

City of Marine on St. Croix
Planning Commission Meeting
Tuesday, September 29, 2009

The meeting was called to order by Chairman Willenbring at 7:32 pm. Warren, Zajac, Brenner, Perham, Roden present and Creager absent.

Citizens Present: Kate Bergeron (Country Messenger), Amy Dresch (FMHC), Irene Qualters, David Denn, Glen Mills, Reggie Bengtson

Agenda:

1. 7:30pm Call to Order
2. Irene Qualters – 500 Judd - Pre Application Garage Variance
3. T-Mobil Cell Phone Tower – Interim Use Permit
4. Reggie Bengtson – 1310 Quant Ave N – CUP for Driveway Length
5. Review Codes in the SFR,SFU, SCR, SCU, VC Districts
6. Old/New Business
7. Approval of July 28, 2009 minutes
8. Adjournment

Irene Qualters – 500 Judd - Pre Application Garage Variance: Ms. Qualters owns nine lots approximately one and one half acres total, four of which are located on Judd Street and five lots that face Highway 95 and include wetlands. Thompson Street, an un-vacated city street also runs through the property. The primary structure is located on Lot 18, Block 74. Ms. Qualters would like to build a 20 x 32 garage on Block 63, Lot 9. The location is the Northern most lot that is on higher ground. On lots 16 & 17 there are two large pine trees one of which is the home of the eagles nest. A stream also runs through the property. Lot 18 is only 50 feet wide along Judd Street and does not sit with in the set backs. Ms. Qualters would like the location of the structure on the edge of lot 18 where the 66 foot un-vacated street is and would like to use the road as a partial driveway. Willenbring asked if the placement of the garage on lot 18 was considered. Ms. Qualters response was yes, however the property has standing water and a rain garden. Ms. Qualters spoke with Jim Shaver from the Carnelian Marine Watershed and he prefers the location to be on the higher ground.

Willenbring explained there are driveways on public ways in the City of Marine and this shouldn't be a problem. The City's preference is to not vacate public right of ways. Brenner confirmed that the property is considered whole however a right of way running through the middle of the property.

Warren stated in the past the City has handled this type of situation with a variance which creates a lot with an accessory building being on a piece of property without a primary structure. This could be an issue unless restrictions are put on the property of lot 9 with the accessory building.

Willenbring explained the process for obtaining a variance to Ms. Qualters and how it works. There would be two Planning Commission members assigned to work with her. They will first determine if a variance is needed. If a variance is needed the members will put together a report showing the facts and findings and present the information at a Public hearing during the October 27, 2009 Planning Commission meeting. At that time, the Planning Commission will decide to recommend or deny, then will present their recommendations to the City Council on November 12, 2009. Ms. Qualters would like to have an approval before winter sets in if possible.

Members Roden and Brenner will work with Ms Qualters on determining if a variance would be needed and work through the process.

Mayor Mills response to the question of would the City consider vacation of this street was the City has not vacated any streets since he has been on the City Council.

Encroachment agreements have been done on several properties with in the City. The City would have to settle up front who maintains the property if this was to happen. The recommendation could include the owner would be 100% responsible for maintenance and construction on that parcel.

Willenbring questioned the process to petition to vacate a street? Mayor Mills recommended talking to Lynette the City Clerk and she could put this on the agenda at the next council meeting. If the council agrees to move forward with the vacation of the street, a Public Hearing would be required.

Ms. Qualters will give her information to Planning Commission members Roden and Brenner so they can follow up.

Reggie Bengtson – 1310 Quant Ave N – CUP for Driveway Length: Mr. Bengtson would like to install a driveway that extends approximately 300 to 425 feet to his new house. A drawing was provided, however not enough information regarding the driveway was available. With the distance of the driveway, the concerns of the Planning Commission are the access that is needed for emergency vehicles. Willenbring explained a detailed drawing of the new driveway is needed including the materials used. Willenbring also recommended Mr. Bengtson review the Zoning Ordinance for Driveways 406.4(2) which explains the standards and guidelines. Assistant City Clerk Tomnitz will make sure he gets a copy. A Conditional Use Permit is required for driveways longer than 200 feet. A Public Hearing at the Planning Commission could be held in November if Mr. Bengtson is able to provide a better drawing to the City for Chairman Willenbring to review at the next Planning Commission meeting on October 27, 2009.

T-Mobil Cell Phone Tower – Interim Use Permit Amy Dresch (FMHC), who is representing T-Mobil, was present. Ms. Dresch had gone before the City Council in September to present a proposed agreement for placing a 90 foot monopole cell tower in approximately the same location of the current siren tower at the City maintenance building. The City Council recommended Ms. Dresch attend a Planning Commission meeting and as a pre-application to determine what would be needed as part of the application. One potential issue would require a

variance for a tower over 45 feet. Currently, the existing siren is approximately 55 feet and the ordinance requires a maximum tower height of 45 feet or 15 feet higher than any object with in 300 feet. The objective is to help improve inability of coverage in the area. With the City Council's approval a visual test was performed between 12 noon and 5:00pm. Several people were present around the City for the test. Planning Commission member Warren confirmed there was no visual of the crane from the river. Pictures were taken from various areas by several people however the pictures were not available at this time.

Willenbring noted this is the first application that has come before the Planning Commission since the ordinance had been crafted.

The Riverway ordinance requirements will also be involved. Warren recommended a couple of Planning Commission members could help with the application. Willenbring has concerns regarding any variances that are granted. The approving body of the ordinances is the co-applicant and that can be an issue.

Mayor Mills and Council member Myers should be part of the process. A committee of Chairman Willenbring, Planning Commission members Perham, and Warren along with Council member Myers and Mills will participate. Pictures will be available at a later date.

Old/New Business

Dick Johnson – 11 Judd Street. Mayor Mills Updated the Planning Commission that Mr. Johnson did not want to follow the process of obtaining a Conditional Use Permit for the rental of an apartment in the business district. Mr. Johnson advised the City his renters will be moved out by September 30, 2009.

Review of Codes in the SFR, SFU, SCR, SCU, VC Districts.

Willenbring moved and Brenner seconded to move the review of the codes to a future date. Motion carries. Unanimous

Approval of Minutes

Roden moved and Warren seconded the acceptance of the Planning Commission meeting Minutes of Tuesday, July 28, 2009 as drafted. Motion passed unanimously.

Adjournment:

Warren moved and Brenner seconded to adjourn the September 29, 2009 Planning Commission meeting at 8:35pm. Motion passed unanimously.

Minutes taken by Mary Tomnitz, Assistant City Clerk