

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
REGULAR MEETING

Tuesday, November 30, 2021 - 7:30pm
121 Judd St. with Option to Attend Remotely

1. Call to Order
2. Public Hearing: 871 Judd
Preapplication for conditional use permit for an accessory apartment
Applicants: Mary Uppgren & David Drysdale
3. New and Old Business
 - Discuss DNR feedback on Zoning Code
 - Discuss Work Plan
4. Approval of minutes:
 - October 26
5. Adjourn

City of Marine Planning Commission

Agenda Date: November 30, 2021

Agenda Item: 2

Applicant: Mary Uppgren & David Drysdale

Conditional Use Permit Request

Planning Case Application No. 113021-01
871 Judd Street

Summary:

Mary Uppgren and David Drysdale have made application for a conditional use permit (CUP) for a bathroom currently being installed in a new garage on the property. The property is approximately 2.2 acres in size and lies within the St. Croix - Urban Residential District (SC-UR) (Section 507 of the City Zoning Ordinance).

On October 7, 2021, Planning Commission members Gerry Mroska and Ed Sanderson met on site with Ms. Uppgren and Mr. Drysdale to review the application and proposed bathroom. Per the plans provided and the subsequent site visit, a bathroom is being constructed on the second floor of the garage, along with a separate sink and counter area to be used as a coffee bar.

Section 507 of the City Zoning Ordinance does not require a CUP for a bathroom, but does require a CUP for an accessory apartment provided it is in compliance with Section 409 of the City Zoning Ordinance. Section 202 of the City Zoning Ordinance defines an accessory apartment as an apartment clearly subordinate and accessory to a single family dwelling, consisting of kitchen and cooking facilities, a bathroom, and bedroom area. While the coffee bar counter area is not a complete kitchen by any means, it does provide the initial framework for a separate kitchen area. As such, the proposed bathroom and coffee bar counter area are being considered for a conditional use under Section 308 as an accessory apartment under Section 507.5(4).

Findings:

Conditional Use Permit

1. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
 - a. *The addition of the accessory apartment is not planned by the owners to serve as a separate dwelling unit. If in the future it is, it is not anticipated to create an excessive burden on City resources.*

2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 - a. *The addition of the accessory apartment is within the interior of a new garage located adequate distance from adjacent properties.*
3. The structure and site shall have an appearance or operation that will not have an adverse effect upon adjacent residential properties.
 - a. *The addition of the accessory apartment is within the interior of a new garage and thus does not alter the outward appearance of the buildings on the property.*
4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
 - a. *The addition of the accessory apartment is consistent with building modifications on other properties in the City.*
5. The use is consistent with the purposes and performance standards of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - a. *The addition of the accessory apartment to an accessory building is consistent with building modifications on other properties in the City and orderly residential development.*
6. The use is consistent with the policies and provisions of the Comprehensive Plan.
 - a. *The addition of an accessory apartment to an accessory building is consistent with building modifications that result in improved properties in the City.*
7. The use will not cause traffic hazard or congestion.
 - a. *The addition of the accessory apartment is not planned by the owners to serve as a separate dwelling unit. If in the future it is, it is not anticipated to cause traffic hazard or congestion.*
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
 - a. *The existing utilities, access roads and drainage appear adequate on the property and the addition of the accessory apartment will not warrant changes to these facilities.*

Recommendation:

Planning Commission members recommend:

1. Approval of the conditional use for an accessory apartment in a new accessory building.

APPROVAL MOTION: I move the Planning Commission recommends the City Council **approve** the application of Mary Uppgren and David Drysdale for the requested conditional use permit for the proposed construction of an accessory apartment in an accessory building at 871 Judd Street as presented, based on the following findings:

- a. The addition of the accessory apartment is not planned by the owners to serve as a separate dwelling unit. If in the future it is, it is not anticipated to create an excessive burden on City resources.
- b. The addition of the accessory apartment is within the interior of a new garage located adequate distance from adjacent properties.
- c. The addition of the accessory apartment is within the interior of a new garage and thus does not alter the outward appearance of the buildings on the property.
- d. The addition of the accessory apartment is consistent with building modifications on other properties in the City.
- e. The addition of the accessory apartment to an accessory building is consistent with building modifications on other properties in the City and orderly residential development.
- f. The addition of an accessory apartment to an accessory building is consistent with building modifications that result in improved properties in the City.
- g. The addition of the accessory apartment is not planned by the owners to serve as a separate dwelling unit. If in the future it is, it is not anticipated to cause traffic hazard or congestion.
- h. The existing utilities, access roads and drainage appear adequate on the property and the addition of the accessory apartment will not warrant changes to these facilities.

And subject to the following conditions:

- 1. Per Section 409.6(2) of the City Zoning Ordinance, the applicant shall provide construction details for providing potable water from a private well or public water system.
- 2. Per Section 409.6(3) of the City Zoning Ordinance, the applicant shall provide construction details for connecting to an individual sewage treatment system (ISTS). The property owner shall demonstrate that the ISTS has sufficient capacity to accommodate the sewer flows from the accessory apartment. Where municipal sewer is available, the accessory building shall share a single sewer connection with the principal dwelling.

Key Dates:

Application Complete:	October 10, 2021
Notice of Public Hearing Published:	November 3, 2021
Planning Commission Hearing:	November 30, 2021
City Council Consideration:	December 9, 2021
60 Day Deadline:	December 10, 2021

Public Comment: 871 Judd CUP Request

Sent: Tuesday, November 16, 2021 9:49 AM

To: Lynette Peterson <mosc@cityofmarine.org>

Subject: Support for Uppgren/Drysdale CUP Application

Lynette,

Good morning. Please pass this on to Gerry, when you get a chance. Thanks.

To: Mr. Gerry Mrosla, Chair of Marine Planning Commission

Mr. Mrosla and other Planning Commission members,

We're writing in support of the CUP application from Mary Uppgren and David Drysdale that you will be considering at your November 30 meeting. We are immediate neighbors to their property and think their plan to use an accessory office in their garage is reasonable. This is a use found at many similar properties throughout Marine.

Thank you,
Robin & Gregg Brooksbank
Judd Street

Agenda Item 3

DNR feedback on Zoning Code is not included in this packet due to length, but is available to the public upon request.

Email Assistant Clerk Suzanne Lindgren Dammann: asstclerk@cityofmarine.org for a copy.

**Marine on St. Croix Planning Commission
WORK PLAN**

Abbreviations:

CC – City Council

ES – Ed Sanderson

KS – Kristina Smitten

PC – Planning Commission

SS – Scott Spisak

Policy Planning

No.	PC Member Assigned	Task	Notes, date completed, etc.
		Lot Area requirements - 506.6(a) – Are our lot area requirements achieving overarching community goals?	SS: A systematic review of vacant lots - especially in the SFU district should be undertaken and aligned with the Comp Plan to identify and encourage future development
	Scott	Solar language addition. Review 404.7 (1) (a) solar glare.	SS: The work that was done with Great plains Institute in 2015 and earlier is now outdated. GPI has a new model ordinance template for MN that the City should use to customize an ordinance. GPI is able to offer consulting services to the City. There is some fairly significant work involved here. See; https://www.betterenergy.org/blog/minnesota-solar-toolkit/ Also, should ground-mounted arrays should be listed as an accessory use in all districts? Currently this is not uniform.
		Vegetative Cutting – (1) Requires review to be sure it’s current. Believe	The city provides veg. cutting permits in parts of the river overlay district. See 510.6(1) (a)&(b)

		requirements around vegetative cutting were updated.	KS Also see Forestry Committee review comments.
		Tree Preservation language – Coordinate review by forestry group	<p>In the Lower St. Croix:</p> <p>Cutting of trees and shrubs is not allowed without a local permit:</p> <ul style="list-style-type: none"> • On slopes over 12% • Within 40 feet of blufflines • Within the following distances from the Ordinary High Water Level: <ul style="list-style-type: none"> ○ Rural Districts: 200 feet ○ Urban Districts: 100 feet <p>A local permit is only allowed for:</p> <ul style="list-style-type: none"> • Trees less than 6 inches in diameter at breast height • Vegetation not screening structures from views from the river • Activities that preserve essential character, quality, density and continuous canopy • Diseased trees, if removal is in public interest <p>Permits not needed for:</p> <ul style="list-style-type: none"> • The minimum necessary for activities under a building permit • Maintenance of transportation and utility rights-of-way
	Jennifer	Residential Care Facilities	Residential Care for adults is a complex topic that the Planning Commission recommends prioritization by council. This could become an issue in town. Any new regulations would need to comply with definitions and requirements in state statutes.
	Sandy	Overall consistency with the Comprehensive Plan – Ensure that the	Can complete after CC has a compiled, updated zoning code, but let me know if others want to discuss a different timeline.

		updated code is consistent with the Comp Plan policies.	
	Kristina	504.7 (3)(e) add a credit option?	Similar to use of wetland replacement credits. This would allow discretion for open space to be placed in priority locations and not only at the proposed development site.
	Sandy	502 Zoning Map reference to updates.	Can complete after CC has a compiled, updated zoning code, but let me know if others want to discuss a different timeline. From SS: The Future Land Use map on page 12 of the 2040 Comp Plan has an error in the Rosabelle street area. A large area is shown as Single Family Rural and it should be Single Family Urban - which is the current zoning. The city Clerk has an email on file from me regarding this from mid-2019. The map should be corrected and the change handled with Met Council
	Kristina	404.7 (1) Lighting nuisance	GreenStep / Dark Skies has asked to consider code modification to include: All parking lot and security lighting shall be directed away from adjoining residential areas. Linear LED or neon architectural or sign accents are not allowed with the exception of temporary seasonal lighting. Exterior house lights shall be subject to a curfew time, unless for necessity. Needs discussion.
		Wireless Communications: 5G Design Guidelines	Work with a consultant to create these guidelines in 2022
		Wetland Buffer Regulations	Council Request led by Ward. Should coordinate effort with revisions for watershed district's new regulations. May Township's code may serve as starting point.

Zoning Code Clarifications or Minor Updates

	<p>Many PC members</p>	<p>Definitions review:</p> <ul style="list-style-type: none"> ● Essential Services – ● Marina – ● Solar – SS ● Single Family Detached – ● Steep Slope – ● Wetland – 	<p>DNR definitions for the Lower St. Croix:</p> <p>"Steep Slopes": lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.</p> <p>"Bluffline": a line along the top of a slope connecting the points at which the slope, proceeding away from the river or adjoining watershed channel, becomes less than 12 percent; For the complete definition see 6105.0354 Subp. 5 (link is external).</p>
	<p>Sandy</p>	<p>Revise driveway standards, per Jason Crotty's following comment "My concerns are where the proposed driveway meets the City road."</p>	<p>KS forwarded Jason's comment to ES. Relatively minor but important language insertion.</p> <p>Suggest adding the language below as Section 406.2, Part 8 of the Zoning Code or Section 406.4, Subd. 2 Standards and Guidelines (perhaps as section (7) renumbering existing (7) and (8) to (8) and (9).</p> <ul style="list-style-type: none"> ● A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the town road. ● 5) All driveways should intersect the public road at approximately a 90 degree or right angle to the highway pavement. <p>The proposed language comes from 3 other city zoning code examples provided by Jason.</p>
	<p>Sandy</p>	<p>Septic requirement if hook-up is available - Is it necessary for lots to</p>	<p>Discussions with Lynette provided below - I assume any changes in septic requirements could drive the PC/CC to consider reducing the minimum lot size in certain areas, especially the village area? KS opinion that PC should be involved in</p>

		<p>have two septic sites available if the property is hooked-up to city sewer?</p>	<p>septic requirements, as it relates to Comp Plan implementation and has land use implications.</p> <p>My questions to Lynette:</p> <ol style="list-style-type: none"> 1. If a lot is not hooked up to the collection system/shared septic drain field, it must have a primary septic drain field site as well as a back-up, secondary site on the lot in case the primary site fails. 2. If a lot is hooked up to the collection system/shared septic drain field, it still needs to pass a perc test to show it could drain septic in case there is a failure in the septic tank and/or the city collection system? 3. Am I capturing this correctly? Is it codified anywhere, code or policy or ordinance? I have heard of reference to Ordinance No. 70 as the "Septic ordinance" but not sure I have seen it. <p>Lynette's response:</p> <p>Yes, those are the septic requirements but those are laid out in the City Code, not the Zoning ordinance. We are actually in the process of reviewing the septic code now that we do have some available connections again, but all City Code revisions are done by Council approval so Planning Commission does not need to review. We are hoping to have the draft amendments to the sewer ordinance ready for the November Council meeting. There should not be any changes in the Zoning code as a result however.</p>
		<p>Substandard Structures (401.2) – Need to review?</p>	<p>Check for consistency between the definition and 510.4 definition across code</p>
	<p>Kristina</p>	<p>LI building guidelines – natural colors, durable materials.</p>	<p>Suggested to add to Section 509 exterior color guidelines and durable construction materials.</p>

	Sandy	Consider adding a summary table of sections 504-510 for quicker reference and comparison across zoning districts	
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CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, October 26, 2021 - 7:30pm
121 Judd Street with Option to Attend Remotely

Present: Chair Gerry Mrosla, Commissioners Tim Casey, Jennifer Henry, Kristina Smitten, Ed Sanderson, Anna Hagstrom (Zoom)

Absent: None.

Citizens present: Councilmember Gwen Roden, Mike Tibbetts, Scott Spisak, Julie Warren, Kien Nguyen, Sebastian Corby, Gayle Knutson, Cecily Harris, Jim Maher, Lisa Brandt, Tammy Newcomb, Mary Uppgren, David Drysdale; On Zoom: Councilmember Lon Pardun, Councilmember Wendy Ward, Scott MacDonald

Chair Mrosla called the meeting to order at 7:33 pm and reviewed the agenda. He opened the public hearing at 7:34 pm.

Public Hearing: 360 Robert St. - Variance for new home construction on a nonconforming lot

The chair noted that Sebastian Corby was in attendance representing applicants Robert Barros (owner), Robbi Strandemo and himself. The variance is needed because the lot is .55 acres (22,499 square feet) and the city's code requires lots to be .6 acres (30,000 square feet) in the Single Family Urban District governed by Section 506 of the zoning code.

Commissioner Casey reviewed the Facts & Findings, concluding that the variance would not alter the character of the zoning district. The district allows single family housing, accessory garages, and has minimum lot dimensions of 150 feet by 150 feet. The proposed use meets all of those. The lot is nonconforming only in total square footage, falling below the city's required minimum. The property had a home on it that burned down. Casey noted that the surrounding lots are similar in size and have houses on them. The overall impact on traffic is null, because if the house hadn't burned down it would have remained consistent over time.

Chair Mrosla opened the hearing for public comments at 7:39

Resident Mike Tibbetts encouraged the commission to recommend approval of the variance, affirming Casey's statement that the lot size was similar to others in the Upper Village, and in his estimation, larger than some. If someone else's house had burned down he assumes they would be able to rebuild immediately. It's a beautiful location and a family should be able to enjoy it.

Councilmember Gwen Roden asked about city code stating that if a property is unused for six months any construction is considered new (not grandfathered). In that case is it subject to having two potential sites for septic, and is that available here? Casey replied that the variance only applied to lot size, and the septic would still have to meet the requirements of the regulating authority, but a professional analysis at the site suggested that it would hold two potential septic sites.

Resident Julie Warren asked how septic would be handled and whether the site had passed a perc test. Casey answered that it was the commission's understanding that it had passed the perc test.

Resident Jim Maher said if everything worked out, Robbi and Sebastian will be a great addition to the neighborhood. He also asked about septic. Casey answered that the commission was looking at land area specifically, and the property owner would then take the risk to show they could meet septic requirements. Maher asked for clarification on the regulating agency and Chair Mrosla confirmed it was Washington County.

Maher asked trees on the site. Mr. Corby answered that they love the trees on the site and are doing their best to plan around them. At this time they don't think they'll have to cut any large trees down. Maher also asked about the existing garage. Corby answered that they'll probably take that down and install septic there. At this point the plans are still speculative. Maher also noted that the previous house had burned down in 2010.

Resident Tammy Newcomb asked about setbacks. The previous house was not set very far back. It seems to make more sense to move the house closer to the road and farther from the wetland. There could also be water issues in the house. Mrosla answered that the plans would have to conform to the city's existing regulations. Encroaching on road setbacks would require another variance, and the applicants would have to go through the variance process again.

Newcomb noted that the city doesn't have many guidelines on fencing, noting that could alter the character of a neighborhood. Commissioners answered that they could look into adding the topic to their work plan for review and possible alteration.

Resident Gayle Knutson voiced concerns about the road. Robert Street measures 11 feet wide. It's a narrow road with cracks and potholes. She's worried about the road with heavy construction equipment driving on it. Mrosla answered that road width and maintenance is a city council issue. Knutson also voiced concern about her ability to get out of her driveway with a rescue truck during first responder calls. Mrosla said the property owners would need to communicate with their builders about appropriate parking.

Resident Lisa Brandt echoed Knutson's concern about the width of the road and asked whether there was a maximum limit on outbuildings. Mrosla answered that there was a square footage limit on accessory structures. Commissioner Smitten asked whether on-street parking was allowed and Knutson said there are no signs saying "No Parking."

Mrosla closed the public hearing at 7:56 pm.

Casey moved and Henry seconded to recommend approval of the application of Rob Barros, Robbi Strandemo, and Sebastian Corby for a variance of Marine on St.

Croix Ordinance Section 506.6(1)(a) for the proposed construction of a single-family residence at 360 Roberts Street as presented, based on the following findings:

- a) The landowner proposes to use the property in a reasonable manner not permitted by the zoning ordinance per findings: 1a and 1b.*
- b) The plight of the landowner is due to circumstances unique to the property not*

created by the landowner property per finding: 2a, 2b and 2c
c) The variance, if granted, will not alter the essential character of the locality per findings: 3a and 3b.
d) The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning per finding: 4a.
e) The requested variance, if granted, will be consistent with the Comprehensive Plan per finding: 5a.
Motion approved unanimously.

Review and Discuss Zoning Code: Section 507.5

Sanderson noted that in the St. Croix Urban Residential, Section 507 of the code, a bathroom in an accessory structure is not listed as a conditional use. Section 507.5 doesn't include accessory apartments that include bathrooms. In the case of 871 Judd there is a coffee bar, so the commission could consider this an accessory apartment, but it does seem to be inconsistent with other districts. Smitten added that she couldn't think of a reason they would have regulated this district differently than others, and wondered if it was an oversight. Sanderson suggested considering the application at 871 Judd an accessory apartment, but reviewing and possibly changing the code in the future.

Set Public Hearing – 871 Judd – Conditional Use Permit Request

Sanderson moved to set the public hearing November 30th for Planning Case, 113021-01, a CUP for an accessory apartment at 871 Judd Street. Motion approved unanimously.

New and Old Business

• Planning Commission applicant review process

Mrosla noted that the city has received four applications and is looking to fill the vacancy left by Ron Brenner. Mrosla said interviews would be conducted by Commissioner Smitten and himself, a city staff member, and council member. Mrosla would like to get the interviews done before the November council meeting. Furthermore, Mrosla, Smitten and Sanderson's terms are up at the end of 2021.

Smitten has reconsidered and decided to stay on the commission for four reasons. The zoning code is now moving forward for approval by the council after years. The workshop was beneficial in communicating the process for the planning commission to work through items and she feels the council heard that, and that there is now better clarity around the commission's role as it relates to committees and committee work. The council also said it would strongly consider and respect the commission's work plan, so that work would be consistent moving forward. Finally, the council said it would budget for the planning commission to consultant with a professional planner. They are volunteers, and although the mix of expertise on the commission is great, but at times the residents and city would be best served being able to tap a planner.

Mrosla said he was also reconsidering. Sanderson said he was still mulling it over. Mrosla said they would appoint one Planning Commission member for 2021 and possibly more in 2022.

• Prioritize Work Plan Items (Memo RE: Updates to City of Marine Zoning Code)
The commission briefly considered making the CUP bathroom language consistent for the St. Croix Urban Residential District but ultimately decided to put it in the work plan for consideration.

Smitten noted that the comp plan could help inform the priorities.

Mroska recommended working with a consultant on Residential Care Facilities.

Smitten suggested reaching for some of the low hanging fruit or similar items: driveway standards, lot area requirements and septic; consistency with the comp plan.

Sanderson said they could possibly use a consultant to help with the lot area requirements and research the urban form.

Sanderson suggested creating two categories: one for policy planning, which will need more robust public discussion, and one for clarification.

Policy Planning:

- Lot area requirements
- Solar
- Vegetative cutting; tree preservation language
- residential care facilities
- consistency with comp plan
 - open space credit option – 504.7 (3)(e)
- zoning map reference to updates
- residential care facilities
- lighting nuisance
- wireless communications - 5G design guidelines (money being budgeted for 2022)
- wetland buffer regulations

Zoning Code Clarifications or Minor Updates:

- definitions: Single Family Detached; Essential Services; Steep Slope; Wetland; Marina
- driveway standards
- septic requirements
- substandard structures
- poles/towers (done)
- refuse (done)
- seasonal produce signs (done)
- Limited/Light Industrial building guidelines
- summary table
- Review colors allowed in Village Center (remove from list)

Councilmember Roden noted that she remembered when Jack Warren was on PC, he said if the marina ever ceased its use, it could never be recreated because of the DNR and NPS. This might need to be clarified in the code.

Councilmember Ward asked whether the commission was going to add the creation of a wetland buffer ordinance to its work plan. Smitten noted that the definition was already on the list but direction for an ordinance would have to come from council. Assistant Clerk Dammann noted that the council had given consensus at its October meeting to add this to the work plan but not assign a priority. The commission added it into the Planning Policy bucket.

At the next meeting the commission will start chipping away at the code clarifications, and look at where they would like professional assistance and council direction for the policy planning items.

Approval of August Minutes

Smitten asked to adjust the wording on the variance request for 760 Judd to say the alley was not being used as an alley, rather than “the alley was clearly not an alley.”

Smitten moved and Henry seconded to approve the August 31 minutes as amended. Motion passed unanimously.

Adjournment

Henry moved and Sanderson seconded to adjourn at 8:41 pm. Motion passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk.