

**CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, AUGUST 3 2021, 5:30 PM**

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

Members Absent: Others Present: Dave Reese, WSN & Tom Pearson, Gammello & Pearson

Staff Present: Brittney Cotner, Maggi Wentler

1. **Call Meeting to Order:** Young calls the meeting to order at 5:30pm.

2. **Meeting Roll Call:** Kristin Hansen absent from site visit only.

3. **Onsite Visits:**

a. **PID 28240558 Alluring Pines West Preliminary Plat**

4. **Calls Meeting to Order:** Young reconvenes the meeting at 6:00pm.

5. **Meeting Roll Call:**

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

Motion: Cotner would like to a motion to adopt the corrected agenda; the date has been corrected. Harris motioned to approve the August 3, 2021 agenda as corrected. Hansen seconded. All members voting “Aye”, motion carries.

7. **Approval of Minutes:**

a. **July 6, 2021 Regular Scheduled Meeting Minutes:**

Motion: Harris motioned to approve the July 6, 2021 minutes as presented, Hansen seconded. All members voting “Aye”, motion carries.

8. **Open Forum: None**

9. **Public Hearings:**

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

a. **Rezone Application 010-21: to change zoning classification from Open Space Residential (OSR) to Shoreline Residential (SR).**

Property Location: PID 28100510

Owner/Applicant: Brian Anderson, present

Cotner read her staff report in for the record.

Audience Comments:

Brad Birkland resident on Bass Lake Road is opposed to this rezone. He believes it is zoned Open Space Residential in order to save the wetland.

Trish Van Pilsum resident on Bass Lake Road questioned what Anderson’s plan is for this parcel. Anderson stated it is his retirement plan. He will build a house on it.

Hansen stated there looks like there is a home on it right now. Do you plan to do a lot split in the future? Anderson said yes he plans to do a lot split next. Harris questioned if the current zoning requires an 80,000 sq. ft. minimum lot size. Cotner stated 100,000 sq. ft. plus the slopes and wetland areas. She noted that she hasn’t seen a survey yet. Harris questioned why Anderson is rezoning. Anderson stated that his surveyor told him to rezone first. Young questioned if Anderson would be adding another lake access point besides the one located by the current dock. Anderson stated not at this time. Young questioned where the additional house location would be. Anderson stated near the area by the current dock. Reese stated this rezone application is consistent with the surrounding neighbors and this would not create spot zoning. Cotner noted that there is SR zoning on one side and OSR zoning on the other side of this parcel.

Motion: Harris motioned to recommend to City Council approval of application 010-21 to rezoning parcel 28100510 from “Open Space Residential” to “Shoreland Residential” with the following Findings of Fact:

3.7 CRITERIA FOR LAND USE CATEGORIES:

1. *Preservation of natural sensitive areas* A wetland delineation has not been completed on the property, however, FEMA does indicate some wetland area on the North side of the parcel.



2. *Present ownership and development* The current owner of the parcel is Brian

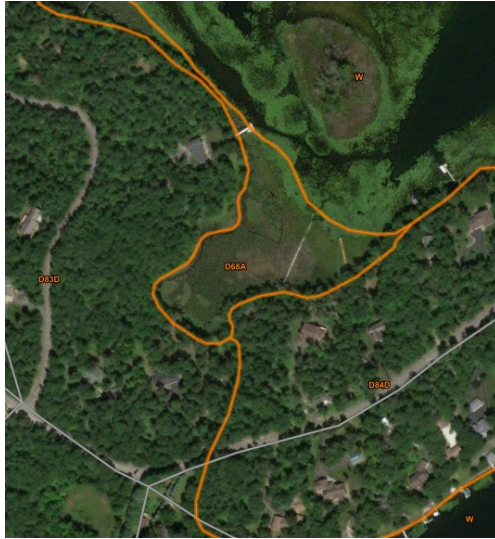
Anderson. No development of the property is known at this time.

3. *Shoreland soil types and their engineering capabilities* The soils types according to websoilsurvey.sc.egov.usda.gov are:

D68A-Uskabwanka-Rifle-Lougee complex, 0 to 1 percent slopes

D83D-Eutrudepts-Graycalm-Rollins complex, pitted, 10 to 20 percent slopes

D84D- Eutrudepts-Graycalm-Rollins complex, 10 to 20 percent slopes



4. *Topographic characteristic* The topography of the property has some changes. Based on GIS measurements the steepest grade is 23% +/- being located on the south east quadrant of the property.



5. *Vegetative cover* The subject property is partially wooded.



6. *In-water physical characteristics* The North side of the parcel has a wet meadow wetland. There are no known protected, rare, or endangered floras or fauna species in the area of the subject property.
7. *Recreational use of surface water* Enda Lake has been designated by the Department of Natural Resources as a “Recreational Development Lake” Section 6120.3000 of the Minnesota Revised Statutes defines “Recreational Development Lake” as the following:
- “Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.”*
8. *Road and service center accessibility* The subject property has approximately 550 linear feet of frontage on Upper Roy Lake Rd which will serve the property.
9. *Socio economic development needs of the public* The subject property zone change to “Shoreline Residential” aligns with the Natural Resources, Transportation and Infrastructure, Community Character, Park, Open, Space, and Recreation Policies identified in the Comprehensive Plan. The policies that are most applicable are provided below:

- The recreational lifestyle enjoyed by residents and visitors alike must be recognized as a critical component of growth and development in the City of Nisswa.
 - Protect wetlands as important components of the total environmental health of the community.
 - Maintain and increase public access to the area's lakes through partnership with the DNR or other organizations.
 - Provide a variety of options for recreational opportunities for residents and visitors for all ages, economic classes, and physical abilities.
 - Support increased opportunities for passive recreation and interaction with natural resources.
 - Incorporate stormwater management systems into private development and public improvements projects.
10. *Availability of public sewer* The property is not within a reasonable distance to the existing sewer line in order for the applicant to connect. The parcel will be served by a private communal septic system.
11. *The necessity to preserve and restore certain areas having significant historical or ecological value* According to the 1985 Cultural Recourses Survey of the Nisswa Lakes Area completed by Douglas A. Birk, Principle Investigator, the shovel tests performed in this area uncovered: rocks, sand, silty sand, gravel, light gravel, moderate gravel, dense gravel, and charcoal bits. No further historical sites or ecological value are known.
12. *Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties* The surrounding properties are "Open Space Residential" (OSR) and "Shoreland Residential" (SR). No changes are expected to the neighboring properties as the use is consistently residential in the surrounding areas.
13. *Alternatives available for desired land use* According to our comprehensive plan this areas future use is identified as shoreline residential on the future land use map.
14. *Prevention of spot zoning* The surrounding properties are "Open Space Residential" (OSR) and "Shoreland Residential" (SR). Approval of the request does not constitute "spot zoning" due to surrounding area having similar zoning classifications.
15. *Conformance to the City of Nisswa Land Use Plan.* The Future Land Use Map indicates the subject property to be "Shoreline Residential".

Hansen seconded. All members voting "Aye", motion carries.

b. Preliminary Plat Application 014-21: to subdivide a 15.26-acre parcel within the Shoreland Residential (SR) zoning district.

Property Location: PID 28240558

Owner/Applicant: Shane Lueck. Pam Lueck (present) along with Pat Trotter with Stonemark.

Cotner read her staff report in for the record.

Trotter stated that they adjusted a bit to allow for easements and road right-a-way. Harris questioned if there is a driveway easement to County Road 13 and if this is the main access point. Trotter stated this will be the primary access as of right now.

Motion: Harris motioned to recommend to City Council approval of application 014-21 Preliminary Plat to subdivide a 15.26-acre parcel within the Shoreline Residential zoning district on PID 28240558, with the following conditions,

1. Except as amended by these conditions, the division of land shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots. Any changes will require amended approval by the Planning Commission.
2. Ownership and long-term maintenance responsibilities for individual septic and water systems is the sole responsibility of the homeowner(s).
3. The developer shall pay a park dedication fee in the amount \$4,143.36 (4 homes x 2.49 avg. household size x \$416) in accordance with Section 4.11.10(B).
4. There is to be no on street parking.
5. All future dwellings are to be free standing with no shared walls.
6. There is to be no exterior storage including but not limited to golf carts, boats, and RVs unless in compliance with section **4.9.5 Storage** of The City Code.
7. All local, state, and federal building codes must be met.

Findings of Fact:

1. The subject property is located at PIN 28240558 and is 16.1-acres.
2. The subject property is zoned "Shoreland Residential."
3. The proposed development consists of 4 single-family residential building sites.
4. The owners do not intend to construct dwellings on the lots themselves nor clear the lots for future dwellings thus preserving natural features.
5. The division of land utilizes existing streets to sever all parcels. No new streets are proposed.
6. The proposed residential lots are between 60,021 sf. and 428,186 sf.
7. Setbacks: All setbacks will be able to be met with the proposed layout. No variances are requested.
8. Access: The division of land will be served by existing streets (Camp Lincoln Road, Garden Circle, and or Red Pine Lane).
9. Utilities: The development will be served by privately owned individual water and septic systems.

10. The use and enjoyment of other property in the immediate vicinity of the subject property will not be impaired. The surrounding uses include residential dwellings to the North and resort property to the East and South.
11. The proposed development will not impede the normal and orderly development of surrounding vacant property.
12. The division of land will not generate public nuisances such as offensive odor, fumes, dust, noise, vibration. If development contains street lights or other lighting it must be in compliance with 4.8.7 "Exterior Lighting" of the City Code.
13. The division of land will not depreciate property values within the immediate vicinity.
14. The development will not cause the Local, County and State road systems to exceed their safe carrying capacity.
15. There are 2 wetlands, and 3 bluffs on the property to be preserved and left undisturbed aside from approved alterations by the DNR.
16. There are no non-conforming structures on the subject property.
17. Lot areas and dimensions are consistent with the zoning ordinance requirements.
18. Lot layouts are compatible with the existing layout of adjoining properties.
19. The development has 500 ft. along Camp Lincoln Road and 328 ft. along Red Pine Lane. Garden Circle crosses into 2 of the proposed lots providing options for access locations.
20. All of the lots may be developed with single family homes without requiring variances.
21. Street improvement standards: No new streets are being proposed. The additional residents will not stress the existing street capacities.
22. Sanitary provision standards: privately owned individual septic systems will serve each lot.
23. Water supply standards: privately owned individual wells will serve each lot.
24. Dedication to the Public Standards: The park dedication fee will be \$4,143.36 and is to be paid prior to a Land Use Permit being issued.

Hansen seconded. All members voting "Aye", motion carries.

- c. Preliminary Plat Application 008-21: to subdivide a 26.5-acre parcel into 11 single family lots within the Shoreline Residential zoning district**
Property Location: PID 28100660
Owner/Applicant: Susan Oen – Kevin McCormick with Land Design Solutions (present)

Cotner read her staff report in for the record. Cotner noted that she is recommending that we table this application due to the fact that a petition was filed with the Environmental Quality Board (EQB) to request that an Environmental Assessment Worksheet (EAW) be prepared for this project.

McCormick questioned who makes the decision that an EAW is required? Can this be approved as a condition of approving the preliminary plat? Cotner stated the city council makes the final approval of the conditions and whether an EAW is required. Cotner stated we legally can't proceed until the letter received by the EQB has been reviewed. Pearson agrees that this application needs to be tabled at this point due to the petition.

Motion: Harris motioned to table this preliminary plat application 008-21 due to the petition filed with the EQB, Hansen seconded. All members voting "Aye", motion carries.

Motion: Hansen motioned to close the public hearing at 6:21pm, Harris seconded. All members voting "Aye", motion carries.

10. New Business:

a. Off-site Signs Discussion

Cotner stated there have been discussions in the past and present between the City and the Chamber on how to promote off main street businesses. Cotner noted she did include some money in the proposed 2022 budget for future signage.

Harris likes the idea! He would like to see a digital sign option for easy of changing out businesses that come and go frequently. Cotner stated she has been researching interactive kiosks as well. Young stated if we use a Conditional Use Permit (CUP) the length of time would be important to note. If we decide on a kiosk it would need to be in a centralized location. Cotner noted she intends to start discussions with the chamber as well. Young stated sandwich boards have been used in the past. Hansen stated she is guilty of not exploring the community and believes that the signage is under used. Cotner stated it is just discussion at this point, but will talk with the chamber before making any changes to the Off-site Advertising signs part of the ordinance.

b. Planning Commission Policy Discussion

Cotner stated she has been approached by three business owners that showed interest in serving on the planning commission. Currently our ordinance doesn't allow for business owners to be on the commission. She wanted to get feedback from the commission to potentially allow 2 out of the 5 commission members be a business owner. Hansen stated that business owners do have a vested interest in the community even if the lease a building. Harris stated that once the business closes or moves so would their seat on the commission. Jacobson noted that some businesses close during the winter and these members would need to be present year round. Cotner stated that our policy states that a commission member can only miss three meetings per year.

Motion: Harris motioned to recommend having the city council consider business owners to be allowed on the commission, limiting business owners to 2 out of the 5 seats on the commission, and that any business that cease with in the city of Nisswa the commission seat term will expire simultaneously, seconded by Hansen. All members voting “Aye”, motion carries.

11. Old Business:

a. Memo from City Attorney

Pearson prepared a memo that was included in the packet. He continues to gain more information on this Conditional Use Permit (CUP) as we continue to move forward in regards to the labeling of Outlot C and Outlot H on the preliminary and final plats. Pearson stated there is nothing to do tonight in regards to this unless the applicant or applicant’s attorney is present. He will be bringing this topic to the next City Council meeting.

Young questioned if the developer wanted to make any comments. Doug Arndt stated he didn’t want to make any comments at this time.

12. Planning & Zoning Administrator’s Report

a. Permits

Cotner stated we had 9 new permits this past month, with 3 being new dwellings.

b. Violations List

Cotner stated there were 3 new violations letters sent out this month.

Harris questioned if there was any update to the Traxler Property. Pearson stated he will be sending out a letter. He noted he has been taking pictures and making notes. Young questioned if there has been any communication with the owner at all or even for him to come in and amend his CUP. Cotner stated she has had no communication.

13. Commissioners’ Questions/Comments: None

14. Adjourn

Motion: Hansen motioned to adjourn the August 3, 2021 meeting at 6:47 pm, seconded by Harris. All members voting “Aye”, motion carries.

Respectfully submitted,

Maggi Wentler, Finance Specialist