

**CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, MARCH 10, 2020, 6:00 PM**

Members Present: Don Jacobson, Bob Fier, Linda Gettelman

Members Absent: Josh Young, Gary Harris

Others Present: Mark Hallan, WSN

Staff Present: Brittney Cotner, Maggi Wentler

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

2. Meeting Roll Call:

3. Onsite Visits: None

4. Additions & Deletions from the Agenda: None

5. Approval of Minutes:

a. February 4, 2020 Regular Scheduled Meeting Minutes:

Motion: Fier motioned to approve the February 4, 2020 minutes as presented, Gettelman seconded. All members voting “Aye”, motion carries.

6. Open Forum: None

7. Public Hearings:

Motion: Gettelman motioned to open the public hearing at 6:01pm, Fier seconded. All members voting “Aye”, motion carries.

a. After-the-Fact IUP 004-20: to allow the continued operation of a retail and excavation business.

Property Location: 4671 Upper Roy Lake Rd

Applicant/Property Owner: Justin Honer, present

Cotner read her staff report in for the record. Cotner noted that she received on comment from a neighboring property that they would like to see a berm or tree line added for noise screening. There is a power line that goes above and possibly underground in this area that could restrict what could be done. Honer stated the powerline and view has been the same since before he owned it. He is unsure how this could be accomplished. Honer noted that he has cleaned up the property since ownership. Gettelman questioned how high of a berm the neighbor was requesting? Cotner stated the height wasn't specified. Honer noted that the noise from the highway is most likely the noise they are hearing. Fier questioned what type of fill material was brought in to fill the low area of this property. Honer stated sand material.

Jacobson stated he would like to see the word “pads” removed from the staff conditions #2 and add an “s” to the word “display”. Commission agreed with this change.

Motion: Fier motioned to approve this after-the-fact IUP application to allow the continued operation of a retail and excavation business at 4671 Upper Roy Lake Road with the following conditions:

1. There is to be no vehicle signage or advertising on the property.
2. No displays are permitted on the property of the advertising of products.
3. Any improvements to the property will be in conformance with the Nisswa city code.
4. No fill will be placed to the rear of the property until such time as a wetland delineation is completed and a conditional use permit is approved.
5. If the property is sold or changes hands this IUP is void.
6. This property is limited to these two businesses, a excavating and tire sale business.

Findings of Fact:

1. The subject property is located at 4671 Upper Roy Lake Rd.
2. The subject property is zoned “Highway Business” (HB).
3. The interim use permit request is to operate an excavation and retail/repair business.
4. The use and enjoyment of property in the immediate vicinity will not be impaired by the proposed use.
5. The use will not impair the normal and orderly development and improvement of the vacant property near the subject parcel.
6. The request will not have an impact on drainage, utilities or access to the property.
7. The proposed use will not depreciate property values within the immediate vicinity of the subject property.
8. The proposed use will not cause the local, County or State road systems to exceed their safe carrying capacity.
9. The use will not impose additional costs on the public.
10. The request duration of the Interim Use Permit is until the parcel changes hands.

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

b. Rezoning application 003-20: to allow the change in zoning from “Shoreland Residential” (SR) to “Commercial Waterfront” (CW).

Property Location: 5159 Nisswa Ave 28110527 & 28110526

Applicant: Nor-son Inc. – Chad Conner from WSN, present

Property Owner: Nisswa LLC, not present

Cotner read her staff report in for the record.

Jacobson questioned why a buffer is needed. Conner stated that the buffer is needed for green space between commercial zoning and residential zoning that will be required for a future Conditional Use Permit application. Cotner stated that a project will be coming in phases. The rezone is needed in order to combine multiple parcels. They will be combining multiple parcels in order to allow them to build an addition to one of their buildings. They need to add these parcels to the existing parcels the structure sits on in order to have enough green space.

Jeremiah Dewall (audience) stated the property owner has also done nice things in the past. This addition will increase the value and create additional green space around the lake. Hallan noted that the city will not technically be able to restrict future development on this parcel, as there is room still to build that could meet side yard setbacks.

Motion: Fier motioned to recommend to the City Council approval of rezoning these 2 parcels 28110527 & 28110526 from Shoreland Residential to Commercial Waterfront with the following findings of fact:

Findings of Fact:

3.7 CRITERIA FOR LAND USE CATEGORIES:

1. *Preservation of natural sensitive areas*
 - a. There is no known sensitive area on the subject property.
2. *Present ownership and development*
 - a. According to the Crow Wing County Assessor's Office, the subject parcel(s) (PIN # 28110527 and 28110526) is owned by Nisswa LLC. There are no existing buildings on the parcel(s).
3. *Shoreland soil types and their engineering capabilities*
 - a. The subject property does not have any known wetlands. There is plenty of high ground for a building site. There are no existing homes on any of the subject parcels. It does not appear that there are any significant engineering capabilities related to building structure.
4. *Topographic characteristic*
 - a. There is some change in elevation on the subject property, however, does not impede upon the development of the parcel.
5. *Vegetative cover*
 - a. The subject rezoning site is moderately vegetated.
6. *In-water physical characteristics*
 - a. No known in-water physical characteristics are known to be concerning, however; due to the lake being frozen this could not be confirmed.
7. *Recreational use of surface water*

- a. The rezoning of these parcels does not impede upon the recreational use of surface water.
- 8. *Road and service center accessibility*
 - a. The subject property has 146 linear feet of frontage on Nisswa Circle.
- 9. *Socio economic development needs of the public*
 - a. There is no perceived substantial socio economic benefit by leaving the property in the current SR zoning designation.
- 10. *Availability of public sewer*
 - a. Public sewer is available to the subject property.
- 11. *The necessity to preserve and restore certain areas having significant historical or ecological value*
 - a. Not Applicable.
- 12. *Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties*
 - a. Generally not applicable. The parcels to the South of the subject parcels are zoned “Shoreland Residential” and the properties to the North are zoned “Commercial Waterfront”. There are no parcels to the West or East.
- 13. *Alternatives available for desired land use*
 - a. There are no other viable land use alternatives, or compatible zone districts for the subject property other than the existing zone and the proposed CW zone district.
- 14. *Prevention of spot zoning*
 - a. The property immediately to the North is zoned CW. The property to the South is zoned SR. Approval of the subject request does not constitute “spot zoning”.
- 15. *Conformance to the City of Nisswa Land Use Plan.*

Staff finds this request to change the zone is consistent with the City of Nisswa Land Use Plan. The subject property is identified as “Shoreland Residential” with the Northerly neighboring property zoned “Commercial Waterfront”. Please see land use classification descriptions below:

a. SHORELINE RESIDENTIAL

A district designed to provide residential development that is at least as restrictive as the Minnesota shoreland management standards contained in State Rules Chapter 6120. New residential subdivisions will be based on conservation design principles. New developments may be connected to the municipal sewer system. The City should not encourage maximum density increases within PUDs or multi-family housing styles within this district. See also the LR Overlay District.

b. COMMERCIAL WATERFRONT DISTRICT

A district that provides for the development of commercial resorts, golf courses and associated uses. The use and associated development shall recognize and address the sensitive relationship that the family resort has had with surrounding residential uses and the impact on water quality. As such all uses shall require a conditional use permit for expansion of the development. The district should encourage unique tourism businesses. Properties developed under this designation shall be used primarily as transient lodging

spaces and related commercial uses. Uses shall not include privately owned residences.

Gettelman seconded. All members voting “Aye”, except Jacobson “No”, motion carries.

- c. **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)
- d. **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 c & d together.

Cotner read her staff report in for the record. She noted that she is recommending that the commission continue the discussion today, but table until next month due to comments that the DNR sent to her today. A copy of this information was provided at the meeting, along with a memo from Tom Blomer, Public Works Director.

Ronnei stated he has had discussions with other staff and committees as we work through this project. He noted that Grand View will add a trail if the city wants them to, currently still being discussed. Currently Grand View guests can use the cart paths they already have. Ronnei stated that if they put in a trail along Lower Roy Lake Road this could potentially move the Gull Lake Trail completion along or help with grant opportunities. Grand View would need the cities permission to put in a trail along Lower Roy Lake Road as part of the trail would be on city property and a portion on Grand View property.

Ronnei noted that they are also still working through how this development will be connected to city sewer. Hallan stated it is too early to finalize sewer plans but there are no immediate problems if this development gets approved.

Ronnei questioned how we can make this a Mixed Use Environment. It is currently zoned Commercial Waterfront. Does the city need to change their ordinance? Can Grand View apply for a variance to allow this? Ronnei stated there is a market for this type of housing.

Ronnei stated that the landscaping plan exceeds ordinance requirements.

Ronnei is looking to get feedback from these few things tonight.

- Discuss any concerns that the neighbors may have.

- What options are there for mixed use environment? Do we list a condition for a rental licenses? Do we add rental information to the Conditional Use Permit, By-laws or covenants? He is open to suggestions.

Cotner noted a few options as well.

- The city change ordinance to allow this type of use.
- Keep ordinance as is with a three time rental per year.
- Wait until Crow Wing County creates their rental policy.

Anne Glad (audience) lives at 4256 Lower Roy Lake Road provided a list of questions and concerns to the commission and applicant. Glad stated that Grand View Lodge has done a nice job with development projects they have done in the past. She does have concerns on if these will be personal owned and rented. Ronnei stated all units will be personally owned with an option to rent if they go south for the winter. Ideally they would like to put a limitation on how many units are actually rented out. The goal is not to have owners put their property on VRBO or similar site. Glad liked the idea that Grand View will have controls over the rental portion of this, as she has not had any issues with any of the Grand View guests in the past. Glad questions what impacts there will be on the environment. Ronnei stated that all drainage will be kept on their property. Grand View is very sensitive when it comes to light pollution. They encourage a night sky environment. All lighting will be downcast. Ronnei noted with will be a gated community. Ronnei stated that there will be an increase in traffic on Lower Roy Lake Road, but nowhere near the capacity of the road. Some of the units are likely going to be vacation homes and only used on the weekends. Some units will be rentals and some units owners will live there permanently. Ronnei stated that if the trail is agreed to be put in most of the walking traffic will be on the trail instead of on the road. Golf cart traffic will be allowed on the cart path they already have in place to The Pines Club House, unless the city allows them to be on a future trail. Ronnei noted that any renters using these units will not be allowed to have golf carts. Glad questioned if the appearance of Lower Roy Lake Road would stay the same or have the up north feel. Ronnei showed on the map the large area between the entrances would be left as green space. There are a lot of large white pines they would like to preserve in this area. Grand View has created larger lots 40-51 to preserve more of the larger trees as well. They will also be landscaping the entrances. Glad questioned what kind of increase in boat traffic they will likely see on Roy Lake. Ronnei stated that no boat slips go with these property units. Grand View does have boats available for rent, but they are limited to 25 boat slips on Roy Lake already, this limit will not be changing. Glad questioned what will be in the common recreation area. Ronnei stated a dog park, picnic area, putting green, bocce ball court, etc. Glad questioned how this development would benefit us as neighbors. Ronnie stated you will get nice neighbors; it will aid the success of The Pines Golf Course, and this is a reasonable use of the land. Gettelman noted that Grand View is providing quality options for residents that are looking to downsize.

Monica Anderson (audience) owns the property to the north of this proposed development questioned if all the buildings will be the same. Ronnei stated they will

not be huge mansions. Each unit will be around 3100 square feet in size, including the garage. This will be a themed neighborhood, but all units will be a little different in size, shape, color and number of garages.

Fier questioned the road that goes by units #13 and #14; he thought it was going to be a through road. Ronnei stated that this is a common driveway shared between both units. Hallan noted that there are no figures on the Preliminary Plat he received; culverts, impervious cover calculations, etc. Hallan stated he would put a list together. This is something that we need to have. Ronnei stated he will have this information put on the plans. Hallan also noted that there will need to be permits submitted to the MPCA (Minnesota Pollution Control Agency) in regards to the sewer extension prior to this project starting. Cotner questioned if the existing building shown on the plan, near unit 48 will be staying? Ronnei stated this building will be demolished.

Jacobson questioned where the guests will be parking. Ronnei stated there is a provision that there will be no on street parking or parking in the yards. There is a shuttle that serves The Pines Club House that guests will be able to park and shuttle to this development. Each unit within the development will have a 2-car garage and room to park 2-3 cars in the driveway. Jacobson thinks it would be a good idea to have a couple areas for a guest parking lot, based on his experience. Jacobson also questioned where the wells would be. Ronnei stated that 2-units will share one well. Jacobson also questions why the trail stops on the north side of the development near the southern entrance. Ronnei stated this is where with trail would stop if Grand View were adding the trail. Jacobson stated another issue would be how the city will handle the park dedication fees. Would we want Grand View to pay the park dedication fees or let Grand View build the trail in lieu of paying the park dedication fees? Jacobson suggests that Grand View pay the park dedication fees. Ronnei stated he has been in talks with the City Administrator/Treasure and the Parks & Recreation Director. Fier stated if the trail is put in by Grand View this could be an anchor for state funding. He noted that the width and the distance from the street would need to be approved by the city before developing. Jacobson questioned how much the park dedication fees would be. Cotner stated around \$56,000. She also noted that this current parcel was previously dedicated for park dedication fees for a different development within Grand View so this will also need to be discussed. Jacobson questioned if and where the gate house would be. Ronnei stated about 1000 feet from each entrance. He stated it will be key code, digital code, and garage door opener in order to get the arm bar to open to allow guests in and out. Jacobson would like to see this documented on the survey.

Jacobson stated that next meeting we should think about and discuss if the existing EAW is adequate for this property, as it is almost 30 years old. A lot of development has happened in this area since this time. Ronnei stated if you look at the map it is very similar to what has actually happened. Fier would like to see some parking area planned for this development. Ronnei will work on this piece. Gettelman questioned if they will be selling these properties through Grand View Realty. Ronnei stated we

can restrict to only Grand View Realty. Any visits will be by appointment only and potentially some open houses.

Motion: Fier motioned for a continuation for this Conditional Use Permit application 038-19 and Preliminary Plat application 037-19 to the regular scheduled April 7 meeting to gather addition information in regards to DNR requests and allow more time for the applicant to complete plans, Gettelman seconded. All members voting “Aye”, motion carries.

Motion: Gettelman motioned to close the public hearing at 7:25 pm, Fier seconded. All members voting “Aye”, motion carries.

8. New Business: None

9. Old Business

a. Storage Building Conversation

Gettelman stated she would like to wait until the full commission is here to discuss this item.

Fier stated he first brought the idea of allowing one storage buildings within a 4 mile radius. He later came back with one storage building within a 1 mile radius and now it is drafted as 1000 feet. Jacobson suggested 1000 feet. He didn’t want to make something so difficult that in actuality we can’t do it. He wanted to make it a reasonable distance that it could actually happen. Gettelman stated her issue is that the area around County Road 77 and Hwy 371 is oversaturated with storage buildings.

To be continued at the regularly scheduled planning commission meeting in on April 7, to ensure that all commissions members are present to provide feedback.

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: Gettelman motioned to adjourn the March 10, 2020 meeting at 7:30 pm, seconded by Fier. All members voting “Aye”, motion carries.

Respectfully submitted,

Maggi Wentler, Finance Specialist