



**APPLICATION FOR APPEAL**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only

File #: 12-030769

Fee: 440.00

Tentative Hearing Date:

To Be Scheduled

#4

# 322922130131

**APPELLANT**

Name René & Rachel K. Lerma

Address 613 North St.

City St Paul St. MN Zip 55106 Daytime Phone 612-865-9752

**PROPERTY LOCATION**

Zoning File Name Metro State Wind Turbine

Address / Location 645 7th St. E. St. Paul, MN 55106  
Metro State University

**TYPE OF APPEAL:** Application is hereby made for an appeal to the:

**Planning Commission**, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

**City Council**, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision February 24, 20 12

File Number: 11-310-568

**GROUND FORS APPEAL:** Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

Please See Attached Sheets

CK 4639  
\$ 440.00  
3-5-12

Attach additional sheets if necessary

Appellant's Signature Rachel K. Lerma

Date 3/5/12

City Agent pdd

3/5/12

Attached you will find justification for submitting this appeal to the St. Paul Planning Commissions decision to approve Metropolitan (Metro) States 20kw wind turbine conditional use permit to install a 120 ft wind turbine.

NOTE: Bullet items noted below indicate conditional use permit requirements that have been determined to have been met yet are in dispute as indicated for the following reasons.

- Use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

The Wind turbine has a significant impact on the aesthetics of the surrounding area.

Although Metro State is exempt from the Preservation rules and regulation, Metro State is still located in a St. Paul Historic district neighborhood where homeowners are not exempt and do have to follow the rules and regulations of the preservation District.

An industrial wind turbine would adversely affect the aesthetics, atmosphere and character of the Dayton's bluff historic preservation district. A wind turbine is an unnecessary and aesthetically conflicting addition to the architectural city landscape.

Dayton's bluff is known for its historic homes and old world feel and residents have won numerous awards and recognition for their preservation efforts on both homes and community. The Historic Nature of the community is one of the reasons homeowners choose to move into this community.

Per the Secretary of the Interior's Standards for wind turbine placement in historic districts: Not Recommended installing wind-powered equipment without first analyzing it's potential benefit or whether it will negatively impact the character of the historic building or the site or the surrounding historic district.

How would a wind turbine affect the future home sales for the homes located next to this wind turbine?

Also, the wind turbine would sit atop of Swede Hollow Park; one of St. Paul's jeweled parks. Swede Hollow Park is a sanctuary within the city, known for its beauty, wildlife, seclusion and the Gateway Bike Trail. Again, an industrial wind turbine would adversely affect the character and the atmosphere of this secluded park.

If allowed to be built, what message is that saying about the care for the residential neighborhood?

- The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Cellular towers are being used as a comparative structure to the proposed wind turbine. Using a stationary cellular telephone antenna tower to justify the installation is an invalid and illogical comparison. Cellular towers do not have moving blades that can rotate up to 180 revolutions per minute resulting in significant noise pollution. Additionally, spinning blades could malfunction and dislodge and create safety issues along with ice build up and throw off.

For the above mentioned reasons, it is necessary and imperative to have correct safety setbacks and regulations governing wind turbines. (One formula used to determine proper safety setback accounts for the size of the pole plus the diameter of the blades multiplied by 1.5 which, when the dimensions of the Metro State turbine are applied, results in a safety setback distance of at least 204 feet from public roads, spaces, parks, etc.)

The Metro State wind turbine, in its current design, will only sit 140 feet from East 7<sup>th</sup> Street and only 195 feet from Swede Hollow's Gateway Trail bike path and walking paths - resulting in a potential safety issue to the general public.

- Antennas / wind turbines shall not be located in a required front or side yard - this condition was stated to be met.

Per the diagrams presented by Metro state, the wind turbine would be located in the side yard of the existing library building. By Comparison, there is a cellular tower that is located in the back of the library building and properly conforms to the stipulation required by the conditional use permit requirement.

- General Welfare impact - This wind turbine will produce noise pollution which would fall under general welfare impact.

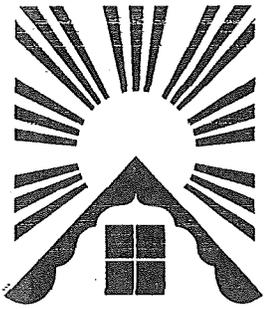
Sound from the wind turbine was said to be similar to that of the traffic on East 7th Street. However, the noise pollution certain to be experienced would be felt most during the evening and overnight hours when traffic levels are lower and almost non-existent.

Please note that most residents within this area have older homes in which external sounds transmit more readily and which cannot be easily sound proofed or remedied.

February 6, 2012 – The Dayton's Bluff Community Council Board of Directors passed a motion to write a letter of NON-SUPPORT of the Metro State wind turbine. District 4 Council opposed to Metro State wind turbine.

February 16, 2012 – Zoning Committee of the Planning Commission denied application for the Metro State wind turbine (7 to 2 vote).

On-going petition by residents of Dayton's Bluff opposing the Metro State wind turbine.



# Dayton's Bluff

## District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510  
Visit our web site at [www.daytonsbluff.org](http://www.daytonsbluff.org)

February 10, 2012

Kate Reilly  
Saint Paul PED  
25 West 4<sup>th</sup> Street  
Saint Paul MN 55102

Dear Ms. Reilly,

The Dayton's Bluff Community Council Board of Directors, at their regular board meeting of February 6, 2012, passed a motion to write a letter of non-support of the conditional use permit for a wind turbine at Metropolitan State University. This motion is in opposition to an earlier letter-of-support motion passed by the Board in 2009, based on new information and acknowledging new members of the Board.

Among the current concerns of neighbors, Board members, and other residents of Dayton's Bluff are the following:

- The predicted decline in the bat population of the neighborhood, due not necessarily from striking the blades but because of the sudden drop in air pressure as air flows over the turbine blades, resulting in death as the bats' lungs burst. Besides the simple desire not to cause unnecessary deaths in the bat population, neighbors recognize the benefit of bats eating mosquitoes and other small insect pests.
- The increased noise level. Sound from the turbine was said to be similar to that of the traffic on East 7<sup>th</sup> Street. However, neighbors pointed out the disturbance would be felt most during the night, when traffic is typically much less. It was pointed out that most residents have older homes in which external sounds are transmitted easily and which cannot be easily soundproofed.
- The negative effect on the aesthetics of the historic neighborhood. Neighbors talked of having come to Dayton's Bluff because of the historic homes and "old world" feel of the area. There was concern that such an industrial looking device as the wind turbine would adversely affect the look and atmosphere of the nearby historic preservation district.
- The lack of applicable regulations. Currently, there are no City regulations for a wind turbine. A cell phone tower is being used as the model but neighbors feel there is considerable difference between a cell phone tower and a wind turbine. For example, there is much concern as to environmental issues that could affect adjoining Swede Hollow.

For more information please email [Karin@DaytonsBluff.org](mailto:Karin@DaytonsBluff.org) or call her at 651-772-2075.

Thank you

Sincerely,

Karin DuPaul cc. Councilmember Lantry

#####Creating a sense of place and a place that makes sense#####

# CITY OF ST PAUL Owners Report

**PID: 32-29-22-13-0131**

**Property Address: 645 7TH ST E 55101-4700**

Metropolitan State University  
700 7th St E  
St Paul MN 55106-5003

Owner  
Taxpayer

AUDITOR'S SUBDIVISION NO. 73 ST. PAUL, MINN. PART OF THE SE 1/4 OF NW 1/4 LYING NLY OF VAC CULVERT ST A  
OF THE CENTER LINE OF VAC E 8TH ST AND ELY OF AND PAR TO THE CENTERLINE OF SEWER ESMT AS RECORDEI  
50 OF PLANS PG 2 IN SEC 32 TN 29 RN 22 AND VAC CULVERT ST ACCRUING AND LOT 1 BLK 1 WAGENER'S ADDN AN  
AUD SUBD DIV NO 73 THE NWLY 1/2 OF VAC E 8TH ST LYING SWLY OF EXT NELY LINE OF LOT 14 AND NELY OF TH  
ELY LINE OF LOT 3 BLK 1 AND THE PART OF THE NWLY 1/2 VAC 8TH ST LYING S OF THE E 1/2 OF LOT 3 BLK 1 AND  
1/2 OF SD ST ACCRUING AND VAC HOFFMAN AVE ACCRUING AND BLK 2