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**CITY OF NISSWA  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
TUESDAY, MAY 4, 2021, 6:00 PM**

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

**Members Absent:**

**Others Present:** Dave Reese & Mark Hallan, WSN

**Staff Present:** Brittney Cotner, Maggi Wentler

1. **Call Meeting to Order:** Young calls the meeting to order at 6:01pm.

2. **Meeting Roll Call:**

3. **Onsite Visits:** None

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

**Motion:** Harris motioned to approve the May 4, 2021 agenda as presented Gettelman seconded. All members voting “Aye”, motion carries.

5. **Approval of Minutes:**

a. **April 12, 2021 Regular Scheduled Meeting Minutes:**

**Motion:** Harris motioned to approve the April 12, 2021 minutes as presented, Gettelman seconded. All members voting “Aye”, motion carries.

6. **Open Forum:**

**Paul Rasmussen (Bass Lake Road)** – Wants to make a few comments in regards to the Sketch Plan on the agenda. He has many concerns about the environmental impacts this development would have on Bass Lake. The sketch plan being proposed is based on if the property would be rezoned, not at the current zoning classification. Rasmussen noted that the current zoning would allow 5 homes and if it were rezoned it would allow 8 homes. This sketch plan as proposed with the increased density would not be in the public interest to allow. He doesn't believe that the 35% density increase should be allowed as there is a boardwalk that is in the first tier that is not allowed, as it is classified as a structure. He also doesn't believe that the lake setback is calculated correctly. It should be measured from the edge of the wetland not the OHW. He has not seen a wetland delineation yet to verify where the wetland actually is. He has concerns about the amount of slips and docks that will be added with the proposed 14 homes. He also noted that the parking lot does not meet the setbacks. Rasmussen wondered who actually does the measurements of the slopes and bluff. Cotner did note that she, the City Engineer, City Attorney and the DNR will review the documents for accuracy. Cotner also explained what a sketch plan is and what the next steps are for approving a plat. The sketch plan is

47 just a basis plan discussed to see if the commission would be in favor of something like  
48 this or not, before the applicant would spend money for a preliminary plat. If the  
49 applicant would like to move forward they would come in and apply for a preliminary  
50 plat and at this time they would need to come with all completed documents for approval.  
51 Once the preliminary plat is approved the applicant will need to come back for a final plat  
52 approval. This process takes months to work through. Cotner noted that nothing will be  
53 approved tonight in regards to this sketch plan.  
54

55 **Rob Haberkorn (Bass Lake Road)** - He questioned when the rezone application would  
56 be on the agenda. Cotner stated it is scheduled to be on the June agenda. Haberkorn  
57 stated he had some confusion at the last meeting what the differences were between the 2  
58 zoning classifications.  
59

60 **7. Public Hearings: None**

61  
62 **8. New Business:**

63 **a. Roy Lake Cottages Sketch Plan Review PID 28100668: Tom Steffens**  
64 **(present)**  
65

66 Steffens stated that the current zoning classification allows for 5 units and he does  
67 have hopes to have it rezoned to Shoreland Residential that would allow 8 units.  
68 He is also requesting the commission to grant density increase that would allow  
69 him up to 12 unit's total. He is looking to get feedback from the commission on  
70 what they think about the density. Steffens stated that based on last month's  
71 meeting the parcel to the south was rezoned and now this parcel 28100668 would  
72 be surrounded by Shoreland Residential, so he assumes that the rezone would be  
73 granted. Steffens noted that these will all be single family homes. There would be  
74 no short term rentals allowed in this development. It is not a resort. Steffens is  
75 looking to have an additional 35% density granted, based on the setback from the  
76 water and impervious coverage calculation. He noted that this sketch plan  
77 proposes 6 units in the first tier, 8 units in the second tier and 1 unit in the third  
78 tier. Steffens stated that this sketch plan is likely to change after he has a meeting  
79 with the city to discuss the road re-allocation of Bass Lake Road. Steffens would  
80 like to know from the commission if they think they would approve the additional  
81 density increase.  
82

83 Gettelman stated she watched the last Public Works meeting and thinks that this  
84 road reroute should be figured out before we approve any plat. Cotner stated that  
85 we are working on setting up a meeting with all developers to see if it is doable.  
86 These are only the beginning stages of conversation.  
87

88 Jacobson stated he has concerns with the timeline once the preliminary plat  
89 application has been turned in our 60 day clock starts.  
90

91 Young questioned if there would be a Homeowners Association (HOA) involved.  
92 Steffens stated there will be for maintenance and limitations to short term rentals.

93 Gettelman stated that and HOA needs a board of directors and fees. Steffens  
94 stated there will be fees for maintenance activities.

95  
96 Harris questioned if the road shown would be a private road. Steffens stated yes  
97 the road would be a private road. Harris also questioned if these homes would be  
98 connected to city sewer. Steffens stated they would have their own private well  
99 and septic system.

100  
101 Jacobson stated we will need documentation from the property owner before the  
102 preliminary plat application will be approved.

103  
104 Young stated that the road issue will greatly affect the density and thinks Tom  
105 needs to know about the road before proceeding. Cotner stated she agrees and that  
106 is why staff is trying to schedule a meeting with the developers to make a plan for  
107 the road before they develop the parcels.

108  
109 Steffens asked if he gave a 66 foot road right of way would the commission be  
110 willing to increase the density. Gettelman stated she needed to know more about  
111 the 35% increase in density. Cotner stated the commission can allow up to 35%  
112 increase in density, if the applicant increases setbacks, reduces impervious  
113 coverage, and or removed non-conforming structures. Cotner noted that 35% is  
114 the max bonus density that would be allowed. The commission could agree on  
115 something lesser than 35%.

116  
117 Young questioned how far the units are from each other; rough estimate is fine.  
118 Steffens stated they are about 60 ft. to 80 ft. apart in tier 1 and about 30 feet apart  
119 in tier 2.

120  
121 Harris stated he would like to see the homes on tier 1 pushed back away from the  
122 bluff.

123  
124 Overall the planning commission is apprehensive about increasing the density.  
125 Young personally would like to see the topography and where the wetland  
126 actually is.

127  
128 Jacobson the big concern is the road at this point. He would like to see a lower  
129 density. He suggested that Steffens review the letters that were sent in and see  
130 what he can address from those.

131  
132 **b. Discussion of Potential Ordinance Changes**

133  
134 Cotner stated in reviewing the zoning ordinance and taking into consideration a  
135 few comments that were made she thought she would bring these forward to the  
136 commission to see if they would be open to changes.

137

138 The first ordinance is the Parking Location and Design under 4.9.16 Parking and  
139 Loading. Currently our ordinance stated all parking along highway 371 must be  
140 located on the side or rear yard of the development. Would we be open to change  
141 this? Young questioned what recommendations would you suggest changing it to.  
142 Cotner stated she wanted to see what the commission thought. Do we need to  
143 regulate? Young questioned if Cotner received any feedback from the Nisswa  
144 Chamber. Cotner stated no, but will reach out to them. Young questioned what  
145 areas would we be talking about. Cotner stated it would be south of Holiday Gas  
146 Station and Schaefer's would be the bulk area of future development along  
147 highway 371. Cotner stated that the commission could decide at the time of the  
148 conditional use permit application process. Or she is fine leaving it as is too.  
149

150 The second ordinance is the Building Height requirement. She stated right now  
151 we only allow buildings to be 25 feet max at the midpoint of the roof. Cotner  
152 noted some of the reasons that have been discussed in the past on why we won't  
153 allow any higher buildings; Nisswa Fire doesn't have a ladder truck, esthetics of  
154 our area. Current Nisswa Fire does have access to a ladder truck from another  
155 Brainerd Lakes Area fire department. Young stated the church came in asking for  
156 additional height for a gym, which he believes makes sense. Harris stated that one  
157 was 25 feet high on one side and 35 feet on the back side or something like.  
158 Hallan mentioned that the commission has approved a handful of variances for  
159 building height in the past. Harris stated he could be ok with 30 feet. He believes  
160 if we allow 35 feet this could allow 3-story buildings and this could cause  
161 potential problems. Young questioned if we could restrict to specific zoning.  
162 Cotner stated this could be done. Hallan stated that most of the requests come in  
163 from the highway business district. He noted that it would be a big change going  
164 from 25 feet to 35 feet. Harris agrees that is a big jump. Jacobson noted that if we  
165 go to 35 feet it would allow for 3 stories and parking stalls would go up as well.  
166 Cotner noted another option would be to increase setbacks to allow a higher  
167 building height. Young questioned if there has been any feedback from the city  
168 council. Cotner stated she spoke with a couple of them and they are open to it.  
169 Commission is open to seeing it at 30 feet in highway business only right now.  
170 Cotner stated she will write up a draft for approval at the next meeting.  
171

172 **9. Old Business: None**

173  
174 **10. Planning & Zoning Administrator's Report**

175  
176 **a. Permits**

177  
178 Cotner stated we had 5 new permits this past month, with 1 being new dwellings. She  
179 noted that there are 5 potential plats coming forward in the next few months.  
180

181 **b. Violations List**

183 Cotner stated there were 4 new violations this month. 3 have been resolved and 1 has  
184 a plan to rectify soon.

185

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

187

188 Young questioned if we have received any applications for our vacancy. Cotner stated not  
189 at this time.

190

191 Gettelman questioned what business was going in at the building on Nisswa Ave. Cotner  
192 stated nothing at this time. It is only cosmetic changes at this point.

193

194 **12. Adjourn**

195

196 **Motion:** Young motioned to adjourn the May 4, 2021 meeting at 7:05 pm, seconded by  
197 Harris. All members voting "Aye", motion carries.

198

199 Respectfully submitted,

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Maggi Wentler, Finance Specialist

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