

Becker County Planning Commission
April 19, 2005

Present: Members Ray Thorkildson, Waldo Johnson, Jim Kovala, Jeff Moritz, John Lien, John McGovern, Harry Johnston, Ken Christianson, Don Skarie, Jim Bruflo, Commissioner Larry Knutson, Zoning Administrator Patricia Johnson and Zoning Staff Debi Moltzan.

Chairman Kovala called the meeting to order at 7:00 p.m. Debi Moltzan took minutes. Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final decision on Tuesday, April 26, 2005.

Minute Approval: Christianson stated that the fourth paragraph on the second page should read "all in favor except Bruflo and Christianson" instead of "Bruflo and Kovala". With this change, Christianson made a motion to approve the March minutes. Moritz second. All in favor. Motion carried.

FIRST ORDER OF BUSINESS: Josh Blake. Request a change of zone from agricultural to commercial for the property described as: Pt SW ¼ SE ¼ and Pt NW ¼ NE ¼; Section 21, TWP 139, Range 41; Detroit Township. PID Number 08.0360.001.

Josh Blake explained the application to the board. Blake would like to change the zone to commercial in order to open a small service and repair shop. The service shop would be located in the existing 34 ft by 64 ft building.

Kovala question which parcel of land the house was on. Christianson questioned the driveway location. Blake stated that the shop is on Parcel B and the house is on Parcel A. Blake stated that there are two driveways that service the properties.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the location of the property in reference to existing parcels. Johnston questioned which tract was to be rezoned or if both tracts were to be rezoned. Blake stated that he wanted to change Tract B. Christianson questioned if this request was compatible with the comprehensive plan. P. Johnson stated that this request is compatible with the comprehensive plan, being on the 59 corridor, and with surrounding commercial properties.

Motion: W. Johnson made a motion to approve the change of zone from agricultural to commercial based on the fact that the request is compatible with the comprehensive plan and the surrounding area. Lien second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Don Lefebvre. Request a change of zone from agricultural to residential for the property described as: Pt SW ¼ NW ¼, 13.26; Section 22, TWP 139, Range 41; Detroit Township. Split of Parcel Number 08.0381.000.

Lefebvre explained the application to the Board. Lefebvre stated that he is purchasing a little over 13 acres from the City of Detroit Lakes. This tract adjoins his residential plat called Deerwood Park.

Discussion was held regarding the location of this tract in relation to the City parcel and adjoining subdivisions. Lefebvre stated that the wetland would separate this property from the remainder of the City tract.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the surrounding area and compatibility with the surrounding area.

Motion: Christianson made a motion to approve the change of zone from agricultural to residential for the 13 plus acre tract based on the fact that the zone change is compatible with the surrounding area. Johnston second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Tim & Rhonda Sweeney. Request a conditional use permit to operate a commercial business consisting of marine sales and service in an agricultural zone for the property described as: N ½ of S ½ of NE ¼; Section 28, TWP 138, Range 43; Cormorant Township. PID Number 06.0395.001.

Sweeney explained the application to the Board. Sweeney explained that J & K Marine lost their lease in their former Cormorant location. Sweeney plans to construct a building and lease it to J & K Marine. Sweeney currently works for J & K Marine. The location would be a small site for sales and service.

Johnston questioned how many acres Sweeney owned. Sweeney stated that he owns 40 acres, but the location of the business would be located in an area approximately 100 ft by 200 ft. The fenced area will be able to accommodate 30 boats and the building.

P. Johnson clarified that this is not a request for a change of zone, but a request for a conditional use permit. Further discussion was held regarding the sales, service, displays, fencing and security. Sweeney stated that he lives on this property and will keep the property in neat condition. The property will be fenced with a 4 ft high chain link fence, and only new boats would be on display. Christianson questioned if Sweeney would be the owner and manager of the building. Sweeney stated that he would be owner/manager.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the location.

Motion: Knutson made a motion to approve a conditional use permit to allow a commercial activity in an agricultural zone consisting of a marine sales and service operation based on the fact that the use will not be detrimental to the surrounding area. Thorkildson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: JoAnn Trudell. Request a conditional use permit to bring an existing gravel pit into compliance with current regulations for the property described as: SE ¼ SW ¼ and E ½ SW ¼ SW ¼; Section 9, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0109.000.

Rick Renner explained the application for the applicant. This pit has been in existence for many years, but has not had a conditional use to operate. Renner, who would be operating the pit, would like to obtain a conditional use permit to be able to haul pit run material from the pit. Last year, approximately 1000 cubic yards of material was removed from the pit. In the future, there may be interest in having a crusher come in to crush Class 5 gravel, which would be for local use.

McGovern questioned the type of road servicing the pit. Renner stated that the road was a township road. Renner further stated that he has been in contact with the Township and the understanding is that if there is any damage to the road, Renner will be responsible for road repair. Moritz questioned how much use the pit will have. Renner stated that the operation would be a small operation, probably around 1500 cubic yards during the season. Further discussion was held about future expansion, hours of operation. Renner stated that crushing is a possibility, but not now. Renner stated that he generally works from 7 am to 7 pm five days a week, and material will not be hauled every day. Christianson stated that the application is for 1500 cubic yards of material a year. If the use changes, a new conditional use permit would have to be obtained.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the location, fact that this is an existing pit, the operation is minimal and the fact that any expansion would require a new conditional use permit.

Motion: Moritz made a motion to approve a conditional use permit for gravel extraction as per plan submitted with the application and on file with the Zoning Office based on the fact that the use is not detrimental to the surrounding area, and the pit was an existing pit,

being brought into compliance with current regulations. McGovern second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Keith and Brandy Johnson. Request a conditional use permit to operate a horse boarding facility (commercial use in an agricultural zone) for the property described as: Pt Govt Lot 5; Section 33, TWP 139, Range 42; Audubon Township. PID Number 02.0230.002.

Keith Johnson explained the application to the Board. The Johnson's would like to open a horse boarding facility on their land. Christianson questioned if this would be on the entire tract of land. K. Johnson stated that they actually own a 28-acre parcel and a 6-acre parcel and that this would be located on the 28-acre parcel.

Discussion was held on the entrance to the facility, the number of horses to be boarded and the location of the site in reference to the surrounding area.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Vicki Bedford and Brad Wentz, County Engineer. At this time testimony was closed.

Further discussion was held. K. Johnson stated that, if the business were prosperous, they would like to have 20 horses at the site. Kovala asked K. Johnson to answer each of the questions in Bedford's letter. K. Johnson answered the following: Question 1) this would be a conditional use permit; 2) would like to have up to 20 horses, which would include their own; 3) the northeast pasture is approximately 4 acres, south pasture 8 acres, and center pasture 4 acres, the fence will have to be constructed; 4) some of the manure would be composted and sold and the rest would taken to the landfill; 4) hay will be stored in a hay barn; 5) there a horse trailer, skid steer loader and tractor, which will be parked off the current driveway; the junk will be in the garage; 6) day light hours and there will be an outdoor riding area; 7) a vet will be available.

Further discussion was held. Christianson stated that this property is already zoned agricultural and livestock is permitted in an ag zone. Moritz questioned if there was a dedicated location for the manure and if future problems have been addressed. K. Johnson stated that potential complaints or problems have not been addressed because it is hard to fore see all problems, but they live there and don't want messes or odors.

Christianson questioned how far this property was from the Busker property. K. Johnson stated that his property borders the Busker property, but there are four rows of trees planted along the property line, which is about a 50 ft buffer. Christianson stated that there are many horse-boarding facilities in nice residential areas and it seems to compliment each other. Knutson questioned what the fee is for boarding horses. K. Johnson stated that it could run from \$100 to \$300 per horse, depending upon location and facilities. Knutson stated that anyone paying that kind of a fee would help police the facility and operation. Brufloft questioned what the shortest length of stay would be. K.

Johnson stated that they have not set all the policies but would prefer long term boarding, but short term will be looked at if there is a great demand.

Christianson stated that legally anyone can have livestock at this location because it is zoned ag, a conditional use permit is only required because it is a commercial type operation, not a farming operation. Christianson asked Scott Busker if he was satisfied with K. Johnson's answers to Bedford's questions. Busker felt that they were not totally addressed. Christianson stated that he understood Busker's concerns. Skarie stated that if K. Johnson owned 20 horses himself, a conditional use permit was not needed, but a feedlot permit would be required. P. Johnson stated that the only reason a conditional use permit is required is because the public is being brought into the operation.

Motion: Brufloft made a motion to approve a conditional use permit to operate a horse boarding facility based on the fact that the property is zoned agricultural, the operation is in a rural setting and the use would not be a detriment to the surrounding area, with the stipulation that no more than twenty (20) horses, including the owner's horses, can be located at this site at one time. Skarie second. All in favor. Motion carried.

Sixth Order of Business: Detroit Lakes Development Authority. Requests a change of zone from agricultural to industrial for the property described as: NW ¼ Less 5 ac in the SW Corner and Less 13+ acre tract sold to Lefebvre; Section 22, TWP 139, Range 41; Detroit Township. PID Number 08.0381.000.

Larry Remmen explained the application to the Board. Remmen stated that the Development Authority would like to rezone 86 acres from agricultural to industrial. The City wanted to wait with the rezoning until this parcel was annexed into the City, but the Humane Society wants a lot to put up their new facility. The City has a preliminary plat for the property.

Johnston stated that he is on the City Planning Commission and will be abstaining from discussion and voting due to conflict of interest.

Kovala questioned if consideration has been given to the houses directly north of Tower Road. Remmen stated that a limited number of homes would be affected. Remmen stated that there will always be a mixture of land use and this would be a good mix, there is already an industrial district to the East of this location. Remmen stated that whenever there is a request, other than for single-family residence, there is always controversy.

W. Johnson questioned what type of industrial businesses would be in this park. Remmen stated that it would be light industrial, similar to what is located along Richwood Road.

W. Johnson questioned if the City would rebuild Tower Road to accommodate the traffic. Remmen stated that when the park was built, a portion of the road would be rebuilt. Christianson questioned what the City would do with this land if the request were denied. Remmen stated that he could not answer that question.

No one spoke in favor of the application. Speaking in opposition to the application were: Tom Mack, Paulette Schmitz, and Clayton Schott. Written correspondence against the application was received from Steve & Alison Schumacher. At this time testimony was closed.

Further discussion was held regarding the number of homes, businesses, and churches in this area; and the amount of residences in the area. Thorkildson felt that this would place a tremendous traffic impact on a residential neighborhood. Knutson felt that the request is not conducive to the area. McGovern felt that too many residences would be affected. Lien felt that this request was not compatible. P. Johnson stated that the 13-acre tract west of this property was previously denied a change of zone.

Motion: Knutson made a motion to deny the change of zone from agricultural to industrial based on the fact that the use is not compatible with the surrounding residential area. McGovern second. All in favor except Johnston, who abstained from voting. Motion carried.

SEVENTH ORDER OF BUSINESS: Tea Cracker LLC. Requests a change of zone from agricultural to residential and approval of a preliminary plat consisting of 19 lots on the property described as Lots 2 & 3 and Lot 1 Ex 4 Ac & 5.7 Ac tracts; SE ¼ NW ¼; Section 30, TWP 141, Range 38; Round Lake Township. PID Number 25.0099.000 & 25.0100.000.

P. Johnson explained that the preliminary plat lies within the shoreland district of two lakes, one natural environment and one recreational development. When the subdivision lies within two shoreland districts, the most restrictive regulations apply. However, the Zoning Ordinance does have a provision that the limits of shoreland may be reduced whenever the waters involved are bounded by natural topographic divides that extend landward from the waters for lesser distance when approved by the Commissioner of DNR. The DNR referred the matter back to the County for a recommendation. P. Johnson stated that the Planning Commission must make a recommendation as to whether or not the limits should be lessened. Without this recommendation, the plat would have to be reconfigured.

Scott Walz, Surveyor, explained the divide and drainage flow. There is a natural divide, which directs water from the lots to a recreational development lake, not a natural environment lake. Walz stated that this provision has been in the Ordinance, but never came up until the Lake Melissa project. Knutson questioned if this was just a recommendation. P. Johnson stated that it is a recommendation to the County Board, and if the County Board agreed with the recommendation, the Commissioner of Natural Resources would act it upon.

Lien felt that a recommendation should be made so that a final determination could be studied by the DNR experts.

Brant Beeson, Attorney, stated that Page 15 of the Zoning Ordinance explained this procedure. Richard Burns, developer, stated that there are only four lots that are affected by this overlapping jurisdiction. The development will not change the flow of water.

Motion: Johnston made a motion to send a recommendation to the Commissioner of the DNR to allow the exception as outlined in Section 4, Subdivision 2, Definition 97. Lien second. All in favor except Christianson.

P. Johnson stated that the next part for consideration is the change of zone from agricultural to residential and approval of a preliminary plat consisting of 19 lots.

Burns explained he has been working with the DNR to create a public road to access this property. Burns has also met with the Township Board. The Township has passed a resolution to maintain the road once constructed and there is an alternate road plan should the first plan fail. Not all the road details have been worked out. The new road would come off of Kramer Street and access the property from the North.

Moritz questioned the lots that have either bluffs or steep slopes and wondered if there were long-term provisions to preserve them. Burns stated that there are shoreland provisions in the Ordinance to protect the bluffs.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Wentz, County Highway Engineer and Terry & Patricia Kramer, in opposition. At this time, testimony was closed.

Further discussion was held. Christianson questioned if all the issues with the DNR have been worked out. Burns stated that they have verbal approval for the road, but not formal approval. Scott Walz explained the process for obtaining approval for a road from the DNR.

Discussion was held on the bluffs, steep slopes, run off and how much of the lake is developable. Johnston felt that if all the run off drains toward Ice Cracking Lake, then maybe the lake setback should be increased. Moritz felt that the lots should be reconfigured to allow Lots 2 & 3 enough lake frontage so the owners could access that lake without disturbing the bluff. P. Johnson felt that the Board should layout the concerns and have the developer come back with a new plan.

Moritz stated that he is concerned about the bluff area. Moritz felt that the lots could be rearranged to preserve the bluff area and allow access to the lake. Burns felt he had addressed and complied with everything in the Ordinance and Subdivision Ordinance. Moritz read Section 1, Subdivision 8, land suitability to Burns.

Thorkildson suggested tabling the application until the Board can revisit the property. Burns stated that he would not adjust the plan himself.

Motion: Thorkildson made a motion to table the application until the May meeting to allow the Planning Commission to revisit the property to better look at the suitability of the lots. Brufloft second. All in favor except Christianson and Knutson.

Discussion was held as to what time and date the site visit should take place. Consensus of the group was that the site visit was to take place on May 12, 2005, which is the next scheduled informational meeting. Board Members should meet at the property at 7:30 a.m. to view the property.

EIGHTH ORDER OF BUSINESS: Ivan Kangas. Request a change of zone from agricultural to residential and approval of a certificate of survey to allow two tracts of land for the property described as: Pt Govt Lot 2; Section 4, TWP 139, Range 38; Toad Lake Township. PID Number 33.0045.000.

Ivan Kangas explained the application to the Board. Kangas owns one large lot and would like to create two lots from the one, with the intention of selling one lot in the future. Each lot meets the requirements of the Zoning Ordinance.

No one spoke in favor of the application. No one spoke in against the application. Written correspondence was received from Brad Wentz, Becker County Highway Engineer. At this time, testimony was closed.

Further discussion was held on lot size and location. Johnston felt that both lots were nonconforming on the lakeside because the lot had to go across the road for enough lot area.

Motion: Knutson made a motion to approve the change of zone from agricultural to residential and approve the certificate of survey to allow two tracts of land based on the fact the requests meets the criteria of the Zoning Ordinance and Subdivision Ordinance and the lots are larger than the surrounding area. All in favor except Johnston, Thorkildson, McGovern, and Moritz. Majority in favor. Motion carried.

Ninth Order of Business: Final Plat of Grand View Estates.

Brant Beeson explained that the final plat of Grand View Estates had been done in 2001. This plat was for the recording of the condominium units that have been constructed and questioned why this had to be approved by the Planning Commission and County Board. Beeson stated that State Law does not require this and other cities or counties do not require this.

P. Johnson explained that there are portions of the Zoning Ordinance and Subdivision Ordinance that need to be changed and this is one of the areas. Beeson requested that the Planning Commission make a motion to waive this requirement for this project and allow the Zoning Office to review each of the condominium plats for compliance with the conditional use permit. P. Johnson stated that the Ordinance would have to be changed to address that issue.

Motion: Christianson made a motion to approve the plat of Grand View Estates based on the fact that it does meet the criteria of the Ordinance and conditional use permit. Skarie second. All in favor.

TENTH ORDER OF BUSINESS: Informational meeting and Election of Officers.

The next informational meeting is scheduled for May 12, 2005. Since the Board will be viewing the Ice Cracking Lake property at 7:30 am; the Board will meet in the parking lot by the Zoning Office at 6:45 am to ride share. The informational meeting will follow the site visits at the Ice Cracking property.

Election of officers

Secretary:

Kovala made a motion to nominate Moritz for Secretary. Johnston second. Kovala made a motion to cease nominations. Johnston second. All in favor. Motion carried. Moritz was elected to be Secretary for 2005.

Vice Chairman

Kovala made a motion to nominate Brufloft for Vice Chairman. Johnston second. Waldo made a motion to cease nominations. Johnston second. All in favor. Motion carried. Brufloft was elected to be Vice Chairman for 2005.

Chairman

Knutson made a motion to nominate Kovala for Chairman. Christianson second. Skarie made a motion to cease nominations. Christianson second. All in favor. Motion carried.

Since there was no further business to come before the Board, Thorkildson made a motion to adjourn. W. Johnson second. All in favor. Motion carried. Meeting adjourned.

Jim Kovala, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia L. Johnson, Administrator