



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, JANUARY 7, 2020, 6:00 PM

Members Present: Anne Laufman, Don Jacobson, Josh Young, Bob Fier, Gary Harris

Members Absent: None

Others Present: Mark Hallan, WSN

Staff Present: Brittney Cotner

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits:

4. Additions & Deletions from the agenda

- a. Laufman added 8a “Road Vacation Request for Julie Johnson”

5. Approve Minutes:

- a. December 3, 2019 Regular Scheduled Meeting Minutes

6. Open Forum: None

7. Public Hearings:

- a. After-the-Fact Variance001-20 – Chad Bouc – Tabled
- b. CUP Application 042-19 – Minnesota Inboard Sports – Tabled
- c. CUP Application 038-19 – ETOC – Tabled
- d. Preliminary Plat Application 037-19 – ETOC - Tabled

8. New Business:

- a. Road Vacation for Julie Johnson

9. Old Business:

- a. Appeal of Denied Variance 039-19 –Approved
- b. Storage Building Conversation

10. Planning & Zoning Administrator’s Report

- a. Permits Approved
- b. Violations List

11. Commissioners Questions/Comments

12. Adjourn

MEETING MINUTES FROM JANUARY 7, 2020

1. Call to Order: Laufman calls the meeting to order 6:00 pm.

2. Meeting Roll Call:

3. Onsite Visits: None

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4. Additions & Deletions from the agenda

Laufman would like to add 8a: Road Vacation for Julie Johnson

MOTION: Jacobson approved the agenda as amended, seconded by Harris. All members voting “Aye”, motion carries.

5. Approval of Minutes:

a. December 3, 2019 Regular Scheduled Meeting Minutes:

MOTION: Jacobson motioned to approve the December 3, 2019 minutes, Fier seconded. All members voting “Aye”, motion carries.

6. Open Forum: None

7. Public Hearings:

MOTION: Jacobson motioned to open the public hearing at 6:06 pm, Young seconded. All members voting “Aye”, motion carries.

a. After-the-Fact Variance application 001-20: for the replacement of a failing septic system within the setback from the dwelling.

Property Location: 26279 Edna Lake Rd

Applicant/Property Owner: Chad Bouc (not present)

Cotner read her staff report in for the record and recommended tabling of the application due to the application fees being outstanding.

MOTION: Harris motioned to table the application until the February meeting.

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

b. Conditional Use Permit application 042-19: to construct and operate a business for sales, services, and storage of boats on the property.

Property Location: 28140679

Property Owner: SBG Properties

Applicant: Minnesota Inboard Sports, Mike Achterkirch (present)

Cotner read her staff report in for the record.

Jacobson stated this was tabled until the February Planning Commission meeting. Achterkirch stated he did not think the site plan would be ready by today’s meeting.

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No audience comment. Laufman states that with the site plan being provided just before the meeting she is not prepared to make a decision tonight. Jacobson agreed, adding that the site plan provided is not complete. Harris agrees.

MOTION: Since the motion from December 3rd was to table the application until February no motion is needed.

c. Conditional Use Permit application 038-19: to construct and operate a common interest residential community.

Property Location: 28150598
Property Owner/Applicant: 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: 28150598
Property Owner/Applicant: ETOC, Mark Ronnei, (present)

Discussed 7c & 7d together.

Ronnei stated he is still waiting on the engineering of the project to be completed. Laufman stated we need an extension form signed, which Ronnie did.

MOTION: Since the original motion from December 3 was to table until February no motion is needed.

MOTION: Jacobson motioned to close the public hearing at 6:15 pm, Young seconded. All members voting “Aye”, motion carries.

8. New Business:

a. Road Vacation Request for Julie Johnson – Julie Johnson, not present

Cotner read her staff report for the record.

Brad Meinke (audience) stated the application has been amended to exclude the property that would have been landlocked on the previous application. Fier doesn’t see how this alleviates the concerns over land locking the parcel. Laufman states the easement for the potentially landlocked parcel will not be effected by this current application. Young states this is a fair compromise.

MOTION: Harris motioned to recommend approval to the city council for the amended application. Young seconded. All members voting “Aye”, motion carries.

7. Old Business:

146 a. **Variance Appeal before the Board of Adjustments—Holly Davis and**
147 **Greg Bill, present**
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149 Cotner read her staff report for the record.
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151 Fier asked how far from the asphalt the wall of the structure would be. Hallan
152 stated about 9 or 10 feet. Jacobson inquired why this appeal was before the
153 planning commission and not the city council. Cotner explained since the
154 application has been amended it goes before the board of appeals first.

155 Laufman inquired if an addition to the home would be an option. Davis stated
156 this would be an option but is not looking to do such a large project at this
157 time. Davis added that anywhere she would place the shed on the property on
158 the road side would require a variance.
159

160 Laufman states she is not in favor of this variance since Linden has its own
161 ordinances to account for the narrow lots and believes it is achievable without
162 a variance. Davis states she does not see how to accomplish this without a
163 variance or removing the very large oak tree in the front yard. Neighbor from
164 across the street states his family owns the property across the road and
165 believes the placement requested is the best place for it. He would not like to
166 see it placed in the middle of the front yard as it will look wrong. He stated his
167 family had sold the property to Davis. Due the fact they owned larger lot
168 across the street the family never added any storage but sees the need for it.
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170 Jacobson stated the new setbacks are not on the site plan provided. Davis
171 states this is due to not wanting to write on the survey. Jacobson would like to
172 see this before a building permit is issued.
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174 Fier stated that a pod for storage could be an option. Davis stated the
175 neighbors would not like that option, adding neighbors all have garages in
176 similar placements all up the road.
177

178 Jacobson stated the question at hand is if the request is reasonable. Young
179 confirmed this was planned to be a temporary structure. He states that he
180 would recommend not using a foundation, however, finds the request to be
181 reasonable. Laufman stated that the variance is not temporary and it will run
182 with the property.
183

184 Davis stated she feels this would keep with the neighborhoods current
185 aesthetics.
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187 **MOTION:** Laufman motioned to deny the amended application.
188 Fier seconded. No members voting “Aye”, motion fails.
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190 **MOTION:** Jacobson motioned to approve the amended application of 8.5 feet
191 from the Eastern property line and 5 feet from the local right-of-way.
192 Young seconded. Jacobson, Young, and Harris voting “Aye”, Laufman and Fier
193 voting “Nay”, motion carries.
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195 b. **Storage Building Conversation**

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Cotner stated that the commissioners have three drafts in front of them regulating the commercial storage units in different ways. Fier stated although he had previously said not allowing storage units within a four mile radius, this was simply an integer. He is in favor of draft A limiting to a one mile radius. Cotner stated the one mile radius would rid the city of allowed zoning areas.

Fier stated that Nisswa’s 2019 Comprehensive Plan calls for “keeping its small-town, north woods feel valued by residents and visitors” and thus he feels that continued development of Commercial Storage Building Sites would be in conflict with this goal. He stated that he felt that Nisswa currently has sufficient Commercial Storage Building Capacity to serve Nisswa Residents needs and was against developing additional Commercial Storage Building Capacity to serve outlying cities and counties storage needs.

Laufman stated draft B limited the number of storage unit businesses in town to five. Currently the city already has five, she inquired if the commission should simply not allow more in the city. Cotner stated the city administrator, Jenny Max, advised such an ordinance would likely not pass the city council. Fier stated that is putting the tail in front of the horse as the commission is to provide what they would like to see pass. The city council would have the final say.

Heidmann (Mayor in the audience) stated that individuals cannot speak for the city council. The recommended language would need to go before the city council for discussion. Heidmann inquired how this relates to the comprehensive plan and our grand vision for the city.

Harris stated previous conversations have included limiting such development to secluded, less seen areas in town. Cotner stated this would move their approved zoning to residential only. Currently they are only an allowed use in “Highway Business” zoning.

Jacobson stated he would like to see the size of the developments regulated. Cotner stated lines eight and nine on the drafts accomplish this.

Fier inquired if a unit would be defined as 10’ x 30’ or the like. Cotner stated a unit is an individual rented unit not limit of size.

Laufman stated there are locations in the city that would be optimal use of the parcel, additionally inquired if we could create a new zone. Cotner says it is an option. Jacobson stated many times this creates unintended consequences. Laufman states these businesses can be a waste of infrastructure such as unutilized sewer.

Fier stated that the limiting of visibility could be stricture due to the internet being so prevalent in today’s society. Jacobson added the concern was for safety. Cotner added this was part of the feedback received from

246 Bob Sullivan, that too much screening can increase crime and damage to
247 the property.
248
249 Young inquired if these businesses would also need to be an “up north”
250 feel. Cotner confirmed.
251
252 Jacobson feels more time is needed and inquired when the moratorium is
253 in place until. Cotner stated September 2020. Fier asked if we are allowed
254 an extension. Jacobson stated one for an additional year.
255
256 Heidmann recommended poling the commission on if they are in favor of
257 further development of this type or not.
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259 Young stated he is of the opinion there is a place for it in the city. Harris
260 stated there are places within the city it could work but there will always
261 be neighbors. Fier asked if we can simply require a variance over
262 regulating it in the form of a city code. Laufman stated this is not an
263 option due to no present practical difficulty.
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265 Cotner stated since the moratorium has been in place three applicants have
266 inquired to placing storage units in Nisswa.
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268 Harris inquired if an applicant came forward with a proposal on an “Open
269 Space Residential” property what would be the process. Fier stated it
270 would need to be rezoned. Cotner stated this would likely be denied due to
271 spot zoning laws.
272
273 Harris feels there are areas in the city that would work. Jacobson asked if
274 the moratorium were to be lifted where they would be allowed. Cotner
275 stated “Highway Business”. Jacobson is leaning towards not allowing
276 further development of this type, however, feels more discussion is
277 warranted.
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279 Fier inquired about a city pole to gage community interest.
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281 Hallan inquired about an overlay district. Cotner stated this is an option as
282 well.
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284 Heidmann inquired what the comprehensive plan states.
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286 Cotner stated that allowing no further development of this type would
287 increase the number of variances and conditional use permits for accessory
288 structures will continue to climb.
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290 Heidmann stated more feedback is needed but feels this should be
291 continued to be worked on.
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8. Planning & Zoning Administrator’s Report

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a. Permits Approved

Cotner states there were 3 approved permits last month.

b. Violations List

Cotner stated there were no new violations last month.

c. Correspondences

Cotner stated there have been no correspondences this past month to report on.

9. Commissioners Questions/Comments: None

10. Adjourn

Motion: Laufman motioned to adjourn the January 7, 2020 meeting at 7:25 pm, seconded by Harris. All members voting “Aye”, motion carries

Respectfully submitted,

Brittney Cotner, Planning and Zoning Administrator