



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, AUGUST 6, 2019, 5:30 PM

Members Present: Don Jacobson, Anne Laufman, Josh Young, Gary Harris, Bob Fier

Members Absent:

Others Present: Mark Hallan

Staff Present: Brittney Cotner, Maggi Wentler

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits

- a. 21831 Gull Lake Drive – ETOC – CUP

4. Additions & Deletions from the agenda

5. Approve Minutes:

- a. July 9, 2019 Regular Scheduled Meeting Minutes

6. Open Forum:

- a. Jethro Carpenter

7. Public Hearings:

- a. Final Plat 024-19 – Poplar Place – Recommend to City Council
- b. Conditional Use Permit 023-19 – ETOC - Approved

8. New Business:

- a. Grand View Long Range Plan

7. Public Hearings (continued):

- c. Ordinance Amendment - Definitions – City of Nisswa – Recommend to City Council
- d. Ordinance Amendment – Exterior Building Finishes – City of Nisswa – Recommend to City Council

8. New Business (continued):

- b. Moratorium on Storage Buildings
- c. Olson Violation
- d. Hodahl Violation

9. Old Business:

- a. Birch Ave Violation Update
- b. Final Plat Extension – Doug Arndt - Approved

10. Planning & Zoning Administrator’s Report

- a. Permits Approved
- b. Violations List
- c. Conditions Status Update
- d. GreenStep Cities Update

11. Commissioners Questions/Comments

47 **12. Adjourn**

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MEETING MINUTES FROM AUGUST 7, 2019

1. **Call to Order:** Laufman calls the meeting to order 5:30pm.

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

3. **Onsite Visits:**

a. 21831 Gull Lake Dr – ETOC – CUP

4. **Additions & Deletions from the agenda**

Cotner would like to move item 8a: Grand View Lodge Long Range Plan discussion after 7b. Cotner would also like to add item 10d: GreenStep Cities update.

MOTION: Jacobson approved the agenda as amended, seconded by Young. All members voting “Aye”, motion carries.

5. **Approval of Minutes:**

a. **July 9, 2019 Regular Scheduled Meeting Minutes:**

MOTION: Jacobson motioned to approve the July 9, 2019 minutes as presented, Harris seconded. All members voting “Aye”, motion carries.

6. **Open Forum:**

Jethro Carpenter – (talked at very end of the meeting) Carpenter owns a barge company on Gull Lake and would like to see what the commissions thought are if he moored his barges in Hole-in-a-Day Bay right off of Hwy 371 a crossed from Mattson Lumber. These barges would only be moored here when they are not being used for projects they are working on. He received approval from the DNR and is in talks with the property owner. Jacobson thought this wasn’t the best spot. Some of the commission is open to discussion and recommended Carpenter talk with some of the neighbors in the area to get theirs thoughts.

7. **Public Hearings:**

MOTION: Harris motioned to open the public hearing at 6:03 pm, Fier seconded. All members voting “Aye”, motion carries.

- 97 a. **Final Plat application 024-19: of a planned unit development “Poplar**
98 **Place” to consist of 28 single family residential lots and an out lot, served**
99 **by a private road, public sewer system and individual water systems.**
100 **Property Location: 5147 Poplar Ave 280111100R00009**
101 **Applicant/Property Owner: Russell Gibbons, with Gibbons Construction**
102 **(present)**

103
104 Cotner read her staff report in for the record.

105
106 Laufman questioned if the City Attorney reads over the Developers
107 Agreement. Cotner stated yes.

108
109 **Motion:** Laufman motioned to recommend to the City Council approval of
110 this Final Plat application 024-19 for a planned unit development “Poplar
111 Place” at 5147 Poplar Ave to consist of 28 sings family residential lots and an
112 out lot, served by a private road, public sewer system and individual water
113 systems, with the following conditions:

- 114 1. Except as amended by these conditions, the development of the
115 subdivision and planned unit development shall be in substantial
116 conformance with the approved preliminary plat, site plan and elevations
117 that govern the general location of lots, roadways, buffers, infiltration
118 basins and improvements dated February 26, 2019.
- 119 2. Prior to construction, excavation, grading or other terrain disturbance,
120 final plans for all infrastructures and grading shall be submitted to and
121 approved by the City Engineer. The improvements (water, sewer, roads,
122 etc.) within the development shall be designed by a licensed engineer and
123 in accordance with the City of Nisswa design and construction standards.
- 124 3. The Fire Marshall and/or Fire Chief shall review and approve general site
125 accessibility and placement/ design of all fire hydrants (if required).
- 126 4. The developer shall provide trail access to the easement of the Paul
127 Bunyan Trail.
- 128 5. The street connection to Hills Crossing may not be constructed until the
129 owner has legal access to said road.
- 130 6. A 40 ft. wide easement shall be granted to the City of Nisswa for
131 maintenance and replacement of the main sanitary sewer line. The city
132 shall not be responsible for the repair and replacement of individual sewer
133 services connected to the main sewer line.
- 134 7. If the development is proposed to be constructed in phases, a phasing plan
135 shall be submitted to city for review and approval subject to the following:
 - 136 a. The plan shall include the location of proposed infrastructure in each
137 phase and the general time frame for development of each phase.
 - 138 b. Each phase must be capable of functioning with all the required
139 improvements in place in the even the future phases are not completed or
140 completed at a much later time.
- 141 8. The 50 ft. buffer (setback) around the perimeter of the planned unit
142 development shall remain in a natural state in perpetuity (except for road
143 access areas). The vegetation in the buffer shall not be altered. Structures
144 may not be constructed in the buffer besides water retention ponds.
- 145 9. Lots 1-28 may only be developed with single family homes.
- 146 10. Lot 29 (greenspace) may not contain any structures. Vegetation located in

- 147 Lot 29 shall substantially remain in a natural state. Vegetation may be
148 removed from Lot 29 in order to construct trails, private roads, sewer
149 system and water system. Reference to these provisions shall be made in
150 the development covenants.
- 151 11. Ownership and long-term maintenance responsibilities/obligations for the
152 individual wells shall be described in the development covenants.
 - 153 12. Ownership and long-term maintenance responsibilities/obligations for the
154 sewer system shall be described in the development covenants.
 - 155 13. Ownership and long-term maintenance responsibilities/obligations for the
156 private street shall be described in the development covenants. Routine
157 maintenance of the proposed private street (mowing along edges, crack
158 sealing, etc.) shall also be described in the development covenants.
 - 159 14. Municipal sewage facilities shall be designed by a Registered Engineer
160 approved by the City Engineer, approved by the Minnesota Pollution
161 Control Agency, and installed according to “Standard Utilities
162 Specifications”, City Engineer’s Association of Minnesota.
 - 163 15. On-site wells shall conform to the Minnesota Department of Health
164 Rules and Regulations MHD 210-230 “Water Well Construction Code”,
165 and shall receive the approval of the City Engineer.
 - 166 16. The developer shall pay a park dedication fee in the amount of \$26,208
167 (28 homes x 2.25 avg. household size x \$416) in accordance with Section
168 4.11.10(B).
 - 169 17. The necessary bond must be secured by the city before the City Council
170 approval.
 - 171 18. A developer’s agreement must be reviewed by the city attorney and signed
172 before the City Council approval.

173
174 Findings of Fact:

- 176 1. The subject property is located at 5147 Poplar Avenue and is 12.91 acres.
- 177 2. The subject property is zoned “Urban Residential.”
- 178 3. The proposed development consists of 28 single-family residential
179 building sites and one commonly owned lot to be utilized as “greenspace.”
- 180 4. The proposed road serving the units will be private, maintained, plowed,
181 repaired and replaced as needed by the homeowners association.
- 182 5. The Final Plat for Poplar Place is in substantial compliance with the
183 Conditional Use Permit and Preliminary Plat approved by the Planning
184 Commission at a Public Hearing held on July 9th 2019.
- 185 6. The subject property is properly zoned for the proposed use of a single-
186 family residential housing development.
- 187 7. There are no wetlands, bluffs or other sensitive natural features on the
188 subject property.
- 189 8. There are no non-conforming structures on the subject property.
- 190 9. Each of the proposed lots will be served by the municipal sewer system.
- 191 10. The property is not adjacent to a public water body so provisions for water
192 based recreation are not necessary.
- 193 11. Lot areas and dimensions are consistent with the zoning ordinance with
194 approval of the planned unit development.
- 195 12. Lot layouts are compatible with the existing layout of adjoining properties.
196 The development is adjacent to residential development located north and

- 197 east of the subject property. A senior living facility is located south of the
198 subject property. The property located west of the subject property is
199 vacant (Paul Bunyan Trail).
- 200 13. The planned unit development has 300 ft. of frontage along Poplar Ave.
201 The development is accessible via Poplar Ave. The developer intends to
202 connect the development to Hills Crossing once public access is
203 established.
 - 204 14. The design of the private streets will be reviewed and approved by the city
205 attorney and engineer.
 - 206 15. Easements for the public sewer system and other infrastructure will be
207 required with conditions of approval.
 - 208 16. All of the lots may be developed with single family homes without
209 requiring variances.
 - 210 17. Survey standards: the preliminary plat was prepared by a licensed
211 surveyor (Patrick A. Trottier-PLS#41002) and conforms to the standards
212 in Minnesota Statutes.
 - 213 18. Street improvement standards: The proposed private streets will be
214 constructed by the developer and maintained by the developer/home
215 owners association.
 - 216 19. Sanitary provision standards: The municipal sewer system will be
217 extended to the development at the developer's expense.
 - 218 20. Water supply standards: The development will be served by individual
219 wells shared between two dwellings. The system will be installed by the
220 developer at his expense. The system will be maintained by the
221 developer/home owners association.
 - 222 21. Drainage/grading standards: The total proposed impervious surface
223 coverage of the development is 24.9% (25% allowed). An engineered
224 stormwater management plan has been submitted which meets the
225 minimum requirements of the zoning ordinance.
 - 226 22. Dedication to the Public Standards: There are no public dedication
227 requirements since there are no public streets and land/parks proposed.

228
229 Seconded by Harris. All members voting "Aye", motion carries.
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232 **b. Conditional Use Permit application 023-19: to conform to a PUD style**
233 **development within Grand View Lodge.**
234 **Property Location: 21831 Gull Lake Drive**
235 **Applicant/Property Owner: ETOC, Mark Ronnei (present)**
236

237 Cotner read her staff report in for the record. She noted that the impervious
238 coverage is 32% no 23.4% as listed in the staff report.
239

240 Ronnei stated they are not making any changes, to building or use. These units
241 are connected to city sewer. Laufman questioned if there needed to be any
242 changes to the lot line. Ronnei stated nothing at this time. It meets all
243 setbacks. Ronnei noted that the impervious coverage is a reduction from last
244 time. Laufman questioned if the Shoreland Rapid Assessment can be done.
245 She would like to see this happen, as the ordinance was just updated to allow
246 this to be done. She would like to have some of the shoreline natural. Ronnei

247 stated he is willing to take a look at this. He thought maybe between the dock
248 and to the dock to the north could be a good area to do this. He is happy to go
249 through the assessment. Cotner noted it could be hard to make happen with
250 the sandy beach that is already in place. Young questioned if the MPCA tests
251 the water. Ronnei stated the Health Department does the water testing for
252 them.

253
254 **Motion:** Jacobson motioned to approve this Conditional Use application to
255 conform to a PUD style development within Grand View Lodge at 21831 Gull
256 Lake Trail based on the following Findings of Fact:

- 257 1. The subject property is located at 21831 Gull Lake Dr. and is .48 acres.
- 258 2. The subject property is zoned “Commercial Waterfront.”
- 259 3. The request is for a conditional use permit for a planned unit development
260 of “Bay Colony”
- 261 4. The proposed use consists of 6 single-family residential buildings, a
262 common use pool, and a garage for storage.
- 263 5. The proposed use is an appropriate use in the “Commercial Waterfront”
264 Zone. Commercial planned unit developments are allowed in the “CW”
265 Zone with a conditional use permit which they already have.
- 266 6. The existing landscaping and buildings will remain intact.
- 267 7. The use and enjoyment of other property in the immediate vicinity of the
268 subject property will not be impaired.
- 269 8. The development will not generate public nuisances such as offensive
270 odor, fumes, dust, noise, vibration. The development does not contain the
271 addition of any lights or other lighting that will impact adjacent properties.
- 272 9. The use will not depreciate property values within the immediate vicinity.
- 273 10. The use will not cause the Local, County and State road systems to exceed
274 their safe carrying capacity.

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276 All members voting “Aye”, motion carries.

277
278 **MOTION:** Harris motioned to close the public hearing until later in the meeting
279 at 6:24 pm, Young seconded. All members voting “Aye”, motion carries.

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282 **8. New Business**

283
284 **a. Grand View Lodge Long Range Plan – Mark Ronnei, present**

285
286 Ronnei reviewed and discussed the existing conditions list for the current
287 development going on these past 2 years. Ronnei stated a study is currently
288 being done to specify where the ideal places would be for additional parking,
289 and infrastructure, including sewer, water, and stormwater. Currently Grand
290 View Lodge is working on cutting back the overgrowth vegetation along the
291 roads. This is really opening up the road and cleaning up nice. Jacobson
292 would like to start the next meeting a few hours early and take a golf cart tour
293 to see all improvements. The commission agreed this would be great. Ronnei
294 stated he would be happy to do it. Cotner will work on scheduling.

296 Ronnei would like to ask the Planning Commission for a master list or permit.
297 They are looking to replace 18 units over the next 5 years. These are units that
298 are down by the lake that are getting older and do not appeal to guests
299 anymore. They are looking to tear down these units and replace further back.
300 These new units will be larger 2-story buildings, more energy efficient and
301 approved by the Health Department. There is room for stormwater runoff.
302 They will bring in a plan on what cabins will be removed and where the new
303 cabins will be added. He will also update the density and how this impacts all
304 tiers. Ronnei stated they are looking to start this fall.

305
306 They are also looking to expand the Spa. They will be looking to expand to
307 the north end adding 4 treatment rooms, a men's locker room, a relaxation
308 room and an outdoor hot tub.

309
310 Ronnei stated they are looking to add a new development "North Pines". They
311 have about 50 acres just north of the Pines Golf Course right off of Lower
312 Roy Lake Road. They are looking to add a residential resort community with a
313 maximum of 60 units. These units would be for snowbirds, retirees, and
314 seniors who would live there and possible still rent out. Each unit would be
315 around 1500 square feet one level living with a 1-2 car garage, maintenance
316 free. They would be looking for a special zoning classification. This
317 community would be a gated community and managed and monitors 24/7.
318 They would also be looking to the city to create a golf cart ordinance to allow
319 the usage of golf carts. There will need to be a discussion with the city soon
320 on how we can get city sewer connected to this area.

321
322 In the next 10 years they will be looking to move the maintenance, grounds,
323 and laundry off site. As this is not the best use of the current land. They are
324 considering low density housing.

325
326 They are also looking at options for another use of the property to the west
327 zoned Open Space Residential. Could possibly be more employee housing or
328 duplexes.

329
330 Ronnei stated that Grand View was approached by a company who would like
331 to do some senior independent living housing in the Nisswa area and would
332 like to partnership with Grand View. They are currently considering different
333 areas. This could potential be 70-100 units.

334
335 Down the road they will be looking to repurpose the Norway Center and
336 discuss the Italian Gardens/Pizza Place and the Chocolate Ox building as they
337 are getting old. Along with the Main Lodge that is 100 years and what the
338 future holds for that building. There have also been talks about creating
339 workforce housing, possible an apartment building. They are talking of also
340 expanding the Gull Lake Center

341
342 Grand View has a large parcel just north of Timberwood Church and property
343 north of County Road 13 that will likely be developed within the next 10
344 years. There are no discussions at this time in regards to the Camps. The Cote
345 Family wants to leave them as camps for now.

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7. Public Hearings (continued):

MOTION: Harris motioned to reopen the public hearing at 7:40 pm, Young seconded. All members voting “Aye”, motion carries.

**c. Ordinance Amendment - Definitions application 025-19
Applicant/Property Owner: City of Nisswa**

Cotner read her staff report in for the record.

MOTION: Laufman motioned to recommend to the City Council approval of this ordinance amendment for definitions as presented, Young seconded. All members voting “Aye”, motion carries.

**d. Ordinance Amendment – Exterior Building Finishes application 026-19
Applicant/Property Owner: City of Nisswa**

Cotner read her staff report in for the record. The major concern was the word/material “vinyl”. Jacobson stated that the mayor believed vinyl does not last and would not be a good material to allow. He also thought metal wall panels would not give the up north feel. Cotner noted # 8 has the word “compatible” is too subjective. Section B the council questioned what “Formula” meant. Cotner stated it is like a chain store, she thinks we could get rid of the word “Formula? Young stated there is a wide array of vinyl. Cotner also stated that many businesses downtown use vinyl on their buildings. Harris and Fier would like the wording to stay as is.

MOTION: Harris motioned to recommend to the City Council approval of this ordinance amendment for Exterior Building Finishes with changing the word “compatible” to “equal or better materials” within 4.8.3 Subd A.8, Young seconded. All members voting “Aye”, except Fier voting “Nay”, motion carries.

MOTION: Jacobson motioned to close the public hearing at 7:52 pm, Young seconded. All members voting “Aye”, motion carries.

8. New Business (continued)

b. Moratorium on Storage Buildings

Cotner is looking to get a recommendation to the City Council to put a moratorium on storage buildings. This will give the commission time to create an ordinance on where we would like to see these types of buildings, how many, and any other requirements. She believes if a moratorium is placed we have one year to complete an ordinance. Jacobson believes it is a good idea to review.

396 **MOTION:** Harris motioned to recommend to the City Council to place a
397 moratorium on all new construction of rentable commercial storage units,
398 Laufman seconded. All members voting “Aye”, motion carries.
399

400 **c. Olson Violation**

401
402 Cotner received a complaint on Edna Lake Road. There are many items
403 parked on the property; jet skis, pontoon, ice house, etc. She had tried to
404 connect with the owner with no response. She mailed out a letter and it came
405 back. She found out the owner of the property currently works for the City of
406 Pequot Lakes. She would like direction from the commission on how she
407 should proceed. Jacobson stated she should talk with the city attorney to draft
408 a certified letter. Cotner stated she tried that and the letter came back. Fier
409 stated try sending the letter to the City of Pequot. Jacobson suggests talking
410 with the city attorney on verbiage.
411

412 **d. Hodahl Violation**

413
414 Cotner received another complaint on this violation. She believes it to be a
415 technology improvement error. She is unclear of the prior discussions, but
416 would like some guidance on how to proceed. The complaint believes the
417 structure is being used as a guest house. Jacobson suggests that Cotner go talk
418 with the property owner and see if she can take a look in the shed. Laufman
419 stated that the 3 foot violation is not as a big of issue as if the structure is
420 being used as a guest cabin.
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423 **9. Old Business**

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425 **a. Birch Ave Violation Update**

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427 Cotner stated that the roof, siding has been redone and they have been
428 cleaning up some of the trees on the property. There are several vehicles still
429 behind the house, but they are making an effort. Laufman questioned if the
430 vehicles have updated registration. Cotner was unsure and will look into this.
431

432 **b. Pine Trail Home Final Plat Extension — Doug Arndt, present**

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434 Cotner read her staff report in for the record. Cotner noted she talked with the
435 city attorney and he felt the extension was sufficed.
436

437 Doug Arndt state his brother-in-law purchased this property back in
438 2008/2009, and then was killed in 2011 prior to doing anything with it. Arndt
439 is circling back around on this property and would like to start building. He is
440 looking at affordable housing. Harris questioned his timeline to start building.
441 Cotner stated they would need to break ground within one year. Arndt stated
442 that would not be a problem as they are planning to build two model homes
443 yet this fall. Fier questioned how many lots are in this development. Arndt
444 stated 45 plus a 60 foot strip that goes down to Clark Lake. He plans to do
445 some landscaping, rough in a trail, have kayak storage and put in a dock.

446 Laufman believes the conditions stated there is no storage allowed in the
447 common area. Arndt stated he will follow that condition. He is looking to
448 price houses around the \$270,000 - \$300,000.
449

450 **MOTION:** Jacobson motioned to approve the Final Plat extension allowing
451 an extension to the Pinetrail Homes Plat located at Twinleaf Circle until
452 December 31, 2020, Laufman seconded. All members voting “Aye”, motion
453 carries.
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458 **10. Planning & Zoning Administrator’s Report**

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461 **a. Permits Approved**

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464 **b. Violations List**

465 Cotner stated there were no violations this month.
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468 **c. Conditions Status Update**

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468 Cotner stated she went back to April of 2017 and created this document with
469 all conditions listed in packet. She believes most of the conditions have been
470 met, unless they aren’t there yet in the process. She stated that Main Street Ale
471 House has a dumpster this is not enclosed on all four sides. Cotner questioned
472 if this is a big deal? Commission seemed ok with it as it is.
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474 Laufman question Wausau Homes (Larry Oaks) and how they are coming on
475 their sign and landscaping. Cotner stated she would look into this and a few
476 others. She would like to keep this as a living document and update each
477 month striking out what has been completed and add new conditions.
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479 Laufman also would like Cotner to check into Good Ol Days Resort, as she
480 believes the old structure was supposed to be removed. She would also like to
481 see the commission add timelines on conditions in the future.
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483 Jacobson would like Cotner to look into the business Roy Lake Tire. He
484 believes it was previously an electric company. He sees them bringing in a lot
485 of fill and filling the back valley. He would like to know what they can do to
486 correct this. Cotner stated there is no CUP for the property currently. Do we
487 want to tell them to get a CUP? Jacobson stated it sounds like they are
488 operating 2-3 businesses out of this property. We should regulate like
489 everything else and believes they need to come in for a CUP. Cotner noted
490 that the business(s) has been there for two years with no complaints. Jacobson
491 suggests that we find our more information and bring back to the next
492 commission meeting. He will also bring up to the city council at the next
493 meeting, but if Cotner is able to find out any information to let Jacobson
494 know.
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d. GreenStep Cities Update

Cotner stated the city has been part of the GreenStep Cities for the past 6-1/2 years and has not progressed with anything. Cotner stated she is excited to be working on this and has already completed 13 actions within the past 10 days to move us to step 2. She is hoping by next year the city can get to step 3. She suggests that everyone check out the website or reach out to her with any questions or for additional information. <https://greenstep.pca.state.mn.us/>

11. Commissioners Questions/Comments

12. Adjourn

Motion: Harris motioned to adjourn the July 9, 2019 meeting at 8:36 pm, seconded by Young. All members voting “Aye”, motion carries

Respectfully submitted,

Maggi Wentler, Deputy City Clerk