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**CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, MARCH 2, 2021, 6:00 PM**

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

Members Absent:

Others Present: Joe Dubel, WSN

Staff Present: Brittney Cotner, Maggi Wentler

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

2. **Meeting Roll Call:**

3. **Onsite Visits:** None

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

Motion: Harris motioned to approve the March 2, 2021 agenda as presented Young seconded. All members voting “Aye”, motion carries.

5. **Approval of Minutes:**

a. **February 2, 2021 Regular Scheduled Meeting Minutes:**

Motion: Harris motioned to approve the February 2, 2021 minutes as presented, Fier seconded. All members voting “Aye”, motion carries.

6. **Open Forum:** None

7. **Public Hearings:**

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

a. **Conditional Use Permit Application 002-21: to allow additional uses of a car rental service, a barber shop, and rentable mechanic garage.**

Property Location: 28140651 24199 State Highway 371

Owner: Carl Boberg

Applicant: John Boberg (present)

Cotner read her staff report in for the record.

Fier questioned if Boberg would be storing any hazardous or flammable materials? Boberg stated no. The mechanic shop will be a heated garage that people can rent to

47 use to work on their own equipment. It is a more of a DIY Garage. Harris questioned
48 if there will be office space as well or would office space be acceptable to have in this
49 on this property. Cotner stated yes this would be allowable. Fier questioned if there
50 would be any modifications to the entrance/exit onto highway 371. Boberg stated
51 there would be none. Fier questioned if any of the signage would change or if any
52 lighting would be added to the signage. Boberg stated there would be nothing new
53 and there currently is not any lighting on the sign and doesn't plan on adding any
54 lighting at this time. He may add a banner to the side of the building initially to get
55 the word out. Jacobson noted that we do have a limit to the amount of signs allowed
56 on one property and to discuss with Cotner before adding any additional signs or
57 banners.

58
59 Jacobson stated that on the staff recommendation it notes "Rental Storage Garage";
60 he questioned what they are actually renting. Boberg stated it is more of a DIY rental
61 garage instead of a storage garage. There are currently 2 garages doors that they will
62 be renting out for people to use of their own repairs and such. They possibly will
63 expand in the future to more garages. Jacobson questioned if they would have a
64 collection for oil or antifreeze spills. Boberg stated they have drains that go into
65 barrels that they will dispose of correctly.

66
67 Jacobson questioned if there is currently a barber shop on the property now. Boberg
68 stated they did have one previously but it burnt down. They will be using a different
69 building that they are renovating that will have 3 chairs to rent out for barbers.
70 Jacobson noted that Boberg will have to comply with all state regulations and laws.
71 Boberg stated he has already been in contact with them.

72
73 Hansen questioned how many vehicles he will be renting and where these cars will be
74 stored. Boberg stated started with 1, but currently has 3. He would eventually like to
75 go to 5 cars in the future. He stated that all cars are stored inside. He plans to keep
76 them stored inside to keep them nice, as they are all new cars.

77
78 Gettelman questioned if there should be a limit to the number of DIY garages as a
79 condition. Boberg stated he only has garage space for 4 DIY garages, before he would
80 need to build anything. Hansen would like to see a limited amount of vehicles stored
81 outside. Boberg stated will be keeping the rental cars stored inside to keep them nice.

82
83 **Motion:** Fier motioned to approve this Conditional Use Permit 002-21 to allow
84 additional uses for the property; a car rental service, barber services, and a rentable
85 DIY mechanic garage at PID#28140651 24199 State Highway 371, with the
86 following conditions:

- 87
- 88 1. The rentable DIY mechanic garages may not contain living quarters and may
89 not be utilized for human habitation.
 - 90 2. No exterior storage is permitted.
 - 91 3. Only the uses outlines are authorized, any additional use could require a new
92 Conditional Use Permit.
 4. Must meet all state building codes and regulations.

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Findings of Fact:

1. The subject property is located at 24199 State Highway 371, PID 28140651
2. The subject property is in the “Highway Business” Zoning District.
3. The conditional use permit request is to operate service businesses of vehicle rentals, a barber shop, and rentable mechanic garages.
4. The subject property is 2.41-acres.
5. Impervious Surface Coverage: The property currently has a 56% impervious surface coverage. No construction is a part of this application.
6. Water Supply: The subject property is served by private water well.
7. Sewage: The existing buildings are not connected to city sewer service.
8. The proposed uses, with conditions, won’t impede upon the use and enjoyment of other property in the immediate vicinity.
9. The proposed uses, with conditions, will not create a public nuisance.
10. The proposed uses will not depreciate property values within the immediate vicinity of the subject property.

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

- b. Conditional Use Permit Application 003-21: to operate a bicycle rental service.**
Property Location: 28110752 5476, City Hall Street
Owner: Joseph Hall (Tim Wagner purchased yesterday 3/1/21)
Applicant: Tim Wagner (present)

Cotner read her staff report in for the record. Cotner noted that our ordinance does require onsite parking, but we can wave this requirement we want.

Fier questioned how many bikes he will have to rent. Wagner stated he is going to start out with 24 bikes this first season. Fier questioned where he sees his customers parking their vehicles while they are out on the bikes. Wagner stated most of his customers will be seasonal customer that will likely already be downtown. They would have parked their vehicle downtown and walked to this business. He noted he will be adding other parking options on his website and also a notice on the door. Fier questioned if he had to option to develop parking on-site if he would. Wagner stated he just purchased this property as of yesterday and at this time he didn’t have any thoughts on developing differently.

Gettelman stated that parking is an issue. She believes that many businesses wouldn’t be in favor of his customers parking in front of their different business all day. She questioned where Wagner would be suggesting that his customers park. Wagner stated he would make all of his customers aware of where there are parking lots; by the turtle race track; main street. He would like to keep the front of his building clear as there is a nice visual from Main Street that he doesn’t want blocked. There is also a safety concern for his bikers if cars are parked in front of the building blocking the road traffic view. Young stated there are several parking options to look into in the

138 area. Young questioned if there is any parking regulations on Church Street. Cotner
139 and Wentler were unsure.

140
141 Fier questioned if Wagner planned on rebuilding or keeping the building as is.
142 Wagner stated he wants to keep the school house as is. He likes the history of the
143 building.

144
145 Jacobson stated that the application states the owner is Joe Hall. Wagner stated he
146 closed on the property yesterday and is the sole owner. Jacobson questioned why staff
147 is recommending that they connect to city sewer. Wagner stated there is no well or
148 water on the property. Jacobson questions why we would make Wagner pay and
149 connect when there is not water on the property. Harris stated the staff conditions
150 states, "at which time water is proved to the structure". So once there is water on the
151 property he will need to pay and connect to city sewer. Fier questioned if there would
152 be any type of sanitary or satellite on the property for his customers and workers to
153 use. Wagner stated not at this time, but maybe in the future. He may bring in a
154 portable toilet. Hansen questioned if he will have employees, as employees need to be
155 able to use the restroom. Wagner stated it would be just him this year. There are also
156 public restrooms at the Chamber building and the Nisswa Square available to use.

157
158 Joe Hall (audience) state the parking lot issues has been talked about in great depth in
159 the past. He noted that the City Hall parking lot is a public parking lot and City Hall
160 Street has on street parking available, as there are not any "No Parking" signs.

161
162 Sandy Keldress (audience) stated she is all in favor of a bike rental shop as there used
163 to be 2 in town, but now only one; Martin's Sport Shop. She just wanted us to know
164 that.

165
166 **Motion:** Harris motioned to approve this Conditional Use Permit 003-21 for Up
167 North Real Estate Holdings, LLC to operate a bicycle rental service at 5476 City Hall
168 Street, with the following conditions:

- 169 1. Building may not contain living quarters and may not be utilized for human
170 habitation.
- 171 2. Existing structure must be connected to City Sewer at which time water is
172 provided to the structure and must be metered.
- 173 3. No exterior storage is permitted.

174
175 Findings of Fact:

- 176 1. The subject property is located at 5476 City Hall St., PID 28110752
- 177 2. The subject property is in the "Central Business" Zoning District.
- 178 3. The conditional use permit request is to operate bike rental service business.
- 179 4. The subject property is 0.38-acres.
- 180 5. Impervious Surface Coverage: The property currently has a 9% impervious
181 surface coverage. No construction is a part of this application.
- 182 6. Water Supply: The subject property does not have access to potable water.
- 183 7. Sewage: The subject property does not have a septic system and is not

- 184 connected to City Sewer.
185 8. The proposed use, with conditions, won't impede upon the use and enjoyment
186 of other property in the immediate vicinity.
187 9. The proposed use, with conditions, will not create a public nuisance.
188 10. The proposed use will not depreciate property values within the immediate
189 vicinity of the subject property.
190

191 Fier seconded. All members voting "Aye", motion carries
192

193 **c. Rezone Application 004-21: to rezone parcels 28140666 & 28140656 from**
194 **"Commercial Waterfront" to "Public and Recreational", and parcels 28140704**
195 **& 28140667 from "Open Space Residential" to "Public Recreational".**
196 **Owner/Applicant: City of Nisswa**
197

198 Cotner read her staff report in for the record. Cotner noted that parcel # 28140663 is
199 not owned by the city. If you look at the notice that went out it states "City of
200 Nisswa" on this parcel, and GIS just puts City of Nisswa somewhere on the screen to
201 note that it is the city of Nisswa.
202

203 Carey Rasinski (audience) is the owner of Petals & Beans and the Animal House. She
204 has no concerns with the rezone, but a concern with people hunting on her land; the
205 parcel next to these rezoning parcels.
206

207 Joe Hall (audience) questioned if these parcels are located where all the constructions
208 is being done already. Cotner stated yes. Hall questioned if the rezone should have
209 been done prior to construction. There is a proper order of process that should be
210 followed. The city puts these rules on businesses and the city should follow them as
211 well. Cotner stated the rezone didn't need to be done in order for this construction to
212 happen. She noted that these should have been rezoned 19 years ago when the city
213 acquired the land. This is to clean this up.
214

215 Sandy Keldress (audience) questioned if there will be other uses for this property.
216 Cotner stated there has been talk about possibly moving the recycling center to this
217 location in the future.
218

219 **Motion:** Harris motioned to recommend to City Council approval of rezoning
220 parcels 28140666 & 28140656 from "Commercial Waterfront" to "Public and
221 Recreational", and parcels 28140704 & 28140667 from "Open Space Residential"
222 to "Public Recreational", with the following Findings of Fact:

- 223 1. *Preservation of natural sensitive areas:* A wetland delineation has not been
224 completed on the property; however, FEMA does not indicate any wetlands in
225 the area aside from the one open water area clearly visible on PID 28140666.
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2. *Present ownership and development:* All four parcels are owned by The City of Nisswa. All PIDs, aside from 28140704, currently have The City’s wastewater treatment facility on the property with the expansion planned to take place on the outlying PID.
3. *Shoreland soil types and their engineering capabilities:* None of the property lies within 1,000 feet of any lakes.
4. *Topographic characteristic:* The topography of the property is variable and will change as the holding ponds for the wastewater treatment facility are placed.



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5. *Vegetative cover:* The subject rezoning sites are partially vegetated.



6. *In-water physical characteristics:* Not Applicable.
7. *Recreational use of surface water:* Not Applicable.
8. *Road and service center accessibility:* The subject property has approximately 200 linear feet of frontage on Lower Roy Lake Road and 1,180 linear feet off of Charmin which currently serve as the primary access point.
9. *Socio economic development needs of the public:* The subject property zone change to “Public and Recreational” aligns with Transportation and Infrastructure Policies identified in the Comprehensive Plan. The policies that are most applicable are provided below:
- Provide a municipal sewer system that would meet the needs of the current

- 300 users and anticipate future growth.
- 301 • Allocate excess capacity in the municipal wastewater system to those
- 302 identified areas that maximize the effectiveness of the system.
- 303 • The municipal sewer system must be fiscally managed to provide for the
- 304 long-term capacity costs of operation.
- 305
- 306 10. *Availability of public sewer:* The property is the wastewater treatment facility.
- 307
- 308 11. *The necessity to preserve and restore certain areas having significant*
- 309 *historical or ecological value:* There have been no historical or ecological
- 310 considerations found.
- 311
- 312 12. *Conflicts between land uses and impacts of commercial uses or higher*
- 313 *densities on adjacent properties:* The surrounding properties are “Open Space
- 314 Residential” (OSR), “Public and Recreational” (P), or “Commercial
- 315 Waterfront” (CW). No changes are expected to the neighboring properties as
- 316 the use has already been in place for a number of years.
- 317
- 318 13. *Alternatives available for desired land use:* As the use has been in place for a
- 319 number of years already, I don’t see a better/higher use for the property. As
- 320 our city has been growing over the years so has our demand for sewer
- 321 capacity. Due to the increased demand the plant has had to expand. PIDs
- 322 28140666, 281400667 and 28140656 were purchased in 2002 and ultimately
- 323 a rezone was missed. PID 28140704 is the parcel our newest expansion will
- 324 be placed on.
- 325
- 326 14. *Prevention of spot zoning:* The properties to the area are zoned “Open Space
- 327 Residential” and “Public and Recreations”. Approval of the request does not
- 328 constitute “spot zoning” due to surrounding area having similar zoning
- 329 classifications.
- 330
- 331 15. *Conformance to the City of Nisswa Land Use Plan.:* Although the request to
- 332 change the zone is not exactly consistent with the City of Nisswa Future Land
- 333 Use Plan designation of “Conservative Subdivision” it is consistent with its
- 334 intent of low density. The expansion of the wastewater treatment facility
- 335 would be low density as no buildings are planned on these parcels. The Future
- 336 Land Use Map was initially created in 2007 and at that time, Nisswa did not
- 337 anticipate such a development boom and thus did not plan an area to expand
- 338 the wastewater treatment facility. Unfortunately, we are at that time now
- 339 where we have to expand and have limited options in terms of directions to
- 340 grow.
- 341

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

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344 **Motion:** Harris motioned to open the public hearing at 6:41pm, Young seconded. All

345 members voting “Aye”, motion carries.

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8. New Business: None

9. Old Business: None

10. Planning & Zoning Administrator’s Report

a. Permits

Cotner stated we had 7 new permits this past month, with 3 being new dwellings.

b. Violations List

Cotner stated there were 2 new violations this month. One has been resolved and 1 she is still working on.

11. Commissioners’ Questions/Comments:

12. Adjourn

Motion: Harris motioned to adjourn the March 2, 2021 meeting at 6:43 pm, seconded by Young. All members voting “Aye”, motion carries.

Respectfully submitted,

Maggi Wentler, Finance Specialist