

**CITY OF NISSWA  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 7 2021, 6:00 PM**

**Members Present:** Ross Krautkremer, Josh Young, Kristin Hansen, Gary Harris

**Members Absent:** Don Jacobson

**Others Present:** Dave Reese, Widseth

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

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

**2. Meeting Roll Call:**

**3. Onsite Visits:** None

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

Cotner noted she prepared an amended agenda, adding item 7b: Preliminary Plat Application 008-21.

**Motion:** Harris motioned to approve the September 7, 2021 agenda as amended. Hansen seconded. All members voting “Aye”, motion carries.

**5. Approval of Minutes:**

**a. August 3, 2021 Regular Scheduled Meeting Minutes:**

**Motion:** Harris motioned to approve the August 3, 2021 minutes as presented, Hansen seconded. All members voting “Aye”, motion carries.

**b. August 18, 2021 Special Meeting Minutes:**

**Motion:** Hansen motioned to approve the August 18, 2021 minutes as presented, Harris seconded. All members voting “Aye”, motion carries.

**6. Open Forum:**

**Trish Van Pilsum:** Wants to request that the commission and she received specific data in regards to the Roy Lake Development. She believes there were some discrepancies on the data that was provided and it is the cities responsibility to ensure that the data being provided is correct. She is looking for this data to be included on the survey; Lot size; Setbacks, Bluffs, Steep slope; etc. She would like access to the CAD (computer-aided design) computer file. She believes the developer should be able to send that file to the city. She did note that she sees that the preliminary plat is recommended for denial later

on in the meeting, but would like to see that the commission requires this information on future developers.

**Trish Van Pilsum:** Policy change comments for planning commission members. She is unsure why the change is actually needed. She believes that business owners can come and present any comments or feedback to the commission, similar to residents like us. She believes that those that do not live or own land in Nisswa shouldn't be making decisions that affect the neighborhoods. This could give the impression that the city is staking the commission. She would like to see that staff tries other options to reach out to the residents to find members, such as email blast used for agenda/packets. One option for members could be that the city allow business owners that own property in Nisswa be on the commission or even any land owner whether this is their permanent home or not. She also believes that the "conflict of interest" section needs to be more detailed.

Brad Birkland (audience) questioned who the business owners are that are interested in being on the commission. Cotner stated three business owners have inquired about being on the commission but can't provide their names at this time. Birkland questioned what other surrounding cities are doing as far as letting business owners on the commission.

## 7. Public Hearings:

**Motion:** Harris motioned to open the public hearing at 6:13 pm, Hansen seconded. All members voting "Aye", motion carries.

**a. Ordinance Amendment Application 019-21: to amend the Conditional Use Permits section of the City Code.  
Owner/Applicant: City of Nisswa**

Cotner noted that the city attorney brought up these suggested changes based on a recent Conditional Use Permit. This is really to just clean up the language.

**Motion:** Harris motioned to recommend to City Council approval of ordinance amendment application 019-21 as presented, Hansen seconded. All members voting "Aye", motion carries.

**b. 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**

Cotner stated that this property was sold to a new entity and we must deny this application due to the clock running out and ownership change.

**Motion:** Hansen motioned to recommend to City Council denial of preliminary plat application 008-21 due to ownership change, Harris seconded. All members voting “Aye”, motion carries.

**Motion:** Harris motioned to close the public hearing at 6:17pm, Hansen seconded. All members voting “Aye”, motion carries.

**8. New Business:**

**a. Morsch Metes and Bounds Lot Split**

**PID#: 28010568**

**Owner/Applicant: Pete Morsch (present)**

Cotner read her staff report in for the record.

Morsch stated they are looking to split this parcel and build a small house and garage for his in-laws.

**Motion:** Harris motioned to approve this Metes and Bounds Lot Split application as presented, with the Findings of Fact:

1. The subject property is located at 5667 Kander Court.
2. The subject property is in the “Urban Residential” zoning district.
3. The proposed parcels are 1.9-acers and 0.9-acers respectfully meeting the minimum lot requirements.
4. Both proposed parcels are 200 ft. wide
5. The existing parcel will maintain its access through the existing driveway off of Kander Court. The proposed parcel has 200 ft. of frontage on Poplar Avenue which will serve as legal access.
6. The proposed parcel meets the minimum requirements of “Urban Residential”

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

**b. Schaeffer’s Sketch Plan Review; Jim Kramer, KLD representing applicant**

Cotner stated the proposed sketch plan shows 27 units with 21% impervious coverage on the parcel. The southern access road will need additional discussions with Public Works, but the applicant knows this and has started discussions already. Harris questioned why the revision provided. Kramer stated the revision will limit the amount of vegetation that will need to be removed. They are also planning on these streets to be public city streets. Harris questioned what type of units these will be. Kramer stated these will be townhomes connected to city sewer and a water supply controlled by the association. They are looking at having a community center on the parcel for association members to use only. He believes there will be slight modifications to this plan prior to coming in for the preliminary plat, but nothing major at this time. Harris questioned what the pricing will be for these townhomes. Kramer stated he wasn’t sure at this time. Cotner questioned if these will be

individual wells or a shared well system, as shared wells are only allowed with a PUD. Kramer stated they will not be individual wells.

Young questioned where the connection to city sewer would go. Reese stated we are still discussion options at this point, but most likely on the southern side of the property.

Harris questioned where the road will go to. Kramer stated that the applicant owns all the property to the north all the way to Schaefer's.

Young questioned if parking lot sizes or spaces requirements would need to be followed for this. Cotner stated the parking lot sizes or space requirements would not apply to this development. Harris questioned if there would be parking spaces for guests of all of these units. Kramer stated that the ordinance does not define. Cotner stated we have defined this on a case by case basis, depending on if side street parking is allowed. Reese questioned if the road would be designed as urban city standards with curb and gutter. Kramer stated no, they would be designed as a more rural design. Reese questioned if there would be individual parking. Kramer stated people have stuff and they would not like to see outside storage. Harris suggested adding guest parking on the property for the association members. Kramer stated it would all depend on what the association agreements states, if there was it would not be a public parking.

Young questioned what the plans are for expanding to the north. Kramer stated they would be higher end units, and the facilities from this development would not be shared with future developments. Young questioned if Schaefer's would own and manage this association until the last unit is sold and then it would be turned over to the association/unit owners. Kramer stated it would turn over to the existing unit owners over after a certain percentage of units are sold.

Kramer also noted that the city has been discussion a city water system; they will be designing the wells and infrastructure to make it easy to connect when city water is available.

**c. Final Plat Application 015-21 for Alluring Pines West,  
PID# 28240558  
Owner/Application: Shane Lueck  
Pat Trottier with Stonemark Survey (present)**

Cotner read her staff report in for the record.

Harris questioned if the driveway easement was done yet. Trottier stated he will do it after the final plat is approved.

**Motion:** Harris motioned to recommend to City Council approval of the final plat application 015-21 for Alluring Pines West located at parcel ID 28240558 with the following conditions:

1. Except as amended by these conditions, the division of land shall be in substantial conformance with the preliminary plat approved by the Planning Commission August 3<sup>rd</sup>, 2021, as well as the submitted final 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) prior to the issuance of a Land Use Permit.
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 23861 Garden Circle 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 meeting minimum lot size requirements.
4. The proposed lots will be served by existing accesses from Camp Lincoln Road, Red Pine Lane, and Garden Circle.
5. The Final Plat for Alluring Pines West is in substantial compliance with the Preliminary Plat approved by the Planning Commission at a Public Hearing held on August 3, 2021.
6. The subject property is properly zoned for the proposed use of a single-family residential housing development.
7. The wetlands on the property will not be affected due to there is no construction planned at this time.
8. The wetlands in the property do not produce unbuildable or limited building sites.
9. Each of the proposed lots will be served by individually owned private septic systems.
10. The property is not adjacent to a public water body so provisions for water based recreation are not necessary.
11. Lot layouts are compatible with the existing layout of adjoining properties. The development is adjacent to residential districts with commercial waterfront property located to the South.
12. The proposed lots have 495 ft. of frontage along Camp Lincoln Road, 420 ft. of frontage along Ride Pine Lane, and Garden Circle las roughly 46 ft. that passes through 2 lots.
13. No new roads are proposed.

14. All of the lots may be developed with single family homes without requiring variances.
15. Survey standards: The preliminary and final plat were prepared by a licensed surveyor (Patrick A. Trottier-PLS#41002) and conforms to the standards in Minnesota Statutes.
16. Street improvement standards: The proposed lots will be served by existing streets. No street improvements are needed.
17. Sanitary provision standards: The proposed lots will be served by privately owned individual septic systems.
18. Water supply standards: The proposed lots will be served by privately owned individual wells.
19. Drainage/grading standards: The total existing impervious surface coverage of lot 2 block 1 is 4%. No new construction is planned at this time.
20. Dedication to the Public Standards: The park dedication fee will be \$4,143.36 to be paid prior to Land Use Permits being issued.

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

**d. Planning Commission Policy Change Discussion**

**\*see comments during open forum from Trish Van Pilsum**

Cotner stated she did bring forward to the council that we were looking to fill 2 planning commission seats and wanted to get their feedback if they would be willing to allow business owners fill these seats. The council seemed open to the idea and had concerns with allowing 2 members be business owners, especially if other members are absent. Cotner stated she would like to proceed with 2 business owner’s membership.

Krautkremer stated that he believes that business owners have good intentions. The council didn’t expand on why they thought the absent of commission members would be an issue if we allow 2 business owners on the commission.

Harris noted that the comments made earlier from the audience did have some good points; should the business owner actually own property in Nisswa? If you have property downtown it isn’t much different than living in town. Young stated he were his thoughts as well. How would we define business owner from property owner? Cotner stated the language states a business owner or resident, so an applicant would need to fit into one of these two categories. Non-homestead would still not be considered with either of these. Harris and Young would like to see a business owner that owns the property. Young stated that renting a property is different than owning the property. Krautkremer stated that could be a good compromise that if the business owner owned the building/property they operate their business in. Cotner stated that a good portion of our downtown is owned by one or two families and most of the units are rented out.

Harris stated the only reason this is being discussed is because we are having a hard time finding commission members to fill our board and other commission within the city. He wishes we weren't even looking at this option. Cotner stated that if we require the business owner to own property in Nisswa that would eliminate the one application that has shown the most interest in being on the planning commission. Young throughout the option to base it on years of rental, a business that rents a property in Nisswa for 3 to 5 years in the past would qualify to apply. They may have more of a vested interest if they have been here that long. Cotner stated the applicant would likely need to show a copy of their lease agreement or utility bill at time of application to be considered.

Hansen questioned if there would be a preference to residents if a resident applies along with a business owner? Cotner stated qualifications would be looked at first, but would give preference to residences if all else is equal. Young questioned how would that be quantified; point system? Cotner interview process review with the chair and her and make a recommendation to the council. Hansen thought it would be similar to veteran's preference for a government job you get a certain amount of points for being a veteran, so if they lived in the city limits of Nisswa they would get preference or additional points for this qualification. Cotner noted that if we allowed a business owner that leased a building on the commission, their term would end simultaneously with the lease or business termination.

Young would like to see one seat filled by a business owner, not two seats as proposed. He would be open to and/or ownership of the business and 3 or 5 years of past history of leasing in the city limits of Nisswa.

Ross stated we wouldn't even be discussing this if we weren't in this situation. We can always change as we go. Try it and if it isn't working we can change.

Cotner stated her personal feelings are that if we do the 3 year lease we really don't need to forward a recommendation because I don't know it would add anyone. We can proceed this way if you want or we can leave the language out and if we need to get more restrictive we can. Hansen owner of the business must be in the city limits.

**Motion:** Harris motioned to recommend to the city council approval of this policy change to allow one (1) seat to be filled by a business owner that owns the property the business is operating at, and/or a business owner that has 3 years previous lease history; must be in the city limits of Nisswa, and that any business/lease that cease with in the city of Nisswa the commission seat term will expire simultaneously, seconded by Hansen. All members voting "Aye", motion carries.

## **9. Old Business: None**

## **10. Planning & Zoning Administrator's Report**

- a. Permits** – Cotner stated she included a new activity report that she will be updating each month.

Harris questioned if the fees were looked at to base the fees on the value of the home. Cotner stated she is researching this and hopes to have the commission review the fees next year.

Young questioned if Cotner new the plan for the permit issues on Clark Lake. Cotner stated they are looking to have a natural looking resort for guests and wedding to be hosted at. She noted that the resort has already joined the Clark Lake Association. Harris would like to get more information if possible. Cotner stated she would reach out to the owners and see if they would be willing to come in and give a presentation.

**b. Violations List**

Cotner stated there have been 18 violations this year and 17 have been resolved at this point. She does expect that the last violation will be resolved by next month.

**11. Commissioners' Questions/Comments: None**

**12. Adjourn**

**Motion:** Harris motioned to adjourn the September 7, 2021 meeting at 7:03 pm, seconded by Hansen. All members voting "Aye", motion carries.

Respectfully submitted,

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Maggi Wentler, Finance Specialist