

**Becker County Planning Commission
November 18, 2003**

Present : **Members** Jeff Mortiz, John McGovern, Harry Johnston, Jim Brufloft, Julia Miller, Ray Thorklikdson, Ken Christianson, Waldo Johnson, Larry Knutson, Jim Kovala, Don Skarie and Commissioner Dave Seaberg

Planning & Zoning Staff Patricia Johnson, Administrator and Lisa Tufts

Chairman Kovala called the meeting to order at 7:00 p.m. Lisa Tufts recorded the minutes. Kovala stated that the recommendations of the Planning Commission are forwarded to the County Board of Commissioners for the final decision. This meeting is held on Tuesday, November 25, 2003.

Christianson made a motion to approve the minutes from the October 21, 2003 meeting. Moritz second. All in favor. Motion carried.

FIRST ORDER OF BUSINESS: Richard Walsh An application for approval of a Certificate of Survey to allow two tracts of land, 2.5 acres in size; was tabled at the October 21, 2003 Planning Commission meeting.

Administrator Johnson explained that this application was tabled at the last meeting until road issues could be worked out with the township. The township notified the Planning & Zoning Office that the issue had been resolved.

Christianson made a motion to remove the application from the table. Brufloft second. All in favor. Motion carried. Christianson made a motion to approve the application for the certificate of survey as the problems have been resolved, the survey is compatible with the area and now meets the requirements of the zoning ordinance. Moritz second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Blauert, Orloff, Gordon, Hoard, Kostynick, Holland, Stearns, Weaver Applications were filed requesting a change of zone from Commercial to Residential on the following list of properties near the intersection of County Highway 29 and State Highway 34 in Erie Township.

Applicant:	Parcel ID:
Kenneth & Sandra Blauert	10.0369.000
Anthony & Cynthia Ortloff	10.0366.000
James & Deborah Hoard	10.0377.000
Richard & Sue Kostynick	10.0378.000
Kurt & Catherine Holland	10.0370.000
Timothy Gordon	10.0368.000
Frank & Rose Stearns	10.0363.000
Dennis & Angie Weaver	10.0374.000

Richard Kostynick spoke for the group of applicants. He expressed the group's anger over the letter that was sent to them informing them of their option to change the zone of their property that is being used residentially. The group does not believe that they should have to pay the approximately \$40 per property owner to change the zone as they believe it was the county that incorrectly zoned their property commercial in 1991. He stated that many of the applicants' had received permits to increase the nonconformity of a residence in a commercial zone.

P. Johnson explained the history of the zone change and the intent of the letter to the property owners.

Steve Larsen, realtor for the Blauert's, explained that when he did the listing research for the Blauert property that he only checked the tax records and did not check with the zoning office regarding the zoning district that was designated for the property. The property sold and an appraiser found out the correct zoning district. The sale fell through because the Zoning Office could not issue a letter stating that a residence could be rebuilt in a commercial district as that is a nonconforming use.

Christianson gave information regarding the appraisers obligation to fill out the appraisal report with accurate information.

Nancy Johnson stated she had not responded to the opportunity to submit an application before the stated deadline, but at this time would like to change the zoning of her property also. She again requested an explanation as to why the zone changed on her property from CR to Commercial and why every property owner in the county did not receive a personal public hearing notification in 1991.

P. Johnson stated she would check with the county attorney's office to see if it was legal to accept N. Johnson's application at this time. P. Johnson once again explained the public hearing process and stated that newspaper is the official notification means of public hearings and Zoning Ordinance changes.

Kovala stated the purpose of the Planning Commission and stated that they did not have the authority to waive the fees of a public hearing, but that the issue could be raised with the Becker County Board of Commissioners next Tuesday.

Kostynick raised more questions regarding the public hearing process.

No one spoke in favor of the application. No one spoke in opposition to the application. There were no letters in the file.

Thorkildson clarified the difference between the zoning classifications of CR and Commercial. CR being Commercial Residential.

Skaries asked if existing businesses would now need a Conditional Use Permit to conduct business. P. Johnson responded that a CUP was not necessary and the residences would be allowed to remain as watchman cottages.

Christianson made a motion to approve the applicants' request for a change of zone for Commercial to Residential based on the fact it was consistent with use and the neighborhood. Johnston second. Seaberg expressed remorse over the trouble that this issue has caused the people involved. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Gary Lindsay An application requesting approval for a Conditional Use Permit to allow a garage/shop with welding and small parts machinery repair in an Agricultural district has been filed for the property in Lake Eunice Township described as E 1/2 SW 1/4 Less 5 Acres in NE 1/4 SW 1/4, Section 2, TWP 138, Range 42.

Lindsay explained the application to the Board. A site permit has been authorized permitting the construction of the garage and Lindsay would like to use it for repair and welding of machinery.

The Board stated concern over the number of inoperable vehicles that would be on site. Lindsay explained that there is natural wooded screening on two sides of the lot and will do additional planting to reduce the visibility on the equipment on site.

Brufodt clarified the site plan submitted with the application. McGovern stated concern over how the hazardous waste would be handled. Lindsay stated that it would be handled in an appropriate manner.

No one spoke in favor of the application. No one spoke in opposition to the application. There were no letters in the file.

Seaberg removed himself from the discussion due to a conflict of interest. Johnston asked approximately how many pieces of equipment would be on site at any one time. Lindsay stated no more than ten. W. Johnson questioned the distance of the site from the county highway. Lindsay stated approximately 3/8 mile.

W. Johnson made a motion to approve the application with the stipulation that up to 10 pieces of machinery in for repair would be allowed on site and unrepairable equipment would be removed from the site. Johnston second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Jack Bouton An application for approval of a preliminary plat consisting of 11 lots, 2.50 to 3.00 Acres in size, has been filed on property described as PT LOTS 5,6, & 7 BEG 3141.03' N OF SW COR SEC TH E 1413.76' S 678.35' W 590.13' TO LK, N AL LK TO N LN LOT 6, W TO NW COR LOT 5 & S TO BEG; Audubon Township Section 19, TWP 139, Range 42.

Glenn Howe, surveyor, explained the plat. He stated that in previous preliminary plats filed on this property one of the main concerns was the request for a change of zone to residential and smaller lots sizes. This preliminary plat has lot sized large enough that no change of zone is required.

No one spoke in favor of the application.

Speaking opposition was Mary Hendrickson. She stated that the lake would be damaged by additional usage. Due to the number of lots proposed the development would be residential in nature even if the zone were not changed and that there would be irreparable wetland damage.

Also speaking in opposition was Richard Ellsworth. He stated that the developers have made many improvements from their original plans and that was appreciated, however, he still has environmental concerns but no facts to support them. He is also concerned about future lot splits and a new application to change the zone to allow smaller lots. The cul-de-sac to the south ends near a ravine and he would like to see the road shorten a bit to reduce the likelihood of erosion. He is also concern about erosion of lots 6 and 7 if trees are removed for landscaping or building.

Tom Gedde, attorney for the developer, spoke in response to the concerns. He stated that an EAW was completed and it was determined that the development of the area should have little environmental impact. He stated that the preliminary plat presented tonight complies with all aspects of the Becker County Sub-division Ordinance and that the property owner has the right to develop their property.

P. Johnson read a letter from the file from the Becker County Soil and Water District Office stating that the wetland impact for providing access will impact less than 5,000 square feet of Type II wetland and is therefore exempt from the mitigation requirement.

Glenn Howe, surveyor, stated that the road to the south could be shortened, but he would not like to have the application delayed by requiring a new drawing.

Tom Gedde, attorney, stated that there are no future plans to rezone or replat this property.

Seaberg stated that the Bouton's have made many concession from their original plans to meet the concerns from the neighboring property owners and made the motion to approve the preliminary plat allowing for slight changes in the road to the south. Knutson second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Mardon Inc. An application for approval of a Certificate of Survey, consisting of 11lots, 4.5 Acres in size has been filed on the property in Audubon Township described as PT GOVT LOT 5: BEG NW COR TH S AL W LN 1632.79' TO POB; TH N 276.69', NELY 1320.36' TO E LN GOVT LOT 5, TH S 494' TO SHORE LITTLE CORMRNT LK, WLY ALONG Section 33, TWP 139, Range 42.

Vicki Bedford, representative for Mardon, Inc., explained that the purpose of the application was to separate the existing dwelling from adjacent property that was being subdivided.

No one spoke in favor of the application.

Keith Kaldor voiced concern over a possible change of zone. P. Johnson explained that the parcel was large enough that a change of zone was not required and was requested by the applicant in error.

Miller made a motion to approve the Certificate of Survey because it is compatible with the area. W. Johnson second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Mardon Inc – An application for approval of a Preliminary Plat and change of zone from Agricultural to Residential has been filed for the property in Lake Eunice Township described as N1/2 OF GOVT LOTS 2 & 3 LESSAPPX 1.50 AC IN NE COR & LESSDEDICATED ROAD & 30 AC IN GOVT LOT 3 & EX 5.88 AC PLAT SHERMN SHORES 2ND ADDN Section 4, TWP 138, Range 4.

Vicki Bedford, representative for Mardon, Inc., explained that the proposal is for 6 lots on a bay of Little Cormorant lake.

Brufflodt question whether the outline on lots 4 & 5 were indicating a wetland or bluff. Scott Walz, surveyor, stated it was a bluff marking.

No one spoke in favor of the application.

Speaking in opposition, John Carlson stated he lives across the bay and enjoys watching the wildlife on the proposed plat site. He stated that the bay is very shallow and weedy and not good for boat traffic. He has concerns about the lake density and explained that there is a substantial amount of shoreline on Little Cormorant Lake with a relatively small amount of lake acreage which leads to too many lots for the size of the lake. He thinks that 3 lots would be a more reasonable request.

Duke Dunham spoke in opposition, also. He is concerned about overcrowding the lake, the shallow water and the bluff area. He feels that one acre lots are too small and that many neighbors in the area that own one acre lots wish they would have bought more land to accommodate the dwelling and storage needs. He feels that the parcel in question should have no more than 3 or 4 lots.

A letter in the file from the law office of Ohnstad Twitchell, P.C., Jay Carlson, attorney, was read by P. Johnson. The letter states that the township would like the application to be tabled so they have time to discuss it at their December 2, 2003 Board meeting. The township is concerned about maintenance of the road with the cul-du-sac design.

Mike Reep, Lake Eunice Township Supervisor, stated the the Town Board would like to see more pass through roads designed for new developments because the snow plows have a difficult and potentially dangerous situation with snow removal on cul-de-sacs.

Scott Walz, surveyor, asked what type of design the township would prefer. Reep replied that perhaps a larger radius cul-de-sac or a loop would make road maintenance easier and safer as the trucks would not have to keep backing up to turn around.

Thorklidson made a motion to table the application until the December 16, 2003 meeting of the Planning Commission. Mc Govern second.

Moritz questioned the lake access for the lots on the bluff and it was decided that there was area on each lot that was not part of the bluff that would allow access.

All in favor. Motion to table application carried.

SEVENTH ORDER OF BUSINESS: Don Busker An application requesting a change of zone from Agricultural to Residential has been filed on property located in Burlington Township described as PT N 1/2 NE 1/4 & PT SE 1/4 NE 1/4 Section 8, TWP 138, Range 40.

Don Busker explained the application. He is requesting a change of zone from Becker County and the approval of the preliminary plat from the City of Detroit Lakes as it lies within the 2 mile growth boundary of the city. He stated that the project location is approximately one-half mile east of the Hidden Hills subdivision.

No one spoke in favor of the application.

Kathy Muro spoke in opposition as she thought the application was to rezone her family property since she received a notice of public hearing. When she found it was not her property in question she no longer opposed the request.

Valerie Beyer has agricultural property to the north of the proposed subdivision and doesn't think that there should be any more residential development in the area. She has concerns over the additional traffic on 320th Ave. She feels that the zone should remain agricultural and have lots no smaller than 2.5 acres in size. She is concerned about fencing to keep children out of her fields and her animals out of residential areas and the possibilities of mobile homes being moved in and lowering the value of the property in the area.

Busker stated that the covenants will allow no mobile homes and that he is constructing a public road through the plat and only a few lots would access 320th Ave.

Laverne Moltzan had several questions relating to the preliminary plat and was referred to the City of Detroit Lakes for answers to those questions.

There were two letters in the file. One from Irene Mattson stating that she lives in the county and wants the area to remain rural not become like the city. The other from Kathy Muro with the same concerns that are stated in her testimony above.

Christianson asked if the proposed subdivision would be similar to Hidden Hills. Busker stated that it would be similar, with some of his proposed lots bigger than many in Hidden Hills.

Christianson made a motion to approve the change of zone from Agricultural to Residential based on the fact that it is compatible with the area. Skarie second. Seaberg, Moritz, Christianson, Johnston, McGovern, Miller, Brufloft, Knutson, W. Johnson, Skarie voted in favor. Thorklidson voted against. Motion carried.

EIGHTH ORDER OF BUSINESS: Bruce Qvammen An application for a Conditional Use Permit to allow a Planned Unit Development of garages in an Agricultural district has been filed for property located in Lake Eunice Township on property described as PT of Govt Lot 3, Section 30, TWP 138, Range 42.

Qvammen explained the application. He realized the need for this project as he noted the number of pole type buildings on lake lots to store boats, etc. He determined that lake lots could be put to higher and better use by having storage located elsewhere. A member in the association can request a particular size of storage unit and the association will build it on the proposed site and the member would have ownership of the unit. He has spoken to the Township Board members about the road and would be willing to construct it as a through road to County Road 138 for easier maintenance.

Moritz questioned screening from the public road and Qvammen stated that part of the property is in CRP with trees being planted and used as a conservation area.

Johnston stated concern over people using the buildings for things other than just storage. Qvammen stated that control of the property would be with a governing board and such activities would not be allowed.

Moritz questioned whether or not electricity would be run to the unit and Qvammen stated that it will, as some people would like to use the units to work on their personal vehicles.

Speaking in favor of the application was Robert Hovde. He stated that he owns property just to the south of the proposed PUD and feels this would be a great service for the area.

Lori Thompson also owning property to the south is in favor of the proposal.

Mike Reep, Lake Eunice Township Supervisor, stated that the project has been approved by the township.

No one spoke in opposition to the application.

Moritz reiterated that tree screening would reduce the visibility of the units.

Moritz made a motion to approve the Conditional Use Permit for the Planned Unit Development. Brufloft second. All in favor. Motion carried.

NINTH ORDER OF BUSINESS: J & K Marine An application for approval of a change of zone from Agricultural to Commercial has been filed on property located in Detroit Township described as N1/2 OF NE1/4 N OF RWY LESS PLATTED PART & 5.24 ACRES Section 29, Twp 139, Range 41.

Kevin Tinjum from J&K Marine explained the application. He plans to lease a one-acre tract from Bruce Brainard to put up a sign for his business. According to the Minnesota Department of Transportation land, other than the business location, must be zoned commercial for a sign to be permitted.

Brufloft mentioned that there were makeshift signs in place now. Tinjum stated that the size of the proposed sign is 12 feet by 20 feet.

Speaking in favor of the application was Don Anderson. He is a neighbor to the proposed sign site and stated that recently Wine Lake Rd was part of a safety reconstruction for the state highway and railroad. The property owners were told they could have a sign, but then when they applied for the sign the zoning issue came to light.

No one spoke against the application. There were no letters in the file.

Thorkildson questioned who would be maintaining the site. Tinjum stated that the site was part of a farm field and there really was no maintenance for the field.

Johnston made a motion to approve the request for the change of zone, as it is compatible with the area. Miller second. All in favor. Motion carried.

TENTH ORDER OF BUSINESS: Final Plat Evergreen Shores

P. Johnson stated that the preliminary plat for Evergreen Shores was approved by the Becker County Board of Commissioners on January 22, 2002. The final plat is in order.

McGovern made a motion to approve the final plat based on the fact that it meets the criteria set forth in the Becker County Subdivision Ordinance. Bruflodt second. All in favor. Motion carried.

ELEVENTH ORDER OF BUSINESS: Final Plat Shipman Shores

P. Johnson stated that the preliminary plat for Shipman Shores was approved by the Becker County Board of Commissioners on May 27, 2003. The final plat is in order.

Bruflodt made a motion to approve the final plat based on the fact that it meets the criteria set forth in the Becker County Subdivision Ordinance. W. Johnson second. All in favor. Motion carried.

TWELVETH ORDER OF BUSINESS: Floyd Lake Acres

P. Johnson stated that the preliminary plat for Evergreen Shores was approved by the Becker County Board of Commissioners on November 26, 2002. The final plat is in order.

Thorkildson made a motion to approve the final plat based on the fact that it meets the criteria set forth in the Becker County Subdivision Ordinance. Miller second. All in favor. Motion carried.

THIRTEENTH ORDER OF BUSINESS:

The tentative date for the next informational meeting has been scheduled for Thursday December 11, 2003 at 8:30 a.m. at the Planning and Zoning Office.

General discussion was held regarding the issue of residences in commercial zones.

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

Jim Kovala, Chairman

Jeff Moritz, Secretary

ATTEST

Patricia L. Johnson, Administrator