



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, APRIL 9, 8:30 AM

-
- Members Present:** Don Jacobson, Woody Haecker, Jim Swanson and Peter Mann
(attending video conference from 6250 S. Sunbird Blvd. Chandler, AZ)
- Members Absent:** Anne Laufman, Ann Beaver,
- Others Present:** Mark Hallan
- Staff Present:** Desmond McGeough, Maggi Wentler
1. **Call to order**
 2. **Roll Call**
 3. **Tour of properties - None**
 4. **Additions or deletions to agenda**
 5. **Approve Minutes:**
 - a. March 13, 2018 Minutes
 6. **Open Forum: None**
 7. **Public Hearings:** (published in the Echo Journal March 29, 2018 & notice was mailed to all property owners within 350 feet & the affected state agencies.)
 - a. Conditional Use Permit application 038-17 – ETOC (Lake Hubert) - Tabled
 - b. Conditional Use Permit application 036-17 – City of Nisswa - Spirits – Approved
 - c. Conditional Use Permit application 004-18 – ETOC (Grand View Lodge)- Tabled
 8. **New Business:**
 - a. Petition to vacate portion of Rice Landing – Recommend to City Council
 9. **Old Business:**
 - a. Sketch Plan – Thomas Steffens PUD
 - b. Planning Commission/Board of Adjustment Vacancy
 10. **Commission Discussion Items**
 - a. Clear Cutting Discussion
 - b. Planning Commission Special Meeting
 - c.
 11. **Planning & Zoning Administrator’s Report**
 - a. Permits
 12. **Adjourn**

47 **MEETING MINUTES FROM APRIL 9, 2018**

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49 1. **Call to Order:** Haecker calls the meeting to order at 8:30 AM.

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51 2. **Roll Call:**

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53 Peter Mann attending via video conference from Sunbird Country Club 6250 S
54 Sunbird Blvd. Chandler, Arizona

55
56 3. **Tour of Properties:**

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58 a. **Grand View Lodge**

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60 4. **Additions or Deletions to Agenda:**

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62 Haecker would like to add discussion on “clear cutting” and discussion on a
63 “special meeting” under Commission Discussion Items

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65 **MOTION:** Jacobson motioned to approve the agenda as amended, Swanson
66 seconded. All members voting “Aye”, motion carries.

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68 5. **Approval of Minutes:**

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70 a. **March 13, 2018:**

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72 Jacobson stated that line 189 “card” should be “car”.

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74 **MOTION:** Jacobson motioned to approve the March 13, 2018 minutes with
75 the noted change to line 189, Swanson seconded. All members voting “Aye”,
76 motion carries.

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79 6. **Open Forum:** None

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82 7. **Public Hearings:**

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84 **MOTION:** Jacobson motioned to open the public hearing, Swanson seconded.
85 All members voting “Aye”, motion carries.

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87 a. **Conditional Use Permit application 038-17 – to consider plans to**
88 **construct a 2,550 sf dining hall and a 1,764 sf kitchen facility.**
89 **Property Location: general located south of Lake Hubert, approximately**
90 **1,600 feet west of E. Lake Hubert Drive and 1,200 east of the terminus of**
91 **S. Lake Hubert Drive. PIN 280254305000009**
92 **Applicant/Property Owner: ETOC**

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94 **MOTION:** Jacobson motioned to table this application until the May 8
95 meeting subject to the approval of the applicant, Mann seconded. All
96 members voting “Aye”, motion carries.

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- b. **Conditional Use Permit application 036-17 – to consider plans to construct a 44 sf. (two-sided, 88 square foot total) freestanding dynamic display sign.**
Property Location: 23962 Smiley Road
Applicant: City of Nisswa
Property Owner: Schaefer’s of Nisswa (Brian Farrell, Spirits Manager present)

McGeough read his staff report and gave a presentation.

Hallan stated that the dimensions listed on Exhibit A look to be flipped around; 56” and 54”. Swanson stated that it meets all the parameters and likes the wood and stone materials. Mann questioned if this sign was in compliance with the 30 degree angle. Haecker stated it was in compliance and that the signs are back to back. Mann questioned if it meets the setbacks from Smiley Road. Hallan stated it does and he has no concerns with how close it is to Smiley Road. Jacobson stated that the city does not own this land and would like to see a signed letter by the property owner that they approve of this application and it is to be placed on file. Farrell stated he had an email from the owner that he is ok with the sign and location. Jacobson would like to see a signed letter before this sign goes up. Jacobson also questioned if anything in the lease would preclude them from putting this up. Farrell stated nothing that he is aware of. Jacobson questioned if the top sign would be backlit and if it will be the same image on both sides. Farrell stated yes it will be backlit and the image will be the same on both sides.

Motion: Jacobson motioned to approve this Conditional Use Permit application to construct a 44 square foot (two-sided, 88 square foot total) freestanding dynamic display sign located at 23962 Smiley Road with the following conditions:

1. The foundation of the old sign must be removed to 1 foot below ground level and covered with soil.
2. A signed letter from the property owner approving this application must be submitted to city staff before the sign can be put up.

Findings of Fact:

1. The subject property is located at 23930 Smiley Road, located on the west side of Highway 371, approximately 600 feet south of Highway 13, with a Parcel ID Number of 280231200EA0009
2. The subject property is zoned “Highway Business.”
3. The conditional use permit request is to install a dynamic display sign.
4. The proposed dynamic display sign will have a dimension of 113” x 56” (44 square feet) and will not exceed 50% of the total signage area.
5. The conceptual architectural design for the freestanding sign are of high quality and exhibit the use of natural material aesthetics such as stone and wood beam support structure to fit the “up north” character of Nisswa.
6. The use and enjoyment of other property in the immediate vicinity for

- 147 the purposes already permitted will not be impaired by this use.
148 Similar dynamic display signs have been previously approved in the
149 near vicinity.
- 150 7. The use will not impede the normal and orderly development and
151 improvement of surrounding vacant property for predominant uses in
152 the area.
 - 153 8. Adequate utilities, access roads, drainage and other necessary facilities
154 have been or are being provided.
 - 155 9. The use will not have any impact on off-street parking and loading
156 spaces.
 - 157 10. Adequate measures have been or will be taken to prevent or control
158 offensive odor, fumes, dust, noise, and vibration, so that none of these
159 will constitute a nuisance, and to control lighted signs and other lights
160 in such a manner that no disturbance to neighboring properties will
161 result.
 - 162 11. The use will not depreciate property values within the immediate
163 vicinity.
 - 164 12. The use will not cause the local, county or State road systems to
165 exceed their safe carrying capacity.

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167 Seconded by Swanson. All members voting “Aye”, motion carries.
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- 169 **c. Conditional Use Permit application 004-18 – for a resort development**
170 **employee housing, consisting of four 1,984 square-foot residential units**
171 **along with ancillary structures, and a 1,280 square-foot kids activity**
172 **building.**
173 **Property Location: approximately 200 feet south of County Road 77, and**
174 **approximately 1,700 feet west of the intersection of Lower Roy Lake**
175 **Road with County Road 77**
176 **Applicant/Property Owner: ETOC – Grand View Lodge (no one present)**
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178 McGeough read his staff report and gave presentation.
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180 Lorrain Birskovich (audience - resident on Linden) questioned if there has
181 been an environmental study done to see what the impact this addition will do.
182 McGeough stated there does not need to be a study done as this addition is on
183 a hill and all setback requirements have been met.
184

185 Kelly Wiczek (audience – resident to neighboring property) provided a written
186 statement for the record. She stated she has been an employee of Grand View
187 Lodge for the past 12 years. She stated she and her husband have some
188 concerns about the traffic impact, employees partying and staying up late, the
189 decrease in property value and resale. She would like to know if any other
190 options have been looked at for a location for employee housing. She would
191 also like to see a 6-8 foot high fence as a buffer and help with security with
192 this addition.
193

194 Jacobson stated that this parcel is currently zoned Open Space Residential and
195 questioned if it is zoned correctly. He thinks the zoning should change to
196 Commercial Waterfront. He also believes that 46 parking spots are too many,

197 especially when many of these employees are international students who are
198 unable to get a driver’s license. Mann stated that the exterior materials are not
199 identified within the application. He questioned how many employees will be
200 sleeping in each unit and if the units will require a sprinkler system. Mann
201 also questioned how high the buildings will be above the surface, as it should
202 be at least 1 foot. Hallan agrees and stated that first floor elevations should be
203 shown on the plans for each building. Mann stated we still haven’t seen an
204 updated density document and have many missing questions. He believes we
205 should table this application until the applicant can be here. Swanson agrees it
206 is important that the neighbors have an opportunity to ask questions to Grand
207 View Lodge.

208
209 **Motion:** Jacobson motioned to table this Conditional Use Permit Application
210 as the applicant is not present, seconded by Mann.

211
212 **FURTHER DISCUSSION:**

213 Mike Brodeur (audience – neighboring resident) provided a written letter and
214 stated he was concerned about the traffic safety on County Road 77 as there
215 are no bypass lanes. He does not want to look at a junk yard and believes the
216 storage area is on his property. Jacobson stated that a traffic committee is
217 being setup between the city, county and Grand View Lodge to look at traffic
218 concerns.

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220 All members voting “Aye”, motion carries.

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223 **MOTION:** Jacobson motioned to close the public hearing, Swanson seconded.
224 All members voting “Aye”, motion carries.

225
226 **Continuation later in the meeting:** Mark Ronnei arrived later in the meeting.

227
228 **Motion:** Jacobson motioned to reconsider to table CUP application for ETOC
229 004-18 to a different date, Swanson seconded.

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231 **FURTHER DISCUSSION:**

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233 Mann would like to take the opportunity to inform Mark Ronnei of the
234 concerns brought up earlier today.

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236 All members voting “Aye”, motion carries.

237
238 **Motion:** Jacobson motioned to table CUP application for ETOC 004-18 (7c)
239 to the May 8th regular scheduled Planning Commission meeting, Swanson
240 seconded. All members voting “Aye”, motion carries.

241
242 **Continuation at the end of the meeting:** Since Mark Ronnei was still at the
243 meeting the commission updated him on some of the concerns that were
244 brought up during his agenda item. (Note: meeting was switched to Monday,
245 instead of the normal Tuesday meeting). Commission stated that these were
246 some of the concerns that were brought up today:

- 247 -Employees partying and up late
- 248 -Fencing around gravel yard and buffer between neighboring
- 249 properties
- 250 -If employee housing will have sprinklers
- 251 -How many employees will be housed in each unit?
- 252 -Why so many parking spots?
- 253

254 Ronnei addressed some of the questions. As far as employees partying and
255 staying up late, Grand View Lodge does have a security crew that will shut
256 down parties and loud noise. All employees are to follow rules and if they
257 can't follow them they will no longer work for Grand View Lodge. Each unit
258 will house about 16 employees max. There will be no cooking equipment in
259 the units except for a microwave. These units are 1 level living and will meet
260 the required 2 egress entrances/exits. Ronnei would be happy to reduce the
261 number of parking spots. Ideally they would like 8, but went by what the
262 ordinance requires. Hallan suggested that they install 10-12 parking stalls,
263 especially if one of the buildings will be for HR. For the buffers, they will be
264 leaving the first 100 feet as is. They can dedicate for green space or park
265 space. This would be a long-term solution instead of installing fences. Fences
266 would require ongoing maintenance and repairs. Ronnei noted the only
267 buildings they are looking for approval on this application are the ones on the
268 east side of the road. Everything shown on the west side is things that will
269 potentially happen in the future. Jacobson suggested that rezoning this parcel
270 to Commercial Waterfront may be a better fit for what is being proposed.

271
272 Dawn Music (audience) questioned where all the other employees will be
273 parking. She thought based on previous conversations that all employees
274 would be parking in this area. Ronnei stated they are converting other areas by
275 the laundry to allow for more parking. They are working on completing a
276 study to show all future and current parking. Once this is complete he will
277 bring the final plan to the commission. Music questioned if the septic systems
278 will be away from the swamp. Ronnei stated all septic systems need to be
279 filed with the state and have to be done to meet all the requirements.

281 282 **8. New Business**

- 283
- 284 **a. Petition to vacate "Rice Landing" in the Gull Lakes Shore Subdivision**
- 285 **Location: generally located on the east side of Camp Lincoln Road, 3,200**
- 286 **feet north of Nashway Road.**
- 287 **Property Owner/Applicant: Steven C. Park, Present-Chad Conner from**
- 288 **WSN**

289
290 McGeough read his staff report.

291
292 Conner stated this plat was created in 1934 and never utilized. McGeough
293 stated the applicant will be consolidating all lots in-to 2-4 lots, all having
294 access to Camp Lincoln Road or Ridgewood Road, if approved by the city
295 council. Hallan stated that Ridgewood Road is quite a distance from Rice

296 Landing. Conner stated that the property owner owns most of the properties to
297 the north as well.

298
299 Mann questioned if the Public Works Department has seen this request yet.
300 McGeough stated no, but it could be added to the Public Works agenda.
301 Swanson questioned how many lots they will have if this road is vacated.
302 Conner stated this has not been determined yet. The family would like to keep
303 it as one, but at most would be 3-4 lots.

304
305 Jacobson stated that there is no street address on the application and this is
306 required. Conner stated we can add that. Jacobson also questioned whose
307 name current plat is under and if not the applicant the title would have to be
308 transferred to him. Jacobson suggests that we require the City Attorney to
309 review to ensure that we are doing everything legal and by the books.
310 Jacobson questioned if the applicant is thinking of platting these parcels again.
311 Conner stated their intention is to build one residential home. Conner stated
312 they have their attorney looking in to the legal end as well.

313
314 **Motion:** Jacobson motioned to recommend to the City Council approval of
315 this vacation of Rice Landing as presented with the following conditions:

- 316
317
 1. Name and address is added to the application.
 - 318 2. The City Attorney to review this application and ensure that it is done
319 complete and legally.

320
321 Findings of Fact:

- 322
 1. The petitioner owns all property that is adjacent to the subject right-of-
323 way to the north, east and south.
 - 324 2. The right-of-way termini are Camp Lincoln Road on the east and the
325 applicant's easterly lots.
 - 326 3. The right-of-way has served as an access solely to the petitioner's
327 dwelling unit.
 - 328 4. The applicant will submit an administrative lot line adjustment that
329 will remove several lots. All remaining lots will have access to either
330 Ridgewood Road or Camp Lincoln Road. The subject lot line
331 adjustment will be recorded concurrently with the subject road
332 vacation if approved.
 - 333 5. The right-of-way contains no City Utilities and no known private
334 utilities.

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336 Seconded by Swanson. All members voting "Aye", motion carries.

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339 **9. Old Business**

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341 **a. Sketch plan – Thomas Steffens (present) and Pat Trottier from**
342 **Stonemark (present): Proposed multi-family residential development**

343
344 Steffens stated he has made some adjustments to his plans based on the
345 feedback he received from last month's meeting. He has reduced the number

346 of units from 53 down to 42 units. He has met the 50 foot setback requirement
347 for a PUD. He has added 3 different connections to the Paul Bunyan Trail;
348 these will likely not be paved. A tree survey has been completed and they will
349 work to try and save some of the larger trees. They will be planting additional
350 trees as well. Trees will be shown on the Preliminary Plat. As far as a
351 timetable goes they have estimated 5-6 years to complete. This will be done in
352 phases. Where they start will be dictated on what the market is after. Steffens
353 would like to offer Good Ol' Days guests an option to use the Club House at
354 this location if they paid an additional fee, but will not be offering
355 homeowners of this PUD to go over and use the property at Good Ol' Days.
356 Steffens stated they are looking into the records to see about getting right-of-
357 way access by Hills Crossing. They have found some records that show a
358 proposed easement that exists. Jacobson stated he brought his up at the City
359 Council meeting and has the City Attorney looking into this as well.

360
361 Trottier stated they have reduced the cul-de-sac size and have added general
362 parking areas in 3 locations.

363
364 Jacobson questioned the difference in number of units that could be built if
365 zoned Residential versus Residential PUD. McGeough said 18-20 units could
366 be built if residential and up to 55 units if Residential PUD. Jacobson
367 questioned what the advantage to the city would be if we allowed Residential
368 PUD. Steffens stated additional tax revenue. They are building affordable
369 units if they are able to build more units. If they build fewer units they need to
370 charge more per unit to justify this development and all the costs that go along
371 with it. Jacobson would like the streets within this development to be built to
372 city standards, even if private. Steffens stated these roads would be private
373 and can be built to city standards. Jacobson stated there must be an access at
374 the south end of the development, whether it is at Hills Crossing or over the
375 Paul Bunyan Trail. He believes Steffens is trying to put too much into this
376 parcel.

377
378 Haecker agrees the south entrance is critical to this development moving
379 forward. He questioned if Steffens has checked with the DNR about gaining
380 access over the trail. Steffens stated he has not checked with the DNR yet.
381 Mann questioned when the Club House will be built. Steffens stated he was
382 unsure but wanted it sooner rather than later. They will be looking to do a
383 special assessment with homeowners. Mann questioned if they worked out the
384 cul-de-sac dimensions yet. Trottier stated not yet, but will work with Hallan to
385 finalize for the Preliminary Plat application. Mann has concerns with Good
386 Ol' Days having use of the pool and Club House and the density being too
387 great for this 12 acre parcel. Haecker would like to see more open green
388 space.

389
390 Mann questioned if we should get a head count on how many units they would
391 allow on this parcel. Jacobson suggested we also get a head count on if we
392 would approve the rezoning. Steffens would like to see it rezoned to
393 Residential PUD and have the commission determine how many units they
394 would allow. Steffens stated 18 units will not work here, with all the
395 development costs. He would need to re-evaluate the entire concept.

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Mann stated that our Comprehensive Plan doesn't recommend this area for a residential zoning. Steffens stated he is not interested in this parcel if he is unable to change from Commercial. Haecker questioned if it is necessary to have a pool. Steffens stated it is a key selling point. Steffens thinks the larger issue is how many units the commission is willing to allow on this parcel. He may be able to reduce a few more units. Hallan stated that the roads in this development may stay private, as he doesn't believe they can get 66 foot wide roads and make it buildable. Jacobson suggests that Steffens get on the Public Works Committee agenda to see what the road requirements are and if it is feasible for this property.

b. Planning Commission/Board of Adjustment Vacancy

McGeough stated that he was informed by the League of MN Cities that the Planning Commission needs to make a formal motion to accept the results of the ballot cast at the March 13th meeting and forward recommendation to the city council. Jacobson believes that the Planning Commission would only recommend a change to the city council. This was not a change. McGeough stated we need to make a motion at least as one was not made at the last meeting.

Motion: Swanson motioned to accept the ballot results from the March 13, 2018 meeting to not accept Gregg Sellner's application.

10. Commission Discussion Items

a. Clear Cutting Discussion

Haecker wanted to know if a letter has been sent to the Traxler property south of Gull Dam Brewery about the clear cutting and he wanted to know what their plans are. McGeough stated a letter hasn't been sent yet. Haecker also would also like to see a letter sent to Copper Creek Landscaping for some tree cutting they are doing at their new location off of Highway 371. McGeough stated he will send letters to both owners today. Jacobson suggested that these letters be certified.

b. Special Meeting Date & Discussion Items

Haecker wanted to know if a date has been set for the special meeting to discuss these specified items yet. McGeough stated that May 7th at 9am seemed to work for everyone. Jacobson stated he would like to have the packet of information in advance. McGeough stated he would have it completed at least 2-3 weeks prior to this special meeting. Items to be discussed are:

- Water Quality and DNR Issues
- Color Standards & Building Finishes
- Parking

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11. Planning & Zoning Administrator’s Report

Haecker stated he would like to see these reports in the packet next meeting as these are helpful for the commission members to see what is going on and what has been completed; site visits, violations, permits, conditions, and correspondences. McGeough stated he would have them in next month.

a. Permits

12. Adjourn

Motion: Swanson motioned to adjourn the April 9, 2018 meeting at 11:35 am, seconded by Haecker. All members voting “Aye”, motion carries

Respectfully submitted,

Maggi Wentler, Deputy City Clerk