



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
TUESDAY, MAY 7, 2019, 4:30 PM

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**Members Present:** Bob Fier, Gary Harris, Don Jacobson, Josh Young  
**Members Absent:** Anne Laufman  
**Others Present:** Mark Hallan  
**Staff Present:** Justin Burslie - Interim Planning & Zoning Administrator; Jenny Max – City Administrator

1. **Call To Order**
2. **Meeting Roll Call**
3. **Onsite Visits**
  - a. 5518 Lakers Lane – Red Sand Properties Nisswa LLC – CUP
  - b. 25305 E Clark Lake Road – Larson Companies LLC – CUP
  - c. 24052 Smiley Road – American National Bank of MN – CUP
  - d. West end of Commons Drive – Gullwood Holdings LLC – CUP
  - e. West end of Commons Drive – Kent Marthaler – CUP
4. **Approve Minutes:**
  - a. April 2, 2019 Regular Meeting Minutes
5. **Open Forum:**
  - a. None
6. **Public Hearings:**
  - a. 5518 Lakers Lane – Red Sand Properties Nisswa LLC – CUP
  - b. 25305 E Clark Lake Road – Larson Companies LLC – CUP
  - c. 24052 Smiley Road – American National Bank of MN – CUP
  - d. West end of Commons Drive – Gullwood Holdings LLC – CUP
  - e. West end of Commons Drive – Kent Marthaler – CUP
7. **New Business:**
  - a. Metes and Bounds Subdivision Application 014-19, Randy Johnson (applicant)
  - b. Food Truck Discussion, Mark Ronnei
8. **Old Business: None**
9. **Planning & Zoning Administrator’s Report**
  - a. Status of Architectural Materials Subcommittee
10. **Commissioners’ Questions/Comments**
11. **Adjourn**

46 **MEETING MINUTES FROM MAY 2, 2019**

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48 1. **Call to Order:** Young calls the meeting to order at 4:30pm.

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50 2. **Meeting Roll Call: 5:30 pm**

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52 3. **Onsite Visits:**

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54 a. 5518 Lakers Lane – Red Sand Properties Nisswa LLC – CUP  
55 b. 25305 E Clark Lake Road – Larson Companies LLC – CUP  
56 c. 24052 Smiley Road – American National Bank of MN – CUP  
57 d. West end of Commons Drive – Gullwood Holdings LLC – CUP  
58 e. West end of Commons Drive – Kent Marthaler – CUP  
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60 4. **Approval of Minutes:**

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62 a. **April 2, 2019 Regular Scheduled Meeting Minutes:**

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64 **MOTION:** Harris motioned to approve the April 2, 2019 minutes as presented,  
65 Jacobson seconded. All members voting “Aye”, motion carries.  
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67 5. **Open Forum:**

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69 None.  
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71 6. **Public Hearings:**

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73 **MOTION:** Jacobson motioned to open the public hearing at 6:00pm, Harris  
74 seconded. All members voting “Aye”, motion carries.  
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76 a. **CONDITIONAL USE PERMIT APPLICATION 009-19 to operate an**  
77 **office/professional/service business in an existing structure. The subject**  
78 **property is located at 5518 Lakers Lane and is zoned “Central Business”.**  
79 **Applicant: Robert Johnson. Property Owner: Red Sand Properties**  
80 **Nisswa LLC**

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82 Burslie read his staff report into the record.  
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84 Young opened the discussion to the Commissioners for questions and  
85 comments.  
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87 **MOTION:** Jacobson motioned, seconded by Harris to approve the  
88 Conditional Use Permit application 009-19 to operate an  
89 office/professional/service business in an existing structure located at 5518  
90 Lakers Lane with the following conditions:  
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- 92 1. The subject property is located at 5518 Lakers Lane.  
93 2. The subject property is in the “Central Business” Zoning District.

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3. The conditional use permit request is to operate a “professional building”/ chiropractic services business.
  4. The subject property is 1.3 acres.
  5. Exterior Finish: The exterior finish of the existing building consists of stucco. The existing exterior finish is consistent with the requirements in Section 4.8.3 “Exterior Building Finishes – Commercial Structures.”
  6. Impervious Surface Coverage: The property will have less than 90% percent impervious surface coverage.
  7. Water Supply: The subject property is served by a private water well.
  8. Sewage: The existing building is served by the municipal sewer system.
  9. The subject property contains five proposed off-street parking spaces to serve the proposed use. The number of proposed off-street parking spaces is sufficient for the proposed use.
  10. The proposed use will not impede the normal and orderly development and improvement of surrounding vacant property.
  11. The property will be accessed via Lakers Ln and Woodale Rd (both local streets). The roads are able to support additional traffic generated by the proposed use.
  12. The proposed use will not generate offensive odor, fumes, dust, noise and vibration.
  13. The development, with conditions, will not impede the normal and orderly development and improvement of surrounding property.
  14. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided for this development.
  15. The development will not depreciate property values within the immediate vicinity of the subject property.

121 **Findings of Fact:**

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1. All proposed improvements located in the public right-of-way shall be approved by the public works director.
  2. The city shall not be responsible for maintenance/repair/replacement of any improvements located in the public right-of-way constructed by the property owner.
  3. All exterior lighting on the subject property shall be directed downward.

129 All members voting “Aye”, motion carries.

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131 **b. CONDITIONAL USE PERMIT APPLICATION 010-19 to construct a**  
132 **40’x 50’ (2,000 sf) residential accessory structure. The subject property is**  
133 **located at 25305 E Clark Lake Road. Applicant: Shawn Larson. Property**  
134 **Owner: LARSON COMPANIES LLC.**

135  
136 Burslie read his staff report into the record.

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138 Young opened the discussion to the Commissioners for questions and  
139 comments.

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141 Shawn Larson noted that he was unaware of some zoning ordinance  
142 requirements; thus he would like to table this application and bring it back to  
143 the Commission at a later date.

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145 **MOTION:** Jacobson motioned, seconded by Harris to table Conditional Use  
146 Permit application 010-10 to construct a 40' x 50' (2,000 sf) residential  
147 accessory structure located at 25305 E Clark Lake Road.

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149 All members voting "Aye", motion carries.

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152 **c. CONDITIONAL USE PERMIT APPLICATION 011-19 to construct a**  
153 **two-sided 48 sf (per side) dynamic display sign in the "Highway Business"**  
154 **Zone. The subject property is located at 24052 Smiley Road. Applicant:**  
155 **Hy-Tec Construction. Property Owner: American National Bank of MN.**

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157 Burslie read his staff report and through the 16 conditions into the record.

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159 Young opened the discussion to the Commissioners for questions and  
160 comments.

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162 **MOTION:** Harris motioned, Jacobson seconded to approve Conditional Use  
163 Permit application 011-19 to construct a two-sided 48 sf (per side) dynamic  
164 display sign in the "Highway Business" Zone located at 24052 Smiley Road  
165 without conditions.

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167 **Findings of Fact:**

- 168 1. The subject property is located at 24052 Smiley Road.
- 169 2. The subject property is in the "Highway Business" Zoning District.
- 170 3. The conditional use permit request is to construct a two sided, 10'-3" x 4'-  
171 8", 48 sf (per side), dynamic display sign.
- 172 4. The subject property is 1.8 acres.
- 173 5. The subject property is allowed 128 sf of "free standing" signage. The  
174 total amount of free-standing signage on the property is 108 sf.
- 175 6. Exterior Finish: The exterior of the proposed free-standing signage  
176 structure will consist of a stone veneer and wood timbers to match the  
177 exterior finishes of the principal structure.
- 178 7. Impervious Surface Coverage: The limited impervious surface coverage of  
179 the proposed sign structure is included in the previously approved overall  
180 stormwater management plan.
- 181 8. Water Supply: The proposed use does not require a water supply.
- 182 9. Sewage: The proposed use does not require sewer service.
- 183 10. The development, with conditions, will not impede the normal and orderly  
184 development and improvement of surrounding property.
- 185 11. Adequate utilities, access roads, drainage and other necessary facilities  
186 have been or are being provided for this development.
- 187 12. The development will not depreciate property values within the immediate  
188 vicinity of the subject property.

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All members voting “Aye”, motion carries.

- d. CONDITIONAL USE PERMIT APPLICATION 003-19 to construct a 40’x 96’ (3,840 sf) commercial building. The subject property is located at the west end of Commons Dr. (no physical address) on a 1.3 acre parcel in the Highway Business (HB) Zone. PIN 280143100AB0009. Applicant/property owner: Gullwood Holdings LLC.**

Burslie read his staff report into the record.

Young opened the discussion to the Commissioners for questions and comments.

JP Elsenpeter noted there will be a sign on the door noting business hours, which are required a minimum of four per week. Otherwise there will be no other signage needed.

**MOTION:** Motion by Harris, seconded by Jacobson to approve Conditional Use Permit application 003-19 to construct a 40’x 96’ (3,840 sf) commercial building. The subject property is located at the west end of Commons Dr. (no physical address) on a 1.3 acre parcel in the Highway Business (HB) Zone. PIN 280143100AB0009 subject to the following conditions:

1. Existing vegetation located in the right-of-way setback and east property line setback shall remain in a natural state to serve as a vegetative buffer for the proposed use.
2. The exterior finishes of the structure shall meet the requirements Section 4.8.3 “Exterior Building Finishes – Commercial Structure.”
3. All exterior lighting shall face downward.
4. There shall be no commercial washing of vehicles on the subject property.
5. All vehicles shall be stored inside the building and none shall be displayed outside.

Findings of Fact:

1. Subject site is generally located at the west end of Commons Dr. PIN 280143100AB0009.
2. The subject property is in the “Highway Business” Zoning District.
3. The conditional use permit request is to construct a 40’ x 96’ (3,840 sf) storage building and a 12’ x 30’ (720 sf) lean-to to be utilized for personal storage with an area dedicated for commercial detailing vehicles.
4. The subject property is 1.3 acres.
5. Exterior Finish: The exterior of the proposed structure will consist of metal siding, doors and roof with a barn wood accent on the front façade. The proposed structure is consistent with the requirements in Section 4.8.3 “Exterior Building Finishes –Commercial Structures” as the buildings are consistent with other storage buildings located in the Highway Business zone.

- 238 6. Impervious Surface Coverage: The property will have a 17.3% percent  
239 impervious surface coverage.  
240 7. Water Supply: The subject property does not require water service.  
241 8. Sewage: The proposed building does not require sewer service or septic.  
242 9. The development, with conditions, will not impede the normal and orderly  
243 development and improvement of surrounding property.  
244 10. Adequate utilities, access roads, drainage and other necessary facilities  
245 have been or are being provided for this development.  
246 11. The development will not depreciate property values within the immediate  
247 vicinity of the subject property.  
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249 All members voting “Aye”, motion carries.  
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252 **f. 2019 Comprehensive Plan Update** – Young noted the Commission will  
253 review item 6.f. prior to item 6.e. as the applicant for item 6.e. was not yet in  
254 attendance.  
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256 Burslie noted that staff is requesting the Planning Commission make a  
257 recommendation to the City Council to approve the 2019 Comprehensive Plan  
258 as presented.  
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260 **MOTION:** Jacobson motioned, seconded by Harris to recommend the City  
261 Council approve the 2019 Comprehensive Plan.  
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263 All members voting “Aye”, motion carries.  
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266 **e. CONDITIONAL USE PERMIT APPLICATION 013-19 to construct a**  
267 **56’x 80’ (4,480 sf) commercial building. The subject property is located**  
268 **near the west end of Commons Dr. (no physical address) on a 1.2 acre in**  
269 **the Highway Business (HB) Zone. Applicant: Kent Marthaler. Property**  
270 **owner: Randy Johnson**  
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272 Burslie read his staff report into the record.  
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274 Young opened the discussion to the Commissioners for questions and  
275 comments.  
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277 **MOTION:** Jacobson motioned, seconded by Harris to approve Conditional  
278 Use Permit application 013-19 to construct a 56’x 80’ (4,480 sf) commercial  
279 building. The subject property is located near the west end of Commons Dr.  
280 (no physical address) on a 1.2 acre in the Highway Business (HB) Zone  
281 subject to the following conditions:  
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- 283 1. Existing vegetation located in the right-of-way setback and east and west  
284 property line setbacks shall remain in a natural state to serve as a  
285 vegetative buffer for the proposed use.

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2. The exterior finishes of the structure shall meet the requirements Section 4.8.3 “Exterior Building Finishes – Commercial Structure.”
  3. All exterior lighting shall face downward.
  4. Any washing of boats and/or vehicles inside the structure shall require the installation of a floor drain with and oil/water separator and holding tank in accordance with Minnesota Pollution Control requirements.
  5. Before a land use permit is issued for the proposed structure the property owner shall submit a stormwater management plan created by licensed engineer which meets the minimum requirements of the Nisswa Zoning Ordinance.
  6. Exterior storage--No more than eight (8) units including boats, trailers, vehicles, etc. or combination thereof shall be stored/displayed outside at any one time.
  7. Parking for all units including boats, trailers, vehicles, etc. or combination thereof shall be on impervious surfaces.
  8. Approval shall be contingent upon the approval of Metes and Bounds Subdivision application 014-19, noted as item 7.a. on the agenda; otherwise the CUP is considered null and void.

305 Findings of Fact:

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1. The subject property is located at the west end of Commons Dr.
  2. The subject property is in the “Highway Business” Zoning District.
  3. The conditional use permit request is to construct a 56’ x 80’ (4,480 sf) commercial building to be utilized for storage and commercial cleaning and detailing of boats.
  4. The subject property is 1.2 acres.
  5. Exterior Finish: The exterior finish of the proposed structure is unknown.
  6. Impervious Surface Coverage: The property will have a 40.9% percent impervious surface coverage.
  7. Water Supply: The subject property will be served by a private water supply.
  8. Sewage: The proposed building will be served by an SSTS. An SSTS design has been submitted for the subject property.
  9. The proposed development, with conditions, will not impeded on the use and enjoyment of other property in the immediate vicinity of the subject property.
  10. The proposed will increase vehicular traffic Commons Drive. The local street is designed to accommodate the additional expected amount of traffic.
  11. The subject property contains an adequate number of off-street parking spaces to serve the proposed use.
  12. The development, with conditions, will not impede the normal and orderly development and improvement of surrounding property.
  13. The proposed use will not generate offensive odor, fumes, dust, noise and vibration.
  14. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided for this development.
  15. The development will not depreciate property values within the immediate vicinity of the subject property.

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All members voting “Aye”, motion carries.

**MOTION:** Harris motioned, seconded by Jacobson to close the Public Hearing. All members voting “Aye”, motion carries.

**7. New Business**

**a. Metes and Bounds Subdivision Application 014-19, Randy Johnson (applicant)**

Burslie read his staff report into the record.

Young opened the discussion to the Commissioners for questions and comments.

**MOTION:** Harris motioned, seconded by Fier to approve Metes and Bounds Subdivision application 014-19 for Randy Johnson with no conditions.

Findings of Fact:

1. The subject property is located at the west end of Commons Dr.
2. The subject property is in the “Highway Business” Zoning District.
3. The subject property is vacant.
4. The proposed parcel is 52,011 sf and 133 ft wide.
5. The proposed parcel had adequate frontage along Commons Dr.
6. The proposed parcel meets the minimum requirements of “Highway Business” Zoning District.

**b. Food Truck Discussion, Mark Ronnei**

Burslie noted that Mark Ronnei requested this item be placed on the agenda. Burslie said that he will follow up with Mark on if there are any specific items he would like the Commission to discuss at a future meeting.

**8. Old Business – None**

**9. Planning & Zoning Administrator’s Report**

**a. Status of Architectural Materials and Subcommittee**

Burslie said that a final draft of the ordinance is being prepared and will be presented to the Commission at either the June or July meeting.

**10. Commissioners’ Questions/Comments - None**

**11. Adjourn**



383            **Motion:** Harris motioned to adjourn the May 7, 2019 meeting at 7:41 pm,  
384            seconded by Fier. All members voting “Aye”, motion carries.

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387    Respectfully submitted,

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Jenny Max, City Administrator/Clerk