

Becker County Planning Commission
June 20, 2006

Members Present: Waldo Johnson, Jim Kovala, Ray Thorkildson, John McGovern, John Lien, Ken Christianson, Jim Bruflodt, Harry Johnston, Larry Knutson, Jeff Moritz and Mary Seaberg. Also Present Zoning Administrator Patricia Johnson.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Minutes were taken by Patricia Johnson.

Ken Christenson stated that he would be abstaining from the discussion and vote on the Brad Solheim, Lake Maud preliminary plat application.

Jim Kovala made a motion to approve the May 16, 2006 Planning Commission meeting minutes as read. John McGovern Second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and that the recommendations of the Planning Commission would be sent to the County Board of Commissioners for the final decision. The County Board of Commissioners will act on the recommendations at their meeting Tuesday, June 27, 2006.

OLD BUSINESS:

First Order of Business: Pinnacle Land Development, Inc. Request for a change of zone from agricultural to residential and approval of a preliminary plat consisting of 10 lots. The application was tabled at the request of the Developer at the May hearing to work out road issues with Lake Eunice and Audubon Townships.

Zoning Administrator Johnson stated that at the request of the Developer the Environmental Review Technical (ERT) Panel revisited the shared stairway and dock restriction on lots 2&3 and 4&5. The ERT Panel did agree to amend the recommendation to allow the Developer individual stairways and docks on lots 2,3,4,5 with the stipulations 1) the ERT Panel will determine the land suitable location for the stairways 2) the Developer must install the stairways prior to sale of the lots and 3) maximum width of impact for stairway and dock will be 10 feet. The ERT Panel based the agreement on the fact that the conservation easements will ensure stability and preservation of the slopes.

Glenn Freeland, Pinnacle Land Development, stated that they had met with the Townships and the agreement that was made is to access the lots (except for Lot 7) from the north off Schurman Lane. Lot 7 will access from West Little Cormorant Lake Road. The road has been redesigned with the cul de sac at Lot 6. Glenn also met with the neighboring property owner to resolve the slope concerns within the road right of way. The slopes have changed from 3% to 4% to preserve a stretch of trees.

Knutson requested a copy of the revised plat for the PC to review. Moritz questioned if the roads are to be interconnected in the future. Glenn Freeland stated that he would have liked to connect the two roads however, the residents did not agree. Knutson commented that residents don't want construction vehicles on the W. Little Cormorant Lake Road.

Kovala stated that the cul de sac between lots 6 & 7 is on an incline on the hillside and commented that a Township Board should request a through road. Rick Ellsworth, Audubon Township commented that the township had met with the Developers and residents and the only resolution made is the revised road layout presented by the Developer. The residents are opposed to connecting the roads. Lake Eunice Township does not want a through road. Audubon Township Attorney did include a clause in the road agreement which states that if the roads are to be connected in the future, the residents would have to approach the Township Boards for consideration.

Rick Ellsworth further stated that the road grades are o.k. but could be better. The road will meet ordinance standards and will be approved by the County Engineer.

No one spoke in favor or opposition. Christianson made a motion to approve the change of zone from agricultural to residential and the preliminary plat of 10 lots as presented on the revised plat with the redesigned road with the stipulation that the ERT panel agreement be followed based on the fact that the plat does meet criteria of the zoning and subdivision ordinance. Moritz second. Majority in favor except Kovala and McGovern. Motion carried.

NEW BUSINESS:

First Order of New Business: Bruce Danielson. Request a Conditional Use Permit for Commercial Use in an Ag Zone consisting of office rental, mini strip mall, rental building and rental storage and Approval of a Certificate of Survey for one tract of land. **LEGAL LAND DESCRIPTION:** P I D Number R 06.0380.000 Lake 605, Pt Govt Lot 3, Section 27, TWP 138, Range 43, Cormorant Township. The project is located on County Highway 4.

Bruce Danielson explained his application to the Board. The request for conditional use includes professional offices (realtor, electrician, contractor) coffee shop, beauty shop. Business hours of operation will be limited at 6 am to 7 pm. Bruce explained that he chose this location because of the high traffic from Fargo/Moorhead to the Lakes area. Access to the shops would be off Grondahl Road. Bruce stated that the parcel has 500 feet of frontage on the highway. He believes that 10 years from now this will be a the main highway into the lakes area therefore making it a key location for this type of business.

Bruce commented that he has received comments and that the public perspective of the use for a restaurant or liquor establishment or gas station is false. The uses that

he is proposing are for the community's benefit and use. He feels that the use will not increase traffic because the community is already using the existing commercial uses in the area. He further stated the existing commercial uses in the area including a bar/restaurant, realty office, insurance office, commercial storage, boat repair, boat storage, gravel pit, business offices, church, tree service and daycare building.

Bruce stated he did look for alternative locations in Cormorant Village but the property owners do not want to sell.

Bruce stated that the initial application requested 3 buildings however after the survey work was completed it was found that the wetland is actually a natural environment lake and the setback requirements eliminated the building site west of Grondahl road. Phase I of the project is to construct the office and storage building, Phase II will be a lock and leave storage building. The buildings will be stick built with shingles, siding and rock fronts (no pole buildings).

Chairman Brufloft stated that there is a difference between professional offices and retail businesses. He further stated that without specific information on the type of businesses that would be located on the property the Board would have a difficult time evaluating the potential impacts.

Kovala asked for the building dimensions. Bruce Danielson stated that the building will be 40x100 in size inside. There will be approximately 4-30x40 sections for businesses. 2 for Danielson's construction company, 1 electrician and 1 coffee house.

Waldo Johnson questioned the property line location and buffer zones. Bruce stated that there is an existing line of lilacs to the south and he intends to plant evergreens in front of the lilacs to act as a sound barrier.

No one spoke in favor of the application.

Speaking in opposition (name and summary of concerns):

- Neil Meyer – poor location for commercial, close to residences and lake
- Ron Rustad – too many commercial businesses in area already
- Marvin Wright – environmental concerns – pristine area- Lake Ida and 610
- Gene Meyer – Delivered petition of neighbors opposed, 27 signatures
- Steve Sly – geographical location, environment, and continued access to property
- Barry Nelson – on behalf of Kevin & Nancy Nelson, blanket permitting strip mall (limits future zoning authority over project), environmental concerns – use within the shoreland district, large building footprints within the 1st tier of a NE lake (impervious surface=runoff)
- Mark Anderson-environmental, traffic, poor location
- Larry Longtine- increased runoff, wildlife area

Letters submitted and review by Planning Commission in opposition: Lake Ida Association, Karla Babler, Steve Sly, Mary Lan Christel, Beverly Lee, Diane Rustad, Lyle Torgerson, Ron Rustad, Howard Murray.

Waldo Johnson made a motion to deny the request based on the findings that the property is not large enough to accommodate the proposed businesses relative to increased traffic and runoff. Kovala second. Harry Johnston commented that the road frontage is only 325 feet on County Highway 4 and the east portion of the parcel, where the businesses will be located, is only 1.5 acres in size not 4.2. All members in favor of the motion. Motion carried.

Second Order of Business: Brad Solheim. Request a Change of Zone from Agricultural to Residential and approval of a Preliminary Plat consisting of 15 lots. **LEGAL LAND DESCRIPTION:** PID Number R 17.0321.000 & R 17.0237.000 Maud Lake, Pt E 1/2 SW 1/4 & Govt Lot 5 in 21 & Pt Govt Lot 1 in 28, Section 28, TWP 138, Range 42 Lake Eunice Township. Project Location: Southwest Shore of Lake Maud.

Zoning Administrator Johnson stated the ERT Panel recommendation to table the application based on the fact that the Panel did not have adequate review of the preliminary plat. The Panel has concerns with the wetlands, slopes and aquatic vegetation.

Chris Heyer, Surveyor and Brad Solheim, Developer, explained that the plat has been revised to address some of these concerns. The revised plat shows that the road has been moved to the west which eliminates one lot. Lots 1,2,3,4 have increased in lots size based on the wetland delineation that was completed last week. There will be 4400 feet of new road constructed to accommodate the plat. The road will have 4% slopes with a "T" turn around. There are steep slopes on Lots 5, 6, 7. Chris Heyer stated that the wetland are not physically connected to the lake based on the lake and wetland elevations. Boardwalks will be placed on lots 1, 2, 3 across the wetlands to access the lake (prior to selling). Solheim presented the Planning Commission with photos of the project area.

Solheim stated that he has been working with Brad Grant, SWCD, throughout the process. The road construction will require a wetland replacement plan for a small portion of a wetland.

Solheim stated that he acknowledges the Township request for 2.5 acre backlots to control density on lakes. Solheim commented that the proposed plat includes 14 lots out of 26 acres, which he feels is not dense.

Solheim stated that he has walked the entire shoreline and that the south 300 feet has aquatic vegetation but the remainder of shoreline has a firm bottom.

Solheim stated that they had reviewed different options for the project, such as MURD's. They felt the MURD would allow 14 owners access to the lake instead of only 7, proposed.

Solheim commented that his family plans to live within the subdivision and therefore, he is sensitive to the environment.

Kovala questioned if the back lots would have access. Solheim stated that the ordinance does not allow for back lot lake access. Moritz questioned dock and lift locations for Lots 1, 2, 3 within the wetland areas and the concerns of fragmentation of the aquatic vegetation. Solheim stated that he is open to suggestions from the Planning Commission.

No one spoke in favor. Speaking in opposition (name and summary of concern):

- Bill Sherlin, Lake Maud Association, Letter in opposition 49 signatures, Environmental concerns stated by the ERT Panel and 2.5 acre back lot Township requirement.
- Bill Sherlin, Lake Resident, wetlands, slopes, aquatic vegetation
- Merle Hanson –sensitive areas
- Mike Reep – Lake Eunice Twp- 2.5 acre minimum, Requires cul de sac
- Dave Morben – sensitive areas
- Shelly Townsend – sensitive areas
- Leroy Hagen – sensitive areas

Letters read in opposition: Bob Merritt, DNR, concerned wetlands may be part of lake, aquatic vegetation, slopes; Brad Grant, SWCD, concerned with lack of proper review by ERT Panel (slopes, wetlands, aquatic vegetation); COLA question land suitability and compliance with comprehensive plan.

Thorkildson stated that he believes the development is too dense. Knutson stated concerns on the land suitability issues. Lien stated the project needs to be reviewed by the Panel for suitability. Moritz stated he is also concerned with the site suitability.

Kovala commented that there are many questions not answered and asked Solheim if he was willing to table the application until the areas of concern are addressed. Solheim requested that the application be tabled to resolve the issues. Application tabled.

Third Order of Business: Lake Country Developers. Paul Renner. Request a Conditional Use Permit for storage condominiums in a Residential Zone. **LEGAL LAND DESCRIPTION:** PID Number R 03.0073.001 Burlington Township , Pt Govt Lot 4 Beg 150 Ft E of SW Cor Th W 150 Ft N 949.51 Ft E to Pt N, Section 7, TWP 138, Range 40 Request a Conditional Use Permit for storage condominiums in a Residential Zone.

Paul Renner explained the application to the Board. He is proposing to construct storage condominiums on the 2.5 acre parcel. The parcel will be classified as B2-Commercial in the City of Detroit Lakes annexation plan.

Harry Johnston stated that a variance was granted by the Board of Adjustment for a 12 setback from the eave of the structure to the rear property line with a stipulation providing for stormwater management.

Zoning Administrator Johnson stated that Larry Remmen, City Planner, contacted the office and stated no objection to the project.

No one spoke in favor or opposition of the application. Harry Johnston made a motion to approve the conditional use permit for storage condominiums based on the findings that it is compatible with County and City zoning ordinances and comprehensive plans. Christianson second. All members in favor. Motion carried.

Fourth Order of Business: Roger Geddes. Request a Change of Zone from Agricultural to Residential and Approval of a Certificate of Survey for 2 tracts of land. **LEGAL LAND DESCRIPTION:** PID Number R 09.0106.000 Big Elbow Lake, Pt Govt Lot 4, Section 13, TWP 142, Range 39, Eagle View Township Project Location: Buck's Trail.

Roger explained his request to the Board. The entire tract would be divided into three total tracts. Tract B & C would be given to his daughters. There was discussion by the Board on the building site locations.

No one spoke in favor or opposition. John Lien made a motion to approve the change of zone from agricultural to residential and a certificate of survey for 2 tracts of land based on the findings that the request meets the criteria of the zoning and subdivision ordinances. Waldo Johnson second. All members in favor. Motion carried.

Fifth Order of Business: Leroy Peterson/Don Johnson. Request a Change of Zone from Agricultural to Residential. **LEGAL LAND DESCRIPTION:** PID Number R 19.0150.000 Lake View Township, N 1/2 of NW 1/4 Less 3 Ac S of Rive & 1 Ac for Pvt Rd, Section 9, TWP 138, Range 41. Project Location: US Hwy 59 South.

Rick Johnson, representing Don Johnson, explained the application. The owner's would like to rezone the property to residential. In the immediate future Johnson intends to build a twin home on the property. Rick stated that the property includes 20 acres on the west side of State Hwy 59 and 30 acres on the east side.

No one spoke in favor or opposition. Larry Remmen, City Planner, notified the Zoning Office that the request is compatible with the City comprehensive plan. MNDOT letter was read which included statements on access requirements.

Christianson made a motion to approve the request based on the findings that it meets the criteria of the County and City Comprehensive Plan. Harry Johnston second. All members in favor. Motion carried.

Sixth Order of Business: Thomas Bergren. Request a Change of Zone from Agricultural to Residential and Approval of a Certificate of Survey 3 tracts of land. **LEGAL LAND DESCRIPTION:** P I D Number R 17.0031.000 Bass Lake, Pt of Govt Lot 7, Section 3, TWP 138, Range 42, Lake Eunice Township. Project Location: Hill View Lane.

Tom Bergren explained the request to the Board. The lots are back lots within the original Bass Lake Estates Plat approved 2 years ago. The lots will not have lake access. The lots will have access of the existing Township road.

No one spoke in favor or opposition. Kovala made a motion to approve the change of zone to residential and the certificate of survey based on the findings that the request meets the criteria of the Zoning and Subdivision Ordinance. John Lien second. All members in favor. Motion carried.

Seventh Order of Business: James & Nancy Vareberg. Request a Change of Zone from Agricultural to Commercial for a 12.18 acre tract. **LEGAL LAND DESCRIPTION:** P I D Number R 19.0050.000, Lake View Township, Pt NW 1/4 SW 1/4 & Pt NW 1/4 SW 1/4, Section 4, TWP 138, Range 41. Project Location: Co Hwy 6 & US Hwy 59.

Jim Vareberg explained the request to the Board. Vareberg stated that he has been using the property for commercial (flower shop/bus) when the Zoning office contacted him and stated the use was in violation of the agricultural zone. Vareberg stated that he was informed by MNDOT and the Assessor that the property is considered commercial because of the frontage on Hwy 59 therefore Vareberg would like it zoned accordingly. There is no access to the property from Hwy 59. There is an old road located within the long narrow strip on Hwy 59.

Christianson questioned why Vareberg would be taxed commercial if the property is not used commercially. Vareberg stated that he was informed by the Assessor that the taxes are based on "best" use of the property, which would be commercial. Kovala commented that this way of taxing seems wrong. Harry Johnston stated that it appears the only use of the 150' strip along Hwy 59 would be to place billboards. Vareberg stated that he will use the 150' strip to access his 70 acres to the east of this property. Kovala questioned if Vareberg intends to request rezone of the 70 acres to commercial. Vareberg stated not at this time.

No one spoke in opposition. Gail Hahn, Lake View Township, stated that the Township was in favor of the rezone to commercial. Letters were read from MN DOT stating that the proposed rezone, if approved, has the potential for 7 billboards and County Engineer comment letter on access requirements. Larry Remmen, City

Planner, notified the Zoning Office that the request is compatible with the City Comprehensive Plan.

Thorkildson made a motion to approve the request for commercial zone on the 12.18 acre tract based on the fact that the request is compatible with the Comprehensive Plan. Harry Johnston second. Larry Knutson abstained from the vote. All members in favor except for Waldo Johnson. Motion carried.

Eighth Order of Business: Fred Brower. Request a Change of Zone from Agricultural to Residential and Approval of a Certificate of Survey for 3 Lots. **LEGAL LAND DESCRIPTION:** PID Number R 20.0233.000, Maple Grove Township, Lot 2 Less Plat Less Tracts, Section 8, TWP 142, Range 40. Project Location: 296th Ave.

Chris Heyer, Surveyor, explained the request to the Board. The certificate of survey includes three tracts, all greater than the required 40,000 sq. ft. The lots will not have riparian rights. There is a steep slope on the east side of the lots abutting the public road therefore, the lots will be serviced by a gravel road from the north to ensure the the slopes will not be disturbed. The neighborhood is generally residential with Cedar Crest Resort to the northwest.

No one spoke in favor or opposition. Zoning Administrator Johnson read one letter of opposition to the request from Allen Leff.

Jeff Moritz made a motion to approve the request for change of zone to residential and the certificate of survey based on the findings that it is compatible with the surrounding property and the Zoning and Subdivision Ordinances. Mary Seaberg second. All members in favor. Motion carried.

Ninth Order of Business: Phil Seabloom. Request a Change of Zone from Agricultural to Residential and Approval of a Certificate of Survey for 3 tracts of land. **LEGAL LAND DESCRIPTION:** PID Number R 19.0092.004 Lake View Township, Pt Govt Lot 9, Section 7, TWP 138, Range 41. Project Location: West Lake Sallie Drive.

Phil Seabloom and Scott Walz, Meadowland Surveying, explained the request to the Board. The request had been revised to extend the 66 foot road corridor into Tract A-3 based on Seabloom's agreement with Cornerstone Development, the property owner to the north. Existing Tract B falls within the 2-mile City of Detroit Lakes zone therefore, the City did approve the initial split of the tract. The lots are intended for residential homes. There is no riparian rights to Fox Lake from the proposed lots.

No one spoke in favor. Speaking in opposition: Lew Lewandowski, Fox Lake President, concerned with lake access across Tract B and the environmental sensitivity of this portion of the watershed to Fox Lake, increased runoff, septic systems and change of zone intent. Knute Thorsgaard, concerned with lake access and change of zone intent. George Portilla, opposed to change of zone and the

precedent that it would set for the area. Gail Hahn, Lake View Township, Township is opposed to change of zone as it is not compatible with the surrounding area. Jack Misson, concerned with lake access and the change of zone request.

Letters submitted in opposition: Fox Lake Association, Winston Bedford, and George and Sue Portilla.

The Planning Commission discussed the application. The main concern is the change of zone. Zoning Administrator Johnson stated that the property lines could be adjusted to meet the 2.5 acre agricultural zone minimum requirement. Scott Walz, Surveyor stated that the Developer's request the change of zone and certificate of survey as presented.

Ray Thorkildson made a motion to approve the change of zone to residential and the certificate of survey. Mary Seaberg second. Members in favor: Kovala, Knutson, Moritz, Lien, Seaberg, Thorkildson; Members in Opposition: Johnston, Christianson, McGovern and Waldo Johnson. Majority in favor. Motion carried.

Informational Meeting.

The next informational meeting is scheduled for Thursday, July 13, 2006 at 8:30 am at the Planning and Zoning Office.

Zoning Administrator stated that the July meeting will begin at 6:00 PM to hear the 4th ordinance revisions recommendations from the Zoning Ordinance Advisory Committee.

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

Jim Bruflodt, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia Johnson, Administrator