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MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, MARCH 5, 2019, 6:00 pm



Members Present: Don Jacobson, Anne Laufman, Josh Young, Gary Harris, Bob Fier
Members Absent:
Others Present: Mark Hallan
Staff Present: Justin Burslie - Interim Planning & Zoning Administrator, Maggi Wentler

- 1. Call To Order**
- 2. Roll Call**
- 3. Approve Minutes:**
 - a. February 5, 2019 Regular Scheduled Meeting Minutes
- 4. Appoint Chairperson and Vice-Chairperson**
- 5. Open Forum:**
 - a. Holly Holm Introduction
- 6. Public Hearings: None**
- 7. New Business:**
 - a. Fallen Woods Sketch Plan Review
 - b. 2018 Draft Comprehensive Plan Review and Discussion
 - c. Land Use Training Opportunities
- 8. Old Business: None**
- 9. Planning & Zoning Administrator's Report**
 - a. Permits
 - b. Site Visits
 - c. Violations
- 10. Commission Discussion Items**
 - a. Shoreland Planned Unit Development (Section 4.10.1)
 - b. Mobile / Temporary Concession Vendors
 - c. Land Use Chart / Storage Building Regulation
- 11. Future Commission Discussion Items**
 - a. Zoning Violation/Conditions Enforcement
 - b. Residential Structure Size Maximums
 - c. Open/Clear Cutting /Tree & Brush Management
 - d. VRBO
 - e. Housing
 - f. Highway 371 Corridor Development (Section 4.8.3)
 - g. Central Business District Development
 - h. Housekeeping Ordinance Corrections / Editing
 - i. Central Business District Impervious Coverage Allowances

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12. Adjourn

MEETING MINUTES FROM MARCH 5, 2018

1. Call to Order: Laufman calls the meeting to order 6:00pm.

2. Roll Call:

3. Approval of Minutes:

a. February 5, 2019 Regular Scheduled Meeting Minutes:

MOTION: Jacobson motioned to approve the February 5, 2019 minutes as presented, Harris seconded. All members voting “Aye”, motion carries.

4. Appoint Chairperson and Vice-Chairperson

Chair: Jacobson noted that Laufman was the vice-chair last year and would like to nominate her. No other nominations.

MOTION: Jacobson motioned to nominate Anne Laufman as the Chair for one year, Harris seconded. All members voting “Aye”, motion carries.

Vice-Chair: Fier nominates Young. No other nominations.

MOTION: Fier motioned to nominate Josh Young as the Vice-Chair for one year, Harris seconded. All members voting “Aye”, motion carries.

5. Open Forum:

Holly Holm – Holly Holm is the new Nisswa Chamber Director. She will be taking over Shawn Hansen’s position. She just wanted to introduce herself to the commission members.

6. Public Hearings: None

7. New Business

a. Fallen Woods Sketch Plan Review – Rusty Gibbons - Contractor/Applicant and Pat Trottier - Stonemark Land Surveying both present

Burslie gave a report on the overview of this sketch plan. He noted that they will be coming in for a preliminary plat next month. Burslie stated that they

95 are proposing 28 single family units. He noted that 56 units are allowed per
96 the city's ordinance. They are looking to have five or six wells on the property
97 to service all 28 units and they will be connecting to city sewer.
98

99 Gibbons stated he is looking forward to this project. He has done a few other
100 developments similar to this one. One is located in Nisswa off of Wolf Chase
101 and another one in Breezy Point; Rolling Oaks. He stated this is a good use of
102 the property. It is a positive development for the city. He is trying to keep the
103 cost of the homes down. Gibbons stated he has received approval from the
104 City Council to rezone this property.
105

106 Hallan stated he has already been in contact with them to answer some
107 questions already in regards to this sketch plan. Laufman stated that a PUD
108 requires open space, vegetation and recreational areas. She doesn't see these
109 listed on the survey supplied. Trottier stated that the proposal has 75%
110 common space. The layout that has been proposed will save many of the
111 larger trees, which are shown on the survey. Gibbons noted that they have a
112 50 foot buffer around the entire parcel. All units will be built specific to each
113 site. They will be all different layouts and building styles. Gibbons stated he
114 takes pride in what he does and builds homes as if he was going to live there.
115 He will build each unit to benefit the property. Burslie stated that the proposed
116 layout meets all requirements of the ordinance.
117

118 Laufman questioned if the road should be private or public. She thought the
119 ordinance stated that the roads are required to be public. Burslie stated that an
120 engineer would need to sign off that the roads meet requirement of the
121 development, unless certain requirements are needed. Hallan stated that public
122 roads would require 66 feet. If public roads were required that would not leave
123 enough build-able land in the area off of Poplar Ave. Public roads take up a
124 lot of acreage, which would be about a third of the property. Trottier stated
125 they are hoping to keep speed limits low. They are proposing a 20.5 foot road
126 width which will hopefully keep people from driving fast. Gibbons stated that
127 Spike Buck Drive is a 20 feet width road. He believes that is a nice
128 community and they do not have any issues with the width of the road.
129

130 Harris had a few concerns on drainage and where visitors will park. Trottier
131 stated they will have a drainage plan submitted for the preliminary plat
132 application. Hallan noted that there will be culverts under some of the
133 driveways, as each lot is unique. Gibbons stated there is room for parking.
134 Each garage will fit two vehicles and the driveway will fit two vehicles. Harris
135 questioned if there will be access to the Paul Bunyan Trail from this parcel.
136 Gibbons stated there will be one trail between units six and seven to access the
137 Paul Bunyan Trail.
138

139 Young questioned the timeline on this development. Gibbons stated they will
140 start once they get approval. His plan is to develop in three phases. Young
141 questioned if Gibbons has done an association development before and
142 suggested that he work with an attorney to draw up the association documents.
143 Gibbons stated the association documents have been submitted with the

144 preliminary plat application. Young questioned if Gibbons would have
145 majority ownership until the development was complete. Gibbons stated yes
146 he will have majority ownership until the development is complete. Young
147 also questioned if Gibbons will be the only home builder for the development.
148 Gibbons stated he will be the only builder. He does all the work himself and
149 does not sub contract any work. His estimated build time for each unit is
150 approximately 75 days.

151
152 Fier questioned if the roads would be bi-directional. Gibbons stated yes. Fier
153 questioned if the standard for these units will be two or four bedrooms.
154 Trottier stated there will be a different designs and layout for each home. This
155 will not be a cookie cutter development. All homes will look different based
156 on the buyer's needs. Fier questioned if the fence line shown on the survey
157 was something they would be building. Trottier stated that is an existing
158 fence. It is a three strand wire fence that is old and hard to see, but we marked
159 it on the survey. Fier stated that a community gathering area is not shown on
160 the survey and questioned if there would be one. Gibbons stated that there is a
161 nice city park is close by and right of the Paul Bunyan Trail.

162
163 Jacobson questioned if Gibbons was the owner of the property. Gibbons stated
164 yes he purchased last year. Jacobson stated that Gibbons will need to give
165 reasons why this can't be a public road within the development. This will need
166 to be determined by an engineer. Jacobson questioned where the well and lift
167 station locations will be located. Hallan stated this will be gravity sewer lines
168 as there is a nice slope towards Poplar Ave to connect to the sewer line there.
169 Jacobson questioned who will be caring for the common green space area.
170 Trottier stated that the homeowners association will be taking care of the
171 common space and the path connecting to the Paul Bunyan Trail. Jacobson
172 suggested that they contact the DNR to get approval to add this entrance to the
173 trail. Jacobson questioned if they are planning to connect this main road with
174 the entrance at Hills Crossing. Trottier stated yes they will be connecting at
175 Hills Crossing and are currently working on the easement. Jacobson
176 questioned why the driveways on units 17 and 18 are configured as shown.
177 Trottier stated due to the topography. Gibbons stated they wanted to keep the
178 grade down to a 6% slope. This was designed by the engineer. If we went
179 straight to the road it would be a 10-15% slope and would be too steep.

180
181 Hallan suggests that the applicant get something in writing from the DNR
182 stating it is ok to add an additional access to the Paul Bunyan Trail. The
183 application to the MPCA for connecting to city sewer system will be one
184 application for all units. This will be the same for the wells.

185
186 **b. 2018 Draft Comprehensive Plan Review and Discussion**

187
188 Jenny Max, City Administrator/Clerk provided a draft Comprehensive Plan in
189 the packet to review. She also provided a timeline from now to hopefully final
190 approval at the May 2019 City Council meeting.

191

192 Jacobson stated that he has concerns with having a “Future Land Use” zoning
193 map in the Comp. Plan; page 35. Burslie stated that this is used for a long
194 range guide for future rezoning. A zoning map and this future land use map
195 are different. This is used as a guideline and the commission can still approve
196 or deny applications with findings of fact provided. Max stated the Future
197 Land Use map is in our current Comp. Plan and nothing has changed to this
198 version.

199
200 Fier stated when looking at page 32 – Short Term Goals, he would like to see
201 a policy created for golf carts, UTV on city streets. Max stated this item is
202 already on our intern list to work on.

203
204 Laufman stated there were some maps missing that she thought were going to
205 be in there. She would email them to Max.

206
207 **Motion:** Laufman motioned to recommend to the City Council that the draft
208 plan be released for a 30 day public comment period from March 22 – April
209 22, 2019, seconded by Young. All members voting “Aye”, motion carries.

210
211 **c. Land Use Training Opportunities**

212
213 Jenny Max, City Administrator/Clerk provided some information in the packet
214 for training opportunities to all commission members. Some are online and
215 some are in person. She noted to reach out to her or Justin if you come across
216 any others you think would be valuable in attending. Laufman noted she saw a
217 few in the paper, one is in Crosslake and the other one is at the county.

218
219
220 **8. Old Business – None**

221
222
223 **9. Planning & Zoning Administrator’s Report**

224
225 **a. Permits**

226
227 Burslie stated that permitting has been slow but typical for this time of the
228 year. He noted that the agenda for the April meeting has 4-5 public hearings
229 so it will be busy. Burslie questioned if the commission would prefer to go out
230 to tour each site on their own or as a group. Laufman stated she would prefer
231 to go as a group. She believes this is beneficial to hear comments from the
232 City Engineer and the Planning & Zoning Administrator. Laufman
233 recommended touring properties at 4:30pm and have the meeting start at
234 6:00pm. Commission agrees that these times will work for them.

235
236 Burslie questioned the organization of the agenda in regards to Future
237 Commission Discussion Items. He stated that if an item is on the agenda
238 typically it should be discussed. We can certainly keep this list in his office
239 and not on the agenda.

240

241 Burslie included a letter from the City Attorney in the packet on an update on
242 the property at 26130 Birch Ave. The attorney has not received any response
243 yet.
244

245 **b. Violations**

246
247 Laufman questioned if there has been any follow up on any of the violations.
248 Burslie stated due to limited hours he would follow up if there were anything
249 pressing.
250

251 Jacobson stated that Fast Trax lighting is not downcast and staff would need
252 to follow up with him on this CUP violation.
253

254 **c. Status of Architectural Materials and Subcommittee**

255
256 Laufman questioned if there were any updates on the subcommittee changes
257 to architectural materials. Jenny Max, City Administrator/Clerk stated she
258 wasn't involved in the subcommittee. She mentioned that Desmond
259 McGeough, former Planning & Zoning Administrator, mentioned that he
260 didn't feel the subcommittee was working towards the goal on why the
261 committee was created. Max stated she would like comments from the
262 committee sent to her.
263
264

265 **10. Commission Discussion Items**

266
267 **a. Shoreland Planned Unit Development (Section 4.10.1)**

268
269 Laufman stated that we were waiting to hear back from the DNR on the resort
270 expansion ordinance changes before reviewing this section.
271

272 **b. Mobile / Temporary Concession Vendors**

273
274 Jacobson stated he drafted a document on how to control these vendors. He
275 can provide to Burslie for the next meeting agenda.
276

277 Shawn Hansen (audience) with the Niswaga Chamber stated she would like to
278 see that the chamber and others in the community are part of this discussion,
279 maybe a subcommittee discussion.
280

281 Laufman suggested adding this item to our list of future discussion items as
282 next month's meeting is busy and she wasn't a fan of the draft she saw. We
283 can continue to keep it as part of the Interim Use Permit process.
284
285

286 **c. Land Use Chart / Storage Building Regulation**

287
288 Jacobson stated this was brought up because one past member of the planning
289 commission and the mayor brought up as a concern too many storage units

290 were being built in Nisswa. Jacobson stated he drafted a document that he can
291 send to Burslie to add to the next meeting agenda to discuss.

292
293 Laufman suggested at items 11a – 11c be added to our future items list.
294 Jacobson stated he will still provide his drafts to staff to file.

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296

297 **11. Future Commission Discussion Items**

- 298
299 a. Zoning Violation/Conditions Enforcement
300 b. Residential Structure Size Maximums
301 c. Open/Clear Cutting /Tree & Brush Management
302 d. VRBO
303 e. Housing
304 f. Highway 371 Corridor Development (Section 4.8.3)
305 g. Central Business District Development
306 h. Housekeeping Ordinance Corrections / Editing
307 i. Central Business District Impervious Coverage Allowances

308
309 There was no discussion on these items 11a – 11i at the meeting.

310
311

311 **12. Adjourn**

312
313 **Motion:** Jacobson motioned to adjourn the March 5, 2019 meeting at 7:50pm,
314 seconded by Harris. All members voting “Aye”, motion carries

315
316

317
318 Respectfully submitted,

319
320

321 _____
Maggi Wentler, Deputy City Clerk