



September 26, 2018

To: City Council, Planning & Zoning Commission and Public Works Committee  
From: Jenny Max, City Administrator

Re: Grand View Lodge Conditions of Approval – Status Update

This memo serves as a status report regarding Grand View Lodge's current development. Attached to this memo are four documents:

1. Grand View Lodge – Status of Conditions 9/26/18
2. Planning Commission Recommendation Conditions of Final Plat Approval
3. Mitigation of Traffic in the Core Area dated November 6, 2017 from Grand View Lodge
4. 9-19-18 West/East Linden Letter to Council

Document #1, the Status of Conditions dated 9/26/18, provides a summary of each of the conditions approved by the Planning Commission and City Council, and also provides a summary of each of the traffic mitigation items as provided by Grand View Lodge. (Note: the item number on the Status of Conditions document is the same as the item number in each respective following document to maintain consistency). The Status of Conditions document indicates in **blue** the outstanding items that will require a response from Grand View Lodge.

The purpose of the Status of Conditions document is to provide a simple way for all parties to know the status of each condition/mitigation item. From left to right: Each condition item is listed, identified whether or not it has been met, any comments or action items noteworthy, and a deadline. Staff has included suggested deadlines for some of the items and has indicated TBD for a handful of others. Some of the items do not have a firm deadline at this time due to the traffic study that is in the final stage of completion. Once the traffic study is completed, the City will step through a process to determine what improvements should take place within the Grand View Lodge area, and in what time frame those improvements should be completed. That process will include conversations with Crow Wing County, Grand View Lodge and community residents within the GVL area. Conversations and special meetings will likely continue through the rest of 2018 and into early/mid 2019 as decisions are made regarding improvements in the GVL area.

*The Status of Conditions document will be updated monthly until all conditions/mitigation items are complete, and will be provided monthly to the City Council, Planning Commission and Public Works Committee for their information. It will also be placed on the City website for residents to view on the Public Works Department page (along with the other traffic committee information).*

At this time City staff does not have immediate concerns that Grand View Lodge is in violation of its conditional use permit. However, the City does need to obtain reassurance from GVL in writing that the conditions will be met. The City and GVL should both agree to a timeframe that the conditions will be completed and any deviation from this timeframe shall be communicated timely to the other party.

City staff would also like to convey the message that IF the final traffic study results in ideas or concepts that contradict one or more of the conditions/mitigation items currently required, all of the interested parties will be open to discussing what the best outcome should be for that specific item. Meaning, if a current condition is found to have a better solution by taking a different approach, the City should consider the alternate approach in lieu of the condition/mitigation item as it's currently listed.

Golf Carts – City staff did some research on golf carts and how they are regulated. Per Minnesota Statutes golf carts are not allowed within a city, unless a city ordinance is passed to specifically allow them. The City of Nisswa has not passed an ordinance allowing golf carts. Since GVL currently uses golf carts in varying capacities, staff feels this should be further explored as to not unduly burden the resort. Staff is working on ideas for what direction this should go, and will present a draft ordinance and policy to the City Council for consideration by the November Council meeting.

Any questions or corrections to this memo and supporting documents should be directed to Jenny Max.

	<u>Met? Y/N</u>	<u>Comments/Action</u>	<u>Deadline</u>
<b><u>Planning Commission Condition</u></b>			
1 Personal use of the dwelling unit by the each shall be limited to 42 days per year between the 1st of May and the 1st of November to ensure usage is consistent with intended uses of the Commercial Waterfront District.	Yes	None.	N/a
2 The applicant shall provide a traffic impact analysis, to the City of Niswawa and Crow Wing County Highway Department, to the satisfaction of the City and County Engineer, detailing potential impacts to Highway 77 and required mitigations associated with Garden Cottages Subdivision.	Yes	In process.	TBD
3 The applicant shall record concurrently with the final plat a blanket easement over the entire subdivision that provides access for sewer line maintenance and emergency vehicle access. Docket number and language pertaining to easement shall be placed upon the face of the final plat.	Unknown	<a href="#">GVL to provide documentation that this is complete or a timeline on when this is scheduled to be completed.</a>	10/31/2018
4 Applicant shall provide any as built drawing addressing any changes to location of utility lines or private street locations as needed.	Yes	In process throughout construction; no issues at this time.	N/a
5 Applicant shall provide a retention basin maintenance agreement for the review and approval of the City Engineer and Public Works Director.	No	<a href="#">GVL to provide timeline on when this is scheduled to be completed.</a>	TBD
6 Applicant shall provide off site signage on Woodward Avenue, Forest Avenue and Nokomis Avenue, indicating "no parking". <i>(May be an interim solution as results from traffic study may suggest other permanent ideas)</i>	No	<a href="#">GVL to provide timeline on when this is scheduled to be completed; GVL to provide information on signs and location and receive City approval <u>prior</u> to installation of any/all signage.</a>	TBD

City of Niswaw

Grand View Lodge Development - Status of Conditions 9/26/2018

Blue - Grand View Lodge Action Items

	<u>Met? Y/N</u>	<u>Comments/Action</u>	<u>Deadline</u>
7 Applicant shall install a sign on W. Linden Boulevard indicating "Not a Thru Street". <i>(May be an interim solution as results from traffic study may suggest other permanent ideas)</i>	No	GVL to provide timeline on when this is scheduled to be completed; GVL to provide information on signs and location and receive City approval <u>prior</u> to installation of any/all signage.	TBD
8 Applicant shall pave private service drive extending from Crow Wing County Highway 77 to the service maintenance yard, subject improvement shall include development of retention basin to address runoff from impervious surface.	No	GVL to provide timeline on when this is scheduled to be completed.	TBD
9 The applicant shall record concurrently with the final plat a 22' wide private street access easement over lot 128 to adjoin the subdivision to Woodward Avenue and shall include such recording number on the face of the final plat.	Unknown	GVL to provide documentation that this is complete or a timeline on when this is scheduled to be completed.	10/31/2018
10 On the face of the Final Plat the applicant shall provide a drainage easement over the northwest portion of the final plant encompassing the wetland area along with associated legal description of easement.	Unknown	GVL to provide documentation that this is complete or a timeline on when this is scheduled to be completed.	10/31/2018
11 Concurrent with the submittal of final plat document for execution by the City, the applicant shall submit a title opinion less than 60 days old and acceptable to the City Attorney showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.	Yes	None.	N/a
12 Employee housing shall be moved from their current location off of Woodward Avenue.	Partial	GVL to provide timeline on when this is scheduled to be completed.	TBD

Grand View Lodge Development - Status of Conditions 9/26/2018

	<u>Met? Y/N</u>	<u>Comments/Action</u>	<u>Deadline</u>
13 The Applicant shall submit a letter stating roads within the Garden Course development are private and will be maintained by Grand View Lodge.	Unknown	City is reviewing files to determine if this is complete; if not, City will inform GVL by 10/15/18 and GVL will provide documentation by 10/31/18.	TBD
14 The Applicant shall provide traffic signage directing construction traffic away from the Nokomis Avenue entrance.	Yes	None.	N/a
15 The Applicant shall revise the Garden Cottages Final Plat so that Dwelling Units 1 – 21 will have a minimum of a 50-foot setback from the parent parcel property line.	Yes	None.	N/a
16 The Applicant shall comply with the correspondence submitted by Grand View Lodge, dated November 6, 2017, entitled "Mitigation of Traffic in the Core Area", of which all 15 points of traffic mitigation are hereby included as Conditions of Approval.		See below for detail	
17 The applicant shall construct a temporary access road providing direct ingress and egress to the Garden Cottage Subdivision from Crow Wing County Road 77. Subject temporary road shall be the only point of access permitted for all construction traffic associated with the development of the subdivision.	Yes	None.	N/a
18 All 21 units in the Garden Course will be connected to the city sewer system.	Yes	None.	N/a

	<u>Met? Y/N</u>	<u>Comments/Action</u>	<u>Deadline</u>
<b><u>Mitigation of Traffic in the Core Area</u></b>			
1 Convert two tennis courts to a 40 car surface lot.	Yes	None.	N/a
2 Pave the Garden Course parking lot to accommodate an additional 24 cars in an organized fashion.	Partial	GVL to provide timeline on when this is scheduled to be completed.	TBD
3 Create three employee parking areas to serve the employees who work in the core of the resort.	No	GVL to provide timeline on when this is scheduled to be completed and plans showing location of parking areas.	TBD
4 Move staff housing to the back entrance and provide them with amenities and facilities to reduce the time they spend in the core.	No	GVL to provide timeline on when this is scheduled to be completed.	TBD
5 Enhance the existing shuttle service for employees who work in the core.	Unknown	GVL to provide a more detailed description of how the shuttle service is currently working and what the enhancement will look like.	TBD
6 Enhance and expand the guest shuttle service to reduce the need for guests to drive their vehicles from off site to the core.	Unknown	GVL to provide a more detailed description of how the shuttle service is currently working and what the enhancement will look like.	TBD
7 Move the beverage warehouse from the lodge to the property area.	Unknown	GVL to provide timeline on when this is scheduled to be completed.	TBD
8 Close the entrance from West Linden to the maintenance housekeeping area to all but emergency and cart traffic.	Yes	There is a visible bypass for golf carts; should this be corrected? Are there continued issues?	N/a
9 Work with city to rebuild the intersection of Forest and Woodward.	No	Will be addressed as part of the Traffic Study process.	TBD

City of Nisswa

Grand View Lodge Development - Status of Conditions 9/26/2018

Blue - Grand View Lodge Action Items

	<u>Met? Y/N</u>	<u>Comments/Action</u>	<u>Deadline</u>
10 Pave the kitchen/spa parking lot to accommodate delivery trucks parking there instead of on the street.	No	GVL to provide timeline on when this is scheduled to be completed.	TBD
11 Move the entrance to the Hotel and Garden Cottages to the area of the existing accounting office parking lot, away from the intersection of Woodward and Forest.	Yes	None.	N/a
12 Name and address the back entrance so that UPS, Fed Ex, Post Office packages are brought in the back gate, instead of in the front entrance.	No	GVL to provide timeline on when this is scheduled to occur.	TBD
13 Continue to work with the county to redevelop the entrance to GVL. Options include the roundabout idea.	No	Will be addressed as part of the Traffic Study process.	TBD
14 Improve street lighting for evening pedestrian safety.	No	Will be addressed as part of the Traffic Study process. Any proposed plans or drawings by GVL should be provided to the City by 10/31/18.	TBD
15 Expand the walking and bike paths along Nokomis and Woodward.	No	Will be addressed as part of the Traffic Study process. Any proposed plans or drawings by GVL should be provided to the City by 10/31/18.	TBD

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**Planning Commission Recommendation:** The Commission recommends that the City Council **Approve** the Final Plat application, subject to the following conditions:

1. Personal use of the dwelling unit by the each shall be limited to 42 days per year between the 1st of May and the 1st of November to ensure usage is consistent with intended uses of the Commercial Waterfront District.
2. The applicant shall provide a traffic impact analysis, to the City of Nisswa and Crow Wing County Highway Department, to the satisfaction of the City and County Engineer, detailing potential impacts to Highway 77 and required mitigations associated with Garden Cottages Subdivision.
3. The applicant shall record concurrently with the final plat a blanket easement over the entire subdivision that provides access for sewer line maintenance and emergency vehicle access. Docket number and language pertaining to easement shall be placed upon the face of the final plat.
4. Applicant shall provide any as built drawing addressing any changes to location of utility lines or private street locations as needed.
5. Applicant shall provide a retention basin maintenance agreement for the review and approval of the City Engineer and Public Works Director.
6. Applicant shall provide off site signage on Woodward Avenue, Forest Avenue and Nokomis Avenue, indicating “no parking”.
7. Applicant shall install a sign on W. Linden Boulevard indicating “Not a Thru Street”.
8. Applicant shall pave private service drive extending from crow wing county Highway 77 to the service maintenance yard, subject improvement shall include development of retention basin to address runoff from impervious surface.
9. The applicant shall record concurrently with the final plat a 22’ wide private street access easement over lot 128 to adjoin the subdivision to Woodward Avenue and shall include such recording number on the face of the final plat.
10. On the face of the Final Plat the applicant shall provide a drainage easement over the northwest portion of the final plant encompassing the wetland area along with associated legal description of easement.
11. Concurrent with the submittal of final plat document for execution by the City, the applicant shall submit a title opinion less than 60 days old and acceptable to the City Attorney showing conformance with those parties represented by signature on the plat as



holding interest in the property being divided.

12. Employee housing shall be moved from their current location off of Woodward Avenue.

13. The Applicant shall submit a letter to the stating roads within the Garden Course development are private and will be maintained by Grand View Lodge.

14. The Applicant shall provide traffic signage directing construction traffic away from the Nokomis Avenue entrance.

15. The Applicant shall revise the Garden Cottages Final Plat so that Dwelling Units 1 – 21 will have a minimum of a 50-foot setback from the parent parcel property line.

16. The Applicant shall comply with the correspondence submitted by Grand View Lodge, dated November 6, 2017, entitled "Mitigation of Traffic in the Core Area", of which all 15 points of traffic mitigation are hereby included as Conditions of Approval.

17. The applicant shall construct a temporary access road providing direct ingress and egress to the Garden Cottage Subdivision from Crow Wing County Road 77. Subject temporary road shall be the only point of access permitted for all construction traffic associated with the development of the subdivision.

18. All 21 units in the Garden Course will be connected to the city sewer system.



November 6, 2017

TO: Nisswa Planning and Zoning

RE: Mitigation of traffic in the core area

With the increased lodging it will be desirable to reduce the traffic to pre-expansion levels. In addition to traffic mitigation, it is proposed to expand the parking to eliminate the need to have autos parking on city right-of way.

Steps:

1. Convert two tennis courts to a 40 car surface lot
2. Pave the Garden Course parking lot to accommodate an additional 24 cars in an organized fashion.
3. Create three employee parking areas to serve the employees who work in the core of the resort.
4. Move staff housing to the back entrance and provide them with amenities and facilities to reduce the time they spend in the core.
5. Enhance the existing shuttle service for employees who work in the core.
6. Enhance and expand the guest shuttle service to reduce the need for guests to drive their vehicles from off site to the core.
7. Move the beverage warehouse from the lodge to the property area.
8. Close the entrance from West Linden to the maintenance housekeeping area to all but emergency and cart traffic.
9. Work with city to rebuild the intersection of Forest and Woodward.
10. Pave the kitchen/spa parking lot to accommodate delivery trucks parking there instead of on the street.



11. Move the entrance to the Hotel and Garden Cottages to the area of the existing accounting office parking lot, away from the intersection of Woodward and Forest.
12. Name and address the back entrance so that UPS, Fed Ex., Post Office packages are brought in the back gate, instead of in the front entrance.
13. Continue to work with the county to redevelop the entrance to GVL. Options include studying the roundabout idea.
14. Improve street lighting for evening pedestrian safety.
15. Expand the walking and bike paths along Nokomis and Woodward.

Last fall when Grand View Lodge first approached Planning & Zoning with the plat for their Garden Cottages development, new hotel and recreation center, the residents in the neighborhood surrounding Grand View raised a number of concerns about safety issues on their roads—Nokomis, Forest, Woodward, East & West Linden. These residents believed the additional guests & vehicle traffic attracted by the increase in rental units would saturate an area that was already congested and they worried about the safety of pedestrians and bicyclists. Especially worrisome was the intersection of County Road 77 and Nokomis Avenue—the entrance to Grand View Lodge and our neighborhood. After many Planning & Zoning meetings and lots of community input, Grand view's plat and other buildings were approved, albeit with a long list of conditions, one of which was a traffic mitigation plan submitted by Grand View. We'll come back to those conditions in a minute.

Because of the outcry of residents, some members of the council suggested the residents form a traffic committee to work with GVL and the city to address some of the concerns. So we did. There are five of us on the committee and we have been meeting regularly with the Public Works commission since May. Unfortunately Grand View has not sent a representative to the last 3 or 4 meetings so it's been a challenge to have meaningful discussions with one party

missing. Regardless, we appreciate this opportunity to fill you in on what's been discussed.

As I mentioned, a major concern is the intersection of 77 and Nokomis Avenue. Spack Consulting was commissioned to complete a traffic study at the end of June and we are still waiting for their final report. However, their preliminary findings are on the city's website and we suggest you take a look at them, if you haven't already reviewed the information. One of their suggestions for the intersection at our neighborhood's entrance is to build a single lane roundabout. The committee agrees that this might be the best idea to address traffic flow as well as pedestrian safety at this intersection. In order to get a roundabout built, the county will have to be brought on board and we strongly suggest the city begin talking to Crow Wing County now since the wheels of government turn slowly.

Also important is the safety of pedestrians and bicyclists on the residential roads. Another suggestion in Spack's preliminary report is to have connecting walking paths on both sides of Nokomis, Woodward & Forest Avenues. We like this idea, too. We're hoping that having paths that connect will encourage people to actually use the paths rather than weaving down the road in groups that

spread across traffic lanes. Actually, expanding the paths on Nokomis and Woodward was also included in Grand View Lodge's traffic mitigation plan which was part of the conditions for approval of their new development.

Another point of concern for some of our neighbors is the unlicensed vehicles, mostly golf carts, driving on the roads. They have no lights or turn signals and we are left guessing whether the carts are going to blow through stop signs, make a turn, stop, etc. It's a safety issue and we'd like to know what the protocol is for these carts? Should they have a cart path or should they be on the roads? If they are going to be on the roads, is there a minimum age for the drivers, is a driver's license required, and should they at least use hand signals?

Finally, the committee believes more signage should be erected. Some should be Grand View signs directing their guests so they can find their lodging, dining or event venues more easily. This would decrease the number of people driving around in circles trying to figure out where they're supposed to be.

The committee would also like the city to erect and enforce No Parking signs along Nokomis, Forest and Woodward Avenues. Such signs would be paid for by Grand View as they are also part of the conditions you, the council, set forth for Grand view when you approved their plat. There were 18 conditions

when you approved the Garden Cottages. One of these conditions was a 15-point traffic mitigation plan, which could possibly eliminate the need for our committee to even exist. To date, at least 9 of these 15 points have not been done and we don't understand why Grand View continues to build when they haven't fulfilled the conditions of approval.

We asked this question at a public works meeting on August 22<sup>nd</sup> after we'd waited weeks for an answer as to why Grand View hadn't fulfilled their conditions. At that August 22<sup>nd</sup> meeting we were told that the city had not been able to get Grand View to meet with them and that the city has no ability to enforce such conditions. Jenny Max informed our committee via email on August 30 that she was waiting for a response from the city attorney regarding what recourse the city might have regarding unmet conditions. This morning, 20 days later, we received another email from Jenny telling us that the city attorney's response was that revocation of permits is a long process and should only be used as a last resort. She also said staff had a recent meeting with Mark Ronnei of Grand View Lodge and that they are now working on meeting **some** of the conditions. Isn't it interesting that now that Grand View has almost all of their cottages sold and under construction, they are finally getting around to fulfilling **some** of the conditions of approval?

We've had a lot of discussions this summer with our neighbors and city staff. The bottom line is that our committee must have information from Spack's final report and input from Grand View in order to be effective representatives for our community. And we ask the city to hold Grand View accountable for **all** of the conditions imposed the Garden Cottages plat approval.

Thank you.