NININGER PLANNING COMMISSION
REGULAR MEETING
Oct. 5, 2026

COMMISSION MEMBERS PRESENT: John Bremer, chair; Steve Boetcher; Mary Dalaska, secretary; Gary Rotty, Ted Wagner

TOWNSHIP BOARD MEMBERS PRESENT: David Bauer, Karen Bremer, Terry Crisp

OTHER TOWNSHIP OFFICIALS IN ATTENDANCE: Mike Hamilton, township attorney

CALL TO ORDER: 8 p.m.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW/APPROVE FROM SEPTEMBER 1, 2026:

- **REGULAR MEETING:** John Bremer called for a review of the minutes from the Sept. 1, 2026, regular meeting. Gary Rotty noted that the original motion to approve the August minutes should be by Steve Boetcher. The change was made to the minutes. **Motion:** Gary Rotty made a motion to accept the minutes for approval with the change noted above. Motion seconded by Ted Wagner. **Member vote:** 5 Ayes; 0 Opposed. **Motion carried.**
- **CANNABIS PUBLIC HEARING**: John Bremer called for a review of the minutes from the Sept. 1, 2026, public hearing for a Cannabis Conditional Use Permit. **Motion:** Steve Boetcher made a motion to accept the minutes for approval. Motion seconded by Ted Wagner. **Member vote:** 5 Ayes; 0 Opposed. **Motion carried.**
- **ORDINANCE 15 UPDATE PUBLIC HEARING**: John Bremer called for a review of the minutes from the Sept. 1, 2026, public hearing for the Planning Commission Ordinance 15 Update. **Motion**: Gary Rotty made a motion to accept the minutes for approval. Motion seconded by Ted Wagner. **Member vote:** 5 Ayes; 0 Opposed. **Motion carried**.

BUILDING PERMITS

- John Bremer received a call from Twin Cities's Roofing Company to obtain a permit for a re-roofing job in the Nininger area. John informed them they did not need to come to the Planning Commission and referred the contact to Inspectron directly. He stated more mechanical permits will be referred directly to Inspectron in the future.

OLD BUSINESS

- CANNABIS CONDITIONAL USE PERMIT APPLICATION: **Grow & More LLC; David Hoeft, 12782 Isadore Avenue, Hastings, Minnesota 55033; and Jeremiah Stevens, 4444 Monroe Street Northeast, Minneapolis, Minnesota 55421,** submitted a Conditional Use Permit (CUP) Application to operate a greenhouse-based cannabis cultivation facility at **12782 Isadore Avenue, Hastings.** The permit application and business plan were initially brought to the Planning Commission (Commission) for review at the July 6, 2026, meeting. A public hearing was set at the Aug. 3 meeting for Sept. 1, 2026. The CUP application fee was received Sept. 21, 2026.

  John Bremer called for comments regarding the CUP application.
  *The following is a summation of comments by commission members, the township attorney, board members, and permit applicants. Comments are sorted by speaker and not in the order delivered. At times, more than one person was speaking — making it difficult to decipher. Many comments were repeated several times throughout the meeting and are not repeated throughout the minutes.

Gary Rotty presented a summary of the process to date and an assessment of the application, business plan, township ordinance, and relevant Minnesota Statutes.

- Grow & More LLC submitted a CUP application to operate a cannabis ag cultivation business on approximately 33 acres in Nininger Township. The property is zoned agricultural.
- The application packet includes a Building Permit Application for a 1,000 square-foot greenhouse. The Township is in the process of reviewing the building permit.
- A public hearing for the CUP was held on Sept. 1, 2026. An estimated 50+ residents attended. The majority of residents expressed concerns and opposition to the CUP.
- The Commission will review, discuss and provide a recommendation to the Township Board.
- The application was incomplete — information missing, and the exterior lighting drawing and survey of current property structures were not included.
- Cannabis is not currently addressed in the Nininger Township ordinance.
- Nininger Township Ordinance Sec. 6.5.1.C. states 'That the use will not…unduly restrict the enjoyment of their property in the immediate vicinity, nor substantially diminish and impair property values within the area.'
- The township ordinance defines a farm as 40 contiguous acres (Sec. 4, Definitions). The property listed on the application is 33 acres.
- Nininger Township Ordinance Sec. 7.2.4.J. (Pg. 30) limits total accessory building square footage on 30-40-acre parcels in an agricultural district to a maximum 5000 square feet without a variance (Sec. 6.6.1., Pg. 21). To obtain a variance, the applicant must demonstrate practical difficulties in the use of the property. The parcel already exceeds the maximum square footage allowed.
- Minnesota Statute 342.13B states a local government cannot prohibit a cannabis business but can adopt reasonable restrictions for operating a cannabis business (Stat. 342.13C). Local government must certify that the cannabis business complies with local zoning and land use (Stat. 342.13F). The current accessory building square footage on the property already exceeds the maximum; adding additional square footage would not comply with local zoning ordinance.
- The Executive Summary of the Grow & More LLC Business Plan states 'The operation will begin with 1,000 sq. ft. of greenhouse canopy and expand in phases to over one-half acre…' If the business is indoors, a variance would be required each time square footage is added when the parcel already exceeds the maximum. Expanding to one-half acre would require approximately 21,000 square feet of indoor space.
  Information presented at the public hearing is different than what is in the business plan. Residents were led to believe the business may grow to 2000 square feet. The Commission needs to go by what is written in the business plan.
- The Grow & More LLC Odor Mitigation section states 'Greenhouse structures will provide partial containment of odor…' and '…carbon filtration where necessary…minimizes impact to surrounding properties…' Questions were raised about the efficiency of the scrubber system and if it was an open or closed system.
- The business plan Community & Local Compliance section states that Grow & More LLC will comply with all local zoning regulations.
- The Growth Strategy section of the business plan states, 'The company plans to expand greenhouse canopy size in phases up to and beyond one-half acre and potentially add processing and manufacturing capabilities in the future.' This information was not discussed with the Commission or with residents at the public hearing. The Commission needs to go by what is written in the business plan.
- At the public hearing, it was stated that this parcel was a farm and there is no limit to the number of accessory building square footage; that comment is incorrect.

- Residents asked many questions of the applicants at the public hearing and additional comments came in regarding security, odor, and property values and the enjoyment of others.
    - Mr. Hoeft: The outbuilding square footage on the property currently is approximately 3000.
    - Mr. Stevens: The expansion information was in the business plan because it's what his license states. They never intended to go that much; it's in there in case they want to expand.
      Under OCM, a greenhouse is considered outdoor.
      The partial containment of odor is within 100 yards. Their kit actually came with everything that's needed for odor mitigation and uses canned filters. They're doing everything the State allows.
      Adding processing and manufacturing capabilities to his business plan doesn't necessarily mean they would do any of that in Nininger Township. It wasn't part of his plan.
      He had been coming to Commission meetings since February, there was ample time to ask questions, and he had answered every question.
- Mary Dalaska voiced concern about the square footage and that all residents are expected to comply with the ordinance.
- John Bremer stated his concerns were the adverse effect on the adjoining properties, the 5000 maximum square foot limit, and exceeding the maximum number of accessory structures allowed by the ordinance. John stated that he accepted the building permit application (submitted in July). The Commission was not able to work on the CUP until the permit filing fee was paid (received Sept. 21, 2026), and that it is the applicant's responsibility to thoroughly read and follow the instructions on the application and to submit the fee. He noted the Commission is strictly advisory and the final decision on the CUP will be made by the Township Board.
    - Mr. Stevens did not agree with the timeline for working on the permit and when the fee was due. He formally requested recorded transcripts of all the meetings since February. He noted they did not know what the conditions (asked for on the application) were when turning in the application and that is why the conditions weren't filled out. He alleged the Commission was dragging their feet on this.
- Mike Hamilton referred to an aerial drawing of the property and noted that there appeared to be five (5) accessory buildings (in addition to the home) with a total of more than 5000 square feet. Nininger Township Ordinance 14 allows up to two (2) accessory buildings per lot. Even if those buildings are taken down, the Commission has concerns in other areas. He inquired about Mr. Stevens and Mr. Hoeft having a "pre-approved license." They indicated they did. Mike stated that, to this point, the OCM hasn't sent anything to Nininger Township requesting verification of compliance with all township ordinances — which is required. Mike stated the aerial photo could suffice as an accessory building drawing for the application but the square footage of all the buildings and a drawing showing proposed exterior lighting is still needed. Ordinance 14 (6.5.1.) talks about unduly restricting the enjoyment of the adjoining property in the immediate vicinity and impairing property values in the area. In other areas, it has decreased property value.
    - Mr. Stevens said he sent Mike Hamilton information on the Office of Cannabis Management's local government guidelines and asked about the Nininger cannabis ordinance that is in process. He has his site plan ready but can't do anything until he gets the building permit. OCM will contact Nininger Township once they receive his information. He stated, under Minnesota guidelines, the greenhouse is not considered

an inside structure. [Mike asked Mr. Stevens to email the Minnesota guideline he is citing that states the greenhouse is not considered an inside structure.]

Mike Hamilton emphasized that the Commission is advisory and the final decision is made by the Township Board. The Commission's recommendation can be to turn down the permit or pass it with certain conditions. Conditions to consider might include:

- Applicant must be properly licensed by the State of Minnesota or appropriate licensing authority;
- Applicant must be in full compliance with state requirements with oversight by the OCM;
- No retail sales or other non-cultivation commercial activities on the property;
- No expansion or material changes over the current application or business plan (which is a 1000 square-foot building) without additional approval by the Township Board;
- Trucks only from 7 a.m.-7 p.m.;
- Outside lighting must be directed toward the greenhouse and the applicant's property and not toward any neighboring property or the street;
- An industrial grade multi-stage carbon filtration ventilation system must be used
- Annual review of the CUP by the Township.

- Additional dialogue included
  - Discussion about residents' concerns relating to odors
  - A request for filtration system spec sheets — Mr. Stevens stated he showed pictures of what they will be using and the spec sheets are available for Board and Commission members to find online.
  - Process for submitting the business plan (to Commission for review first, then on to Board with Commission recommendation) and timeline for paying for the CUP application filing fee.

Motion: Gary Rotty made a motion to recommend the Township Board deny the Conditional Use Permit for Grow & More as the property currently exceeds the township ordinance limit of two (2) accessory structures per lot and also exceeds the 5000 square foot accessory structure maximum for a 30–40-acre lot. Motion was seconded by Ted Wagner.
Member vote: 5 ayes; 0 Opposed. **Motion carried.**

- Before leaving the meeting, Mr. Stevens said, "(inaudible) because if I stay here, I'm going to end up doing something."

NEW BUSINESS

- NEW ROAD MAINTENANCE CONTRACTOR: **Pat Palme, Car-Don Companies, 22996 Nicolai Avenue, Hastings, Minnesota,** introduced himself as a prospective road maintenance contractor replacing Luhman's Construction Co. Pat outlined his company's qualifications to provide service to Nininger Township. Car-Don will provide an estimate for services in the same format as past estimates. The Commission discussed potentially listing Pat's contact information on the township website for emergency services like tree removal or side jobs for residents. Car-Don will provide winter plowing and grading and mowing next season. Luhman's agreed to help with maintenance through the end of 2026 and will continue to provide chloride treatments on roadways going forward.

- CONDITIONAL USE PERMIT UPDATE: Mike Hamilton will review and update instructional verbiage on the Conditional Use Permit Application, as needed, and include the $500 fee on the application itself.

ANNOUNCEMENTS/MISCELLANEOUS ITEMS OF DISCUSSION

- NEXT TOWNSHIP BOARD MEETING: Tuesday, Oct. 20, 2026, at 7 p.m.
- NEXT PLANNING COMMISSION MEETING: Monday, Nov. 2, 2026, at 8 p.m.

MOTION TO ADJOURN: The meeting will be left open for possible meeting to discuss conditional use permit process. Ted Wagner made a motion to recess for today. Motion seconded by Steve Boetcher. **Member vote:** 5 ayes; 0 opposed. **Motion carried**. Meeting recessed at 9:45 p.m.

Respectfully submitted by:
Mary Dalaska, Planning Commission Secretary