

City of Marine on St. Croix
Planning Commission
Regular Meeting

Tuesday, May 31, 2005

Commission Members Present: Dan Willenbring, Carl Remick, Peter Fernstrum, Peter Marker, Jack Warren

Absent: John Waugh

Citizens Present: Chris Strand, Sherrill Reid, Roger Lyle, Win Miller, Todd Mestad, Bill Miller, Laurie Schmidt, Kurt & Janet Rosauer, Scott & Zach Ramberg, Scott Kroner, David Best, Dave Schlenker, Richard Zoller, Robert Thomson, Nancy & Bob Lindblom, Judy Kavanaugh, John Hoffman, David Drysdale, Mary Uppgren, Megan Kavanaugh, Glen Mills, Jean & Frank Kubitschek, Kim Jordahl, Thomas Beskau, Tracy Pechacek, Robin Brooksbank, Elizabeth & Mark Odegard, Daniel McLean

Agenda:

- 1) Call to Order
- 2) Open Public Hearing
- 3) Presentation by Planning Commission
- 4) Public Comments
- 5) Questions
- 6) Planning Commission Discussion
- 7) Potential Motion
- 8) Close Public Hearing
- 9) Approval of April 29, 2005 Minutes
- 10) Adjournment

Chairman Willenbring called the meeting to order at 7:30 p.m.

Chairman Willenbring opened the meeting with a review of the handouts on the proposed zoning requirement amendments regarding impervious surface. (See attachment) He gave a brief history and reviewed the zoning districts affected by this proposal. He then called for comments from the audience. No comments were given at this time.

Chairman Willenbring then opened the meeting up to questions from the audience. The following represents the speakers and concerns expressed regarding these proposed amendments.

Win Miller: Win asked if it would be a good idea to put together the 1.0 impervious surface factor plus the .04 factor referenced under the “Environmental Standards” section relating to engineered materials and treat as a total impervious surface of 1.4. He then asked if the proposed recommendations apply to Jackson Meadow and the Stugas? Dan responded that both the Stugas and Jackson Meadow had development plans relating to holding ponds controlling the release of storm water.

Bob Thomson: Bob commented that if you use the 18% slope deduction, it could result in the loss of half of his available land. Does this mean he can pay one-half the tax amount?

Chris Strand: Chris asked the commission what data they had to support their theory regarding the need for these proposed amendments. Dan responded that these requirements already exist for the St. Croix Urban and St. Croix Rural districts and this is an attempt to make the restrictions equal across all five districts. The Commission reported that communities like Afton and Stillwater use the same for all districts. Jack Warren also mentioned the storm water issue and the fact that it would be better to have the storm water absorbed where it falls rather than run-off possibly causing damage. Pete Marker did, however, respond that he too was not sure there is a problem that needs to be resolved.

Sherri Reid: Sherri, whose house sits on a hill, stated she didn’t see any problem with anything other than in spring when the ground is frozen.

Bill Ries: Bill commented that the DNR feels that the run-off is better than it used to be.

Laurie Schmidt: Laurie commented that they do not have any run-off problem on their property and therefore, was asking the Commission to explain why they are proposing a more restrictive zoning ordinance. Dan reiterated the attempt to treat all districts equal regarding this ordinance.

Charles Arnason: Charles stated that the proposed recommendations were just being proposed as further restrictions and had no merit. He felt that this

was a way to remedy what has already happened. He further stated that if view shed was part of the issue, just drive down Judd Street where growth (by building as well as vegetation) has already made this impossible. He believes people ought to be able to enjoy their land without all these restrictions.

Bob Lindblom: Bob stated he does not like the idea that one solution fits all. He feels like the city needs to focus on the Highway 95 traffic issue.

Richard Zoller: Richard also felt that uniformity should not be the reason for these amendments. He stated that his property has a very high absorption level. He felt that the problem could be handled by installing some type of retention ponds on property that has a run-off issue.

Frank Kubitschek: Frank does not feel Marine has a water quality issue based on the fact that brook trout are surviving. He sees no water quality or run-off issue that needs to be corrected. He feels the Planning Commission is trying to impose larger community restrictions in Marine that have no merit. Cannot use uniform standards for all lot sizes or zoning districts.

Mike Viehoff: Mike took issue with the restrictions being proposed and the effect it would have on his property.

Tracy Pechacek: Tracy questioned the 18% slope deduction when calculating the impervious surface area. Dan responded that slopes of that grade do not absorb water.

Laurie Schmidt: Laurie said she believes the residents agree with the Planning Commission as far as wanting to protect their property from erosion, etc., but does not believe there is a problem at this time. The question of how the Pabst project received Council approval was brought up. Lynette responded that they do meet the impervious surface limitations by using a porous product for the driveway.

Jack Warren commented that the State imposed the 20% impervious surface restriction back in the 70's when Marine was designated a scenic river way.

Next, Dan Willenbring reviewed portions of the comprehensive plan that have to do with storm water run-off.

Kim Jordahl: Kim basically agrees with the resident's concerns for further restrictions. She stated that if the limitation of the 18% slope restriction were implemented in her zoning district, it would devalue her property and she would lose almost 90% of her lot for any additions (outbuildings, etc.)

Kurt Rosauer: Kurt questioned how you calculate the 18% slope. Dan and Carl responded it was a rise of 18 feet in a 100-foot elevation.

David Drysdale: David asked if the homeowner was willing to deal with the run-off issues by installing storm water holding ponds, if that would be agreeable with the Planning Commission and City Inspector?

Win Miller: Win stated he agreed with Laurie Schmidt's comments regarding using impervious surface as the main issue when what is also at issue is the storm water run-off and view shed. He further stated that the reason for it being an issue is because of variances that were denied in the past. These proposed restrictions would cause an increase in the number of variances, particularly for small lots. Win suggested some of the following ways to address the concerns of the Commission without going to a uniform ordinance.

- 1) Side yard set backs increased to help control view shed,
- 2) In the Single Family Rural – limit on total building – all run-off from impervious surface must be retained on the lot,
- 3) In the Single Family Urban – Use the “greater of 20% or 8,700SF” instead of lesser,
- 4) In the St. Croix Urban Residential – Use the “greater of 20% or 8,700SF” instead of lesser and pay attention to side yard setbacks. This area already requires DNR approval.

David Best: David felt the people with very small lots would be severely restricted by these amendments – does not support them.

Todd Mestad: Todd said he agreed with David's comments.

Megan Kavanaugh: Megan expressed concern about how the Commission would handle the additional variance requests based on hardship should these amendments be put in place.

Scott Kromer: Scott said the people moving to the Marine area do not want to live in a Woodbury-type community. He cautioned the Planning Commission that too tight of restrictions would end up devaluing homes and land in the area.

Tracy Pechacek: Tracy asked if you were limited on building “out” on your property, could you build up? The response was not in the river district.

Dan Willenbring then reviewed the variance procedures for the audience.

Mary Uppgren: Mary asked how many lots in the Village would be affected by the 18% slope reduction if this amendment passes? Dan stated probably less than 10%. The residents highly disagreed. The residents felt this needs to be investigated further.

Peter Marker stated he basically agrees with the public’s comments regarding this looking like a solution in search of a problem. He also stated he does not feel compelled to make a recommendation to the City Council based on the testimony taken at the Hearing.

David Best: David asked the Planning Commission to give him the definition of view shed. Carl responded that it basically means what the city values for the community. Dan referenced what Jackson Meadow has adopted regarding view shed for a cluster housing development.

At this point Dan mentioned there was an opening on the Planning Commission and highly encouraged people to get involved by serving on this commission.

Peter Marker made the motion to close the public hearing. Seconded by Carl Remick. Chairman Willenbring closed the Public Hearing portion at 10:05 p.m.

At this time, the Planning Commission discussed options. Peter Marker expressed concern that the overall message conveyed by the audience was that the Planning Commission was trying to create a solution for a non-

existent problem. He recommended that the Commission work on just what are the issues or leave it alone entirely at this time. He stated he does not support going before the City Council with any recommendations. Dan once again reminded them that the purpose of pursuing this was uniformity across all zoning districts.

Peter broke the issues into four areas: a) Is there really a problem; b) Is a uniform requirement the best solution or would it be better to address the problem on a case-by-case basis; c) Is the 18% slope reduction realistic in all cases; d) Is this the best way to address the view shed and/or water run-off issue.

Jack Warren recommended that it should be discussed with the City Council again in order to clarify just what are the issues. Dan suggested some special meetings with the City Council. Peter responded he does not need more meetings at this time but would rather just like to get clarification from the Council members.

Dan mentioned that it would be helpful to have some funds available to work with an engineer on the issues.

The following issues and assignments were made:

Carl Remick – View shed definition

Jack Warren – Work with Jim Almendinger of the Watershed Research Station

Peter Fernstrum – Work with the Real Estate Association

Peter Marker – Work with the MPCA

Dan – Work with MnDot and city engineer on storm water issue

Discussion then centered on the outcome of the two building projects that had come before the Planning Commission. Dan reported he had worked with David Drysdale and Mary Uppgren and upon further review, no variance was needed. Peter reported that a variance request made by David Dockniak to build a new garage was also not needed based on the fact that David had agreed to downsize his original request.

A motion was made by Marker to approve the April 29, 2005 meeting minutes. Remick seconded. Motion passes unanimously.

A motion was made by Marker to adjourn the meeting. Seconded by Warren. Meeting adjourned at 10:22 p.m.