

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, February 16, 2012 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Merrigan, Nelson, Perrus, Reveal, Spaulding, and Wickiser  
EXCUSED: Wencil  
STAFF: Chriscell Bedard, Kate Reilly, Patricia James, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**Metropolitan State University - 11-310-568 - Conditional use permit for a wind turbine on a freestanding pole 104 feet high, 645 7th St E, between Maria and Mounds**

Kate Reilly presented the staff report with a recommendation of approval for the conditional use permit. Kate Reilly also stated District 4 recommended denial, and there were 3 letters in support, and 5 letters in opposition.

At the inquiry of the Commissioners, Ms. Reilly explained the similarities and differences between this proposal and the wind turbine at Macalester College. She stated this proposal for a wind turbine is a little taller, not as close to the property line, and ten kilowatts greater power.

The representative of the applicant, Dan Hambrock, 200 E 7<sup>th</sup> Street, Saint Paul, explained they have held two meetings with residents in the area and the District 4 Council. Originally they had support from the District Council in 2008. There had been delays from the Federal Aviation Administration (FAA) and Minnesota Department of Transportation Office of Aeronautics, but now they have both submitted letters of approval. Mr. Hambrock explained they have received objections from the neighborhood, and believes that the objections come from internet research on much larger projects. Their proposed wind turbine is a much smaller scale, and they have examined two other similar sized wind turbines that haven't put bird or bat populations at risk. The proposed wind turbine is intended to be used for educational programs and be a community asset. In addition, they have recently installed LED lighting and the wind turbine would provide the sustainable power to light them.

Cliff Carey, 635 Bates Avenue, St. Paul, spoke in opposition. Mr. Carey supports sustainable energy, but believes this isn't the right site for a wind turbine. It will have a detrimental effect on the unique quality of remoteness of Swede Hollow Park.

Rene Lerma, 613 North Ave., St. Paul, spoke in opposition. His home is located very close to the proposed site. Mr. Lerma explained that the wind turbine will take away from the serene nature of Swede Hollow Park and the historic nature of the neighborhood. He is also concerned about increased noise levels and the effects to wildlife. Mr. Lerma stated that because of a lack of regulations, the City is using a cell phone tower as a model, and he feels there is a considerable difference between a cell phone tower and a wind turbine.

Upon questions from the Commissioners, Mr. Lerma explained he did his own research on the detriments to bat population, and found it was comparable to similar sized wind turbines. He stated that the location of this wind turbine isn't comparable to the one located at Macalester College. At this location there is a creek and park located close to the site, and the Macalester College wind turbine is located in their parking lot with no wildlife in close proximity.

Kim Lerma, 613 North Ave., St. Paul, spoke in opposition. Ms. Lerma stated this location isn't comparable to the one at Macalester College because this location is in the bird migration path. She is concerned that this could be allowed before the City has regulations set in place for this type of structure, and the maintenance it requires. She is also concerned with safety issues because the proximity is so close to Seventh Street and the bike path in Swede Hollow Park. Ms. Lerma stated that the letter submitted by Audubon Minnesota does not alleviate any of her concerns.

Sheila Fricke, 310 Maple Street, St. Paul, spoke in opposition. It would have a negative effect on the historic nature of the neighborhood. Ms. Fricke submitted a petition from neighbors who are also opposed to the wind turbine.

Cheryl Golden-Black, 805 East Fourth Street, St. Paul, spoke in opposition. Ms. Golden-Black agrees with what everyone has already stated. She is concerned that this will be detrimental to the historic feel of the neighborhood. They have worked very hard and spent a lot of money on trying to abide by the Historic Preservation rules set up for Dayton's Bluff. Her biggest concern is that allowing this one will only be the beginning of more to follow, and it isn't cost effective.

Karin DuPaul, Dayton's Bluff Community Council, 798 E. Seventh Street, St. Paul, referred to the letter submitted by the District Council, stating that the District Council is opposed to the proposed wind turbine.

Ralph Jacobson, 2126 Roblyn Avenue, St. Paul, the contractor hired by Xcel Energy to install the turbine, stated he was the contractor for the Macalester College wind turbine. He is in support of the wind turbine. He explained that the Macalester College wind turbine took about two years to receive a permit to begin building. It is the only one in the area, and the fear that this will bring more into the area is unfounded. The process takes too long.

Dan Hambrock responded to testimony. He explained they did look at other locations at the campus, but those sites were future sites for buildings. This is the only site where there aren't future plans, and that works with other agencies. He stated that this site is not part of the historic district. In regards to oil leaks, the amount of oil in the turbine is equivalent to what is in a transaxle of a car, and there are specific requirements to maintain the turbine. Mr. Hambrock explained other sites they looked at to install the wind turbine, and why the sites were ruled out as possibilities. He explained the process they have been through beginning in April 2008 to today. He stated that the FAA will require a red light and FAA markings on the pole.

Upon inquiry of the Commissioners, Ralph Jacobson, stated they contacted the Audubon Society who informed them that there is no set of birds that will be affected by the wind turbine. In regards to the concerns of the bat population, bats will generally go where the food supply is, which is closer to the ground. If the wind turbine isn't approved they will pay for the LED kilowatt hours through their operating account.

The public hearing was closed.

City Attorney, Peter Warner, explained that setting a precedent isn't a major issue. Each time an application is submitted for a wind turbine, given the nature of the use, and the issue of the City not having any regulations at this point, each case will need to be examined individually.

Upon questions from the Commissioners regarding where the City is at with the study for wind turbine regulations, Ms. Reilly explained that there has been a preliminary draft developed without language for Zoning Code requirements. A full study is anticipated in the fourth quarter of 2012.

Commissioner Julie Perrus moved approval of the conditional use permit. Commissioner Elizabeth Reveal seconded the motion.

There was further discussion pertaining to the neighborhood concerns regarding aesthetics of the historic area and the close proximity to a scenic area. Commissioner Merrigan stated that she is not comfortable with the similar use interpretation to a cellular tower, and it is her opinion that a moratorium should be put on applications until the City has reviewed and adopted zoning guidelines.

After further discussion Commissioner Julie Perrus added to the motion that finding 3(d)(3) be revised as stating it is partially met; the propeller blades will be on a galvanized pole to match existing light poles except where markings or lighting are required by the FAA.

The motion failed by a vote of 2-4-0.

Yeas - 2      Nays - 4 (Merrigan, Nelson, Spaulding, and Wickiser) Abstained - 0

Commissioner Paula Merrigan moved denial of the conditional use permit on the basis that it does not constitute a similar use as defined in finding H(2) to a cell tower. Commissioner Gaius Nelson seconded the motion. Commissioner Merrigan withdrew her motion.

Commissioner Wickiser moved denial of the conditional use permit for the following reasons; finding 2, similar use to a cellular antenna is not met, and finding 3(3), the use will not be detrimental to the existing character of the immediate neighborhood is not met. Commissioner Spaulding seconded the motion.

Chair Nelson added that the proposed tower will not blend into the surrounding environment with the FAA markings.

The motion passed by a vote of 4-2-0.

Yeas - 4      Nays - 2 (Perrus and Reveal)      Abstained - 0

Drafted by:

Submitted by:

Approved by:



Samantha Langer  
Recording Secretary



Kate Reilly  
Zoning Section



Gaius Nelson  
Chair