

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION

MINUTES

Tuesday, April 30, 2024 – 7:00 pm
121 Judd Street

Present: Chair Scott Spisak, Commissioners Kristina Smitten, Jennifer Henry, Lisa White, Tim Casey, Anna Hagstrom (7:03 pm)

Absent: Commissioner Gerry Mrosla

Citizens Present: Lynn Waldorf, Bob Hollerbach, Darrell Schaapveld, Beth Richmond (HKGi), Mike Koch, Travis Loeffler. **Remote:** Ross Higgins, Max Hollerbach, Jacquelyn Miller.

Chair Spisak called the meeting to order at 7:00 pm.

Approval of Agenda

The chair amended the agenda to strike Ticketed Events/Home Occupations. *Smitten moved to approve the agenda as amended. Casey seconded. Motion carried unanimously.*

Review of Minutes

White moved and Henry seconded to approve the minutes of the March 26 regular meeting. Motion carried; Smitten abstained.

Conditional Use Permit (CUP) & Variance Proposals

Public Hearing: CUP request at 1410 Quant Ave – fence height

Commissioner Henry introduced the permit request, explaining that the zoning code requires a CUP for fences over 6 feet. Darrell Schaapveld wishes to build an 8-foot privacy fence.

Commissioners Henry and Smitten visited the site and observed a significant difference in elevation between Mr. Schaapveld's home and the neighbor's home, which they believe justifies the need for a higher fence. The fence would not impact public infrastructure or public safety.

Chair Spisak opened the hearing for public comment at 7:08 pm, inviting the applicant to speak first. Mr. Schaapveld did not have additional comments. Lynn Waldorf, a neighbor, expressed concern that the eight-foot fence would be unattractive, and mentioned issues on which the chair did not permit comment, as they did not relate directly to the height of the fence.

No other citizens came forward. Chair Spisak closed the public hearing at 7:14 pm.

Acknowledging that granting the CUP would set a precedent, the Commission reached a consensus to add "based on the unique topography of the site as described in section 3(a) of the staff report" to the recommendation.

Smitten moved to recommend approval of the conditional use based on the unique topography of the site as described in section 3(a) of the staff report, subject to the following conditions:

- 1) The fence be constructed per the plans provided on the survey dated 2/27/2024.*
- 2) The fence be wood tone, Galveston CertaGrain Texture or of similar quality.*
- 3) The fence be maintained in good condition.*

Henry seconded. Approved unanimously.

Preapplication for a CUP at 18247 St. Croix Trl. (SC-UR) – driveway longer than 200 feet

Construction contractor Mike Koch was in attendance to discuss the request. Three related permits are underway for the project: a driveway permit from MnDOT, watershed district permit, and regular building permit. The house plans meet code requirements except for the length of the driveway. Chair Spisak noted that the driveway plan appeared to meet CUP requirements for passing lanes. The City will allow construction of the house to commence once MnDOT issues the driveway permit, with the caveat that the building inspector will not issue a certificate of occupancy until the CUP is approved and the driveway built according to plan. Commissioners Mrosla and Henry were assigned to visit the site and report on their findings.

Preapplication for a CUP at 140 Judd St. (SC-VC) – outdoor dining

Ross Higgins, a co-owner of Brookside Bar & Grill, explained that the owners are planning improvements for the back patio area, to include reconstructing the bandshell, renovating the dance area, and a raised deck. Commissioners Spisak, Smitten, and White were assigned to visit the site and report back on their findings. They'll meet with the applicants and City Planner Beth Richmond to establish what materials are needed for the application.

Old Business

Protections for historic, substandard Riverway buildings / Comp Plan amendments

Comprehensive Plan Amendments: Ms. Richmond explained that the City needs enough strong language in the Comp Plan to support a variance to rebuild a substandard structure. Buildings of concern include the Marine Landing (SC-UR), Village Hall and potentially the General Store (both SC-VC). Chair Spisak noted that homes along the river would be impacted, but it's difficult to know which ones are historically significant. Ms. Richmond said homes are addressed in the Comp Plan, but community buildings are not. Ms. Richmond reviewed draft language in the packet broadening existing language to include non-residential buildings. Similar language should be added to the SC-VC section of the Comp Plan.

Additional Comp Plan amendments: The Commission reached a consensus to wait for the next comp plan update to update density bonuses for planned unit developments, but to correct an error in the future land use map now.

Pursuing legislative change: MN Statue 14.091 guides the process for local governments petitioning to amend or repeal a rule. The City would have to show that there is new evidence relating to the need for or reasonableness of the rule, adopt a resolution, and submit it to the DNR and Office of Administrative Hearings. Chair Spisak suggested staying open to the process of lobbying for a legislative change as well.

New Business

Solar

Ms. Richmond asked about the history of solar in Marine and what types of solar are appropriate. Currently there's rooftop solar and a couple of minor ground-mounted arrays. Chair Spisak said rooftop solar isn't controversial, but there are some concerns with ground-mounted arrays in residential areas. Community solar arrays might be appropriate in the rural district. Marine probably isn't a candidate for utility-scale solar.

Currently, Ms. Richmond noted, building-integrated and ground-mounted solar energy systems are permitted with standards in the SFU and SFR (non-Riverway) districts. Within Riverway

districts, a CUP is required for a rooftop system. Ground-mounted solar is not allowed, and the DNR does not seem open to it. Right now, solar isn't allowed as a principal use anywhere in the City, but those regulations could be changed.

Smitten suggested that the City likely wants to allow solar as a principal use in agricultural areas while avoiding nuisance issues like noise, glare, and safety concerns. Ms. Richmond said that cities typically call for buffers or screening, setbacks, ground cover, and decommissioning. Solar as a principal use could be allowed by CUP to allow for case-by-case conditions.

Chair Comments

Mr. Spisak noted that he planned to check in with City Clerk Lynette Peterson about whether allowing ticketed events in residential areas created discrepancies between the city code and zoning code before bringing the issue back to the Commission.

Adjournment

Hagstrom moved and Smitten seconded to adjourn at 8:40 pm. Motion carried unanimously.

Minutes taken by Suzanne Dammann, Assistant City Clerk