

**CITY OF MARINE ON ST. CROIX**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

**Tuesday, November 26, 2019 – 7:30 pm**

**121 Judd Street – Village Hall**

The City of Marine on St. Croix Planning Commission regular meeting of November 26, 2019, was called to order at 7:33 pm. Mrosla, Henry, Spisak, Hagstrom and Smitten present. Brenner and Sanderson absent.

Citizens present: Scott Iwen, Karen Poel, Mary Whitaker, Larry Whitaker, John Goodfellow, Kirsten Vadheim, Glen Mills, Pat Kenzie.

**Public Hearing – Scott Iwen – Variance Request**

Chair Mrosla opened the public hearing at 7:34pm.

Scott Iwen and Karen Poel, 18337 St. Croix Trail North, were in attendance regarding Mr. Iwen's request for a variance to exceed the city's square-footage maximum for accessory buildings. The couple would like to build a garage, and brought exhibits showing where it would be built if the variance were granted.

Mrosla reported that, based on an Oct. 9 site visit by Commissioner Sanderson and himself, Mr. Iwen has a 1,985-square-foot accessory structure with a home gym and entertaining space, and a 160-square-foot garden tool shed, leaving 255 square feet for any additional accessory structures. A realty website and the county assessor's records list the larger building as a garage. Mrosla noted that the commission had denied similar cases in recent years.

Iwen's neighbor, Pat Kenzie of 18287 St. Croix Trail North, also reported that a previous owner had used the larger building as a garage. He added that the property had previously been subdivided. There was supposed to be only one division but now another piece had been split off. A garage could make the property ready for a second home. Kenzie was concerned that precedent is being ignored, and that the property owners may be running a business at the site. Ms. Poel said most of her business is done in the Twin Cities, although she entertains in Marine occasionally.

Mrosla closed the public hearing at 7:44 pm.

*Hagstrom moved to recommend denial of the variance request based on findings that any exceptional circumstances were not prompted by limiting physical features of the property, and that the original garage had been remodeled into a recreational space on the property owner's preference. Smitten seconded. Motion to recommend denial approved unanimously.*

## Public Hearing – Scott Iwen – Conditional Use Permit Request

Chair Mrosla opened the public hearing at 7:46 pm.

Mr. Iwen was in attendance regarding his request for a conditional use permit for a bathroom in an accessory building at 18337 St. Croix Trail North. Mrosla reported that the bathroom was already installed. The need for a conditional use permit had been missed in the original building permit.

Mayor Mills asked how the need for a CUP was missed. The commission reported it was an administrative error, as the original building permit included several items. Mills asked that the original building permit be included as background for the next council meeting. Commissioner Hagstrom noted that two permits should be included. Hagstrom expressed her belief that the commission should consider the permit as if construction had not happened. Mrosla added that the CUP can be pulled if there are violations, and said business functions are not allowed in the space per city code. The commission reached a consensus that permitted use would not be retroactive, but would start if and when council approves the CUP.

Mrosla closed the public hearing at 8:01 pm.

*Hagstrom proposed an addition to section 4(a) of the CUP: “The applicants have stated that the use is a workout facility with no significant business use, therefore this condition is met.”*

*Spisak moved to accept the amendment. Smitten seconded. All voted in favor.*

*Smitten moved to recommend approval of the CUP in an accessory building, as per the report dated Nov. 26, 2019. Spisak seconded. Motion approved unanimously.*

Smitten noted that city code allows for home occupations under section 4.07, as long as they do not change the character of the community.

## Jane Kennedy – 760 Judd St. – Set public hearing: CUP for bathroom in accessory building

Ms. Kennedy was in attendance to address the commission. She described the accessory building as a “bunk house” for visiting family.

Smitten reported that she and Spisak visited the site, and noted that the applicant had provided additional drawings. Per section 3.08, the permitting process requires a public hearing. Neighbors must be notified and the DNR notified. There is no commission meeting in December but the applicant had formally granted a 60-day extension. Smitten and Spisak will draft facts and findings for the public hearing.

*Spisak moved to set public hearing for Jan. 28, 2020, 7:30 pm, to review the CUP request at 760 Judd. Henry seconded. Hagstrom abstained; all others voted in favor.*

## Larry Whitaker – 625 Pine Cone Trail – Pre-ap for solar panel variance

Mr. and Mrs. Whitaker were in attendance. Mr. Whitaker reported that they are working with All Energy Solar on a ground-mounted array with a low profile. The panels will not be seen from the river, as the site is west of the riverbank. According to Mr. Whitaker, the panels would not work well on the roof. He is planning an array of 16 panels: two rows of 3-x-6 panels, 13-14 feet tall (but they will be tipped) and approximately 30 feet long. Installation will require trenching a

line to the house or backwiring to the garage. The Whitakers will be leaving in January but AES can do the work when they return in May.

Smitten noted that the city doesn't have an official process for solar, but the commission could review considerations drafted by Brian Ross of CR Planning. She requested that staff search for records of those considerations.

*Smitten and Henry volunteered to visit the site and prepare a report.*

#### Old/New Business

Short-Term Rentals – Hagstrom noted that a few questions remain on discretionary licenses, events and the private road issue. The commission requested the city attorney's input on legal implications of requiring that a STR have direct access via public road. What law applies to that situation and whether the city should be regulating that type of use?

The commission also requested input from city council on whether the notes for an ordinance were ready to send to the city attorney or whether they needed further revision by the planning commission.

Discussion of PC member terms: *The commission reached a consensus to recommend Hagstrom and Henry for 3-year terms, Mroska for a two-year term and Brenner for one year.*

Deadline for revisions to zoning ordinance: Mroska suggested that commission and council members send comments on the zoning ordinance to the assistant city clerk by December 31. City staff will create a poll to set a meeting, ideally for mid-January, with both the commission and council. Before that meeting, an updated draft will be sent to all commission and council members for review. Citizens may also send any comments or points of concern to staff.

#### Approval of October minutes

*Smitten moved to approve the October 29 planning commission minutes; Spisak seconded.*

Hagstrom noted that it was unclear on page two whether Juli or Anna Hagstrom was speaking. She requested that "Commissioner" be inserted before "Hagstrom."

*Passed unanimously with Hagstrom's revision.*

#### Adjournment

*Hagstrom moved and Smitten seconded to adjourn at 8:52 pm. **Motion passed unanimously.***

Minutes by Suzanne Dammann, Assistant City Clerk