

**Becker County Planning Commission**  
**October 16, 2007**

**Present:** Ray Thorkildson, Waldo Johnson, Mary Seaberg, Jim Bruflodt, Jeff Moritz, John McGovern, Harry Johnston, Jim Kovala, John Lien, Don Skarie, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson, and Zoning Staff Debi Moltzan.

**Minutes:** Kovala made a motion to approve the September 18, 2007 minutes. McGovern second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting. Bruflodt stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, October 23, 2007.

**FIRST ORDER OF BUSINESS: Larry Theisen.** Request a change of zone from agricultural to residential and approval of a certificate of survey for two (2) lots for the property described as: Govt Lot 1, Section 32, TWP 142, Range 36; Savannah Township. PID Number 27.0179.000. The property is located on Boot Lake, East Boot Lake Road.

John Theisen explained the application to the Board. They would like to subdivide two lots from a larger tract of land on Boot Lake. Both lots meet the criteria of the subdivision ordinance.

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.

Discussion was held. Kovala stated that he had walked the property and felt that access off the road may be a problem, but neighboring driveways have similar slopes. The wetlands indicated on the survey are seasonal wetlands, marshy in wet conditions.

**Motion:** Kovala made a motion to approve zone change from agricultural to residential and approve a certificate of survey for two tracts of land (2.1 acres and 2.3 acres) based on the fact that it does meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Johnston second. All in favor. Motion carried.

**SECOND ORDER OF BUSINESS: Paul and Sarah Kujawa.** Request a conditional use permit to operate a fiberglass repair business on the property described as: 9.00 Ac, Pt NW ¼ NW ¼ Comm NW Cor E 125.55 ft to POB; Section 7, TWP 138, Range 40; Burlington Township. PID Number 03.0089.000. The property is located at 29659 Co Hwy 54. There is an existing Conditional Use Permit on the property to allow commercial activity, consisting of an air conditioning and heating repair shop with sheet metal working.

Paul and Sarah Kujawa explained the application to the Board. The fiberglass repair business would be housed in existing buildings. Brufloft questioned if they were in business now and where they are presently operating. Kujawa stated that they currently have a shop on Grant Street, in Detroit Lakes. Kovala questioned why they want to change. Kujawa stated that their business is growing and they need more space. Kovala stated that there is not much room on this property for expansion. S. Kujawa stated that their present building is large enough for two boats; this building could possibly hold six boats. S. Kujawa stated that they pick up and deliver the boats, so they have control over how many boats are on the property at one time. McGovern questioned what type of dust control they had and if there was proper storage for waste and resin. Kujawa stated that they have an exhaust fan and filter system for the dust and they have the proper permits and storage for the materials they use. McGovern questioned if they had fire extinguishers on site. Kujawa stated that they have them now and will have them in the future. McGovern questioned the parking. Kujawa stated that there was parking behind the barn; there is a total of nine acres, so room for expansion.

Knutson questioned if they were operating under a conditional use permit in town. Kujawa stated that the property in town was zoned commercial. The property in question would be purchased if the conditional use permit is granted. Brufloft stated that one of the concerns was that the repair would be expanded from boats to cars and trucks. Kujawa stated they he does not work on automobiles, just boats and that he takes pride in his work and does not want a junkyard.

Speaking in favor of the application was Doug Olson. Olson stated that he lives right across the road from the property and has had the assurance of the Kujawa's that the property will be kept neat. Jim Runger, current owner, stated that there is nine acres in this tract so there is plenty of room for parking and trees for screening. Written correspondence was received from Dave Hochhalter, DL Regional Chamber of Commerce in favor of the application and Bruce & Linda Tjaden and Richard & Jody Steile in opposition to the application. At this time, testimony was closed and further discussion was held.

Lien stated that he was concerned about space because he was not aware that there was acreage behind the building. Lien stated that if the overflow could be away from the main road and behind the building it may not be so bad. Brufloft stated that if the Kujawa's picked up and delivered the boats, there would be control over the number of boats on the site at any one time. Lien stated that the business in town has been kept nice and neat. Knutson stated that businesses are typically allowed by conditional use permit, but the Kujawa's don't own the property yet and maybe there is a better place for this type of business. McGovern felt there were too many hazards with this type of business for this residential area.

**Motion:** Lien made a motion to approve a conditional use permit to operate a fiberglass repair business on the property based on the fact that there is already an existing conditional use permit on the property with the stipulation that no more than three boats may be stored outside the building. Skarie second.

Kovala stated that this type of business should not be allowed in this residential area, he could see it becoming a junkyard. Johnston stated that if the number of boats stored outside is exceeded, the conditional use permit could be pulled.

A vote was taken with everyone voting in favor of the motion except McGovern, Kovala, Knutson and Johnston. Majority in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Ashley Christlieb.** Request a change of zone from residential to commercial for the property described as: Lot 4 Block 2 Townsite of Osage; Section 20, TWP 140, Range 36; Osage Township. PID Number 21.0435.000. The property is located at 54604 St Hwy 34.

Jeff and Ashley Christlieb explained the application to the Board. The property had a house on it for many years, but was zoned commercial. When the house was refinanced, the financial institution would not finance unless the zoning was changed to residential. A few months ago, a car crashed into the house and the house has since been removed. There is the opportunity to sell the lot, with the condition that it is rezoned back to commercial. The lot is along the Highway 34 corridor and is located next to a grocery store.

Kovala stated that a car has destroyed the house and the lot is a level lot, being used as a parking lot for the store. Knutson stated that the properties along the Highway 34 corridor are primarily commercial.

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 and further discussion was held.

**Motion:** Kovala made a motion to approve the change of zone from residential to commercial based on the fact that the house has been removed from the property, the property is located along the Highway 34 corridor and the properties along the corridor are primarily commercial. Knutson second. All in favor.

**FOURTH ORDER OF BUSINESS: Randall & Sharon Lindeman.** Request a conditional use permit to operate an ambulatory veterinary practice in an agricultural zone for the property described as: Lot 2, Block 3 Maple Hills West; Section 19, TWP 139, Range 40; Burlington Township. PID Number 03.0583.633. The property is located at 12527 Carow Circle.

R Lindeman explained the application to the Board. This is a part time job; Lindeman's full time job is working for the State of MN and he fully intends to retire from the State. Lindeman stated that he has been taught to give back to the community and felt he was doing that with his practice. Lindeman stated that the veterinary profession struggles. Lindeman publicly apologized to his neighbors if he has offended them in any way. Lindeman stated that most of his work is done off site and would hate to see the service totally shut down.

Johnson questioned if the operation could be moved off site. Lindeman stated that he has been looking at options, but has not been successful. This is a part time business and if located somewhere else, he has to pay full time rent. It is very convenient to walk out the door of the house, grab what you need when he gets a call and go. Lindeman stated that he gets calls all hours of the day and night. Johnson stated that having supplies on site is one thing but seeing and working on or doing surgery on animals on site is another issue. McGovern questioned what his job entailed with the State. Lindeman stated that he is a District Veterinarian with the State Board of Animal Health, which works with diseases that could affect the public and public awareness. Lindeman presented the Planning Commission with a petition of signatures of people in the neighborhood who support them.

Seaberg questioned what types of services were rendered to small animals. Lindeman stated that some of the services would be shots and surgery; most of which are in and out but occasionally an animal would have to be kept overnight.

Speaking in favor of the application was Kendra Mohn, who stated that the Lindemans have been good neighbors and it is convenient to have a veterinarian in the area. Dennis Jepson has been assured by the Lindemans that the business would not grow and would like to see that stipulation placed on the permit. William Strache has no problem with the practice and does not want to see a family up rooted. Larry Moe has no problem with the ambulatory service, but was concerned about the notification, did not receive a letter and would not have known about it if the Lindeman's had told them about it.

Speaking against the application were: Tony Hill who was not against Lindeman going to a site to do the work but was against doing the work as his home; this is a residential subdivision. Bruce Anderson, who was against the application because it is against the covenants and is afraid if one business is allowed, more will follow. Ben Skaaland applauded the Lindeman's for the service they are doing, but this is a residential zone, not a commercial zone and the business should be conducted elsewhere; he bought his property because of the covenants and felt they should be followed. Chuck Krieg – property values are diminished with a commercial business in the area and does not want to see animals being treated on the property. Kirk & Susan Ivankovich stated that they have used the Lindeman's services until they found out that the business was against the covenants; they have a construction business and store their equipment at another site; they have a concern with waste products and safety of the children in the neighborhood; the area is like a park and wants it kept that way and don't want precedents set. Colene Hill stated that there has been a change in the property in the last couple of weeks, apparently the Lindemans knew there would be an inspection; they have had their house up for sale for the last 1 ½ hours and it has devalued because of the veterinary operation across the road from them; there is a lot of traffic including delivery trucks and stock trailers coming and going from this property. Jeff Piechel has nothing against the Lindeman's he is just concerned about the traffic and safety of the children and wants the covenants followed.

S. Lindeman stated that there are four people in the Maple Hills West subdivision that did not received notification. Brufloft stated that there could be oversights. Swenson stated that is why the notice is published in the paper, in case someone was missed or if someone is close to but just outside the notification area.

Written correspondence was received from:

In favor: Bill & Kendra Mohn; Carol & Bill Strache

Opposed: Colene & Charles Hill; A petition with nine signatures; Jeff Piechel; Charles Krieg; Bruce and Kim Anderson

At this time, testimony was closed and further discussion was held.

Johnston stated that the application is for an ambulatory veterinarian practice and asked Lindeman to explain what ambulatory meant. Lindeman stated that a veterinarian goes to the problem not the problem coming to the veterinarian and animals are not hauled to the site. Lien stated that the application says "by appointment". Lindeman stated that the application was done weeks ago and if they cannot do work on the site, they can live with that. Lindeman also stated that that the chute is currently at a job site, so the property appears to have been cleaned up with the absence of the chute. Brufloft stated that the County recognized covenants but does not enforce them. Brufloft stated that he does not problem with trucks coming and going, but does have a problem with the stainless steel table and surgery in the garage. Seaberg questioned who enforces the covenants. Swenson stated that the County does not enforce the covenants; the developer and/or property owners enforce them. Swenson stated that the County has not granted conditional use permits that are in violation of the covenants. Knutson stated that the County does not enforce the covenants, but does respect them. Skarie stated that he did not have a problem with ambulatory service, but does have a problem with on site work and selling products from the property.

**Motion:** Lien made a motion to approve ambulatory service with no work to be done on site six (6) months from the date of approval. Seaberg second.

Knutson stated that the Lindemans were given a cease and desist order on May 15, and questioned if they need another six (6) months. Kovala questioned how they would know whether or not they have operated since May. Knutson stated that Lindeman indicated this in their letter dated in July. Lien stated that he would leave his motion as stated.

Vote: all in favor of the motion except Kovala, Johnston and Knutson. Majority in favor. Motion carried.

Knutson questioned if that meant that the conditional use permit was only valid for six months. Brufloft stated that the conditional use permit was for an ambulatory service with the rest of the business to be moved off or cease within six (6) months. Swenson stated she would contact the County Attorney's Office for clarification and if a conditional use permit would be required for a mobile ambulatory service.

**FIFTH ORDER OF BUSINESS: William and Jean Livingood.** Request a conditional use permit to operate a Bed and Breakfast for quilting retreats in their existing home for the property described as: Lot 15, Block 1 and the NELY 15 ft of Lot 16, Block 1, Abbey Lake Estates; Section 23, TWP 138, Range 41; Lake View Township. PID Number 19.0679.000. The property is located at 12889 Abbey Lake Drive.

The application was explained by Jean and Bill Livingood. They currently have two extra bedrooms in their home and would like to open the bedrooms up for a bed and breakfast for quilting retreats. There is room in the driveway to park six vehicles. Four people is the most that they would expect and really only anticipate two extra vehicles.

Knutson questioned if the parking was off the road right of way or if they cars would extend into the right of way. Livingood stated that they had a variance to be closer to the road with the garage, so some of the parking would be on the road right of way. McGovern questioned if this would be handicap accessible. Livingood stated that she does not anticipate any handicap people based on the fact that they would be bringing their own supplies, such as material, sewing machines, etc., and are responsible for hauling the equipment themselves. Johnston stated that he had a problem with parking in the road right of way. Livingood stated that there was room to park four vehicles in front of the garage, which would not be on the road right of way. Kovala questioned if this was an after the fact permit because there was a sign in the yard. Livingood stated that this was not after the fact, their daughter had made the sign and they put it up because the application asked about signage.

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 and further discussion was held.

Discussion was held regarding parking, especially on the road right of way.

**Motion:** Thorkildson made a motion to approve a conditional use permit to allow a Bed and Breakfast for quilting retreats in the existing home based on the fact that it would not be detrimental to the surrounding area with the stipulation that there be no parking on the road right of way. Johnson second. All in favor. Motion carried.

**SIXTH ORDER OF BUSINESS: Dan Whirley.** Request a change of zone from commercial and agricultural to residential and approval of a certificate of survey for two tracts of land for the property described as: Pt Lot 4 Beg 432 ft S of Inter N Ln Lot 4 and HWY Th N 300 ft W; and Pt Lot 4 Beg 447.95 ft E and 955.49 ft N of MC 11 Th N 57 ft E; Section 1, TWP 139, Range 40; Erie Township. PID Number 10.0006.000 & 10.0006.001. The property is located on Cotton Lake, 21246 & 21208 Co Hwy 29.

The application was explained by Scott Walz, surveyor. The property is currently zoned as commercial and agricultural. They are requesting the rezoning to residential and re-subdivision of the lot, with each lot meeting the current zoning and subdivision regulations. Some of the old structures will be removed. This was part of an old resort.

No one spoke in favor of the application. No one spoke against the application. Jeri Cooper questioned if this would affect the rezoning of any other properties. Bruflodt stated that the zone change would only affect the Whirley property. There was no written correspondence either for or against the application. At this time, testimony was closed and discussion was held.

**Motion:** Lien made a motion to approve the change of zone from commercial and agricultural to residential and approve the certificate of survey to allow two tracts of land based on the fact that the application meets the criteria of the zoning and subdivision regulations. Moritz second. All in favor. Motion carried.

**SEVENTH ORDER OF BUSINESS: Bruce Qvammen.** Request a change of zone from agricultural to residential and approval of a preliminary plat consisting of four lots for the property described as: Pt Govt Lot 4; Section 21, TWP 138, Range 41; Lake View Township. The property is located on Lake Melissa, 12176 Co Hwy 17.

Qvammen and Scott Walz explained the application to the Board. The request is for a zone change to residential and four residential lots. The shoreline would be placed into an outlot for a common access to the lake for all lots. The topography is such that the storm water runs away from the lake; each lot is larger than required by ordinance; and the existing trail would be utilized for access to the lake. One change would be made to allow a driveway easement across lots 2, 3 and 4 so there would be one access to County Highway 17.

Kovala stated that it is obvious that the bluff in front of proposed Lots 3 & 4 have been cleaned out. Qvammen stated that the area was to have been trimmed, but he has not inspected the property. Kovala questioned if the existing driveway easement for the lot to the south would continue. Walz stated that it would, but it may have to be re-described because the original one was poorly written. Johnston questioned if the docks would be placed only on the outlot. Qvammen stated that covenants would address that and that four docks would be allowed, one for each lot.

Speaking in opposition was Walter Gordon, who had questions on erosion and concerns about bulldozers running up and down the bank and water running off the bank toward his property and that the private road to the north has not been addressed. No one spoke in opposition to the application. Written correspondence was received from Brad Wentz, County Highway Engineer, with concern about access to County Highway 17. At this time, testimony was closed and further discussion was held.

Swenson stated that Qvammen has addressed the concerns of the County Highway Engineer with the driveway easement. Moritz questioned what provisions have been made to ensure no changes would be made in the bluff. Qvammen stated that the covenants, ordinances and State statutes would protect the bluff area. Johnston stated that, in the past, the lake association and Township were opposed to the high-density zone change and this plat satisfies those concerns. Thorkildson was concerned about the

cutting of trees on the bluff. Bruflo dt stated that issue should be left up to the appropriate authorities to deal with.

**Motion:** Johnston made a motion to approve the change of zone from agricultural to residential and approve the preliminary plat consisting of four lots based on the fact that it does meet the criteria of the zoning and subdivision regulations and addresses the density issues raised by the Lake Association and Township. Seaberg second. All in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Final Plat of Blackhawk Country Estates, George Wynn developer.**

Swenson stated that a change of zone and conditional use permit was approved for a multi unit development consisting of five units with the stipulation that the common access area be limited to the most northerly one hundred (100) feet of the project. Everything is in order for final approval.

**Motion:** Lien made a motion to approve the final plat of Blackhawk Country Estates based on the fact that it meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Skarie second. All in favor. Motion carried.

**NINTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for November 15, 2007 at 8:00 am at the Planning and Zoning Office. At that time, discussion will take place as to whether or not meetings should be held during the winter months.

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

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Jim Bruflo dt, Chairman

ATTEST

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Jeff Moritz, Secretary

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Patricia Swenson, Administrator