



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, DECEMBER 3, 2019, 4:30 PM

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

Members Absent: Anne Laufman,

Others Present: Mark Hallan, WSN

Staff Present: Brittney Cotner, Maggi Wentler

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits:

- a. PIN 28150598
- b. 3905 West Linden Blvd
- c. PIN 28140679
- d. 5652 Lakers Lane

4. Additions & Deletions from the agenda

5. Approve Minutes:

- a. November 5, 2019 Regular Scheduled Meeting Minutes

6. Open Forum: None

7. Public Hearings:

- a. CUP Application 040-19 – Viking Label – Approved
- b. Variance Application 039-19 - Holly Davis – Denied
- c. Rezone Application 041-19 - Minnesota Inboard Sports – Recommend to City Council
- d. CUP Application 042-19 – Minnesota Inboard Sports – Tabled
- e. CUP Application 038-19 – ETOC – Tabled
- f. Preliminary Plat Application 037-19 – ETOC - Tabled

8. New Business: None

9. Old Business:

- a. Storage Building Conversation

10. Planning & Zoning Administrator's Report

- a. Permits Approved
- b. Violations List
- c. Correspondences
- d. GreenSteps Update
- e. Open Planning Commission Seat Update

11. Commissioners Questions/Comments

12. Adjourn

MEETING MINUTES FROM DECEMBER 3, 2019

Planning Commission/Board of Adjustment Meeting December 3, 2019

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96

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

2. **Meeting Roll Call:**

3. **Onsite Visits:**

- a. PIN 28150598
- b. 3905 West Linden Blvd
- c. PIN 28140679
- d. 5652 Lakers Lane

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

Cotner would like to add 10d: GreenSteps Update and 10e: Open Planning Commission Seat Update.

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

5. **Approval of Minutes:**

a. **November 5, 2019 Regular Scheduled Meeting Minutes:**

Fier would like to correct line 244 to state, Fier suggested limiting 1 storage unit every 4 mile radius from one another.

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

6. **Open Forum: None**

7. **Public Hearings:**

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

a. **Conditional Use Permit application 040-19: for a 16’ x 24” addition to an existing accessory structure.**

Property Location: 5652 Lakers Lane

Applicant/Property Owner: Viking Label, Steve Engen (present)

Cotner read her staff report in for the record.

Jacobson questioned why the condition was added to combine the two parcels. Cotner stated to this has been past practice to clean up the property titles. Fier

97 questioned if there were going to be any drainage issues or improvements
98 needed with this addition. Engen stated there should be no effect as it is just a
99 current extension of the existing building. Hallan questioned if the addition
100 was going to be 24' x 24' as the plans show 40' x 24". Engen stated the
101 addition will be 16' x 24' and the finished building size will be 24' x 40'. He
102 will be looking to increase the sidewalls to 12'.
103

104 **MOTION:** Jacobson motioned to approve a 16' x 24' addition to an existing
105 accessory structure with the following conditions,

- 106 1. Parcels 2812510 and 28120511 are to be combined before a land use
107 permit is issued.
- 108 2. If exterior lighting on the proposed addition is planned it shall be directed
109 downward.
- 110 3. The exterior of the addition is to match the existing structure in materials
111 and color.
112

113 Findings of Fact:

- 114 1. The subject property is located at 5652 Lakers Lane.
- 115 2. The subject property is in the "Central Business" Zoning District.
- 116 3. The conditional use permit request is for an addition onto an existing
117 accessory structure.
- 118 4. The subject property is 3.67 acres.
- 119 5. Impervious Surface Coverage: The property will have less than 90%
120 percent impervious surface coverage.
- 121 6. Water Supply: The subject property is served by private water well.
- 122 7. Sewage: The existing building is served by the municipal sewer system.
- 123 8. The proposed use will not impede the normal and orderly development
124 and improvement of surrounding property.
- 125 9. The proposed use will not generate offensive odor, fumes, dust, noise and
126 vibration.
- 127 10. The development will not depreciate property values within the immediate
128 vicinity of the subject property.
129

130 Harris seconded. All members voting "Aye", motion carries.
131

- 132 **b. Variance application 039-19: to allow the construction 7' x 10' accessory**
133 **structure with a 2' setback from the side property line (14.5' required)**
134 **and a 4' setback from the local right-of-way (20' required).**

135 **Property Location: 3905 West Linden Blvd**

136 **Applicant/Property Owner: Holly Davis (present)**
137

138 Cotner read her staff report in for the record.
139

140 Steve Becker (audience) is Davis's neighbor. He is not pleased with the
141 proposed structure only being 2 feet from his property line. This is too close.
142 He stated there is room to shift over to align with current cabin foundation.
143

144 Jacobson stated our ordinance 4.7.9.C states in no case shall a structure or
145 addition on to a structure be placed within 5 feet of a side lot line nor shall it
146 be placed within 20 feet of a structure on an adjoining parcel of land. He also

147 has concerns with snow storage issues. Harris questioned what the proposed
148 building will be for. Davis stated storage. Currently they do not have a garage.
149 For the past 20 years there has been a fence with a propane tank and trash cans
150 stored in this area. They just removed it. Davis commented that many of the
151 neighbors on the road have similar buildings this close to the lot line. Young
152 questioned what the impervious coverage was. Cotner stated 16.5%
153 impervious coverage. Harris questioned if the structure could be moved to the
154 northwest side of the cabin. Davis stated there is a wooden sculpture there that
155 has some sentimental value. Young questioned where they are parking. Davis
156 stated in the yard right now. Hallan noted that the power lines are right above
157 the proposed structure location and MN Power may need to trim or take some
158 these trees at some point. Hallan also suggests that the setback from the road
159 is at least 6 foot. Harris believes there is room on the property to have less of
160 variance. Fier would like to see more of a setback from both the road and lot
161 line. Davis stated she doesn't want to move any further from setbacks as it
162 will block her window view. Fier stated there looks to be about 30 feet from
163 the cabin to the bituminous and believes there is room to move the structure
164 without blocking the window. Jacobson agrees that there is room on the
165 property to place this structure that isn't too close to the property lines.

166
167 **MOTION:** Jacobson motioned to deny this variance due to the fact that there
168 is room to build this structure within the building envelope,
169

170 Findings of Fact:

- 171
- 172 1. The subject property is located at structure located at 3905 W Linden Blvd.
173 (PIN 28220566).
 - 174 2. The subject property is zoned "Linden Residential".
 - 175 3. The variance request is to allow a home to be built with 2' set back from the
176 side property line (14.5' required) and 4' setback from the local right-of-
177 way (20' required).
 - 178 4. The impervious surface coverage of the property with the proposed
179 accessory structure is 12%.
 - 180 5. Practical difficulties, as defined by ordinance, have/have not been
181 established.
 - 182 a. The property owner proposes to use the property in a reasonable manner
183 not permitted by an official control.
 - 184 i. Yes, the request to construct an accessory structure on the pre-
185 existing parcel is reasonable but not permitted to have the limited
186 setbacks requested.
 - 187 b. The plight of the landowner is due to circumstances unique to the
188 property not created by the landowner.
 - 189 i. No, the accessory structure can be placed within the allowed
190 building envelope as it does not need road access.
 - 191 c. The variance, if granted, will not alter the essential character of locality.
192 Economic considerations alone do not constitute practical difficulties.
193 Practical difficulties include, but are not limited to, inadequate access
194 to direct sunlight for solar energy systems.
 - 195 i. No, it is consistent with the character of the neighborhood to have an
196 accessory structure within the road side setback.

197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246

Fier seconded. All members voting “Aye”, motion carries.

- c. **Rezone application 041-19: to rezone from “Urban Residential” to “Highway Business”.**
Property Location: 28140679
Property Owner: SBG Properties
Applicant: Minnesota Inboard Sports, Mike Achterkirch (present)

Cotner read her staff report in for the record.

Jacobson stated that MN Inboard Sports name is different than the property owner and normally we do not rezone without the property owner’s approval. Achterkirch stated that SBD Properties signed the application. Cotner stated she can get something in writing from the owner of the property, as she has been in many meetings with both them discussion this project and the owner is ok with this approval of the rezone.

Motion: Harris motioned to recommend to the City Council approval of rezoning this parcel # 28140679 from Urban Residential to Highway Business, contingent on getting written approval from the property owner, seconded by Fier. All members voting “Aye”, motion carries

- d. **Conditional Use Permit application 042-19: to construct and operate a business for sales, services, and storage of boats on the property.**
Property Location: 28140679
Property Owner: SBG Properties
Applicant: Minnesota Inboard Sports, Mike Achterkirch (present)

Cotner read her staff report in for the record. She recommends tabling this until more information is provided.

Fier questioned if there would be elevated storage racks or ground level storage. Achterkirch stated they haven’t decided this yet, but would like the option to do both. Fier questioned what type of screening they would have. Achterkirch stated they were going to leave as many trees as possible as the property is already heavily wooded. They will however need to take trees down to build the business building. Young believes this is a good use of the space.

Jacobson stated we have a moratorium on commercial storage buildings so Achterkirch wouldn’t be able to build until September of next year. Cotner questioned if this would classify as a storage building or warehouse. Harris and Young believe it is a sales facility based on this discussion. Achterkirch stated the majority of the storage would be inside. He would like to see the road right-of-way and property line get cleaned up. Jacobson state there are still many documents and information that need to be provided before we could approve this; drainage, parking, stormwater, building size and materials, sewer hookup, and a discussion with MN Dot in regards to access on to Highway 371. Jacobson asked Achterkirch if he would be able to provide all

247 necessary documents for the January 2020 meeting. Achterkirch stated he
248 would not have time to get these documents for the January 2020 meeting.
249 Jacobson asked if he would be willing to sign a 60 day waiver tonight to
250 extend another 60 days. Achterkirch stated he would sign the waiver.

251
252 **Motion:** Jacobson motioned to table this Conditional Use Permit application
253 042-19 to the February 2020 meeting to allow applicant more time to provide
254 necessary documents, seconded by Fier. All members voting “Aye”, motion
255 carries

256
257 **e. Conditional Use Permit application 038-19: to construct and operate a**
258 **common interest residential community.**

259 **Property Location: 28150598**

260 **Property Owner/Applicant: ETOC, Mark Ronnei, (present)**

261
262 **f. Preliminary Plat application 037-19: to construct and operate a 60 unit**
263 **common interest residential community with private roads**

264 **Property Location: 28150598**

265 **Property Owner/Applicant: ETOC, Mark Ronnei, (present)**

266
267 ***Discussed 7e & 7f together. ***

268
269 Cotner read her staff report in for the record.

270
271 Cotner provided a copy of the DNR’s response to the commission members.
272 The DNR is recommending that we table this application because our current
273 zoning ordinance doesn’t allow for this type of mixed zoning and a portion of
274 this proposed plat was been deemed open space for an existing development.

275
276 Mark Harrison (audience) lives on Cattail Lane. He has concerns with that
277 additional traffic on these local roads especially with the s-curve in the road.
278 He believes 60 units is a lot.

279
280 Ronnei stated they wanted to take their time and build this development right.
281 He mentioned to the residents in the audience that he will organize a
282 community meeting in the future for any of the nearby residents. Ronnei gave
283 a quick overview of what this development will consist of. Ronnei provided
284 this list in our packets. Ronnei noted that he had an Environmental
285 Assessment Worksheet completed back in 1991. Ronnei noted he spoke with
286 the city’s Public Works Director and was informed that there were no
287 concerns that the Lower Roy Lake Road with the additional traffic. Cotner
288 also spoke with the Public Works Director and he didn’t have any issues.
289 They are also working to incorporate the Gull Lake Trail which is proposed to
290 be on the east side of the road. Ronnie stated that they have had many focus
291 groups and there has been a lot of interest in this type of community.

292
293 Ronnei would like to get feedback on the planning commissions
294 apprehensions. Cotner noted that in January of 2020 Crow Wing County will
295 be enforcing a new short term rental ordinance where they will be handing all
296 the licensing and process for each individual unit in the county. Jacobson

297 stated one of his concerns are how will golf carts be getting to the main lodge.
298 Ronnei stated they will have a golf cart trail to the Club House, but are still in
299 discussions with the county in regards to the intersection at County Road 77
300 and Nokomis Ave. Jacobson questioned if Grand View Lodge had any more
301 room to expand in this area. Ronnei stated they did not have any room for a
302 future expansion. Jacobson questioned if the roads within this development
303 would be public or private roads. Ronnei stated they would be private as it
304 would be a gated community. They will have 24/7 security and maintenance
305 along with electronic locking system. Jacobson questioned what they would
306 be doing for mailboxes. Ronnei stated they would likely have a centralized
307 mailbox in one location. Jacobson questioned what the time table for
308 developing this property is. Ronnei stated they are planning to have the
309 Preliminary Plat come before the planning commission in February and the
310 Final Plat in March, with construction starting this summer. Harris stated his
311 largest concern at this point is how golf carts are getting to the south side of
312 County Road 77 to other parts of the resort. Jacobson asked if Ronnei would
313 be willing to sign a 60 day waiver and suggested that the fees paid for today's
314 meeting be transferred to the February meeting. Ronnei stated he will sign the
315 60 day waiver and appreciates the willingness to transfer the application fee.

316
317 Young questioned what the capacity or number of people that would be in
318 each unit. Ronnei stated there will be an 8 people limit per home. Young also
319 questioned who would be governing this property. Ronnei stated there would
320 be a Homeowners Association with bylaws. Jacobson questioned if they
321 would be adding any docking for these units. Ronnei stated they will not be
322 adding any docking. Fier questioned what the percentage of people purchasing
323 these units will want to have their boat docked. Ronnei stated they are
324 possibly looking at offering a boat service where staff would meet the owners
325 at the landing to put their boats in for the day. Ronnei stated they currently
326 have 12 rental boats and do over nightly docking rental fees. No season
327 docking rental. Fier also has concerns with golf carts getting around different
328 areas of the resort. He noted that the county just passed a golf cart policy that
329 Grand View could review. Fier noted that the city's comprehensive plan
330 encourages walkable and bikeable connection throughout the city.

331
332 **Motion:** Gary motioned to table this Conditional Use Permit application 038-
333 19 and Preliminary Plat application 037-19 to the February 2020 meeting to
334 allow applicant more time to provide necessary documents, seconded by
335 Jacobson. All members voting "Aye", motion carries

336
337 **MOTION:** Harris motioned to close the public hearing at 7:20 pm, Fier
338 seconded. All members voting "Aye", motion carries.

339
340
341

342 **8. New Business: None**

343
344
345

346 **7. Old Business:**

347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395

a. Storage Building Conversation

(Commission discussed after 5a: Approval of Minutes)

Cotner reviewed what she had put together based on some conversation. She stated she received some feedback from some of the council and she believes this would likely not approve this if the #8 is listed; No two storage building businesses may be located within 4 mile radius of one another. She also noted that she received a comment that 8 foot trees for screening could be expensive for a business owner.

Jacobson questioned if a residential property built a large pole building and invites neighbors or others to rent space, would we allow this? He believes that the definition needs to be stronger and specify storage racks. Commission agrees that living quarters and irrigation for water should be separated within the document. Young questioned if we should limit the height of a fence? Cotner believes our current ordinance states 6 feet. Jacobson suggested maybe adding a lot size requirement is necessary in order to have storage buildings. Cotner questioned if a lot size not less than 2 acres. Young thinks we should limit the amount of storage buildings in Nisswa. He would also like to get more feedback from the council.

8. Planning & Zoning Administrator's Report

a. Permits Approved

b. Violations List

Cotner stated she received a violation on Church Street she is working on now and believes everything will work out.

c. Correspondences

Cotner stated there have been no correspondences this past month to report on.

d. GreenSteps Update

Cotner stated that no other city in the region has hit step 3 yet. The City of Nisswa will be approving the last item at the December council meeting to bring the city to step 3. She noted the city has gone from step 1 to step 3 within 6 months. She was pretty excited about this and noted that the city had ordered signs to put up.

e. Open Planning Commission Seat Update

396 Cotner noted that she and Jacobson interviewed 3 applicants and have
397 made a recommendation to the City Council to approve Linda Gettelman
398 and Bob Fier at the December meeting. They are also recommending to
399 the city council to list Ross Krautkremer as an alternate if a seat becomes
400 available.

401

402 **9. Commissioners Questions/Comments: None**

403

404

405 **10. Adjourn**

406

407 **Motion:** Harris motioned to adjourn the December 3, 2019 meeting at 7:23 pm,
408 seconded by Jacobson. All members voting “Aye”, motion carries

409

410

411

412 Respectfully submitted,

413

414

415 _____
Maggi Wentler, Deputy City Clerk