

**CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, MAY 5, 2020, 6:00 PM**

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

Members Absent:

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 via telepresence ToGo Meeting.
2. **Meeting Roll Call:**
3. **Onsite Visits: None**
4. **Additions & Deletions from the Agenda: None**

Motion: Jacobson motioned to approve the May 5, 2020 agenda as presented, Harris seconded. All members voting “Aye”, motion carries.

5. **Approval of Minutes:**

a. **March 10, 2020 Regular Scheduled Meeting Minutes:**

Motion: Jacobson motioned to approve the March 10, 2020 minutes as presented, Harris seconded. All members voting “Aye”, motion carries.

*Bob Fier arrives to the meeting 6:03pm.

6. **Open Forum: None**

7. **Public Hearings:**

Motion: Harris motioned to open the public hearing at 6:04pm, Jacobson seconded. All members voting “Aye”, motion carries.

a. **Variance application 007-20: to allow an addition to an existing structure with a height of 31 ft. 6 in.**

Property Location: 23084 State Highway 371

Applicant/Property Owner: Timberwood Church, Eric Larson with Nor-Son, present

Cotner read her staff report in for the record.

Jacobson questioned why the structure needed to be 31-1/2 ft. Larson stated it is due to the proposed gym on the backside of the proposed addition. He noted that front of the building meets the requirements. The roof was also designed to connect to the existing roof. The building will be guttered with down spouts that drain at the rain garden. Harris questioned if this variance is needed because of the original variance that was approved back on the original building. Larson stated that is correct. This variance is for the gym addition which is about 8 feet lower than the variance for Phase II which was 34-1/2 ft. Jacobson questioned if this application is approved they would be eliminating parking spaces, would there still be enough parking spaces available. Hallan stated yes there will still be enough parking spaces. Larson stated that they are currently 80 spaces over the ordinance now, and if approved they will be eliminating 46 parking spaces.

Jacobson stated that the survey in the packet was dated 3/13/2013 and questioned if anything has changed. Larson stated you should have received a new survey from WSN.

Harris questioned if Cotner had received any comments from the public or neighboring properties. Cotner stated she had not received any comments. Cotner noted that we will need to list what practical difficulties are within the findings of fact if the commission motions to approve this variance application.

Motion: Harris motioned to approve this variance application to allow an addition to an existing structure with a height of 31 feet and 6 inches based on the Findings of Fact:

1. The subject property is located at structure located at 23084 State Highway 371. (PIN 28230511).
2. The subject property is zoned "Highway Business".
3. The variance request is to allow the construction of a 31.5-foot addition (25 feet allowed).
4. The impervious surface coverage of the property with the proposed accessory structure is 31%.
5. Practical difficulties, as defined by ordinance, have/have not 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 an accessory structure on the pre-existing parcel is reasonable but not permitted to have the height requested.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. Yes, the accessory use can only be constructed with a ceiling height of 25'. Additionally, the existing structure's roof line will not line up properly if the addition is any lower in height.

- 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, it is consistent with the character of this zoning district to have an accessory public use.

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

- b. Conditional Use Permit application 008-20: to allow the addition of a gymnasium use to an existing house of worship.**
Property Location: 23084 State Highway 371
Applicant: Nor-son Inc. – Chad Conner from WSN, present
Property Owner: Timberwood Church, Eric Larson with Nor-Son, present

Cotner read her staff report in for the record.

Motion: Jacobson motioned to approve this Conditional Use Permit to allow the addition of a gymnasium use to an existing house of worship at 23084 State Highway 317 with the following conditions:

- 1. The exterior building finishes are to match the existing structure in both color and materials.

Findings of Fact:

- 1. The subject property is located at 23084 State Highway 371.
- 2. The subject property is zoned “Highway Business”.
- 3. The conditional use permit request is to construct and operate a gymnasium in an existing house of worship.
- 4. The subject property has an existing structure which will be added onto to house the accessory use.
- 5. Water Supply: The subject property is to be served by private water well.
- 6. Sewage: The existing building has a private septic system.
- 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.

- 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)

Motion: Jacobson motioned for a continuation for this Conditional Use Permit application 038-19 to the regular scheduled June 2 meeting at the request of the applicant, Harris seconded. All members voting “Aye”, motion carries.

- 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)

Motion: Jacobson motioned for a continuation for this Preliminary Plat application 037-19 to the regular scheduled June 2 meeting at the request of the applicant, Harris seconded. All members voting “Aye”, motion carries.

Motion: Jacobson motioned to close the public hearing at 6:34 pm, Harris seconded. All members voting “Aye”, motion carries.

8. New Business:

- a. Metes and Bounds application 006-20**
Property/Location: 28250632
Application/Owner: Larry & Beth Lindman, Beth Lindman, present and Kevin McCormick with Land Design Solutions, present

Cotner read her staff report in for the record.

Harris stated this is a complicated piece and has some concerns with the legal description, based on his years of experience writing them. McCormick stated he wrote the legal descriptions and believes they are correct. McCormick noted that if there are any errors the title company or the county will correct when recorded.

Jacobson questioned where the access point is for this proposed tract. McCormick stated Maggie Lane goes right by the property. Jacobson questioned the note on the survey: The proposed remnant tract does not conform to the minimum lot size requirements of the City of Nisswa and must be consolidated to the property to the south property identification number 28250632. McCormick stated they will combining this proposed remnant tract with the 16 acre lot 28250632.

Young questions why Lindman is doing this now. Lindman stated her neighbor approached them and was interested in more land. They will be selling this 3.7 acre proposed tract to them. Harris questioned what the neighbor was doing with this parcel. Lindman wasn't sure what his plans are.

Motion: Jacobson motioned to approve this Metes and Bounds application as presented, seconded by Gettelman. All members voting “Aye”, motion carries.

b. Draft Golf Cart Ordinance and Trail Use Policy Drafts for comment for the City of Nisswa.

Jenny Max, City Administrator is looking to get the commissions comments and feedback to these two drafts. Max stated that these drafts will be going to all commissions and committees this month for comments. She will bring them back in future months after she has received feedback and made any necessary edits.

Gettelman questioned why this is coming up now. Max stated we are starting to see more golf cart activity throughout our community. We will be important to have ordinances and policies in place as we do road improvements and develop our trail system.

Max stated any comments can be sent to her directly.

9. Old Business

a. Storage Building Conversation

Cotner noted she included some documents in the packet that Fier gathered for what different types of screening could look like. Cotner noted she is looking for final comments so she can prepare a final document for approval at the June meeting.

Young would like Cotner to send all documents out for the commission to review. Gettelman stated she submitted her comments in February. Jacobson believes we should not allow storage units in Nisswa the more we talk about it. Gettelman agrees that the city has enough storage units. Fier is leaning towards not allowing them either.

Jacobson questioned what consequences we would have if we didn't allow them and what storage units can still build on the land they have?

Motion: Fier motioned to recommend to the City Council to not allow new storage unit development within the city limits of Nisswa, seconded by Harris. All members voting "Aye", except Young voting "Nay", motion carries.

10. Planning & Zoning Administrator's Report

a. Permits

b. Correspondences: Cotner noted she sent a letter to one person whose application was incomplete and over 5 months old.

c. Violations List: No new violations these past 2 months.

11. Commissioners' Questions/Comments:

Jacobson questioned if we can do anything about the structure off of Lower Roy Lake Road. He states it is like a warehouse. Cotner stated there is living quarters in it and currently is following the ordinance.

Jacobson questioned if Copper Creek had come in for a digital sign permit application. He believes there is a digital sign on the property. Cotner stated that no permit has been issued and will take a look.

Fier stated that last fall Interlachen wanted to put up a 40 foot flag pole and was denied. They have since replaced the 40 foot pole with a 25 foot pole. He wanted to know what type of lighting is required. Cotner will check on flag pole lighting requirements/restrictions and get back to Fier.

12. Adjourn

Motion: Harris motioned to adjourn the May 5, 2020 meeting at 7:11 pm, seconded by Harris. All members voting “Aye”, motion carries.

Respectfully submitted,

Maggi Wentler, Finance Specialist