

**Becker County Planning Commission
April 16, 2013**

Present: Jim Kovala, John Lien, Jeff Moritz, Harry Johnston, Dave Blomseth, Ray Thorkildson, Mary Seaberg, Jim Bruflodt, Jim Kaiser, Commissioner Larry Knutson, Zoning Administrator Patricia Swenson and Zoning Staff Debi Moltzan.

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

Kovala made a motion to approve the minutes from the March 19, 2013 meeting. Lien second. All in favor. Motion carried.

Bruflodt explained the protocol of the meeting and stated that the recommendations of the Planning Commission are forwarded to the County Board of Commissioners for final action. The County Board meeting will be held on Tuesday, April 23, 2013.

FIRST ORDER OF BUSINESS: Warren Woytassek. Request a Change of Zone from Agricultural to Commercial for the property described as: PT W1/2 SW1/4: COMM SW COR N 1629.93' TO POB, Section 14, TWP 139, Range 42, Audubon Township. PID Number 020092000. The property is located at 19363 Co Hwy 15.

Woytassek explained the application to the Board. The request is a change of zone from agricultural to commercial. The property is located at the intersection of County Hwy 15 and US Hwy 10. Woytassek has a potential buyer for the property.

Lien questioned what was different between this request and the request a year ago. Woytassek stated that nothing had changed between the two requests. Knutson asked if Woytassek remembered the discussion from the last meeting. Woytassek stated that he was not present at the last meeting. Knutson stated that the Board was reluctant to rezone the property and felt that the same thing could be accomplished with a conditional use permit and felt that if there was a push for a commercial zone, then there may be an underlying plan for a different use.

Speaking in favor of the application was Jean Jacobson. Jacobson felt that the zone change was consistent with the comprehensive plan. Written correspondence was received from Woytassek, Jacobson, in favor of the application; Scott Kahan, USFWS, with concerns about the project; Dennis and Nancy Koerner, in opposition to the application and Brian Shepard, Becker County Highway Department, concern relating to the County road.

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

Brufloft felt that this was a great location for a commercial use, but felt that the same thing could be accomplished by a conditional use permit and that this could be considered as spot zoning. Blomseth felt that the location was compatible for commercial since it was on the Hwy 10 corridor and that other agencies help control businesses (MPCA, etc.). Kaiser stated that five (5) types of commercial uses are allowed in a commercial zone and anything else would require a conditional use permit; nothing in the Ordinance states that you need control of the business. Knutson stated that zoning regulations are all about control. Lien had concerns about the environmental sensitivity of the area and felt that a conditional use permit could address the goals of the comprehensive plan. Kovala stated that Hwy 10 is mostly commercial. Seaberg felt that traffic would not be a concern at this time. Johnston felt it would be a good fit, but was concerned about the wetlands.

Motion: Kaiser made a motion to approve the change of zone from agricultural to commercial based on the fact that it is compatible with the surrounding area. Kovala second. All in favor except Lien and Thorkildson. Majority in favor. Motion carried. Zone change recommended for approval.

SECOND ORDER OF BUSINESS: Jeffrey Laliberte. Request a Conditional Use Permit to replace an existing retaining wall along the shoreline, per plan submitted, for the property described as: Lot 4, Block 1, Wermager Beach 1st Addition, Section 14, TWP 138, Range 43, Cormorant Township. PID Number 061143000. The property is located on Big Cormorant Lake at 15795 Wermager Beach Rd.

Laliberte and Rich Lahren, Hebron Landscaping, explained the application to the Board. Several changes have been made to the plan since the last presentation. Some of the changes were to move the wall seven (7) feet further from the lake, patio moved to the center of the lot and reduced in size; remove the existing lakeside patio completely; construct a two tiered wall to support the weight of the soil, slow down the run off from the hill; install a berm and native plants to help reduce runoff. The new wall, even though two tiered, would be the same height and length as the existing wall. Lahren felt that this addressed the criteria of the Ordinance and was the best fit for the lot. Laliberte stated that he inherited the problem, which was created in the early 1990's and if the wall were to be completely removed, there would be a 5ft drop to the lake and run off would be increased into the lake. Kaiser asked Lahren to explain the berm and buffers proposed. Lien questioned if the patio was being affected by the erosion from the water coming down the hill or the wave and ice action from the lake coming up.

Discussion was held regarding the topography of this lot in comparison to the adjoining lots; is this the minimum design of a wall that could be designed; are there other alternatives; concerns of run off; could more rip rap be added and the intent of the Ordinance.

Moritz stated that the Cormorant Lakes Watershed District had concerns about run off into the lake and wanted the water slowed down before entering the lake. Although the CLWD did not see a formal plan, this plan addresses their concerns.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Mary Seaworth, absent Planning Commission Member, in favor of the application and Cormorant Township in favor of the application. At this time, testimony was closed and further discussion was held.

Thorkildson stated that he understands that Laliberte inherited a mess but now with this application, there is an opportunity to restore the site to its natural state – slope the bank, plant shrubs to slow the run off. Thorkildson felt that natural rock can do just as much good as retaining wall block. Thorkildson stated that he cannot support the application. Kaiser questioned what would be the lesser of two evils, replacing the wall or restoring the slope.

Motion: Lien made a motion to deny a conditional use permit to replace an existing retaining wall based on the fact that it does not meet the criteria of Chapter 6, Section 8 of the Zoning Ordinance. Thorkildson second.

Kaiser questioned the findings, stating that the findings should be more in line with Chapter 8, Section 11 of the Ordinance. Consensus of the rest of the members was that the request pertains to Chapter 6, Section 8, which should prevail as findings.

A vote was taken with everyone in favor of the motion except Blomseth, Kovala and Kaiser. Majority in favor. Motion carried. Recommendation to deny the retaining wall.

THIRD ORDER OF BUSINESS: David and Lisa Canoy. This application has been withdrawn by the applicant.

FOURTH ORDER OF BUSINESS: Randy Davis. Request an Auto Dealership with an Auto salvage yard to process scrap metals and vehicles on Commercial zoned property for the property described as: PT SW1/4 NE1/4: COMM NE COR SW1/4 NE1/4 TH S 611.89'...Section 21, TWP 139, Range 41, Detroit Township. PID Number 08.0326.103. The property is located at 25720 Brandy Lake Road.

Davis explained the application to the Board. His request is to start a salvage and recycling business of automobiles and begin a small used car sales lot. On this property, a 48 ft. by 70 ft. building would be constructed. All the work would be done inside except the loading and unloading of vehicles. Davis would be working in conjunction with MPCA on handling the waste products. There would be minimal noise (occasional skid steer running) and very little dust. The property is located next to the railroad tracks. A privacy wall would be constructed to shield the view from the neighboring properties. His plans are to ship out the vehicles as soon as they come in, but should cars have to be stacked outside, they would be behind the wall and no higher than the wall. Davis stated that he has contacted most of the neighbors and presented a petition with a list of those to voluntarily sign and those that he verbally talked to.

Johnston questioned if the cars are crushed and staked on the trailer. Davis stated that the trailer is an open top trailer with sides. The roofs of the vehicles are flattened with the skid steer then stacked in the trailer.

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.

Lien felt that this was the proper location for this type of business. Knutson felt that, due to the denial of Davis's last request, Davis found a better location to begin the business.

Motion: Kovala made a motion to approve a conditional use permit for an auto dealership with auto salvage to process scrap metals and vehicles based on the fact that it is not detrimental to the surrounding area. Johnston second. All in favor. Motion carried. Recommendation to approve the conditional use permit.

FIFTH ORDER OF BUSINESS: Final Plat of Ida's Hideaway, Ken Reynolds developer.

The zone change and preliminary plat was approved in June 2012. Everything is in order to approve the final plat of 7 parcels.

Motion: Seaberg made a motion to approve the final plat of Ida's Hideaway based on the fact that the plat meets the criteria of the Zoning Ordinance. Lien second. All in favor. Motion carried. Recommendation to approve the final plat.

SIXTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, May 16, 2013 at 8:00 am in the Third Floor Original Courthouse Meeting Room.

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

Jim Bruflo, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia Swenson, Zoning Administrator