

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
MINUTES

Tuesday, April 26, 2022 - 7:00pm
121 Judd Street and Remotely

Present: Chair Gerry Mrosla, Acting Chair Scott Spisak, Commissioners Kristina Smitten, Jennifer Henry, Ed Sanderson, Anna Hagstrom

Absent: Commissioner Tim Casey

Citizens Present: Lon Pardun, Glen Mills, Dawn Pennie, Christian Minich (Zoom), Wendy Ward (Zoom), Kevin Nyenhuis (Zoom), Steve Anderson (Vinco), Mike Bultsma (Vinco), Ron Mitchell (AT&T), Michael Towers

Acting Chair Spisak called the meeting to order at 7:02 pm.

Review of the Agenda

Consensus to give Mrosla the floor after the approval of the minutes, and to add Historic District maps under Old Business.

Approval of Minutes of March Meeting

Mrosla moved and Sanderson seconded approval of the minutes of the March 29, 2022 City of Marine on St. Croix Planning Commission meeting as drafted. Motion approved unanimously.

Update from Commissioner Mrosla

Mrosla moved to recommend that council accept his resignation as chair, and appoint Spisak as chair. Mrosla will remain a member of the commission. Smitten seconded. Discussion:

Commissioners Hagstrom and Spisak thanked Mrosla for his years of work and leadership.

Spisak abstained from the vote. All others in favor. Motion passed.

Moves to City Council for approval at the May meeting.

Variance Application: Dawn Pennie – 240 3rd St.

- For side yard setback to install driveway

Ms. Pennie and contractor Christian Minich (Zoom) were in attendance to answer questions about plans to install a driveway. The only available access encroaches on the 10-foot side yard setback, as the house and septic take up most of the front yard perimeter. Their plan puts the driveway 5.3 feet from the property line. The driveway will be made with permeable pavers. Pennie said they are now planning on putting in the carport sooner rather than later. The carport will need to meet city code via the regular building permit process or else Pennie would need to return for a variance.

Spisak reported that Commissioner Casey had visited the site, noting that the neighbor's driveway is also very close to the property line. The commission discussed whether the plan fit within the limit for impervious surface in the river district, how to count impervious surface, and

whether the setback is different for a structure than a driveway. The assistant clerk will follow up with a report to commissioners.

Spisak moved and Henry seconded to set a public hearing for Dawn Pennie, 240 3rd St. for a variance for a side yard setback. 7:30 pm, May 31. Approved unanimously.

5G Design Guidelines Update

Commissioner Henry reported that she and Spisak have a meeting set up with consultant Carly Kehoe for May 3. The council set a budget of \$5,000 for this work.

Public Hearing - 4G Wireless Amendment

Spisak explained that when the current 4G ordinance was passed in Oct. 2021 it didn't explicitly list "wireless tower" as a conditional use in the code. The city attorney recommended clarifying which districts would allow this as an addition under Section 4, Land Use, as follows: "Telecommunication towers and antennas may be allowed with a Conditional Use Permit within all zoning districts, subject to the restrictions in 408 Wireless Communication Towers and any other applicable requirements of this code."

Spisak opened the hearing for public comment at 7:31 pm. No comments. Closed at 7:31

Sanderson moved and Smitten seconded to recommend that the 4G Wireless Communication Tower Ordinance be modified as stated in the redline draft. Approved unanimously.

Will move to City Council for approval at the May meeting.

Conditional Use Permit Application - Vinco 4G Cell Tower

Spisak reported that Vinco had submitted its application. Steve Anderson and Mike Bultsma were in attendance to represent Vinco. Ron Mitchell, AT&T was in attendance to note that they are supporting the project.

Commissioners and Vinco reviewed the application, discussing site selection, photo simulations, colocation, screening options, stealthing, structural load, and size of the area (60 x 60 foot fenced area; 100 x 100 foot leased area). Smitten noted that the conditional use permit was a one-time application, though additional building would require normal building permits. The commission requested a new photo simulation for View 3, which they said seemed misdirected. Smitten suggested showing the view from a nearby park, which would have more public impact. Array size will depending on radio frequency needs, but will be similar to nearby towers so service doesn't change within the general area. FirstNet (public safety communication network) is part of AT&T's system. Mrosla wondered whether people on Verizon and T-Mobile would see benefits. It depends on roaming and whether those carriers choose to strike a roaming agreement with AT&T, or add their own array to a tower. Vinco will own the tower and lease to the carriers.

Marine resident Michael Towers asked about proposed utility easements on the drawing. These will be built within the existing public right of way easements. Any plans for the road or regarding road conditions will be part of the city's negotiations with Vinco.

Spisak moved and Mrosla seconded to set a public hearing regarding a Conditional Use Permit for Vinco's 4G Cell Tower Application, May 23 at 7 pm in the Village Hall, 121 Judd St. Approved unanimously.

Sanderson and Smitten will draft the Facts & Findings.

Old Business

Zoning Code & DNR

- Review DNR Comments

The Commission reviewed comments assigned to Smitten, who recommended looking further into them and potentially not making the changes. For Rooming Houses, Smitten suggested deleting the example.

Questions for DNR:

1. Accessory Apartments: Why wouldn't they be allowed? What's the negative impact to the riverway if it's within an existing structure?
2. Where statutes aren't cited, ask for a reference or more detail on those. We'll have to connect the impacts to the community before making adjustments.
3. 505.7: Higher standard – why?

Question for Attorney Snyder:

1. Henry noted that the DNR said the city's substandard structures regulation 510.4 (2) wasn't consistent with state regulations.

Smitten thanked John Goodfellow and the forestry committee for their feedback. Wetland regulations are on the commission's radar, but are not on the list of immediate action items. Discussion of DNR comments will continue at the next meeting.

- Compare Sections 511 in Zoning Code and Chapter 21 City Ord Address at a future meeting.

- Historic Maps

The maps from the State Historic Preservation Office are rudimentary. Spisak would like a map from the engineers that is broad, but can be zoomed in for more detail. The assistant clerk will see what services we can get for free from the Met Council, SHPO, and Washington County's GIS. A grad student may be able to put maps together for a relatively low cost. Allison Slaats is a contractor doing GIS mapping.

New Business

- Role of the Planning Commission

Spisak noted that a recent presentation to the council suggested establishing a committee with a representative from the planning commission. In other cases, plans have gotten underway without input from the commission. The commission does want to help, but its role is not to join or monitor other committees. Committees should approach the commission for feedback and the commission will put together a brief response. Then groups can be more focused and their outcomes will be better. The commission won't have to be the bearer of bad news. Smitten suggested having committee representatives come to the commission quarterly or as needed. Another option is including the citizen committee minutes in PC packets. Spisak noted that the commission is also a historic district board according to the code.

- Consultant Planner Search

Spisak will take a stab at a first draft. When it's ready, the commission can present it to council. Issues include: comp plan, zoning ordinance, work plan items, cemetery siting. An option for funding is for applicants to pay an escrow and the planner would do the work with that money. Smitten said it would be helpful to have a certified planner review their work in some cases. Spisak agreed, saying the issues are getting more complex. They'd like to encourage applicants who have familiarity with the riverway.

Adjournment

Spisak moved and Mrosła seconded to adjourn at 9:37 pm. All in favor. Passed unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk