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2
3 **CITY OF NISSWA**
4 **PLANNING COMMISSION/BOARD OF ADJUSTMENT**
5 **REGULAR MEETING MINUTES**
6 **TUESDAY, NOVEMBER 10, 2020, 6:00 PM**
7

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

9 **Members Absent:**

10 **Others Present:** Mark Hallan, WSN

11 **Staff Present:** Brittney Cotner, Maggi Wentler (via zoom)

12
13 **1. Call Meeting to Order:** Young calls the meeting to order at 6:00pm.

14
15 **2. Meeting Roll Call:**

16
17 **3. Onsite Visits: None**

18
19 **4. Additions & Deletions from the Agenda:**

20
21 **Motion:** Jacobson motioned to approve the November 10, 2020 agenda as presented,
22 Harris seconded. All members voting “Aye”, motion carries.

23
24 **5. Approval of Minutes:**

25
26 **a. October 6, 2020 Regular Scheduled Meeting Minutes:**

27
28 **Motion:** Harris motioned to approve the October 6, 2020 minutes as presented,
29 Jacobson seconded. All members voting “Aye”, motion carries.

30
31 **6. Open Forum: None**

32
33 **7. Public Hearings:**

34
35 **Motion:** Jacobson motioned to open the public hearing at 6:01pm, Harris seconded. All
36 members voting “Aye”, motion carries.

37
38 **a. Ordinance Amendment 015-20: to adopt the Crow Wing County Short Term**
39 **Rental Ordinance**
40 **Applicant/Owner: City of Nisswa**

41
42 Cotner read her staff report in for the record. She noted that if this is approved that the
43 City of Nisswa would opt in to the Crow Wing County Short Term Rental Licensing
44 Program and all rental applicants would need to contact Crow Wing County directly.
45 Jacobson questioned what the big differences are between what the city currently has
46 and what Crow Wing County (CWC) is doing. Cotner stated that currently the city

47 allows three rentals per year. CWC would not limit the amount of rentals. This has
48 been very difficult for the city to enforce. CWC will have an entire department to
49 monitor and enforce. CWC will put a limit on the amount of violations a property can
50 have before a property could lose their license to rent.

51
52 **Motion:** Jacobson recommends to the city council approval of this ordinance
53 amendment 015-20 to adopt the Crow Wing County Short Term Rental Program,
54 Gettelman seconded. All members voting “Aye”, motion carries.

55
56 **b. Ordinance Amendment 018-20: to modify 4.7.12 Structure Size Requirements of**
57 **the City Code**

58 **Applicant/Owner: City of Nisswa**

59
60 Cotner read her staff report in for the record. She noted that this concern has been
61 brought forward to her by residents, commission, and council members. She stated
62 Shouses are a trend in the area at this time. She included 2 drafts to review. First one
63 states that a garage or storage area shall not exceed 150% of the ground floor
64 footprint of living area. The second version states that a garage or storage area shall
65 not exceed 100% of the ground floor footprint of living area.

66
67 Allen Jenkins (audience) stated his lives on Smiley Road and had built the large
68 storage building off of Nashway Road. He stated that he was able to build this storage
69 building within the ordinance requirements. He believes that the commission has a
70 personal agenda and this is the reason for changing the ordinance. Jenkins has
71 concerns of some of the comments that the commission made at last; stating that 400
72 square feet was enough for a garage. He doesn't believe this is true. He currently
73 owns his own electrical business. He stated there are so many requirements he needs
74 to operate his business. He believes that there is a reason and a place for regulations
75 due to the safety and health of everyone, but Nisswa is restricting us in so many ways,
76 it's ridiculous. Jenkins stated that the city doesn't have a right to tell us what colors
77 we can use on our buildings. When he picked the color for his storage unit he asked
78 his neighbors and they said it was ok. Jenkins would like to see the city get rid of
79 some of these regulations.

80
81 Jacobson stated he was too close to this issue and will not be voting. Gettelman
82 thought we had agreed at last meeting that a garage or storage space would not
83 exceed 100% of the ground footprint living space. She would be in favor of this
84 version. Fier stated that people have 2 boats, 2 cars, snowmobiles and ATV's this is
85 not enough space. 150% would accommodate this version. Harris stated they
86 discussed 100% at the last meeting. Have we considered a 2-story house? Maybe
87 100% of habitable space gives more flexibility instead of ground floor footprint.
88 Harris noted these comments based on Jenkins comments; he doesn't believe anyone
89 was in favor of 400 square feet and building color is not part of this ordinance
90 change. Harris believes we need to consider that these structures are in a residential
91 area not commercial.

93 Allen Jenkins (audience) stated his storage building he built was 26' x 60' building.
94 He has hopes to build a home on this site as well in the future. He questioned how
95 this would affect his scenario. Cotner stated this discussion is for attached storage
96 buildings with living quarters. She stated that the ordinance requires that the new
97 house would need to be larger than the structures that exist. Jenkins questioned if the
98 house would need to be larger than 26' x 60'. Cotner stated yes.

99
100 Young stated he would not be voting on this as well as he is directly related to this.
101 He would like to state a few things though. He believes that owners should have the
102 right to do things on their property. There has been some frustration within the same
103 neighborhood that someone couldn't build a single car garage but some are able to
104 build a 26' x 60' storage building. This is a residential area and there has to be some
105 standards that need to be followed. There has also been some frustration from some
106 of the neighbors that because Jenkins is a business owner he will be running his
107 business out of the storage building located in a residential area.

108
109 Harris noted that if this is approved tonight the city council will still need to approve
110 this.

111
112 **Motion:** Fier recommends to the city council approval of this ordinance amendment
113 018-20 that no residential attached garage or storage area shall exceed 150% of the
114 ground floor footprint of the living area version, Harris seconded. All members
115 voting "Aye", except Jacobson and Young abstaining, motion carries.

116
117 **c. Ordinance Amendment 019-20: to modify 4.9.15 Grading and Road**
118 **Construction in Shoreland Area**
119 **Applicant/Owner: City of Nisswa**

120
121 Cotner read her staff report in for the record. She noted that a resident came forward
122 and questioned why our ordinance was so restrictive. She believed that 9" was not
123 sturdy enough in riprap. She also didn't like that the ordinance stated 50 lbs. limit, as
124 this would be hard to enforce and verify rocks that were over 50 lbs. Cotner noted
125 that the DNR allows for up to 30" diameter in rocks.

126
127 Adam Hanson (audience) stated he owns a landscaping company. He is working at a
128 property on Nisswa Lake that is losing its shoreline. He stated that stacking 9" rocks
129 does not stack well. Stacking larger rocks would be more stable. Fier asked if 18"
130 diameter seems reasonable or what his recommendation would be. Hanson stated 18"
131 is a nice size for certain projects, but may not be enough for other projects.

132
133 Harris suggests that we match what the DNR restriction is and allow rocks up to 30"
134 in diameter.

135
136 **Motion:** Harris recommends to the city council approval of this ordinance
137 amendment 019-20 to modify 4.9.15 Grading and Road Construction in a Shoreland

138 Area as amended that rocks cannot exceed 30” in diameter and remove the weight
139 restriction of 50 lbs., Fier seconded. All members voting “Aye”, motion carries.
140

141 **d. Conditional Use Application 017-20: to construct and operate a common interest**
142 **residential community.**

143 **Property location: PID# 28150598**

144 **Applicant/Owner: ETOC**

145 **e. Preliminary Plat Application 016-20: to construct and operate a 27-unit common**
146 **interest residential community with private roads.**

147 **Property location: PID# 28150598**

148 **Applicant/Owner: ETOC, Mark Ronnei (present)**
149

150 Cotner read her staff report in for the record. She stated that the change will be a
151 Planned Development District (PDD) verses a Planned Unit Development PUD based
152 on legal advice from the city attorney. There will be on overlay district on this parcel.
153 This will need approval from the planning commission and city council. The plan is
154 to come to the next meeting and approve the rezone, PDD, and CUP for this
155 application.
156

157 Ronnei stated the development concept has not changed. It will be a resort residential
158 development. Owners can live in these units or rent these units out. There will be
159 restrictions on rentals and the number of people allowed to stay in the units; a
160 maximum of 8 people over the age of 4. At the beginning of this application we had
161 60-units and now we are looking at 27-units. There will be larger lots. There will only
162 be one phase which includes all 27-units. There will not be a Phase-II or III.
163

164 Gettelman questions if all rentals will be through Grand View Lodge or could an
165 owner rent their house through another option. Ronnei stated they can use other
166 options to rent their house, but the renter will not have access to any of the amenities
167 Grand View Lodge has to offer. They would have to be rented through Grand View
168 Lodge in order to have access to all resort amenities.
169

170 Jacobson questioned if these units will need to follow the Crow Wing County Short
171 Term Rental that we approved earlier in the meeting. Cotner stated she didn't believe
172 so if rented through Grand View Lodge, but can look into this more before next
173 meeting.
174

175 Harris questioned if the bylaws or association documents would limit the amount of
176 renting. Ronnei stated that MN State Statute stated that we can't enforce rental limits
177 within a PDD. He stated that a PDD makes more sense with the possible future
178 changes on short term rental within the city and county.
179

180 Fier questioned traffic flow and if all of these roads would be private. Ronni stated
181 there will be 2-way traffic flow and all of these roads within the development will be
182 private. He believes they will be 20' wide. Fier questioned if there would be extra
183 parking for guests of homeowners. Ronnei stated they will have a small parking area

184 for about 5 to 6 cars. There is no overnight parking allowed, a 3-car limit and there
185 will be no on street parking allowed. Fier questioned if there will be anything under
186 these private roads. Ronnei stated city sewer lines will be under the roads. Fier
187 questions who pays for repairs to sewer lines under the road. Hallan stated that
188 normally the city would pay for any sewer line repairs including road repair needed
189 due to these repairs. Fier questioned if there would be private trails in this PDD.
190 Ronnei stated there would be walking trails added with woodchips. It would be about
191 ½ mile long. These trails will be shown on the new documents. There will also be
192 golf cart access for owners on the internal golf cart trail system to the club house so
193 no roads use will be needed. Fier questioned if there will be shared wells. Ronnei
194 stated that each house will have its own well.

195
196 Hallan questions if there was a cart path going between lots 8 & 9. Ronnei stated yes
197 and there will be a dedicated easement to allow this.

198
199 **Motion:** Jacobson recommends tabling items D & E until the regular scheduled
200 planning commission meeting in December, Gettelman seconded. All members
201 voting “Aye”, motion carries.

202
203
204 **Motion:** Jacobson motioned to close the public hearing at 6:51pm, Harris seconded. All
205 members voting “Aye”, motion carries.

206
207 **8. New Business:**

208
209 **a. Meeting dates approval for 2021:**

210
211 Cotner stated she provided a draft schedule of meeting dates and deadlines for the
212 year 2021. She did make some adjustments to the “Deemed Complete/Incomplete”
213 schedule to allow for a few more days to get items in for the next meeting.

214
215 **Motion:** Harris recommends that we adopt the 2021 schedule as presented,
216 Gettelman seconded. All members voting “Aye”, motion carries.

217
218 **9. Old Business - None**

219
220 **10. Planning & Zoning Administrator’s Report**

221
222 **a. Permits**

223
224 Cotner stated that most permits issued this past month were for septic installations
225 and new building. She stated that Pine Trail Home lots are selling quickly.

226
227 **b. Violations List**

228

229 Cotner stated there was one new violation this month and it has been rectified. There
230 are currently no outstanding violations at this time.

231

232 **11. Commissioners' Questions/Comments:**

233

234 **12. Adjourn**

235

236 **Motion:** Young motioned to adjourn the November 10, 2020 meeting at 6:55 pm,
237 seconded by Harris. All members voting "Aye", motion carries.

238

239 Respectfully submitted,

240

241

242

243 _____
Maggi Wentler, Finance Specialist