

**CITY OF NISSWA  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 1, 2020, 5:15 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:** Young calls the meeting to order at 5:30pm.
2. **Meeting Roll Call:**
3. **Onsite Visits:**
  - a. **26383 Edna Lake Road** (Gary Harris was not at the site visit, but at the meeting)

4. **Additions & Deletions from the Agenda:**

Cotner would like to add item 10d: Conditions Update.

**Motion:** Jacobson motioned to approve the September 1, 2020 agenda as amended, Harris seconded. All members voting “Aye”, motion carries.

5. **Approval of Minutes:**

a. **August 4, 2020 Regular Scheduled Meeting Minutes:**

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

6. **Open Forum:**

**Mark Ronnei Grand View Lodge:** Ronnei stated Grand View Lodge will be starting the North Pines development again. He provided a packet of conceptual plans for the commission to review. He will also be going to the Public Works Committee as well this week to discuss. The plan calls for 27 units all to be completed in one phase. These will be larger lots than previously discussed. They are considering and planning for an easement for the trail. These units will sell anywhere from \$450,000 - \$900,000. Ronnei was just here to give a heads up on their plans.

7. **Public Hearings:**

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

- a. **Variance application 013-20: to allow the construction of a dwelling 30 feet from a wetland where 75 feet is required.**

**Property Location: 26383 Edna Lake Road PID# 28030671**

**Applicant/Owner: John & Laurie Miller (both present)**

Cotner read her staff report in for the record.

J. Miller stated he would like feedback from the commission based on the site visit. He would like to save all of the large trees in their yard. Gettelman questioned if there was any way to build the new structure within the guidelines? Cotner stated they the Millers can build in the exact same footprint if they choose. Cotner noted that there are no practical difficulties displayed to build outside of the building envelope. J. Miller stated he wants to save the large trees on the property. Cotner stated that trees don't constitute as a practical difficulty.

J. Miller stated they want a larger house and correct the hot roof issue. Fier stated he had a similar issue with a hot roof, and wanted the Millers to know that this issue can be fixed. J. Miller stated they still need more space.

J. Miller stated they want to find a way to get what they want. L. Miller noted that are moving the building a little closer to the road.

Gettelman stated if you take some of the pine trees down you could move the house back. As the owners you will need to make a concession to take the trees down if you want a larger house. Cotner noted that the majority of the house can fit in the building envelope.

Young stated he didn't see anything on the drawings for a new placement of the driveway. There is a significant hill leading to the garage. There will need to be some grading done. J. Miller stated they will be shaping the hill. Young noted that if you are digging into the root structure of the surrounding trees they will likely die. J. Miller stated he has no issues planting new trees.

Harris wanted clarification on the 3 dashed lines running through the property. He was wondering if this was an easement J. Miller stated he is unsure. Cotner stated that the legal description does not list an easement.

Fier stated he would like to see the building be more in the building envelope and replant 15 foot trees. Harris stated he is not in favor of the 30 foot setback and would also like to see the house more in the building envelope. J. Miller asked if this application could be tabled to come back with other options.

**Motion:** Harris motioned to table this variance application 013-20 to the next regular scheduled meeting to allow the applicant's time to come up with another option, Gettelman seconded. All members voting "Aye", motion carries.

**Motion:** Harris motioned to close the public hearing at 6:25pm, Fier seconded. All members voting “Aye”, motion carries.

**8. New Business:**

**a. Metes and Bounds Subdivision application 014-20: to subdivide an existing parcel into two.**

**Property Location: Intersection of County Road 18 and Main Street (near the roundabout)**

**Applicant: City of Nisswa**

**Owner: Crow Wing County**

Cotner read her report in for the record. This is to clean up parcels lines from the County Road 18 and Highway 371 project with MN Dot, DNR, City and Crow Wing County.

**Motion:** Jacobson motioned to approve this Metes and Bounds Subdivision application as presented, with the following Findings of Fact:

1. The subject property is located at the roundabout of County Road 18, Main Street and Smiley Road.
2. The subject property is part of the rerouting project of County Road 18.
3. The proposed parcels are being divided in order to be returned to the correct governing bodies.
4. The proposed parcel is city right-of-way and will not have any construction activity in relation to this request.

Seconded by Young. All members voting “Aye”, motion carries.

**b. Public Water Access Vacation Request**

**Property Location: Platted but unopened 161 feet of the eastern 33 foot wide piece of land known as “Fercroft Commons” Easement**

**Applicant: Donald Deline**

Cotner read her report in for the record. She noted that the Comprehensive Plan stated to preserve and expand public water accesses within the city of Nisswa.

Young questioned what the status is on the city acquiring the tax forfeited property that is located across the street. Wentler state they are still working on it, but it has been approved at different county levels that the city could purchase it for \$1, with the stipulation that we have a bathroom built within 4 years. They do have another meeting with the entire county for final approval of this purchase. Cotner noted that there are only 8 parcels with water access left in the city limits.

Jacobson stated that at the last city council meeting there seemed to be some issues with the survey and our city attorney was looking into this. Jacobson also noted that Cotner is correct and the city wants to keep as many of the public water accesses as possible.

Hallan questioned if the DNR has responded yet. They do have until October 20 to respond. Cotner stated not that she was aware of, but they would likely respond to the city administrator/treasurer. Gettelman believes the platted parcels should be kept. Harris believes we should wait until other agencies give their feedback to have all the information. Fier stated he has a hard time vacating lake access. This is spot for people use the lake that don't live on the lake. Young would like to hear what the Parks Commission says and go with their recommendation.

**Motion:** Harris motioned to recommend to the city council denial of vacating this parcel of land, as it states within our Comprehensive Plan to preserve and expand public water accesses, and the unknown future of the tax forfeited land across the street, Fier seconded. All members voting "Aye", except Jacobson "Abstained" motion carries.

**c. Preliminary Review of Kramer Plat**  
**Property Location: Parcel ID# 28260663**  
**Applicant/Owner: Shawn Fletcher (present)**

Fletcher is looking to get feedback from the commission on this preliminary plat he is proposing.

Jacobson questioned who owns the property between this parcel and Highway 371, as it looks like ½ the proposed road goes through their property. Fletcher stated the road is on his own property. He believes there is an easement there, but is unsure. Jacobson stated the access coming from Nashway Rd. looks to be at the bottom of a hill and a curve and questioned if there would be a better place for this road access onto Nashway Rd. He also noted that the applicant should consider that Northhome Lane could be extended further to the east and this should be considered when creating an access onto this parcel. Hallan noted that Nashway Rd. is a county road and Fletcher will need to get approval from the county for the road location.

Young questioned if each lot would have an individual well. Fletcher stated yes all lots will have their own well. Jacobson questioned why the new plan doesn't show the property in the southeast corner of the parcel that crossed over Nashway Rd. Harris questioned if the proposed lot size fits within our ordinance. Cotner stated the requirement is 20,000 sq. ft. and it does fit within the guidelines. Hallan questioned if that 20,000 sq. ft. total includes or excludes wetland. Cotner stated she doesn't believe it specifies. Hallan also noted that the wetland map provided is not a wetland delineation, and this will still need to be completed.

Harris questioned if Fletcher would be able to make the wetland setback requirements on lots 3 & 6. Cotner stated that the setback is 30 feet from a wetland not connected to a body of water.

Planning commission shows positive feedback for Fletcher to move forward with the project, but there will need to be a lot of detailed information provided with the application.

**d. Feedback on “Shouse” Ordinance**

Cotner restated what was in her memo. She doesn't believe this will be going away anytime soon. Cotner has also received numerous comments on this from councilmen, residents, staff and business owners. She would like to get some feedback from the planning commission on if this is something they would like to see in one form or another.

Jacobson noted there is a property near his house that is one acre in size. They stripped the property of all trees and are putting up a pole building. The garage is 10,410 sq. ft., and the living quarters in this building is only 860 sq. ft. This structure has decreased the value of the surrounding properties. The Comprehensive Plan wasn't to keep the up north feel. Jacobson believes we need to come up with some restrictions. He is willing to work with Cotner to come up with a draft to bring back to the commission for review. Gettelman stated that with no guidelines people could build two pole barns side by side, which would be untenable. Fier likes a combination of all of Cotners ideas. Young would like to see an acreage requirement. Harris believes we should regulate, maybe limiting the percent of garage space. Young stated we will need to define what a Shouse is. Gettelman stated we will need to look at our definitions of shed, accessory structure, house, guest cabin, garage and probably many more. Cotner will work on this and hopes to provide a draft at the next meeting.

**9. Old Business - None**

**10. Planning & Zoning Administrator's Report**

**a. Permits**

Cotner noted there were 15 new permits issued last month. There have been a total of 16 new dwelling permits issued this year. Young questioned if they have look at the fee schedule to looked at a price for per square footage yet? Cotner stated she will follow up with the City Administrator/Treasure on this, as she was working on the fee schedule.

**b. Violations List**

Cotner noted there were no new violations.

**c. Correspondences**

Cotner noted there were 2 letters that went out due to expired variance and CUP. Neither of them has responded yet. These letters were included in the packet.

**d. Conditions Update**

Cotner stated she went through and updated the conditions list and stated these applicants have completed their conditions; Copper Creek Landscaping CUP, Poplar Place Plat, Marthaler CUP, Gullwood Holdings CUP, Viking Label CUP, and the Stumvolls CUP.

These applicants still have outstanding conditions: Moxi M&B, School CUP/Variance, and Shawn Larson CUP.

Harris would like Cotner to review Copper Creek’s application, as at the meeting he stated he would not be selling bulk products and he is. Cotner will take a look, but doesn’t believe it was listed as a condition. Fier questioned if there was any update on the fuel tank violation. Cotner stated the Fire Marshall did sign off the improvements they did and they are all up to code now.

**11. Commissioners’ Questions/Comments: None**

**12. Adjourn**

**Motion:** Fier motioned to adjourn the September 1, 2020 meeting at 7:11 pm, seconded by Harris. All members voting “Aye”, motion carries.

Respectfully submitted,

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Maggi Wentler, Finance Specialist