

Becker County Planning Commission
May 20, 2003

Board Members Present: Waldo Johnson, Harry Johnston, John McGovern, Jeff Moritz, Ken Christianson, Larry Knudson, Jim Brufloft, Ray Thorkildson, Julia Miller, Commissioner Dave Seaberg and Chairman Jim Kovala.

Zoning Staff Present: Patricia Johnson, Zoning Administrator and Debi Moltzan.

Chairman Kovala called the meeting to order at 7:30 P.M. Kovala stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final approval on Tuesday, May 27, 2003. Moritz made a motion to approve the minutes from the April 15, 2003 meeting. McGovern second. All in favor. Motion carried. Minutes approved.

FIRST ORDER OF OLD BUSINESS: Ernest Saylor. A tabled application for a change of zone from agricultural to residential and a preliminary plat for 25 lots on Stakke Lake, Section 28 Lake Park Township. Johnson explained that the EAW has been completed on the development. The application was removed from the table.

Saylor explained the application. This is the second development on the lake. Saylor admitted that he has already started road construction. Percolation tests have been done by Grant Ohm for locations of septic systems. Sediment basins have been added along with silt fences. Saylor stated that he had all the proper permits for the road except the land alteration permit, which he obtained.

Discussion was held regarding the road construction, wetland impacts, steep slopes, poor lake access, size of the lake, depth of the lake, and the possibility of a common lake access for the lots. Saylor stated that he tried to give land to the State for a public access, but it did not work out. Further discussion was held regarding a common access for the lots. Saylor stated he could provide a common access. Discussion was also held on the drainage of the lots.

No one spoke in favor of the application. Speaking in opposition to the application was Barry Nelson. Written correspondence was received from Brad Grant, Soil & Water Conservation with concerns about the wetlands. At this time, testimony was closed.

Further discussion was held. Moritz referred to the comments and concerns of the EAW Committee, which included: Stakke Lake being a recreational development but being Natural Environment by characteristics; lake having a history of "drying up"; soil type has severe limitations; road will change the hydrology of the wetlands; and there are steep slopes and aquatic vegetation not adequately shown on the plat. Knutson questioned what the lot size would be if left agricultural or if a natural environment lake. Johnson stated that the lot size would be 2.5 acres with a minimum of 150 ft lake frontage if left agricultural; 80,000 sq ft with 200 ft of frontage if a natural environment lake; and 150 ft frontage and 40,000 sq ft if recreational development lake. Johnson also stated

that the road construction began without permits and that the Department has not issued the permit for the road construction.

Christianson asked Sayler if he would consider tabling the application. Sayler stated there was no need to table it because he would comply with what ever the Board requested. Sayler stated that Moritz should be removed from the Board because of a conflict of interest. Moritz stated that he did not have a conflict with Sayler and had no interest with Sayler that would affect his decision. At this time, Christianson suggested that the application be tabled. Brufloft agreed. Further discussion was held.

MOTION: Christianson made a motion to table the application to allow the applicant time to designate a common lake access for the plat. Brufloft second.

Knutson made a motion to deny the change of zone and preliminary plat based on the comments and concerns of the EAW Committee. Miller second.

Christianson withdrew his original motion and Brufloft withdrew his second.

A Vote was taken on the second motion, which was to deny the application for change of zone and preliminary plat. All in favor, except Moritz who did not vote. Motion carried. Change of zone and preliminary plat denied.

SECOND ORDER OF OLD BUSINESS: Thunderbolt Ranch, Q5 Investments, developer. Johnson explained that the application was for a change of zone from agricultural to residential and a preliminary plat consisting of 10 lots on Lake 610, Section 33, Cormorant Township. The application was removed from the table.

Brant Beeson explained the application. The application was tabled to address road concerns and wetland concerns. The North road intersection has been realigned and Great Grandpa Lane would be upgraded where the South road intersects with it. Wetlands have been addressed through covenants.

Discussion was held. Christianson felt that this addressed the concerns at the last meeting.

MOTION: Christianson made a motion to approve the change of zone from agricultural to residential and a preliminary plat consisting of ten (10) lots based on the fact that the request meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Johnston second. All in favor. Motion carried. Change of zone and preliminary plat approved.

THIRD ORDER OF OLD BUSINESS: Donna Jorschumb. This was a tabled application for a conditional use permit for a paintball facility located in Section 28 of Holmesville Township. The application was tabled to get more information to address safety concerns and property line concerns. The application was removed from the table.

Marty Jorschumb explained that he provided an aerial photo of the fields showing the relationship of the playing fields to the neighboring properties and the County Road. The differences with the neighbor have been settled. Testing has been done as to what would be needed as suggested buffer setbacks.

Discussion was held. Moritz questioned if there would be a 200 ft setback between the neighbors. Jorschumb stated that there would be if he buys a strip of land from the neighbor, otherwise a netting would have to be installed to protect the neighboring property. Further discussion was held.

MOTION: W. Johnson made a motion to approve the conditional use permit to allow a paintball facility as requested in original application dated 3/14/03 with the stipulation that a netting be used to protect the neighboring property until a 200 ft buffer can be established (as outlined in supplemental information received 5/9/03) based on the fact that the use would not be detrimental to the surrounding area. Knutson second. All in favor. Motion carried. Conditional Use Permit approved.

FIRST ORDER OF NEW BUSINESS: John Johnson. An application for a change of zone from agricultural to commercial on Lots 10, 11 & 12, Block 1, Townsite of Richwood, Section 2, Richwood Township.

John Johnson explained the application to the Board. He would like to build and operate an Off-Sale Liquor Store on the premise. He has obtained his variance, liquor license and just need the change of zone.

Discussion was held regarding traffic, setbacks, use and village setting.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence received either for or against the application. At this time, testimony was closed.

Further discussion was held.

MOTION: Johnston made a motion to approve the change of zone from agricultural to commercial based on the fact that the use is compatible with the village setting. Moritz second. All in favor. Motion carried. Change of Zone approved.

SECOND ORDER OF NEW BUSINESS: Kevin Karel. An application to amend the original conditional use permit to include a deli, restaurant, banquet room, Laundromat, office suite rental, and tanning bedroom on the property described as Pt SW ¼ NW ¼, Section 36, Cormorant Township, known as the Cormorant Inn and Suites.

Karel explained the application to the board. He went through the public hearing process for a PUD for 15 motel units. At that time he wanted to keep it simple, just 15 units. After finding out the cost of commercial laundry equipment, he decided to put in coin op machines and open the Laundromat to the public, it was already zoned commercial. Then

he figured in a deli, it was zoned commercial. Then he put in a tanning bed; after all it was commercial, and then an office suite. After everything was built, he found out he needed to amend the original conditional use permit.

W. Johnson questioned the septic system on the property. Karel stated that the system was oversized at the time of installation. Kovala stated that there are 4 members of the new board that were on the old board when the original application came before the Board. At the time of the original application, it was stated that it would be only rooms. Kovala stated that Karel created his own problem by building something that was not approved. Christianson stated that there were great concerns regarding the use of the property at the meeting for the original application. Karel stated that he did not build a separate structure, all the things requested were built into the motel unit. McGovern felt that the motel was built with the future in mind before getting approval. Moritz stated that the Board had to look at the application as if it would have been applied for at the beginning, would it have been allowed if it were part of the original plan. Karel stated that there was a misinterpretation of the commercial use.

Speaking in favor of the application was Lori Thompson, one of the owner's of the Roadhouse, stating competition and change are good. Speaking in opposition to the application was Trish and Brian Maloney, owners of the Cormorant Pub and Barry Nelson; all stating that there have been deliberate violations. Nelson pointed out that the original CUP states 15 units and 6800 sq ft in size, the unit was constructed 11136 sq ft in size; 3-4 ft trees were to be planted, the trees planted are about 18 inches in height; the tanning salon and Laundromat are already open to the public, with no approval; Minutes from the Cormorant Township have on record that Karel told them that there were 20 units, Laundromat, deli, tanning salon, and possibly a day care; Karel applied to the Township for a liquor license; the value of the project was \$900,000 to \$1,000,000, not \$400,00 as stated; newspaper article quotes 20 unit motel, restaurant, Laundromat, tanning facility and banquet room. Letters were received from Joe Erickson, with concerns; and Cormorant Township taking a neutral stance. At this time testimony was closed.

Brufloft asked Nelson what his position was in this matter. Nelson stated that he is a farmer in the area and building a new house in the area; he is concerned with County Government and that the laws are followed; and a son-in-law to the Maloney's.

Further discussion was held. Brufloft stated that the motel is a very nice place; however, the cart was put before the horse and the horse wasn't even born yet. Moritz stated that there were reservations about the first plan and now the plan has mushroomed; if the package deal would have been presented at the first meeting, it probably would not have been approved. W. Johnson felt that the restaurant would be beneficial to the public. W. Johnson felt that the restaurant should be allowed. Knutson questioned the accusations. P. Johnson stated that the original conditional use permit is already in violation and that enforcement would have to be taken.

MOTION: Bruflodt made a motion to deny the amendment to the original conditional use permit based on the fact that the original conditional use permit has already been violated and is still in violation. McGovern second. All in favor except W. Johnson. Motion carried. Amendment to original conditional use permit denied.

THIRD ORDER OF NEW BUSINESS: Hamilton Enterprises West LLC. An application for a change of zone and approval of a certificate of survey to allow a 2-acre parcel on Little Sugar Bush Lake, Section 29, Sugar Bush Township.

Scott Walz, surveyor, explained the application to the Board. Hamilton would like to split off the guesthouse from the main property.

Discussion was held. Kovala questioned why they did not go 2.5 acres and leave it agricultural. Walz stated that there are a lot of people that do not want that large of a tract and the primary use of that tract would be residential not agricultural.

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.

Further discussion was held. Knutson questioned if there would be future development. Walz stated that there could not be further development unless a public dedicated road was constructed.

MOTION: Christianson made a motion to approve the change of zone and certificate of survey to allow the two (2) acre tract of land based on the fact that the zone change and certificate of survey do meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. All in favor. Motion carried. Change of zone and certificate of survey approved.

FOURTH ORDER OF BUSINESS: Wakanda Resort. An application for a Planned Unit Development consisting of 9 units for the property currently known as Wakanda Resort located on Island Lake, Section 19, Shell Lake Township.

Bill Haggerty explained the request to the Board. Kovala questioned what was different from this request and the PUD that was approved for 7 units. Haggerty stated that it was not his intent to keep coming back to the Board, but there were many people who did not understand what was going on. They have now had a chance to talk to more people and explain the conversion to them. Haggerty submitted a survey showing the number of people contacted and their responses. Haggerty stated that there would be 9 units, all the RV sites would be eliminated, the restaurant would be eliminated and Cabin 6 would be relocated out of the shore impact zone. They would work with Zoning on the docking issue.

Discussion was held. Christianson questioned if the cabins would be winterized. Haggerty stated that the cabins are in good shape and would be sold as is. Further

discussion was held regarding the moving of Cabin 6 and docking. P. Johnson stated that she would research the Ordinance and consult with the DNR for the recommendation of the docking issue.

Speaking in favor of the application were Ron Wekkesser, Gary Hukee, Gary Lehman, Steve Swanson, Frank Jerkovich, and Pat Potts. Speaking in opposition were Terry Kalil, Robert Lyngstad, Mary Keenan and Andrea Sonstagar for Joyce Warner. Written correspondence was received from: Terry & Susan Liem, in favor; Ron & Ethel Duenow, in favor; Shell Lake Township, in favor; Jerry Wegenast, in favor; Jeanette Wohlman in favor and Bob Merritt, in agreement with 8 units with other stipulations. At this time testimony was closed.

Further discussion was held. Christianson stated that some decisions made may be unpopular. Moritz stated that he was in agreement with less impact but struggled with converting the restaurant into another living unit, maybe that could be allowed in Cabin #6 was totally removed. Knutson stated that this would be a plus for the lake. Johnston stated that the Ordinance allows for CCI's but the County has already approved 7 units so 9 units should not be considered, should stay with the 7 units.

MOTION: Knutson made a motion to allow a Planned Unit Development allowing 9 units with the relocation of Cabin #6 out of the shore impact zone and the docking issue to meet the Zoning Ordinance based on the fact that the use would have less impact on the lake. W. Johnson second. Vote was taken with Christianson, W. Johnson, Knutson, Seaberg and Thorkildson in favor of the motion. Miller, Moritz, Johnston, Brufloft and McGovern in opposition to the motion. Kovala voted in favor of the motion to break the tie. Majority in favor. Motion carried. Planned Unit Development approved for 9 units.

FIFTH ORDER OF NEW BUSINESS: Change of Zone and Preliminary Plat, Top Brass, Q5 Investment, developer. An application for a change of zone from agricultural to residential and a preliminary plat of 14 lots for property in Section 23 of Height of Land Township, property located on Little Toad Lake.

Brant Beeson explained the application to the Board. There would be 12 lake lots and two back lots that would not have access to the lake. There are no bluffs and there are covenants to protect the wetlands. The developer has met with the Soil & Water Conservation Department and the DNR to protect the inlet creek and wetlands.

W. Johnson questioned what would be done with the homestead. Beeson stated that that portion would be retained by the developer or sold as a whole, but not developed. Johnston questioned why the two roads were not connected. Beeson stated that the property is currently being farmed and the road connection would ruin the farmland and the ability to farm the land.

Speaking in favor of the application were Chris Heyer, which stated that the developer has meet with the DNR and SWCD to widen the road without destroying any wetlands or the creek and enhance the wetlands. Speaking in opposition to the application were:

Tony Varno, with concerns about the impact of the wetlands sinking his driveway; Bill Purdy concerned that the cleansing levelers are not destroyed; and Betty Hanson, concerned about hunting. Written correspondence was received from Brad Wentz, Highway Department and Brad Grant, SWCD. At this time, testimony was closed.

Further discussion was held. Moritz stated that the preliminary plat meets all the standards of the Zoning Ordinance and Subdivision Ordinance.

MOTION: Moritz made a motion to approve the change of zone from agricultural to residential and a preliminary plat consisting of 14 lots based on the fact that the change of zone and preliminary plat meets the criteria of the Zoning Ordinance and Subdivision Ordinance. Christianson second. All in favor. Motion carried. Change of Zone and preliminary plat approved.

SIXTH ORDER OF NEW BUSINESS: Change of Zone and Preliminary Plat by Up North Partners. An application for a change of zone from agricultural to residential and approval of a preliminary plat consisting of 12 lots for property in Section 15 of Green Valley Township located on Shipman Lake.

Doug Cheney explained the application to the Board. After the submittal of the preliminary plat, the developers met with Soil & Water Conservation. After that meeting they reconfigured the lots to have 7 lake lots (not 8 as requested) and 4 back lots for a total of 11 lots. Each lot exceeds the requirements of the Ordinance.

Discussion was held. Moritz questioned the size of the lake. The lake is about 40 acres in size and the deepest point is 57 feet, with an average depth of 30-40 feet in front of the proposed plat. Thorkildson questioned the number of residences on the lake. There are about 12 residences on the lake now. Christianson questioned if the lake could be accessed without disturbing the wetlands. Cheney stated that the vegetation defines this area as wetlands, but is currently dry enough to walk through. In wet years, this area may hold water for a short time.

Speaking in favor of the application was Don Wahl. No one spoke against the application. Written correspondence was received from Bob Merritt, DNR, with concerns about the wetlands; Brad Grant, SWCD, with concerns about the wetlands; Brad Wentz, Highway Department, stating cul-de-sac must have 75 ft radius; Denise Jokela, in opposition. At this time, testimony was closed.

Further discussion was held which included the road, wetlands, setbacks, and suitability.

MOTION: W. Johnson made a motion to approve the change of zone from agricultural to residential and preliminary plat consisting of 11 lots based on the fact that the change of zone and preliminary plat meet the criteria of the Zoning Ordinance and Subdivision Ordinance. Seaberg second. Voting in favor of the motion were: Miller W. Johnson, Knutson, Seaberg, Brufloft, Johnston, and Christianson. Voting against the motion were

Thorkildson, McGovern and Moritz. Majority in favor. Motion carried. Change of zone and preliminary plat approved.

SEVENTH ORDER OF NEW BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, June 12, 2003 at 8:30 a.m. at the Planning and Zoning Office.

Since there was no further business to come before the Board, McGovern made a Motion to adjourn the meeting. Thorkildson second. All in favor. Meeting adjourned.0

James Kovala, Chairman

ATTEST

Jeff Moritz, Secretary

Patricia L. Johnson, Administrator