

Becker County Planning Commission
July 20, 2010

Present: John McGovern, Dan Schlauderaff, John Lien, Harry Johnston, Jeff Moritz, Don Skarie, Jim Kovala, Jim Brufloft, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson and Zoning Staff Debi Moltzan.

Chairman Jim Brufloft called the meeting to order at 7:00 p.m. Debi Moltzan took minutes.

Kovala made a motion to approve the June 15, 2010 Minutes with spelling corrections. Lien second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting and explained that the recommendations would be forwarded to the County Board of Commissioners for final decision on July 27, 2010.

FIRST ORDER OF BUSINESS: Dennis and Chris Eidenschink. Request a conditional use permit to restore and sell cars. Property owner uses existing property for this purpose, but is subdividing the property and would like to continue his business on the new parcel. The property is described as: LOT 3 EX TRACTS SOLD & ABOUT .90 AC IN NE PT OF LOT 4, Section 19, TWP 139, Range 40, Erie Township. PID Number R 10.0311.003 split. The property is located at 18457 Co Hwy 25.

Eidenschink explained the application. He wants to keep restoring older cars, but on a smaller scale. The existing location has been sold and the property split. This operation would be located on the parcel split from the existing location. There are no customers, he repairs his own cars, he may haul cars for someone but he will not store their cars on his property. Eidenschink also stated that if he were to keep his dealer's license, the property needed to be zoned commercial.

Knutson questioned the commercial zoning for the dealer's license. Swenson stated that the State requires either the property to be zoned commercial or a conditional use permit for that type of operation before they will issue the dealer's license.

Speaking in favor of the application was Gerry Schram, who stated that the current operation has been neat and respectable and feels the new operation would be the same. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed and discussion held.

Lien stated that the current operation has been neat and kept up and therefore would be in favor of approval for the new location. Knutson and Schlauderaff agreed.

Motion: Lien made a motion to approve a conditional use permit to restore and sell cars based on the fact that the operation would not be detrimental to the surrounding area. Kovala second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Becky Hastad. Request a change of zone from agricultural to residential and approval of a certificate of survey to subdivide a 5.7 acre parcel into 3 parcels (41900 sq ft, 43900 sq ft and 3.8 acres in size) for the property described as: Pt of Govt Lot 7, Section 16, TWP 142, Range 40, Maple Grove Township. PID Number 20.0297.001. The property is located on White Earth Lake near 30000 374th St.

Josh Pfeffer, Meadowland Surveying, explained the application to the Board. This is a three (3) tract subdivision, which is the remainder of Hastad's property. The property to the north has already been platted by Hastad and the property to the west is in the process of being sold to the DNR. The lots meet the criteria of the Zoning 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 and discussion held.

Johnston stated that the Environmental Review Technical Panel has reviewed the project and it does meet the criteria of the Zoning Ordinance.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential and approve a certificate of survey for three (3) tracts of land based on the fact that it meets the criteria of the Zoning Ordinance and is compatible with the surrounding area. Moritz second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Dennis and Peggy Olson. Request approval of a certificate of survey and the change of zone from agricultural to residential for three parcels (40,000 sq ft each) with a remnant tract of app. 37+ acres for the property described as: Govt Lots 7 & 8, Section 04, TWP 138, Range 43, Cormorant Township. PID Number 06.0061.000. The property is located on Rossman Lake at 3486 Rosman Erickson Road.

Josh Pfeffer, Meadowland Surveying, explained the application to the Board. The request is to subdivide three (3) tracts of land from 37 acres. These are back lots on the north side of Rossman Lake. Currently, it is planned to sell the three (3) lots to owners of the lake lots. It may be possible that there will be future subdivision of this property.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Cormorant Township, in favor of the application. At this time, testimony was closed and discussion held.

Knutson stated that there is a mix of zoning in that area, but the future trend of lakeshore is residential. Johnston questioned the notation from the Environmental Review Technical Panel, stating that these lots are to be sold to the lake owners. Swenson explained that each lot being created is large enough to be sold independently.

Motion: Skarie made a motion to approve the change of zone for three (3) lots and approve the certificate of survey for those three (3) lots based on the fact that it does meet the criteria of the Zoning Ordinance and is compatible with the surrounding area. Kovala second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: David Larson. Request a conditional use permit to erect a 499 ft radio broadcast tower with a 24x24 ft transmitter building at the base of the tower for the property described as: PT SE 1/4: COMM E QTR COR SEC 34, W 1631.76' TO POB; W 454.34', S AL RWY 1337.55', E 1230.95', N 328.03', W 33', N 335.01', W 467.86', S 136.99 W 430', N 800' TO POB, Section 34, TWP 138, Range 41, Lake View Township. PID Number R 19.0654.002. The property is located across the road from 26550 Adams Rd.

Swenson clarified that the application requests a 499 ft tower, but the original notice stated 449 ft. The 449 ft was a typing mistake.

Jack Hanson, Operation's Manager, explained the application to the Board. The intent is to move the antenna for KBOT Radio Station closer to Detroit Lakes. The current tower is located south of Pelican Rapids. Listeners in this area have expressed that they cannot always receive the signal, so moving the tower would strengthen the signal in this area.

Knutson questioned if the radio station would be giving up a broadcasting area. Hanson stated that, if relocated, the signal will reach the existing area plus the new area.

Rich Whittet spoke in opposition to the application, concerned about the traffic, dust and condition of the road. Terry Stephenson spoke in opposition with the same concerns, dust, traffic and thought this area was residential and not commercial.

Knutson questioned how much traffic there would be to the tower. Hanson stated that once the tower is up, the tower is unmanned and typical traffic would be one trip a month. Hanson further stated that the tower is intended to be constructed, from the point of the 'for sale' sign, up the trail and in the trees past the clearing. Brufloft questioned the construction time. Hanson stated that they would like to begin construction this fall and it would take about 30 days.

Doug Branchaud spoke against the application stating that he plans on building a house there and the tower would devalue his property and does not want to look at the tower.

There was no written correspondence either for or against the application. At this time, testimony was closed and discussion held.

Knutson questioned if the Township had submitted a reponse. Gail Hahn, Lake View Township Supervisor, was in the audience and stated that the Township had no objections to the application. Knutson felt that the developer could provide dust control during construction and that the tower would not decrease property values.

Motion: Kovala made a motion to approve the conditional use permit to erect a 499 ft radio broadcast tower with a 24x24 ft transmitter building at the base of the tower based on the fact that it would not be detrimental to the surrounding area with the stipulation that dust control be used during construction in front of the affected homes. Skarie second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Jason Mowers. Request approval of a conditional use permit to run a repair, salvage and auto lot for the property described as: BEG 1149.8' NW OF INTER E LN W1/2 OF NE1/4 & N LN RWY TH N 136.6' E 132' S TO RWY & NW AL RWY TO BEG, Section 28, TWP 139, Range 41, Detroit Township. The property is located at 25576 Anderson Rd.

Jason Mowers explained the application to the Board. The property is already zoned commercial; he wants to get his dealer's license and wants to put up a fence.

Kovala stated that the application is for a repair, salvage and auto lot and the condition of the property is not that of a repair, salvage and auto lot. The condition of the property is that of a junkyard. Mowers stated that he was told that this is what he needed for a junkyard and it will be fenced. Kovala stated that the condition of the property cannot be hid.

Knutson asked Swenson to read the definition of a salvage yard from the Zoning Ordinance. Swenson read the definition. Knutson stated that the condition of the property is a mess. Brufloft questioned if there was a past conditional use permit on the property. Swenson stated that there was not. McGovern stated that he felt that with the condition of the property, a decision cannot be made until the property is cleaned up. McGovern questioned the junk on the cul-de-sac. It was stated that the junk on the cul-de-sac is that of the next property owner and would be dealt with separately.

Speaking in opposition to the application was Willy Meeks (son of Meeks who owns Willy's Salvage & Towing) who stated that there is not enough room for Mowers to do what he wants to on that piece of property, currently he is using the right of way for his stuff, it is an eye sore and the condition of the property is affecting their properly permitted business nearby.

Julie Eginton-Cogger, owner of the property, stated that Mowers has good intentions but is not well organized. As owner of the property, she is not pleased with how it looks. She felt Mowers should have a 3 to 6 month plan to work from and if he does not comply shut him down.

Written correspondence was received from Willy Meeks, owner of Willy's Salvage & Towing, in opposition to the application stating that the condition of the property is more of that of a junkyard. At this time, testimony was closed and discussion held.

Lien read a portion from the Zoning Ordinance which stated that no conditional use permit shall be recommended for approval unless the conditional use will not harm the

use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity. Lien stated that this property is obviously in violation. Johnston stated that he did some research within the Zoning Ordinance and the conditional use permit applied for does not fit with what is already on the property. Bruflodt felt that the property should have been cleaned up prior to asking for the conditional use permit.

Motion: Kovala made a motion to deny the request for a conditional use permit to run a repair, salvage and auto lot based on the fact that the request does not fit the items currently on the property, the intended use is not that of the application and it does not meet the criteria of the Zoning Ordinance, with the stipulations that the property be cleaned up within 45 days. McGovern second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, August 12, 2010 at 8:00 am in the Third Floor Meeting Room of the Original Courthouse.

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

Jim Bruflodt, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia L. Swenson, Administrator