

Becker County Planning Commission
June 30, 2004

Present: Members Waldo Johnson, James Kovala, John McGovern, Ken Christianson, Jim Bruflo, Harry Johnston, Larry Knutson, Ray Thorkildson, and Commissioner Dave Seaberg.

Also present were Gretchen Thilmony, Assistant County Attorney; Patricia Johnson, Zoning Administrator; Debi Moltzan, Planning and Zoning; and Bob Bristlin, Commissioner.

P. Johnson explained that the purpose of this meeting was to discuss issues regarding the Cormorant Inn and Suites. This was done at the request of the Planning Commission at the June 15, 2004 meeting. After talking with County Attorney Joe Evans, Gretchen Thilmony was appointed to work with the Planning Commission.

P. Johnson explained the history of the Cormorant Inn and Suites, the applications, what was denied by which Board and what was approved by which Board. P. Johnson further stated that the recorded Conditional Use Permit specifically states a 15-unit motel with small establishment.

Knutson questioned if it was legal for the County Board to grant the small establishment. Thilmony stated that what has been done does not affect this Board. Knutson asked what the definition of commercial was. P. Johnson explained the definition of commercial and how this change of zone to commercial was directly tied to the conditional use permit. Thilmony stated that the County has taken the position is that the change of zone was for the purpose of the motel and the conditional use permit is tied to the motel and the use specifically stated on the use permit.

Johnston asked which plans were submitted and approved. P. Johnson stated that the first conditional use permit was for a 15 unit motel and nothing else. When the site permit was applied for, a shrunk up plan was submitted with the application. The conditional use permit had already been recorded for just a motel and the site permit specifically stated 15-unit motel. Karel knew what he was approved for and what was permitted.

Bristlin stated that, Karel's property has been commercial all along and the restaurant should be allowed. There should be a building code to catch these things before its too late.

W. Johnson questioned that if the conditional use permit was changed to a medium establishment, could Karel come back in the future for a large establishment. P. Johnson stated that if there was room there might be a possibility.

Bristlin stated that it got changed from a deli to a small establishment because there is no such thing as a deli at the State level. P. Johnson stated that those definitions came from

the State level and not from the Zoning Office – that terminology is not in the Zoning Ordinance. Zoning deals with land use only and not specifics about businesses.

Further discussion was held regarding the rezoning of the acreage for the specific use of a motel. Christianson stated that he should have been upfront with what he wanted from the beginning. Bristlin stated that if the Board does not want Karel to have a restaurant, tell him why and not because he maybe should have done something in a different order or because he has done something wrong.

W. Johnson stated that if the restaurant is denied, there must be just cause for denial. W. Johnson felt that competition between competitors has played a big part in this issue.

Thilmony stated that there is an application before the Board to change the conditional use permit to medium establishment, which the Board must act upon. Thilmony stated that there are five factors in the Ordinance on which a conditional use permit can be granted. Thilmony stated that even if the Board does not like what the applicant has done, the application must be acted upon according to the Zoning Ordinance.

Christianson stated that he felt that this was a good use for the community even though he does not personally agree on the way things have been handled.

Further discussion was held. P. Johnson felt that the terminology small, medium and large establishment should not be used in any change to the conditional use permit based on the fact that those definitions are from the State Department of Health and not the Becker County Zoning Ordinance. P. Johnson further stated that since the current conditional use permit was recorded with the terminology “small establishment”, action must be taken to amend that conditional use permit. Knutson questioned what terminology could be used that would meet the Zoning Ordinance. P. Johnson stated that wording like commercial use, restaurant facilities, dining facilities could be used.

Johnston stated that the property has been nicely screened with poplar trees. W. Johnson stated that the twin homes are closer to the Cormorant Pub. W. Johnson felt that a business plan is not really relevant because businesses need to change as cliental change.

P. Johnson stated that business plans are needed for gravel issues to be able to control noise, reclamation, etc. Usually, business plans are not required for commercial applications, just a brief outline of what is proposed. Thilmony stated that it would be a good idea to get away from the State Dept of Health terminology and use terminology that is in the Zoning Ordinance. P. Johnson stated that if the motel was allowed with a restaurant, the size of the restaurant could be regulated by the amount of parking available and the size of the septic system; small, medium and large establishment would be determined by the Department of Health.

Further discussion was held regarding the past applications, not following the conditional use permit issued, violations, etc. McGovern stated that the first conditional use permit issued was for a 15 unit motel. Now there is a bar, restaurant, tanning, and Laundromat.

Bruflo dt stated that he wanted a business plan to look further down the road and to see if anything else would come up after the fact. Bruflo dt stated that he is not out to stop the project, just to slow it down so that everyone knows exactly what is being asked for.

Further discussion was held. The consensus of the Board was to have Administrator Johnson write up guidelines that would allow commercial business in addition to the motel on this piece of property that would follow the Zoning Ordinance. It was also the consensus of the Board that the Board must look at the application and act on that application. P. Johnson stated that she will send a letter to Karel asking for the following information: size of the restaurant, the size of the bar, number of employees, number of public washing machines, the number of public restrooms. This information will be needed to determine if the septic system is large enough to accommodate all commercial activity he has and if there is enough parking for the commercial activities he has. The request for the additional information will also extend the 60 day rule.

P. Johnson also explained that the County Board of Commissioners is researching the idea of a Building Code. P. Johnson stated that, by law, Zoning does enforce the Zoning Ordinance; and by law, the County must inspect septic systems. However, Zoning and the Building Code are two different issues. With the large agenda before the Planning Commission on July 20th; it was the consensus of the Board to call a special meeting so that a state representative of the Building Codes could meet with them and answer their questions.