



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, NOVEMBER 13, 2018, 8:30 AM

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Members Present: Woody Haecker, Jim Swanson, Anne Laufman, Don Jacobson, Peter Mann
Members Absent: Ann Beaver,
Others Present: Mark Hallan
Staff Present: Desmond McGeough, Maggi Wentler

1. **Call to order**
2. **Roll Call for Tour of Properties**
3. **Tour of Properties**
 - a. Geike Lot Split – NEC Upper Roy Lake Road & Hyland Ave.
4. **Call to order**
5. **Additions or deletions to agenda**
6. **Approve Minutes:**
 - a. October 9, 2018 Regular Meeting Minutes
7. **Open Forum: None**
8. **Public Hearings:** (published in the Echo Journal September 27, 2018 & notice was mailed to all property owners within 350 feet & the affected state agencies.)
 - a. Ordinance Amendment – Parking and Loading 015-18 City of Nisswa – Tabled
 - b. Ordinance Amendment – Water Oriented Accessory Structure - Tabled
9. **New Business:**
 - a. Geike Meets & Bounds Subdivision – Recommend to City Council
 - b. Tentative additional driveway – Grand View Hotel Site
12. **Commission Discussion Items**
 - c. CUP 17-18 Ministorage Landscape Plan / Site Plan Discrepancy
10. **Old Business:**
 - a. Ordinance Amendment – Resort Expansion 013-18 City of Nisswa – Tabled
11. **Planning & Zoning Administrator’s Report**
 - a. Permits
 - b. Conditions
 - c. Violations
 - d. Site Visits
 - e. Moratorium Process Memo
 - f. City Attorney Memo regarding 26130 Birch Street
 - g. 2019 Commission Schedule – First Tuesday of the Month
 - h. Status of Architectural Materials Subcommittee
 - i. Comprehensive Plan
12. **Commission Discussion Items**

- 47 a. Shoreland Planned Unit Development (Section 4.10.1) – Tabled
- 48 b. Mobile / Temporary Concession Vendors
- 49 d. Grand View Lodge Density Calculations
- 50 e. Legal Questions for City Attorney
- 51 **13. Future Commission Discussion Items**
- 52 a. Zoning Violation/Conditions Enforcement
- 53 b. Unlisted Businesses – Land Use Chart / Storage Building Regulations
- 54 c. Residential Structure Size Maximums
- 55 d. Open/Clear Cutting /Tree & Brush Management
- 56 e. VRBO
- 57 f. Housing
- 58 g. Highway 371 Corridor Development (Section 4.8.3)
- 59 h. Central Business District Development
- 60 i. Housekeeping Ordinance Corrections / Editing
- 61 j. Central Business District Impervious Coverage Allowances
- 62 k. Application of Salt on City Streets

63 **14. Adjourn**

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MEETING MINUTES FROM NOVEMBER 11, 2018

- 69 1. **Call to Order:** Haecker calls the meeting to order at 8:30 AM.
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- 71 2. **Roll Call for Tour of Properties:**
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- 73 3. **Tour of Properties:**
- 74 a. Geike Lot Split – NEC Upper Roy Lake Rd & Hyland Ave.
- 75
- 76 4. **Call to Order Meeting:** Haecker calls the meeting to order at 9:01 AM.
- 77
- 78 5. **Roll Call for Meeting:**
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- 80 6. **Additions or Deletions to Agenda:**
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- 82 **MOTION:** Laufman motioned to approve the agenda as is, Swanson seconded.
- 83 All members voting “Aye”, motion carries.
- 84
- 85 7. **Approval of Minutes:**
- 86
- 87 a. **October 9, 2018 Regular Scheduled Meeting:**
- 88
- 89 **Motion:** Laufman motioned to approve the October 9, 2018 minutes as
- 90 presented, Swanson seconded. All members voting “Aye”, motion carries.
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- 92 8. **Open Forum:** None
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- 95 9. **Public Hearings:**

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MOTION: Jacobson motioned to open the public hearing at 9:08 AM, Laufman seconded. All members voting “Aye”, motion carries.

**a. Ordinance Amendment application 015-18 – Parking and Loading
Applicant: City of Nisswa**

Laufman noted these are changes based on the zoning map. Mann questioned under Section 2: Deletions, why are we deleting “Exterior Building Finishes when we are dealing with parking. Laufman stated we are deleting information for the Exterior Building Finishes 2 and 3 and moving them to this parking section. Mann questioned 4.9.13.A.4 stated CB district requires on-site parking. Isn’t this downtown and don’t want a requirement for on-site parking? Laufman noted that it also states that exceptions can be granted. This verbiage will take care of downtown. Mann is confused by B.3 as well. It states that parking will be allowed up to 40 feet in the front of the building, facing Highway 371. He would like to table this application to better understand what this is saying and maybe change the verbiage to read better. Laufman stated we have been working on this since July. The commission needs to get more efficient on these amendments. Hallan stated this is saying that there can be a single row of parking between the building and highway 371 frontages. This parking lot distance is limited to 40 feet from the building and must have a drive through path as well. Mann stated that F.1 needs to be looked at. Stating Schaefer’s currently has 2 loading docks and one has a permanent cardboard crusher. Would they be grandfathered in? Laufman stated this section of the ordinance did not change from the current ordinance.

Laufman stated she is disappointed that A.1 and A.2 were not corrected by McGeough based on their past conversation prior to the packet going out. She stated we need to be more efficient. She is frustrated that many changes are not getting made that have been requested for months now. Haecker would like to see these corrections made and make sure they are correct.

Motion: Mann motioned to table to the December 11 regular planning meeting to allow McGeough to make these corrections, Laufman seconded the motion. All members voting “Aye”, motion carries.

**b. Ordinance Amendment application 026-18 – Water-Oriented Accessory Structure
Applicant: City of Nisswa**

Jacobson stated that 4.8.16.1 and 4.8.16.8 seem to have conflicting numbers. One states 250 square feet and the other states 400 square feet. McGeough stated that 4.8.16.8 is for recreational & general development waterbodies. Jacobson also questioned why under the definition Water-Oriented Accessory Structure patios, gazebos and saunas are under this definition as it should be for watercraft equipment. Water toys are not stored in saunas.

145 Mann stated that when he and Beaver worked on this it stated the setback was
146 30 feet. Now it states 10 ft. He would like to see the 30 foot setback put back
147 in the ordinance. Haecker stated that water accessory structures should be for
148 boating equipment not patios.

149
150 Laufman would like to take out “watercraft” out of the definition and clarify
151 #8. Mann would like the setback changed to 30 feet. Laufman questioned if
152 detached decks should be allowed in 4.8.16.1.

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154 **Motion:** Mann motioned to table to the December 11 regular planning
155 meeting allow McGeough to make these corrections, Jacobson seconded the
156 motion. All members voting “Aye”, motion carries.

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159 **MOTION:** Laufman motioned to close the public hearing, Swanson seconded. All
160 members voting “Aye”, motion carries.

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163 **10. New Business:**

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165 **a. Geike Metes & Bounds Subdivision**

166 **Property Location: 280023300B00009**

167 **Applicant / Property Owner: Richard Geike (present)**

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169 McGeough read his staff report and gave a presentation.

170
171 Hallan noted that the 20 foot easement shown will remain intact on Tract A &
172 B. He suggests we add this as one of the Findings of Fact.

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174 **Motion:** Laufman motioned to recommend approval of this Metes & Bounds
175 Subdivision as presented to the City Council with the following Findings of
176 Fact:

- 177 1. The subject property is located on the north side of Upper Roy Lake
178 Road approximately on the west of State Highway 371. (PIN
179 280023300B00009)
- 180 2. Subject property currently encompasses one single family home
181 currently under development.
- 182 3. The subject property is 12.49 acres in size and currently classified as a
183 “Shoreland Residential”.
- 184 4. The metes and bounds subdivision request is to subdivide the 12.49,
185 acre tract into two parcels. Proposed “Tract A” is 9.93 acres; “Tract
186 B” is 2.57 acres.
- 187 5. No portion of the subject site is known to be located within a National
188 Wetland Inventory Area.
- 189 6. Both tracts meet all minimum lot standards for the “Shoreland
190 Residential” Zone District.
- 191 7. Existing structures and development upon Lot “B” complies with all
192 building setback and impervious coverage requirements of the zoning
193 ordinance.
- 194 8. Both proposed parcels are adequately sized and can be served by an

- 195 on-site septic system.
196 9. Both lots allow for 2 on-site septic systems.
197 10. The 20 foot easement will remain intact on both Tract A & Tract B.
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199 Jacobson seconded the motion.
200

201 FURTHER DISCUSSION:
202

203 Mann questioned if the zoning is Shoreland Residential. McGeough stated
204 that is correct.
205

206 All members voting “Aye”, motion carries.
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208 **b. Tentative additional driveway – Grand View Hotel Site – Mark Ronnei**
209 **(present)**
210

211 Ronnei stated they are currently working on a study to reduce the amount of
212 traffic coming onto Forest Ave. Their tentative plan is to have 2 driveways
213 that are in and out and 1 driveway that is just an in going into the hotel.

214 Ronnei stated that the Public Works Department has looked at this already.
215 WSN will be submitting the final change on where the driveway should be.
216 They are also looking at trying to save some of the larger trees. They are
217 studying the stormwater plan and how this affects the driveway changes.

218 Ronnei stated nothing is being proposed yet. This is just information at this
219 point as nothing has been finalized.
220

221 Laufman would like to see the big picture next time they come in to include
222 the area surrounding the hotel. Ronnei stated yes they will have the entire area
223 including the Rec. Center. Mann stated he will not approve anything until the
224 Density Calculation issue is resolved. Jacobson stated at this point he is not in
225 favor of the driveway coming off a curve, but he would need to see it.
226

227 **12. Commission Discussion Items**
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229 **a. CUP 17-18 Ministorage Landscape Plan / Site Plan Discrepancy – Bob**
230 **Sullivan (present)**
231

232 Haecker stated there are some discrepancies between the landscaping plan and
233 the survey that were noticed after the clear cutting was done. Laufman stated
234 if we had questions we should have addressed at the time the application was
235 approved. She doesn't have a problem with the discrepancy. Mann questioned
236 why this item was put on the agenda. Haecker stated that he questioned
237 McGeough and found the discrepancy.
238

239 Mann questioned if one plan superceded the other. McGeough stated no.
240 Jacobson stated this is not worth causing a fuss over. He suggested to Sullivan
241 that no more trees should be taken down. Sullivan stated when the project is
242 done there will be a nice building with grassy area. He also noted he has no
243 problem adding more trees if needed. Laufman stated Sullivan's good-will is

244 sufficient. Jacobson questioned if the “For Sale” sign would be coming down.
245 Sullivan stated it will come down; he just hasn’t had time yet.

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247 **11. Old Business**

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249 **a. Ordinance Amendment application 013-18 Resort Expansion**
250 **Applicant: City of Nisswa**

251
252 Mann questioned if we should table this until John Ryan is here, as he is the
253 one that wanted it to come back to the commission. Jacobson believed that
254 item #2 addressing short-term docking addresses his concern. Mann
255 questioned if the only issue from the council is short-term docking. Jacobson
256 stated yes. Haecker stated he doesn’t believe that the Planning Commission
257 has anything to say about docking as lakes are controlled by the state, not
258 Nisswa. McGeough stated that the DNR doesn’t permit docks, just provided a
259 model ordinance. Laufman stated if the city does not have an ordinance the
260 DNR must review and approve, based on the information she received from
261 the DNR. Laufman noted that our ordinance is out of compliance based on a
262 recent change at the state level. She provided a sample of the state verbiage
263 and it gets complicated. Jacobson stated we have already revised this
264 ordinance and it has been approved except this one change. Mann doesn’t
265 have a problem with the wording in blue for short-term docking. He doesn’t
266 understand the tier portion. Jacobson stated we can take it back to the
267 committee for changes or start from scratch. Mann thinks we should leave
268 ordinance as is. Jacobson believes that there are some changes that are
269 needed, as renaming the streams and such.

270
271 Mann asked if we can put together something that is acceptable. Laufman
272 stated she would like to be part of this. All commission members are
273 frustrated with the lack of changes and communication through many of these
274 applications today and the past.

275
276 **Motion:** Laufman motioned to table to the December 11 regular planning
277 meeting allow Laufman and Mann to rewrite, Jacobson seconded the motion.
278 All members voting “Aye”, motion carries.

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281 **12. Planning & Zoning Administrator’s Report**

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283 **a. Permits**

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285 Laufman questioned why the new bank received a foundation only permit.
286 McGeough stated they are still working on the plumbing design at this time,
287 but wanted to get started with the foundation. Mann questioned how the
288 water-accessory structure for permit #18-091 has a setback of only 15’.
289 McGeough stated because our current ordinance states there is no setback.

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291 **b. Conditions**
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293 Hacker questioned if the letter has been sent to Turner Towing yet.
294 McGeough stated no it will go out this week. Hacker stated this should have
295 been done months ago. Haecker also questioned if a letter has been sent to
296 Fast Trax yet. McGeough stated no it will go out this week. Haecker also
297 questioned if a letter has been sent to Holdahl. McGeough stated all letters
298 will be sent this week.
299

300 Mark Ronnei with Grand View Lodge stated he would come to the meeting
301 and go through all conditions and the status of them for the upcoming months.
302 Ronnei stated they are meeting with their neighbors once a month moving
303 forward and noted that the planning commission is welcome to attend. Mann
304 requested that McGeough send an update to the commission on when they are
305 meeting. McGeough stated he would do this. Ronnei ran through each of the
306 conditions and the status on them.
307

308 Mann questioned if the Fire Department has looked at the employee housing.
309 Ronnei stated Joe Hall, Assistant Fire Chief, has been out there and will have
310 him send a letter to staff.
311

312 **c. Violations**
313

314 Mann questioned what date all of these violations will be sent out, as the
315 commission has been requesting these letters to be sent out for months now.
316 McGeough stated he will send out today or tomorrow. We can look for a
317 response within 10 days of the letter. Laufman would like Honer Excavating
318 to be added as well. She has been asking for months now to have this letter
319 sent out and it isn't shown on the list of violations. McGeough stated he
320 would send a letter to Honer Excavating and add them to the violations list.
321

322 **d. Site Visits**
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324 **e. Moratorium Process Memo**
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326 Haecker stated that the Planning Commission can make recommendations to
327 the City Council for items we want put on hold until we can revise an
328 ordinance. He would like to see a moratorium put on storage units and clear
329 cutting. Jacobson stated clear cutting is not allowed now. Not sure putting a
330 moratorium will help this issue. Jacobson questioned where the idea of a
331 moratorium on storage units is coming from. Haecker stated he and the
332 Mayor, Fred Heidmann, would like to see this. Jacobson stated there is an
333 easier way to address this and it would be to eliminate it from the ordinance
334 and have a public hearing to see if the community would like to see it
335 removed. Laufman questioned if this is something they wanted to do, why
336 didn't we get the revised ordinance this month? Laufman is ok with additional
337 storage units, but would not like them to be seen from Hwy 371, and the main
338 county roads. Mann stated he would like to see the ordinance tightened up a
339 bit, as a moratorium doesn't solve this issue. Jacobson is open to storage units,
340 but depends on location and visibility. Haecker would like to see this done
341 through the public hearing process. He would like to have a revised ordinance

342 for the next meeting. Haecker stated he and Jacobson will work on this
343 revision. Mann stated he will send some comments to them via email.

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345 **f. City Attorney Memo regarding 26130 Birch Street**

346 Laufman stated this is for information only and appreciates being kept in the
347 loop.
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350 **g. 2019 Commission Schedule – First Tuesday of the Month**

351 Swanson questioned why it is being changed to the first Tuesday of the
352 month. McGeough stated to allow additional time to prepare items for the
353 council agenda.
354

355
356 Matt Hanson (ordinance) questioned if the time is changing to an evening
357 time, as previously discussed a few months ago. Wentler stated that
358 McGeough was to check with city staff, city engineer and council chamber
359 availability. Laufman questioned why this has not been done yet. We talked
360 about this a few months ago.

361
362 Haecker questioned if there would be additional cost to have staff here during
363 the evening. Jenny Max, City Administrator/Clerk, stated staff has the ability
364 to earn comp. time, OT, or adjust their schedule that week to accommodate
365 the extra time they will be here for the meeting. She stated there has been
366 conversation on a start time of 6:00 pm. This would allow members to get off
367 work and grab a bite to eat before the meeting. Laufman stated we need to
368 consider the tour of properties when deciding on a start time.
369

370 Jacobson questioned if there have been any new commission member
371 applications come in. Max stated they have 3 as of now and was given a few
372 other names.
373

374 **h. Status of Architectural Materials Subcommittee**

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376 Haecker questioned if this subcommittee was posted or if these people were
377 asked. McGeough stated that Joe Hall was recommended. We have a couple
378 commission members, Shawn Hansen with the Chamber to represent the
379 businesses, and a councilman. Wentler questioned if Ross Krautkremer should
380 be replaced with another councilman who will be serving in 2019. McGeough
381 stated he is setting up a meeting sometime after December 9 for their initial
382 meeting.
383

384 **i. Comprehensive Plan**

385
386 Jacobson stated they are meeting this Thursday evening starting at 6:15pm
387 here at City Hall. All commission members are welcome to attend.
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390 **13. Commission Discussion Items**

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a. Shoreland Planned Unit Development (Section 4.10.1)

Laufman would like this item tabled, as it piggy backs on the Resort Expansion amendment.

Motion: Laufman motioned to table until the Resort Expansion changes are made, Jacobson seconded the motion. All members voting “Aye”, motion carries.

b. Mobile / Temporary Concession Vendors

Jacobson would like to sit down with Haecker to discuss and provide a redlined draft to the planning commission. Laufman stated Jenny Max, City Administrator/Clerk, should be part of this discussion and she was working on something as well. Mark Ronnei, Grand View Lodge, stated he would like to be part of this discussion as well, as they are talking about possibly having a private truck. Laufman stated it seems like it could be a replacement of 4.8.9.

d. Grand View Lodge Density Calculation – Mark Ronnei (present)

Ronnei stated that this has been completed. He will ask WSN to send final copy to staff.

e. Legal Questions for City Attorney

Haecker would like to have a good understanding on what we can and can’t do for violations. He would like the commission to send their questions to Jenny Max in regards to violations. She will then send off to the city attorney to get a response from.

14. Future Commission Discussion Items

Nothing discussed at this time for these items.

FURTHER DISCUSSION ITEMS

Planning Commission Part-time Employee:

Mann questioned if they budgeted money in the 2019 budget for a part-time employee to help with enforcement. Jenny Max stated there is a small amount set aside. They are hoping to partner with Sourcewell for an Intern. This intern is paid through Sourcewell. She is hopeful that this Intern will be able to help get caught up. Max stated they will see where they are at in the spring and if we feel there is a need we will revisit at that time.

Planning Commission Membership:

Haecker asked if the commission if they liked interviewing the applicant or if they would prefer to have a smaller committee which would include 1 or 2 commission members do the interview. The majority of the commission believed that a

441 smaller group would be better as long as there was at least one person from the
442 planning commission involved.

443
444 Jenny Max stated she is proposing a new process for interviewing for all
445 commissions and committees city wide to create consistency. This proposal is on
446 next week's council agenda. Her thoughts are to have the Department Head,
447 Committee Chair, and the Council Liaison do the interviewing and make a
448 recommendation to council. Mann questioned if Max would be the one sitting in
449 on the interview if someone was unable to make the interview. Max stated she
450 would be willing to do this.

451
452 **Incomplete Agenda Items:**

453 Mann stated that there are many items that need to get done and are not getting on
454 the agenda. He questioned if there is something the commission could do to help
455 out. McGeough hopes now that Grand View is near completion that he will have
456 time to get caught up from the past 9 months. Mann stated in the monthly minutes
457 there are things noted that are going to get done and they don't get done or not on
458 the agenda. He questioned if the commission or Wentler could help give
459 McGeough a list as a reminder from the meeting on what needs to get done or
460 addressed in the next meeting. McGeough stated it is his responsibility to read the
461 minutes and make sure things are getting done.

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464 **15. Adjourn**

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466 **Motion:** Laufman motioned to adjourn the November 13, 2018 meeting at
467 12:04pm, seconded by Mann. All members voting "Aye", motion carries

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471 Respectfully submitted,

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473 _____
474 Maggi Wentler, Deputy City Clerk