



MINUTES

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

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

Members Absent: None

Others Present: Dave Reese, WSN

Staff Present: Brittney Cotner, Maggi Wentler

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits: None

4. Additions & Deletions from the agenda

5. Approve Minutes:

- a. October 1, 2019 Regular Scheduled Meeting Minutes

6. Open Forum:

- a. Mark Ronnei
- b. Kurt Hansen

7. Public Hearings: None

8. New Business:

- a. Road Vacation for Julie Johnson
- b. Sketch Plan Review for Jim Kramer
- c. Metes and Bounds Subdivision Application for Joe Hall
- d. Meeting Schedule for 2020
- e. Commercial Storage Unit Language Discussion

9. Old Business: None

10. Planning & Zoning Administrator's Report

- a. Permits Approved
- b. Violations List
- c. Correspondences

11. Commissioners Questions/Comments

12. Adjourn

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MEETING MINUTES FROM OCTOBER 1, 2019

1. **Call to Order:** Laufman calls the meeting to order 5:59 pm.
2. **Meeting Roll Call: 6:00 pm**
3. **Onsite Visits: None**
4. **Additions & Deletions from the agenda**

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

5. **Approval of Minutes:**

- a. **October 1, 2019 Regular Scheduled Meeting Minutes:**

MOTION: Jacobson motioned to approve the October 1, 2019 minutes as presented, Young seconded. All members voting “Aye”, motion carries.

6. **Open Forum:**

- a. **Mark Ronnei – Grand View Lodge:** Ronnei stated he apologizes for the building going up on the horseshoe he just pulled a permit for. The contractor started building the new structure too close to the property line. This was a contractor error and they will be tearing down the foundation and moving the building to its correct location.
- b. **Kurt Hansen:** Hansen stated he purchased a house at 26527 East Cullen Lake Road back in 2014. He has corrected many drainage problems this property had. The house currently sits 30 feet from the lake. The current structure is about 1800 square feet in size. He is here today to see how the commission feels about approving them to add a second story onto the current structure. Their family is getting bigger and they would like additional room for them. Cotner stated that our code states that no additions are to be built for any structure less than 50 feet from the water. Fier asked what the height would be for the proposed structure. Hansen stated it would be less than 25 feet. Harris stated a variance would be required. Laufman stated she is currently not in favor of this addition as this is already a nonconforming structure, and the variance is already large. Hansen stated if he moves the structure back 75 feet there would be a lot of damage to the property and he would need to cut down 2-3 trees, the septic would need to be modified, the garage would need to be removed, and they would also need to remove a ton of concrete. Jacobson stated he would not be in favor of this variance due to the magnitude of the variance needed.

97 **7. Public Hearings: None**

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100 **8. New Business**

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102 **a. Road Vacation for Julie Johnson – Julie Johnson, present**

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

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106 Johnson noted that the landlocked property (Parcel ID# 28020541) shown in the
107 packet is not landlocked. This property owner has an easement for their driveway.
108 Cotner stated there is currently an easement, but if this road vacation is approved
109 this property owner would need to get a different easement. The property owner
110 of parcel ID#2802562 would need to do something with the shed they have in the
111 road right of way.

112
113 Brad Meinke (audience) stated he owns three properties on the Poplar Ave. side.
114 This abandoned road layout was created in 1913 and has not been developed in all
115 of these years. He stated that the Public Works Committee agreed with this
116 vacation as long as there was a utility easement in place. He would like to see the
117 Planning Commission common sense to prevail. Cotner noted that the Public
118 Works Committee approved before the City Attorney responded. Johnson stated
119 there is no reason for this road to ever be built. Harris stated his largest concern is
120 that we would be land locking a property, even though they have an easement. He
121 would like to research more and get legal information.

122
123 Cotner wanted to note that if this is approved the property owners/applicant will
124 be responsible to have new surveys and lot descriptions completed and any legal
125 expenses will be at the cost of them. Johnson noted she was unaware of this and
126 most likely each property owner would pay.

127
128 Young questioned if the property owner of parcel # 28020562 have been talked to
129 and if they are in favor of this. Johnson stated she has been in communication
130 with them and they are in favor of this road vacation. Harris questioned if the
131 property owner of parcel ID #28020541, the land locked property, has been talked
132 with. Julie stated she spoke with the owner recently and they are ok with this.

133
134 **Motion:** Jacobson motioned to recommend to the City Council approval of this
135 Road Vacation subject to the attorney review, and the below concerns that the
136 Planning Commission has:

- 137 1. The city will not be vacating any portion of Birch Avenue.
- 138 2. The issue with parcel# 28020541 being land locked if this road vacation is
139 approved shall be worked out by the property owners and City Attorney.
- 140 3. That the council review and consider the opposed letter from Dar
141 Swedberg at 26126 Birch Ave.
- 142 4. The original plat width is to be divided equally among the adjacent
143 property owners.
- 144 5. All fees and expenses occurred from this road vacation, including legal
145 fees, surveys, and any other fees occurred in this process will be divided
146 equally among all benefitting property owners.

- 147 6. The shed on parcel #28020562 will need to be rectified before any road
148 vacation will be approved.
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150 Seconded by Laufman. All members voting “Aye”, motion carries.
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152 **b. Sketch Plan Review for Jim Kramer – Leila Janes assistant of property**
153 **owner Shawn Fletcher present**
154

155 Cotner noted that Crow Wing County has a discrepancy with the legal
156 description due to the boot shape in the south/east corner of the property near
157 Nashway Road. She also has concerns that clear cutting has already taken
158 place and that a class 5 road has already been put in. Jacobson questioned if a
159 permit was pulled for the concrete pad they have poured already. Cotner
160 stated there has been no permits pulled for this or anything for this property.
161 Harris questioned who the owner of the property is, as the applicant’s name
162 shows Jim Kramer. Janes stated that Shawn Fletcher purchased the property
163 on July 24, 2019. Harris questioned if the road going through the property
164 would be a private or public road. Janes states she was unsure. Cotner stated
165 that if the road will be public it must be built to city standards. Jacobson stated
166 on the diagram provided in the packet the road is shown on the west side of
167 the property, and the road they have built currently on the property looks to be
168 on the east side. Jacobson noted that a ton of trees have already been taken
169 down recently and a ton of fill has been brought in. Laufman suggests that we
170 serve them with cease and desist to stop any further work to be done on this
171 property until it is actually approved. Cotner will do this tomorrow. Harris
172 stated this is a feasible plan, but there will be many documents needed for the
173 preliminary plan. Young stated wetland delineation will be required. Jacobson
174 believes that the wetland area has already been filled. Reese noted that the
175 window to have wetland delineation is closing for the season. He stated this
176 could delay the process until spring if not done soon.
177

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179 **c. Metes and Bounds Subdivision Application for Joe Hall – Joe Hall,**
180 **present**
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182 Cotner read her staff report in for the record.
183

184 Hall stated he has received a permit for the house already and part of the
185 equipment out on the property is for moving things for the new house.
186 Laufman questioned what Hall’s plan is for Tract B. Hall stated he has no
187 plans at this time. Laufman questioned what the gray area on the survey is that
188 is labeled “landscaping stockpile”. Hall stated it is top soil moved for the
189 building. Jacobson stated there is a large pad is being constructed, what is this
190 for. Hall stated for his house and driveway. Cotner stated the house size is 200
191 feet x 84 feet. Jacobson stated this is a large house and to note that the zoning
192 is Open Space Residential and no commercial operation can take place on this
193 property. Laufman questioned if Hall would be leaving the large berm created
194 on Tract A. Hall stated he will be moving back after the building is completed.
195

196 Laufman questioned whose boat lifts are on the property. Hall stated they are
197 his personal boat lifts that he stores there during the off season. They are only
198 2 lifts. Young questioned what the citizen complaints have been. Cotner
199 stated the city has received numerous complaints in regards to mass storages
200 of landscaping materials, their garbage can is left at the road for weeks at a
201 time, and the continuing traffic in and out of the property. Hall stated the
202 pallets of materials are for this property development. Cotner noted she
203 believed there to be 80 pallets when she would went by the property today.
204 Hall stated that the trucks coming in and out are working on the property.
205 Laufman would like to table this to allow more time to get more information
206 and details on these violations. Harris believes when the house is completed
207 there will be no trucks coming in and out. Hall stated except for his personal
208 truck and normal use. Hall stated this will be a rental home plus garage,
209 office, attached garage and cold storage. Jacobson would also like to table
210 until next month to resolve the issues.

211
212 **Motion:** Harris motioned to approve this Metes and Bounds application
213 located at 4600 Lower Roy Lake Road to subdivide a 219,000 square foot
214 (Tract A) parcel from a 40.62 acre tract with the following conditions:

- 215 1. No commercial activity shall take place on the subject properties;
216 Tract A and Tract B.
- 217 2. No external bulk storage of products may be stored on the subject
218 properties; Tract A and Tract B.
- 219 3. Any commercial use would require the property to be rezoned.

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221 Seconded by Jacobson. All members voting “Aye”, except Jacobson and
222 Laufman voting “Nay”, motion carries.

223 224 225 **d. Meeting Schedule for 2020**

226
227 Cotner provided the proposed 2020 planning commission schedule. She noted
228 that March 3 and November 3 are election days and these meeting dates will
229 need to be rescheduled for a different day. Commission agrees to move to the
230 following weeks; March 10, and November 10.

231
232 **Motion:** Jacobson motioned to approve the 2020 planning commission
233 meeting schedule with the amended dates in March and November, seconded
234 by Laufman. All members voting “Aye”, motion carries.

235 236 237 **e. Commercial Storage Unit Language Discussion**

238
239 Cotner stated she was unable to find anything concrete from surrounding
240 cities on their policies. Jacobson provided some draft language for everyone to
241 look at. Cotner would like some feedback on important issues to cover when
242 creating a policy. Laufman would like to see storage units not in the main
243 corridors; County Road 13/77 and Highway 371. Young would like to see
244 more language with screening requirements. Fier suggested limiting 1 storage
245 unit every 4 mile radius from one another. Or limit the total square feet per

246 unit. Jacobson suggested maybe we limit the amount of storage units in the
247 city limits of Nisswa. Cotner would like the commission to email her any
248 thoughts. She will reach out to the Chamber and a few businesses and come
249 back next month with a draft policy.

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252 **7. Old Business: None**

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255 **8. Planning & Zoning Administrator's Report**

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258 **a. Permits Approved**

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260 **b. Violations List**

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262 Cotner went through the list of violations and updates. She noted that Honer
263 Excavating will be coming in for an Interim Use Permit. We can put on an
264 expiration date of when the business sells or moves.

265

266 Cotner would like some direction from the commission on the Hohldahl
267 property. Would the commission like to have Hohldahl move the structure or
268 we can let this one go and put a memo in the property folder stating we know
269 this structure is in violation, but will not make them move the structure at this
270 time, but may require the discussion to be opened again if they decide to build
271 anything else on the property.

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273 **c. Correspondences**

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276 **9. Commissioners Questions/Comments**

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278 Laufman questioned if Cotner found any information in regards to the cabin at
279 Good Ol Days requiring them to remove the cabin. Cotner stated that cabin can
280 stay until the next 2 units are built. She will be reaching out to them as well.

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282 Jacobson questioned if there has been any update on the cell tower. Cotner stated
283 that the City Administrator/Clerk is working on this.

284

285 Jacobson questioned if we have received any applications for the commission.
286 Cotner stated we have received 2 applications so far. She and Laufman will be
287 meeting to interview and make a recommendation to the City Council for
288 approval.

289

290 Cotner noted that she provided and updated zoning map in the commission
291 packets for the members.

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294 **10. Adjourn**

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296 **Motion:** Laufman motioned to adjourn the November 5, 2019 meeting at 7:57
297 pm, seconded by Harris. All members voting “Aye”, motion carries

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301 Respectfully submitted,

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Maggi Wentler, Deputy City Clerk