

**CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 4, 2020, 6:00 PM**

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

Members Absent:

Others Present: Mark Hallan, WSN

Staff Present: Brittney Cotner, Maggi Wentler

1. Call Meeting to Order: Young calls the meeting to order at 6:00pm.

2. Meeting Roll Call:

3. Onsite Visits: None

4. Additions & Deletions from the Agenda:

Cotner would like to add 8a: Appoint Chair and Vice Chair.

Motion: Harris motioned to approve the agenda as amended, seconded by Gettelman. All members voting “Aye”, motion carries.

5. Approval of Minutes:

a. January 7, 2020 Regular Scheduled Meeting Minutes:

Motion: Jacobson motioned to approve the January 7, 2020 minutes as presented, Harris seconded. All members voting “Aye”, motion carries.

6. Open Forum: None

7. New Business:

a. Appoint Chair and Vice Chair

Motion: Harris motioned to appoint Josh Young as Chair and himself Gary Harris as Vice Chair, Fier seconded. All members voting “Aye”, motion carries.

8. Public Hearings:

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

a. After-the-Fact Variance application 001-20: to replace a septic system within the setbacks required by the MPCA.

Property Location: 26279 Edna Lake Road
Applicant/Property Owner: Chad Bouc, not present

Cotner read her staff report in for the record.

Jacobson questioned if this meets the MPCA requirements. Cotner stated yes it meets the MPCA requirements.

Motion: Harris motioned to approve this variance application to allow the replacement of a non-compliant drain field within the required setbacks at 26279 Edna Lake Road based on the following findings of fact:

Findings of Fact:

1. The subject property is located at structure located at 26279 Edna Lake Rd. PID 28030675.
2. The subject property is zoned “Shoreland Residential”.
3. The variance request is to allow a drain field to be placed within the setbacks outlined by the MPCA.
4. Practical difficulties, as defined by ordinance, have been established.
 - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
 - i. Yes, the request to construct a drain field on the pre-existing parcel is reasonable but not permitted to have the limited setbacks requested.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. Yes, the drain field cannot be placed anywhere else on the property.
 - c. The variance, if granted, will not alter the essential character of locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - i. No, the drain field will not alter the character of the neighborhood. The practical difficulty is that there is no other location on the property to place the drain field.

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

- b. Conditional Use Permit application 042-19: to allow the construction and operation of a boat sales, service, and storage business.**
Property Location: Parcel ID# 28140679
Applicant: Minnesota Inboard Sports Owner, Mike Achterkirch (present) and Kevin McCormick from Land Design Solutions (present)
Property Owner: SBG Properties, LLC (not present)

Cotner read her staff report in for the record.

McCormick stated they have updated the plan from the previous meeting and believes this plan flows more efficiently. They have accounted for 100 year storm water retention plan. They believe that have provided adequate parking for customers, employees and have included a few 50 foot parking spots for customers to park and leave boats. They are planning on one-way entrances and exits. Cotner would like to add one condition; The Public Works Committee must discuss and give approval and requirements for connecting to city sewer.

Harris questioned the width of the entrance. McCormick stated there will be 14 feet of pavement at both entrances and 18 feet pavement for the entrance that goes into building #3. Young questioned what each structure will be used for. Achterkirch stated building #1 will be used for a showroom and offices, building #2 will be primarily used for service and some storage, and building #3 will be primarily used for storage. Young questioned if there would be plumbing in all 3 buildings. McCormick stated buildings 1 and 2 for sure. Harris questioned if there would be any exterior storage. McCormick stated there will be no exterior storage, as there is no room for any outdoor storage on the property. Harris noted there is a lot of tree removal and would like to see additional trees and vegetation planted around the perimeter for screening, after the construction has been completed.

Jacobson questioned if there would be any signage. McCormick stated they will have a sign on the building and possibly some free standing directional signs around the entrance. Jacobson questioned why the buildings are 24 feet, these seems tall. McCormick stated the majority of the boats on a trailer and tow racks are around 15-16 feet tall. Jacobson questioned if they would be taking down the trees on the other side of Smiley Road. Cotner stated that area is not part of their legal description. McCormick stated they have not addressed the trees in this area at this time. Achterkirch stated there are some beautiful trees that they will leave but would like to clean up the downed trees. Jacobson questioned what materials they would be using for the exterior of the building. Achterkirch stated the sides and the backs of the buildings will be sheet metal. He will be looking at some sort of wood and brick on the front of the buildings so they look aesthetically pleasing. Jacobson has a concern with the amount of clear cutting that is going to have to be done. McCormick stated this is needed to accommodate the 100 year storm water plan. He noted there are already many dead trees on the property.

Hallan has concerns with the slope of the driveway going into building #3. He estimates that it will be a 20% grade slope. He suggests shorting the building or fill could be brought in. McCormick stated they could bring it down to a 15% slope.

Fier questioned if there were any plans to plant additional trees on the property. McCormick stated they can put some pine trees in.

Jacobson would like to see a condition added that no outside storage is allowed on the property. He questioned if they would have any outside displayed products. McCormick stated that they would be no outside storage or product displays, as their

showroom building will have glass doors that open to the front. Jacobson noted that there was no landscaping plan submitted and that should have been provided. Jacobson also stated that ordinance 4.8.3 stated that all structures shall be compatible with neighboring structures in mass, color and exterior materials. Cotner noted that another condition should be added, that the applicant will need to work with the Public Works Director on these requirements for connecting to city sewer. Gettelman questioned what if they had a weekly special going on, would we allow them to display items outside during that time period? Harris thought maybe we limit outdoor display to 24 hours during those times.

Motion: Harris motioned to approve this Conditional Use Permit application to allow the construction and operation of a boat sales, service, and storage business on parcel 28140679 with the following conditions:

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 downcast.
4. A storm water plan is to be provided and approved by the city engineer.
5. Exterior finishes must be in compliance with section 4.8.3 “Exterior Building Finishes-Commercial Structures” of the zoning ordinance.
6. Prior to a land use permit being issued, the Public Works Commission must approve the site plan.
7. No outside display or storage to exceed 24 hours.
8. Prior to a land use permit being issued, a landscaping plan must be submitted and approved by the Planning and Zoning Administrator.
9. City sewer connection and requirements must be approved by the Public Works Director.

Findings of Fact:

1. The subject property is located at PIN 28140679.
2. The subject property is zoned “Urban Residential”.
3. The conditional use permit request is to construct and operate a boat sales, service, and storage business.
4. The subject property is 7.33 acres.
5. Water Supply: The subject property is to be served by a private water well.
6. Sewage: The proposed building will be on municipal sewer.
7. The proposed use will not impede the normal and orderly development and improvement of surrounding vacant property.
8. The proposed use will not generate offensive odor, fumes, dust, noise and vibration.
9. The development will not depreciate property values within the immediate vicinity of the subject property.

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

c. Conditional Use Permit application 002-20: to allow the operation of a Domino’s Pizza in an existing structure

Property Location: Parcel ID# 24400 Smiley Road

Applicant: Lakes Area Pizza owner Corey Johnson (present)

Property Owner: Northland Center I LLC (not present)

Cotner read her staff report in for the record.

Gettelman asked if there would be any signage. Johnson stated they will comply with all city ordinances in regards to signage. The company will apply for a sign permit. There will be a sign on the building and a sign will be added to the centralized sign for the entire square. Gettelman asked if there would be on-site eating and delivery. Johnson stated they will have on-site seating and they will have delivery, but are still working out the final details of this.

Jacobson has a concern with parking. He believes there are not enough parking spots in the square to handle the extra volume Domino’s will bring in. Cotner stated she was unsure we can regulate parking with an existing building. Gettelman stated there is overflow and employee parking in the back of the building. Harris, Young and Fier have no issues with the parking.

Jacobson questioned if the water well on the property would be able to handle the amount of volume they would need. Johnson stated his plumber is looking into this. Cotner stated that adding a sewer meter should be discussed with the Public Works Director. Hallan also noted that a grease trap may need to be installed. Johnson stated grease traps are already in the plan to be installed.

Motion: Jacobson motioned to approve this Conditional Use Permit to allow the operation of Domino’s Pizza in an existing structure at 24400 Smiley Road with the following conditions:

1. Applicant is to work with Public Works Director to install a sewer meter and grease traps to their unit of the building.
2. Must meet county and state health and safety requirements.

Findings of Fact:

1. The subject property is located at PIN 28140557.
2. The subject property is zoned “Highway Business”.
3. The conditional use permit request is to operate a pizza restaurant with pizza delivery service.
4. The subject property has an existing structure which will be the location of the business.
5. Water Supply: The subject property is to be served by a private water well.
6. Sewage: The existing building is on municipal sewer.

7. The proposed use will not impede the normal and orderly development and/or improvement of surrounding properties.
8. The proposed use will not generate offensive odor, fumes, dust, noise and vibration.
9. The development will not depreciate property values within the immediate vicinity of the subject property.

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

- d. Conditional Use Permit application 038-19: to construct and operate a common interest residential community**
Property Location: Parcel ID# 28150598
Applicant/Owner: ETOC – Mark Ronnei (present)
- e. Preliminary Plat application 037-19: to construct and operate a 60 unit common interest residential community with private roads**
Property Location: Parcel ID# 28150598
Applicant/Owner: ETOC – Mark Ronnei (present)

Discussing items d & e together.

Ronnei stated that he is here tonight to get an idea of how many units the commission would be in favor of in this development, with no variances required. Ronnei stated currently the drawing has 60 units proposed. Ronnei stated he would like to start all engineering work with the hopes to not have to do everything twice if the commission doesn't like the 60 units that is being proposed. Ronnei stated he will be attending the Public Works Committee meeting tomorrow as well to get their input on roads and sewer.

Ronnei restated that these units will be a maximum of 2600 square feet, with a 2-car garage, 2-car driveway, and a limit of 8 people per unit. They will not be allowed to park in the road or in the grass. Each water system will serve 2 units. The roads within this community will be up to city standards.

Fier questioned how much space is between each unit. Ronnei stated currently they are 40 feet apart. They are looking to have 6 different home designs, that will be similar to the buildings at Central Pines development.

Jacobson questioned if an Environmental Assessment Worksheet (EAW) is required. Cotner stated they had one completed back in 1992. They do not expire, but the city can require this to be done again due to how long ago it was and all the new construction that has taken place since 1992. Ronnei stated that last time it took them one and a half years to complete the EAW. Ronnei stated they have plans to donate their 82 acre golf course to open space. Cotner questioned if the golf course is open to the public. Ronnei stated the golf course is open to the public. Ronnei stated they plan to put in a paved trail and deed it back to the city as part of their park dedication fees. Fier would like to see an internal trail system without using public roads. Hallan

stated an option is to have one-way direction in and out of Lower Roy Lake Road. Ronnei stated he will be discussion with the Public Works Committee tomorrow. Ronnei stated he is planning on coming to the March meeting with additional documentation.

The commission overall is in favor of 60 units as a starting point for this development.

**Note: there was no one from the public in the audience during this discussion. **

Motion: Harris motioned to close the public hearing at 7:30 pm, Fier seconded. All members voting “Aye”, motion carries.

9. Storage Building Discussion

Cotner stated since she only received comments from one commission member she is looking to take a poll from the commission on whether they would like to meet with her individually to get comments on regulating storage buildings or if the commission would no longer want any more storage buildings in the city limits of Nisswa.

Harris stated he would not like to see on Hwy 371. Gettelman stated she would not like to see them in highly visible areas on the main corridor. Jacobson stated he doesn’t want to outlaw them completely, but would like to put more teeth in our approvals. He stated that he provided a draft in the packet. Harris stated he would like to see a heavy screening requirement. Gettelman thought we should limit the number of storage businesses in within highly visible Nisswa corridors.

Young stated there would be a benefit to everyone meeting with Brittney to get comments, so she can create a draft ordinance to present at the next meeting. Cotner will send out an email to everyone to schedule a meeting to discuss.

10. Planning & Zoning Administrator’s Report

a. **Permits** – Cotner stated she issued two permits last month.

b. **Violations List** – Cotner stated nothing new to report.

11. Commissioners’ Questions/Comments: None

12. Adjourn

Motion: Jacobson motioned to adjourn the February 4, 2020 meeting at 7:47 pm, seconded by Harris. All members voting “Aye”, motion carries.

Respectfully submitted,

Maggi Wentler, Finance Specialist