

Becker County Planning Commission
August 19, 2008

Present: John McGovern, John Lien, Harry Johnston, Phil Majerus, Ray Thorkildson, Mary Seaberg, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson, and Zoning Staff Debi Moltzan.

Acting Chairman John Lien called the meeting to order at 7:00 p.m. Debi Moltzan took the minutes.

Minutes: McGovern made a motion to approve the minutes from the July 2008 Planning Commission Meeting. Seaberg second. All in favor. Motion carried.

Lien explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners on Tuesday, August 26, 2008 for final action.

Lien stated that there was no old business due to Bergstrom tabling his application. Swenson stated that there would be an additional amendment to the agenda, as Jim Shaw would like to table his application. At this time, Shaw asked that his application for a conditional use permit be tabled until a later date.

FIRST ORDER OF BUSINESS: Kevin Kowalczyk. Request a change of zone from commercial to residential for a 2.90 acre tract for the property described as: Pt SE ½ SW ¼; Section 7, TWP 138, Range 40; Burlington Township. PID Number 03.0081.000. The property is located at 29268 Old Hwy 10.

Kowalczyk explained the application to the Board. Currently, there are three houses on the property. He would like to get it rezoned to residential in order to subdivide the property.

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.

Johnston stated that the area is residential in character and the change of zone meets the criteria.

Motion: Johnston made a motion to approve the change of zone from commercial to residential based on the fact that it is compatible with the surrounding area. Majerus second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Jeff Strand. Request approval of a certificate of survey to subdivide a 15.25 acre parcel into two tracts (1.07 acres and 14.18 acres) and a change of zone from agricultural to residential for the 1.07 acre tract for the property described as: Lot 3 less Tradewinds Beach; Section 07, TWP 138, Range 42; Lake

Eunice Township. PID Number 17.0072.000. The property is located near 14887 Tradewinds Road.

Scott Walz, surveyor, explained the application to the Board. Strand is the proposed buyer of the property and would like to split off one tract of land, which the buildable area of the 1.07-acre tract is separated from the rest by a wetland. Walz stated the lot meets the criteria of the Zoning Ordinance and has adequate buildable area. McGovern questioned if Walz has talked to the Township regarding the subdivision. Walz stated that he has not.

Speaking in favor of the application was Joel Peterson and Jamie Anderson. 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.

Johnston questioned if there was further subdivision planned for the 14.18-acre tract. Peterson stated that there was none at this time. Lien stated that the application is straightforward and meets the criteria of the Zoning Ordinance.

Motion: Johnston made a motion to approve the certificate of survey to subdivide a 15.25-acre tract into a 1.07-acre tract and 14.18-acre tract and change the zone from agricultural to residential for the 1.07-acre tract based on the fact that the application does meet the criteria of the Zoning Ordinance. Seaberg second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Don Bullock. Request a change of zone from agricultural to residential and approval of a certificate of survey for one parcel to be divided into two tracts of land (8.42 acres and 3.91 acres) for the property described as: South 900 feet of the West ½ of the West ½ of the Northeast ¼ of the Southwest ¼ & South 900 feet of Lot 3 less Plat & Ex 1.0 Acre; North 660 feet of Southeast ¼ of the Southwest ¼ West of the Road; Section 26; TWP 138, Range 42; Lake Eunice Township. PID Number 17.0297.001. The property is located on SE Lake Eunice Road.

Scott Walz, surveyor explained the application to the Board. Bullock's are selling the lake cabin and would be attaching Tract C2 to the lake cabin. Tracts A and B would be attached to the adjoining lake lots and the title work would have to be done to vacate the platted road corridor and re-describe the road corridor as physically located. This would clear up issued from a promise years ago. Tract C1 would stand alone as its one separate lot.

Rosemary Bullock questioned if she could still place a drilled well on this property if needed in the future. Swenson stated that question was a technical question and not for this Board. Walz stated that it could be made a condition of the sale. There was no written correspondence either for or against the application. At this time testimony was closed and further discussion held.

Lien stated that the application was a straightforward request and met the criteria of the Zoning Ordinance.

Motion: Knutson made a motion to approve the change of zone from agricultural to residential and approval of a certificate of survey for one parcel to be divided into two tracts of land (8.42 acres and 3.91 acres) based on the fact that the application meets the criteria of the Zoning Ordinance. Thorkildson second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Don Bullock. Request a conditional use permit to construct two buildings to be utilized as storage condos. One building will house nine units and one building would house six units on the property described as South 900 feet of the West ½ of the West ½ of the Northeast ¼ of the Southwest ¼ & South 900 feet of Lot 3 less Plat & Ex 1.04 Ac; North 660 feet of the Southeast ¼ of the Southwest ¼ West of the Road; Section 26; TWP 138, Range 42; Lake Eunice Township. PID Number 17.0297.001. The property is located at the intersection of SE Lake Eunice Road and St Mary's of the Lakes Road.

Scott Walz, surveyor, explained the application to the Board. The existing building would be removed and two new buildings would be constructed to house 15 storage condos. The driveway accessing St Mary's of the Lakes Road would be eliminated.

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.

Thorkildson questioned if more units could be added at a later date. Swenson stated that would be up to the Planning Commission and how the motion was worded. Swenson stated that the Board could limit the number of buildings, limit the number of units or restrict to the plan submitted. Seaberg questioned what types of wetlands were on the property. Walz stated that the area has been identified as a wetland but does not have standing water on the property; however, a creek does run through the property. Walz stated that Soil and Water Conservation District flagged the edge of the wetlands so they knew how much buildable area there was to work with. Johnston stated that storage condos are becoming very popular for lake people.

Motion: Johnston made a motion to approve a conditional use permit to construct storage condos as presented on the plan submitted with the application based on the fact that it does meet the criteria of the Zoning Ordinance and is compatible with the surrounding area. Majerus second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Sharon Leitheiser. Request an after the fact conditional use permit to have one to two horses on a 2.53 acre tract, which is zoned agricultural but located within a residential subdivision for the property described as: Lot 6 Block 2 Abbey Lake Estates; Section 23, TWP 138, Range 41; Lake View Township. PID Number 19.0735.000. The property is located at 12757 270th Ave.

Leitheiser explained the application to the Board. She would like to have one to two horses on the property. She will make sure that food, water and shelter is provided for them.

Thorkildson questioned how many horses were on the property now. Leitheiser stated that there was one, with one more possible.

Speaking in opposition to the application were Linda Nordlund and Diane Goodrich, which were opposed to the smell, junk and the fact that the neighborhood has been trying to clean up the area and this would devalue their property. Written correspondence was written in opposition to the application by Linda & Ron Nordlund. At this time testimony was closed and further discussion was held.

Knutson stated that the property may be zoned agricultural but is clearly located within a residential subdivision and should not be allowed. Lien stated that it is not compatible with the surrounding area. Lien further stated that there were strict criteria for granting a conditional use permit and this application did not meet the criteria.

An unidentified friend of Leitheiser stated that he takes care of the animals and that the manure goes on the garden and the machinery is used to disc under the manure as soon as it is placed on the garden.

Thorkildson stated that this is a residential area and the area residents have made an effort to improve the neighborhood and that there are no other farm animals within the subdivision. Thorkildson stated that he could not support the application.

Motion: Thorkildson made a motion to deny the conditional use permit to have horses on the property based on the fact that the use is not compatible with the surrounding area. Knutson second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, September 11, 2008 at 8:00 am at the Planning and Zoning Office.

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

John Lien, Acting Chairman

Jeff Moritz, Secretary

ATTEST _____

Patricia Swenson, Administrator