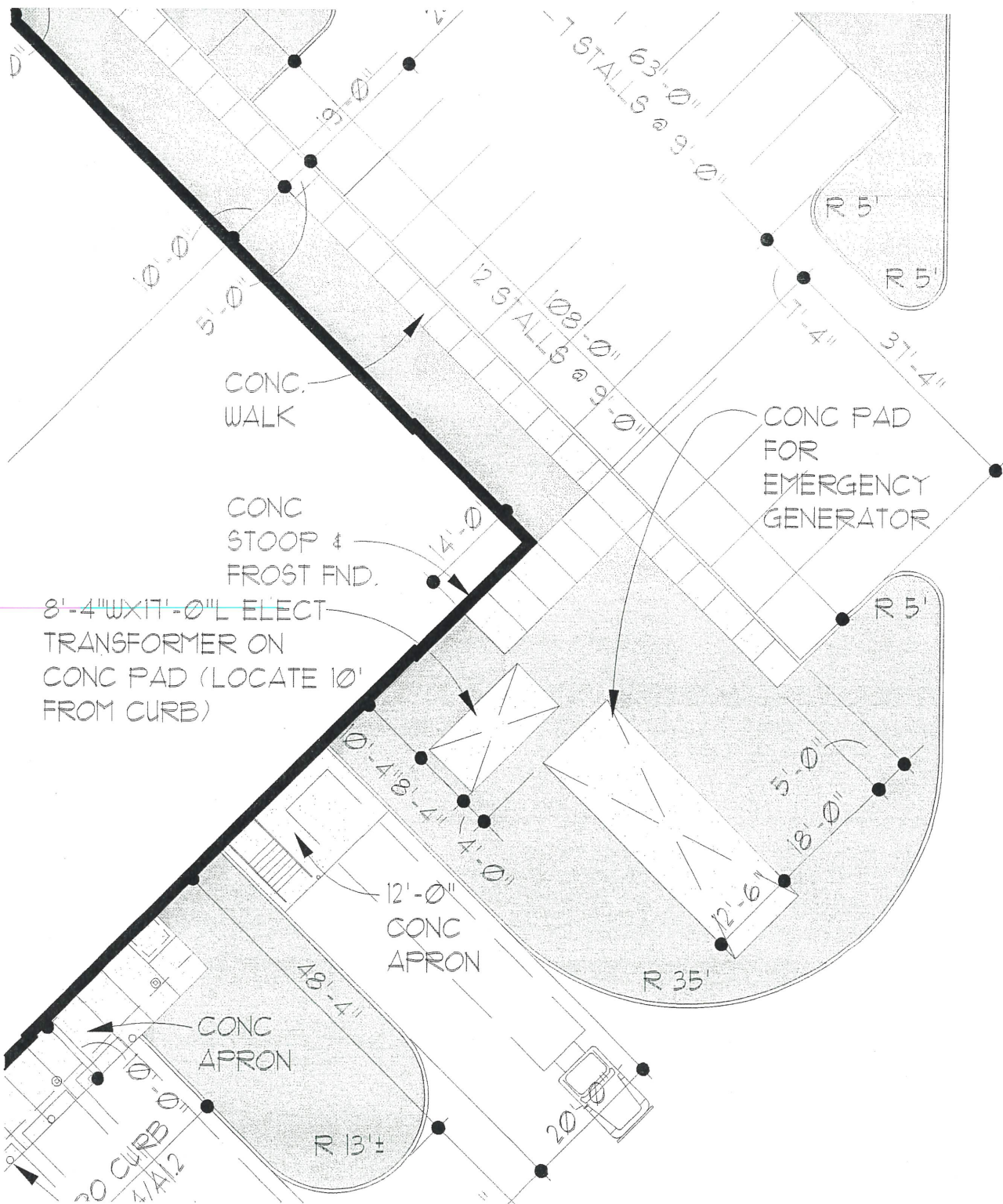
Unfortunately, predicting the response of people to any given sound is at best only a statistical concept and at worst very inaccurate. This is because response to sound is not only physiological but also psychological and depends on the state of attitude of the listener, which can vary. Hence, the effect of noise is often unpredictable. We do know, however, that people's response to noise is adverse if it is considered too loud for the situation or if it sounds "wrong." As a result, most criteria are based on descriptors that take into account level and spectrum shape.

The sound pressure level in an occupied space can be measured directly with a sound level meter or estimated from published sound power data after accounting for room volume, distance from the source, and other acoustical factors. Sound level meters measure the sound pressure at the microphone location. Estimation techniques calculate sound pressure at a specified point in an occupied space. Measured or estimated sound pressure levels in frequency bands can then be plotted, analyzed, and compared with established criteria for acceptance.









POPE
ASSOCIATES

ARCHITECTS
INTERIOR DESIGNERS

1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH: (651) 642-9200
FAX: (651) 642-1101



UNITED PROPERTIES

BREMER
SERVICE CENTER
LAKE ELMO, MN
PAI COMM NO: 73372-00147

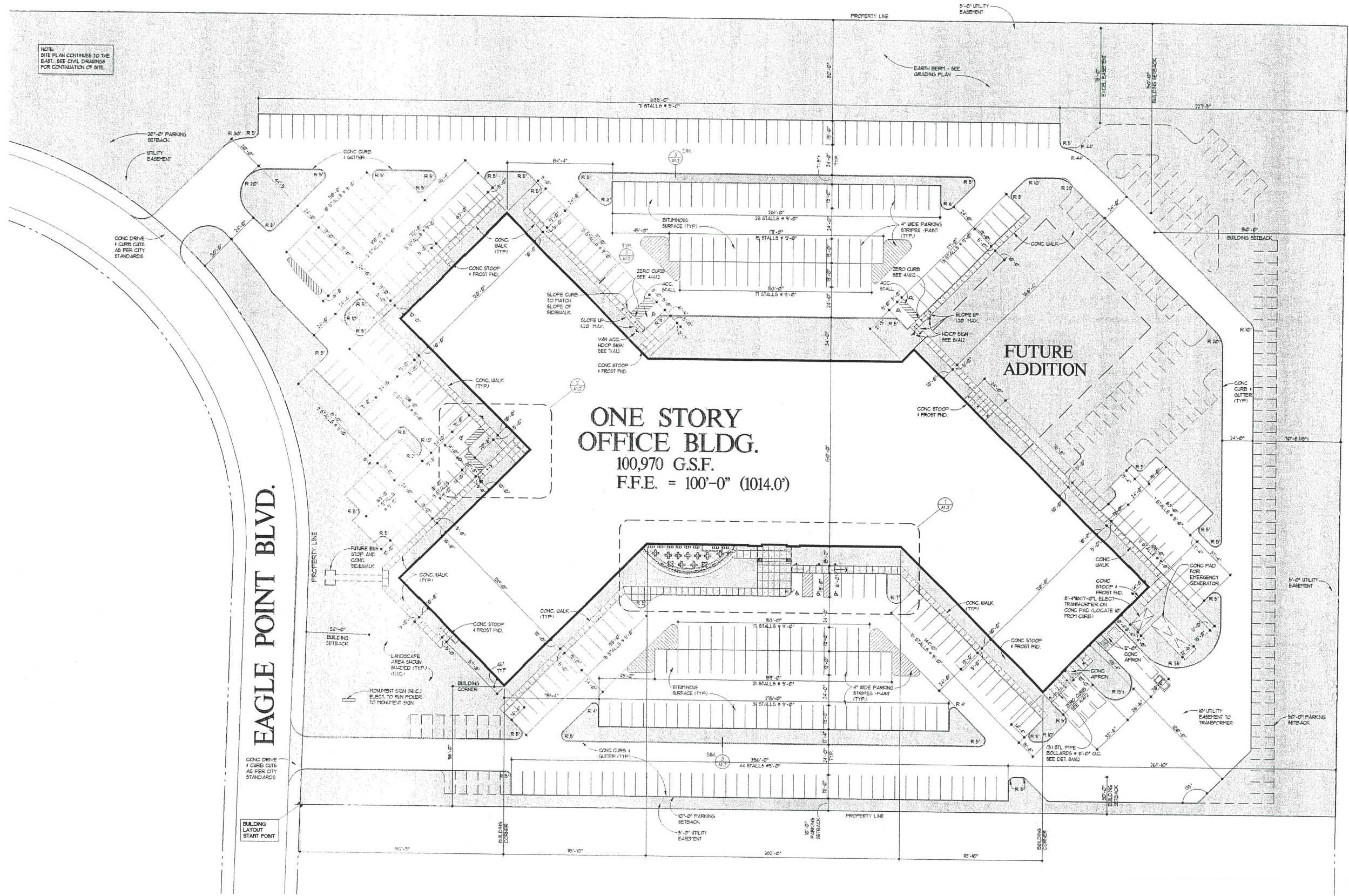
PARTIAL SITE PLAN

SCALE: 1" = 20'

Revisions

Drawn by DEM
Date 05/23/02
Sheet

A1.1



**ONE STORY
OFFICE BLDG.**
100,970 G.S.F.
F.F.E. = 100'-0" (1014.0')

**FUTURE
ADDITION**

EAGLE POINT BLVD.

1 SITE PLAN
A1.1
1"=30'-0"

NOTES:
CONC WALK CONTROL JOINTS @ 5'-0" O.C.
EXPANSION JOINTS @ 25'-0" O.C. UNLESS
NOTED OTHERWISE. SEE S/A1.2
CONTROL JOINTS & EXPANSION JOINTS IN
CURBS ARE TO ALIGN W/CONTROL JOINTS &
EXPANSION JOINTS IN ADJACENT SIDEWALK.
ALL ACCESSIBLE RAMPS (1:20) TO BE
EXPOSED AGGREGATE.

SITE PLAN

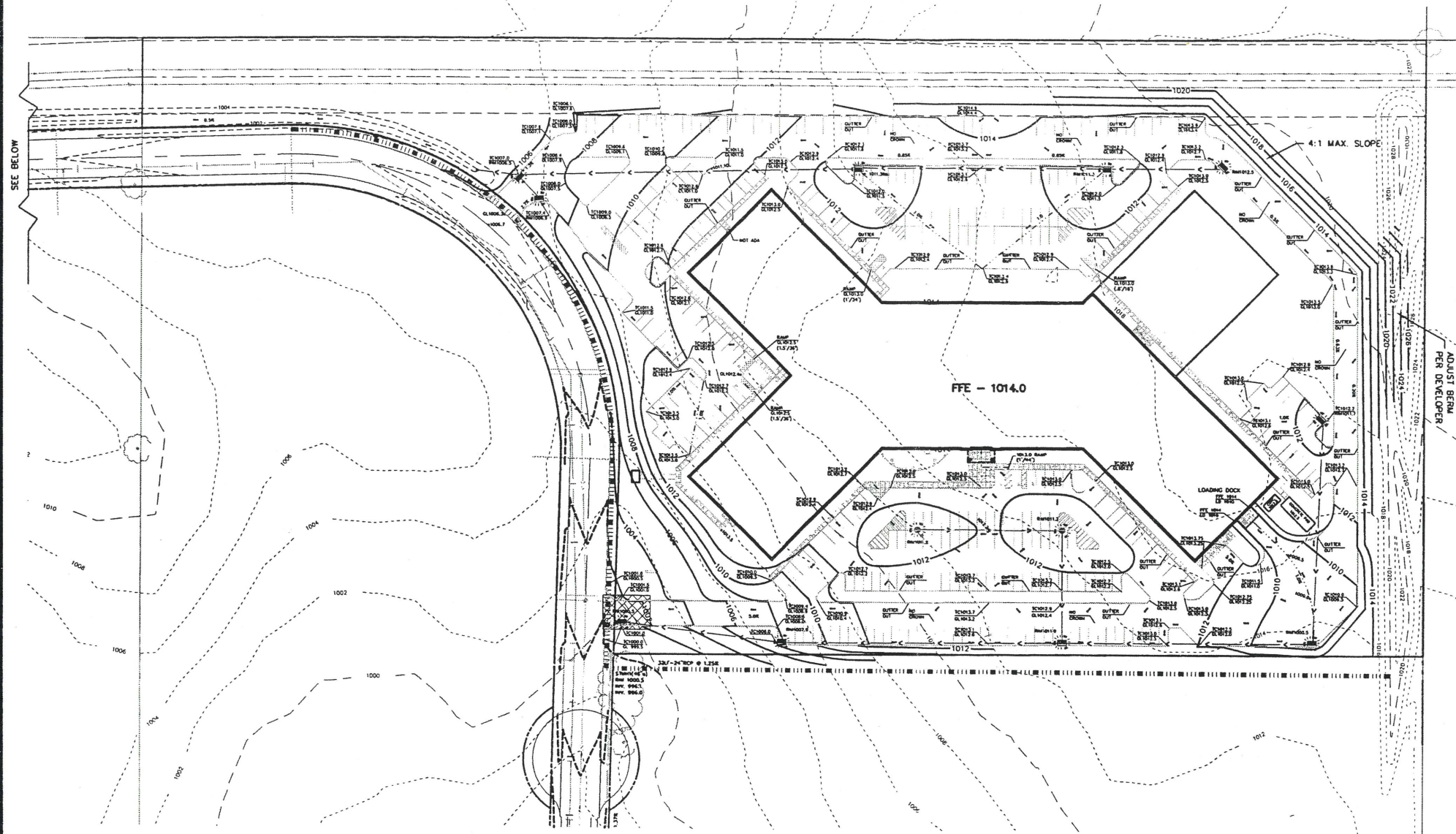
Revisions:	
STEEL PACKAGE	3/4/02
CIVIL PACKAGE	3/12/02
CONSTRUCTION SET	3/29/02

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 Architect under the laws of the State of Minnesota.

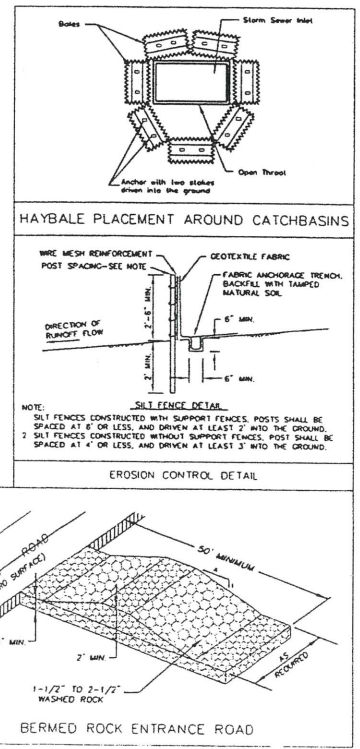
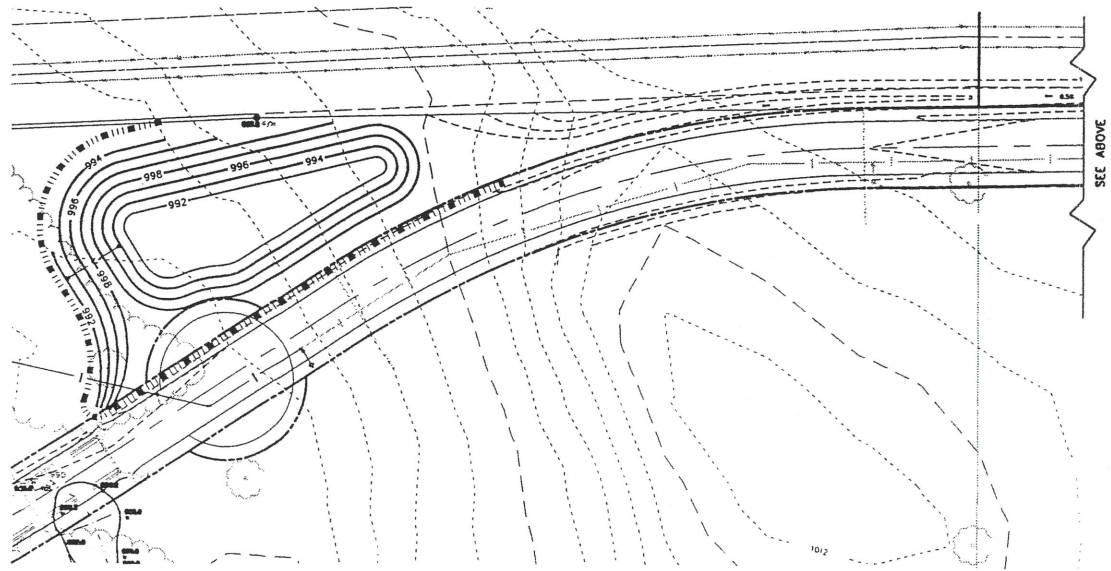
Date:	03/29/02	Jon R. Pope	Lic. No. 13941
Commission No.	75372-00147		
Drawn by:	D.M.		
Checked by:	S.D.		
Date:	03/29/02		

SHEET

A1.1



- ### LEGEND
- 1008 --- TWO FOOT CONTOUR INTERVAL
 - - - - - DENOTES CONTOUR
 - DENOTES FOUND MONUMENT
 - DENOTES MANHOLE
 - ⊙ DENOTES CATCHBASIN
 - ⊙ DENOTES LIGHT POLE
 - ⊙ DENOTES STREET SIGN
 - ⊙ DENOTES SIGN
 - ⊙ DENOTES HYDRANT
 - ⊙ DENOTES TELEPHONE PEDESTAL
 - ⊙ DENOTES ELECTRIC PEDESTAL
 - ⊙ DENOTES CABLE TV PEDESTAL
 - ⊙ DENOTES MAILBOX
 - ⊙ DENOTES WOODEN POST
 - DENOTES FENCE
 - DENOTES UG ELECTRIC LINE
 - DENOTES UG GAS LINE
 - DENOTES UG TELEPHONE LINE
 - DENOTES OVERHEAD POWER LINE
 - DENOTES BUSH
 - ⊙ DENOTES DECIDUOUS TREE
 - ⊙ DENOTES CONIFEROUS TREE
 - ⊙ DENOTES ELECTRIC HAND HOLE
 - ⊙ DENOTES GAS MARKER
 - ⊙ DENOTES SANITARY MANHOLE
 - ⊙ DENOTES WATER VALVE
 - DENOTES PROPOSED STORM SEWER
 - ⊙ DENOTES PROPOSED CATCHBASIN
 - DENOTES PROPOSED STORM MANHOLE
 - 1012 --- DENOTES PROPOSED CONTOUR
 - DENOTES PROPOSED DRAINAGE
 - DENOTES PROPOSED ELEVATION
 - DENOTES EROSION CONTROL SILT FENCE
 - DENOTES ROCK CONSTRUCTION ENTRANCE
- ### EROSION CONTROL NOTES
1. Erosion control features must be installed prior to any site grading operations and be maintained throughout duration of construction.
 2. Erosion control features must remain in place until vegetation has been established and paving is completed.



May 23, 2001 12:27:11 PM
B16890Jrev3 19764550GHS-73.DWG (1/10/02)

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

NAME: J. CRANE
DATE: _____ LIC. NO.: 19130

NO.	DATE	BY	REVISION DESCRIPTION
1	2/21/2002	EY	REVISED SITE
2	3/8/2002	EY	REVISED SITE/GRADES
3	3/22/2002	EY	REVISED SITE/GRADES
4	3/28/2002	EY	DETAILED GRADES
5	5/13/2002	EY	TRANSFORMER PAD GRADES



1326 ENERGY PARK DRIVE
ST. PAUL, MINNESOTA 55106
(651) 644-4366

Howard R. Green Company
CONSULTING ENGINEERS

FINAL GRADING PLAN
BREMER FINANCIAL CENTER

POPE ASSOCIATES
ARCHITECTS
INTERIOR DESIGNERS

1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-9118
PH: (651) 642-9200
AX: (651) 642-1101

BREMER FINANCIAL CENTER
LAKE ELMO, MN

75372-00063
SEJ
SD
-1-1-

SHEET

C.1

OF

