

Becker County Planning Commission
January 18, 2011

Present: Mary Seaberg, Harry Johnston, Dan Schlauderaff, John Lien, Ray Thorkildson, Jim Brufloft, Commissioner Larry Knutson, Zoning Administrator Patty Swenson and Zoning Staff Debi Moltzan.

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

Lien made a motion to approve the minutes from the December 2010 meeting. Schlauderaff second. All in favor. Motion carried.

Brufloft explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on January 25, 2011.

FIRST ORDER OF BUSINESS: Marsha Hall. Request a conditional use permit to operate an offsale liquor store (in an existing building) in an agricultural zone on the property described as: That part of NE1/4 of NW1/4 Lying W of HWY #59, Section 33, TWP 138, Range 41, Lake View Township, PID Number 19.0644.000. The property is located at 25275 S. Melissa Dr.

Hall explained the application to the Board. The existing building would be utilized to establish an off sale liquor store. They have applied for a liquor license and were given approval for the license providing the conditional use permit was granted and the establishment was more than three (3) miles from the city limits of Detroit Lakes. Hall stated that the County Auditor/Treasurer and County Attorney have stated that this location is more than three (3) miles from the city limits. Hall stated that she understands that the neighbors are concerned about safety and she has found out that there have been no accidents at that intersection during the past three (3) to four (4) years; as far as the concern of traffic on County Hwy 17, most of the traffic will be coming off Highway 59 onto South Melissa Drive; and as far as concern for the children/grandchildren, she would have more fear of someone leaving an on-sale establishment at 2:00 am than an off-sale establishment at anytime.

Brufloft questioned if any of the structures would be removed. Hall stated that she plans on removing the garage. Hall further stated that there is an existing approach on the west, which could be used to route traffic to the southerly direction.

Speaking against the application were:

Charles Magnuson – Magnuson handed out a map showing a road right of way in that area. He was denied a variance for being too close to the road right of way and felt those rules should apply here and there is no room for parking. South Melissa Drive is not a good road and the site is not big enough for an establishment.

Discussion was held regarding the map and the location of the existing structures. It was the consensus of the Board that the existing structure is very close to meeting the required setbacks.

Gail Hahn, Lake View Township – The TWP thought this was a good location and good idea. This will not be a municipal liquor store but a ma-pa operation. There is enough parking – there would be no more traffic than when there were six (6) to seven (7) realtors working at that location. The TWP voted unanimously in favor of the application.

Rich Blanchard – he just invested \$100,000 of improvements to his house and a liquor store devalues property, according to studies done. People in the area are concerned about property values, safety, traffic and hours of operation.

Johnston questioned if the studies differentiated between an off sale and an on sale establishment. Blanchard stated that it did not. Blanchard further stated that statistics show that after 8:00 p.m., those buying liquor have already been drinking.

Knutson questioned what the application stated about hours of operation. Swenson stated that the application states 10:00 am until 10:00 p.m. Seaberg questioned if the State regulations limited hours of operation. This question could not be answered.

Written correspondence was received from:

Marlene Malmstrom, current property owner, - in favor of the application;
Jeff Hagen - in opposition of the application; and
Michelle Valenta – in favor of the application.

At this time, testimony was closed and further discussion was held. Swenson stated that she had talked to a representative from MN DOT about the application and stated that MN DOT had no concerns with the application, this intersection already had turning lanes, so they did not make a formal comment. Swenson also stated that the County Attorney has reviewed the statute regarding an establishment having to be three (3) miles from a municipal establishment and the County Attorney has ruled that this location would be outside the three (3) mile radius.

Brufloft stated that the County Attorney has ruled that the most direct route is a route by vehicle. Brufloft further stated that prior to reading the ruling, he had his mind made up before he came to the meeting. After reviewing the County Attorney opinion, he now has a different perspective on the project. As far as safety, the municipal liquor store is at a busy intersection with many kids in the area and going from one school to the other school and there has been no major problems and since MN DOT did not comment, the traffic concerns are not as big of an issue.

Lien stated that the application meets all the criteria outlined in Chapter 8, Section 10 of the Becker County Zoning Ordinance and would have to vote in favor of the application. Torkildson and Schlauderaff agreed with Lien. Seaberg stated that she lives close to the

liquor store at the intersection of County Highway 29 and State Highway 34, near the river and tubing businesses and traffic has not been a problem. Knutson stated that with the County Attorney's opinion, he would have to agree with Lien. Knutson stated that he owns property next to the liquor store on State Highway 34 and he has no problems or concerns with his property. Johnston stated that this is not a change of zone, but a conditional use permit. If the conditional use permit is not followed, the permit can be pulled. Johnston further stated that the existing building that will be utilized is within the building setbacks or very close to being within the setbacks. Torkildson further stated that if the Township did not have a problem with the application, the Board should not because the Township should be more up on what is going on than the County.

Motion: Lien made a motion to approve a conditional use permit, as submitted in the application on file in the Becker County Zoning Office, to operate an offsale liquor store (in an existing building) in an agricultural zone based on the fact that it meets the criteria set forth by Chapter 8, Section 10 of the Becker County Zoning Ordinance. Schlauderaff second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Informational Meeting.

There is one conditional use permit application for February. The informational meeting will be held on Thursday, February 10, 2011 at 8:00 am in the Third Floor, Original Courthouse meeting room.

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

Jim Bruflo, Chairman

Jeff Moritz, Secretary

ATTEST _____
Patricia Swenson, Zoning Administrator