

Becker County Planning Commission
June 13th, 2017

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, Harry Johnston, County Commissioner Larry Knutson, Mary Seaberg, Jim Kovala, Jim Kaiser, Bob Merritt, Ray Thorkildson, Planning and Zoning Supervisor Patricia Swenson and Planning and Zoning Technician Jeff Rusness.

Chairman Jim Bruflodt called the Planning Commission meeting to order at 7:00 pm. Planning and Zoning Technician Jeff Rusness recorded minutes. Intros were given.

Chairman Jim Bruflodt 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 June 20, 2017.

Jim Kovala made a motion to approve the minutes for May 9, 2017 with corrections. Mary Seaberg second. Motion carried.

Old Business:

FIRST ORDER OF BUSINESS: APPLICANT: Luke Weidermann 18856 335th Ave Detroit Lakes, MN 56501 **Project Location:** 18856 335th Ave Detroit Lakes, MN 56501

LEGAL LAND DESCRIPTION: Section 23 Township 139 Range 040 PT NW1/4 OF NE1/4 W OF RIVER **APPLICATION AND DESCRIPTION OF PROJECT:**

Request a Conditional Use permit to fix vehicles on property.

Luke Weidermann explained to the Board that he needs five parking spots to meet the State requirements.

Bruflodt asked where the cars will be parked. Weidermann stated he would move them away from the river.

Knutson stated concerns about the bathroom location and why is it in the shop and not where he is going to selling the vehicles. Weidermann explained that the State requires that a bathroom be provided for the business.

Kovala question the location of the bathroom. Weidermann stated it would be in the shop at his home on the Ottertail River and the business would be located in Frazee.

Weidermann explained that the proposed location of the shop has changed to the top of the hill based on the Board of Adjustment recommendation.

Knutson stated his concerns with the CUP amendment request and questioned what Weidermann's intentions are in regards to the shop and where he is going to be selling the cars.

46 Weidermann explained the CUP request was for five car parking spaces instead of the
47 two car spaces that were previously approved and that he will not be selling cars at the
48 home/shop.

49
50 Lien asked how many vehicles he has on the property currently, because upon site visit
51 there were nine vehicles.

52
53 Weidermann stated the vehicles at his home are personal vehicles and most are used for
54 work.

55
56 Lien stated his concerns about the stipulations of the CUP request and how many cars are
57 actually going to be there.

58
59 Discussion by the Board regarding the amount of total cars and using the River set back
60 of 75 ft. from the water for the vehicle parking.

61
62 Brufloft closed discussion.

63
64 **MOTION: Johnston made a motion to approve the request to amend the**
65 **Conditional Use Permit from two car spaces to five spaces with the stipulation that**
66 **vehicle parking be seventy five feet from the river. Kovala second. All in favor.**
67 **Motion carried.**

68
69 **New Business:**

70
71 **FIRST ORDER OF BUSINESS: APPLICANT: Amon Baer, Baer Bros. Inc 28419**
72 **40th Ave S Lake Park, Mn 56554 Project Location: None enter at same location as**
73 **17087 Hwy 10 Lake Park, Mn 56554 LEGAL LAND DESCRIPTION: Section 7**
74 **Township 139 Range 042 GOVT Lots 1&2 NE1/4 of NW1/4 & Section 6 Township 139**
75 **Range 042 SW1/4SW1/4 & Section 1 Township 139 Range 043 Beg at SE Coner of**
76 **Section 1 thence North on Sec Line a distance of 40 rods & Section 12 Township 139**
77 **Range 043 GOVT Lot 4. APPLICATION AND DESCRIPTION OF PROJECT:**
78 **Request approval of a Preliminary Plat (The Shores on Boyer Lake) and a change of zone**
79 **from agricultural to residential.**

80
81 Scott Walz, Meadowland Surveying, on behalf of Amon Baer, Baer Bros.Inc. explained
82 the request for approval of preliminary plat and change of zone from agricultural to
83 residential to the Board. Walz assured the Board they took into consideration the erosion
84 problem at the base of the bluff. Walz visited the property and the area seems to be
85 revegetating and appears under control.

86
87 Kovala stated his concern that the back lots would have access to the lake. Walz stated
88 that is prohibited by ordinance.

89
90 Kaiser asked Walz about the access road to the lots. Walz stated a public dedicated road
91 will be constructed.

92
93 Merritt stated his concern of the SWCD letter that was received and the erosion problem
94 that has occurred below the bluff.
95
96 Board had discussion regarding the erosion problems and consequence of development in
97 the bluff area.
98
99 Testimony was taken.
100
101 Curt Ullrich, neighbor, was concerned with the road because he has easement to his
102 property.
103
104 Steve Guttormson, neighbor, asked if there would be covenants on the properties.
105
106 Lien and Kaiser explained to Guttormson that zoning does not enforce covenants.
107
108 Correspondence was read from the SWCD stating concerns regarding the bluff and lake
109 degradation.
110
111 Lien asked Walz to explain the road access. Walz explained to the Board that the access
112 will be by public dedicated roadway and the easement will be released and can only serve
113 the properties to the east of the development.
114
115 Merritt stated further concern with the soils and the bluff. He feels if approved it will
116 cause a hazard to homes built on the properties. He would like to see an access lot to the
117 lake because of the erosion problems. Merritt explained slip planes to the Board and how
118 they work. He indicated that he has seen many places in Becker County with this type of
119 erosion control.
120
121 Kaiser stated that a lot of the erosion out in the area is caused by the Highway 10
122 construction and that the applicant should not be penalized for it.
123
124 Moritz stated there is a need to be safe and not cause problems and feels more
125 information is needed on the bluff and erosion problem.
126
127 Merritt believes this is an engineering issue.
128
129 Johnston commented that the houses would be over 150ft back from the lake.
130
131 **MOTION: Kaiser made a motion to approve the preliminary plat (The Shores of**
132 **Boyer Lake) and a change of zone from agricultural to residential with the**
133 **stipulation that residence of the subdivision cannot use easement road for access no**
134 **right to go east of this subdivision. Lien second and Moritz opposed. Majority in**
135 **Favor. Motion carried.**
136

137 **SECOND ORDER OF BUSINESS: APPLICANT: Joseph Miller** 42773 150th St
138 Frazee, Mn 56544 **Project Location:** 42773 150th St Frazee, Mn 56544 **LEGAL LAND**
139 **DESCRIPTION:** Section 08 Township 138 Range 038 North 389 feet of the Northeast
140 Quarter **APPLICATION AND DESCRIPTION OF PROJECT:** Request a
141 Conditional Use permit for a butcher shop (The Red Barn Butcher Shop).
142

143 Miller explained his request for a Conditional Use Permit for his butcher shop and the
144 purpose there of.
145

146 Brufloft inquired about butchering his own or is it for customers. Miller stated it is for
147 customers and custom butchering.
148

149 Kaiser asked if the USDA routinely inspects the butcher shop. Miller explained that they
150 are inspected every quarter.
151

152 Merritt asked if he was selling out of his business. Miller stated no he just cuts and the
153 customer picks up.
154

155 No one spoke in favor of the application. No one spoke against the application. There
156 was no written correspondence either for or against the application. At this time,
157 testimony was closed and further discussion was held.
158

159 **MOTION: Lien made a motion to approve the Conditional Use Permit for a butcher**
160 **shop (The Red Barn Butcher Shop). Seaberg second. All in favor. Motion carried.**
161

162
163 **THIRD ORDER OF BUSINESS: APPLICANT: Ervin Mast** 15078 Cty Rd 39
164 Frazee, Mn 56544 **Project Location:** 15078 Cty Rd 39 Frazee, Mn 56544 **LEGAL**
165 **LAND DESCRIPTION:** Section 05 Township 138 Range 038 SW1/4 Less West 495'
166 AKA 30 AC For 11.0018.001 & Less 2.50 AC in SE1/4SW1/4 AKA 11.0018.002.
167 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use
168 Permit for pallet stock sawing and furniture shop.
169

170 Ervin Mast explained his request for the Conditional Use Permit for pallet and stock
171 furniture shop.
172

173 Kaiser asked if it was custom furniture being made out there.
174

175 Kovala asked if this is an after the fact and if it has been around for a while. Ervin said
176 yes and that his father- in- law runs the business.
177

178 Knutson asked if Mast has had any complaints from neighbors. Mast stated no.
179 No one spoke in favor of the application. No one spoke against the application. There
180 was no written correspondence. At this time, testimony was closed and further
181 discussion was held.
182

183 **MOTION: James Kovala made a motion to approve the Conditional Use Permit for**
184 **a pallet stock furniture shop. Seaberg second. All in favor. Motion carried.**
185
186

187 **FOURTH ORDER OF BUSINESS: APPLICANT: Johnny Borntrager** 39237 Cty Rd
188 122 Frazee, Mn 56544 **Project Location:** 39237 Cty Rd 122 Frazee, Mn 56544 **LEGAL**
189 **LAND DESCRIPTION:** Section 11 Township 138 Range 039 NE1/4NW1/4.
190 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use
191 Permit for a sawmill.
192

193 Borntrager explained his request for a Conditional Use Permit for the use of his sawmill.
194

195 Merritt inquired about what Borntrager cuts, sells retail and custom cutting. Borntrager
196 stated he used a band saw to cut pallets and he also does custom cutting.
197

198 Knutson asked Borntrager if he ever had any complaints from neighbors. Borntrager
199 stated no.
200

201 No one spoke for or against the application. At this time, testimony was closed.

202 Written correspondence was received from neighbor Gale Alcott about the noise after
203 hours and the businesses in the neighborhood.
204

205 **MOTION: Lien made a motion to approve the request for a Conditional Use Permit**
206 **for a sawmill. Seaberg second. All in favor. Motion carried.**
207
208

209 **FIFTH ORDER OF BUSINESS: APPLICANT: Deanna Noel** 40358 Little Toad Rd
210 Frazee, Mn 56544 **Project Location:** 40358 Little Toad Lake Rd Frazee, Mn 56544
211 **LEGAL LAND DESCRIPTION:** Section 24 Township 139 Range 039 Gov't Lot 2
212 Less Plat Goranson Beach AKA 9.43 AC & less .5 AC to State & Ex 27 AC for
213 15.0236.000 **APPLICATION AND DESCRIPTION OF PROJECT:** Request to build
214 a storage building which is to be divided into separate units for monthly rental.
215

216 Noel introduced her request for a Conditional Use permit for a storage building which is
217 divided into two separate units for storage.
218

219 Knutson made a recommendation to Noel to expand hours to allow for Sunday storage.
220

221 Kovala made a recommendation to control traffic in and out
222

223 No one spoke in favor of the application. No one spoke against the application. There
224 was no written correspondence either for or against the application. At this time,
225 testimony was closed and further discussion was held.
226

227 **MOTION: Kovala made a motion to approve the request for a Conditional Use**
228 **Permit for a storage buiding which is to be divided into separate units for storage.**
229 **Thorkildson second. All in favor. Motion carried.**
230

231 **SIXTH ORDER OF BUSINESS: APPLICANT: Chad Stenerson** 7414 E. Turquoise
232 Ave Scottsdale, AZ 85258 **Project Location:** 12673 Co Hwy 17 Detroit Lakes, Mn
233 56501 **LEGAL LAND DESCRIPTION:** Section 21 Township 138 Range 041 Lot 2
234 Less 7.25 AC & PT to State & N 7.50 AC of Lot 3 **APPLICATION AND**
235 **DESCRIPTION OF PROJECT:** Request to amend Conditional Use Permit No.
236 594100 to include serving of liquor, beer and wine at food and beverage concessions.

237 Stenerson explained his application to the Board. He is requesting to serve alcohol at the
238 Flea market. He stated that many Flea markets serve beer. The Vendors at the Flea
239 market came to him and asked if he could serve alcohol. The Vendors are looking to
240 make the Flea market more worthwhile for them and feel that by serving alcohol more
241 people would come. This is Stenerson's 7th summer at the market; he is now open
242 Saturdays & Sundays whereas before it was only Sundays. This option to open both days
243 brought more Vendors to the market as it is more worthwhile to them. He is not
244 interested in opening a bar. He would not be open late at night, maybe until 9:00 P.M.

245 Thorkildson asked how many concession sites would serve alcohol. Stenerson stated that
246 one area will used for serving alcohol, it would be a 1000 sq. ft. patio that would be roped
247 off. He commented that the State of MN controls that there may not be consumption of
248 alcohol outside this area. Thorkildson questioned the hours for serving of alcohol.
249 Stenerson commented until 9:00 P.M. and not until noon on Sundays. Thorkildson also
250 asked if it would just be beer and wine. Stenerson stated that he is asking for a liquor
251 license that includes hard liquor. Kovala stated that he has a concern with serving liquor
252 in a family setting.

253 Merritt stated he is concerned with parking, the road access and people parking on the
254 road way. He stated that the neighbors are also concerned with parking. Stenerson
255 commented that there are about 6 days a year that parking is a problem. He may try to
256 work with the golf course for more parking. Thorkildson asked if there is any traffic
257 control from Law Enforcement. Stenerson stated no.

258 Lien asked Stenerson if he sees a problem with this request as the market is a family
259 setting and the parking appears to be an issue. Stenerson stated that he is asking for the
260 license to help Vendors and hopefully attract both women and men.

261 Seaberg questioned hours for serving alcohol. Stenerson stated that is regulated by the
262 State.

263 The Board took testimony. Duane Espegard, neighbor, spoke in opposition. He is
264 concerned about access off Hwy 59 and Cty hwy 17, no security and that there are no
265 bathrooms, only porta potties. He is all for free enterprise but feels adding alcohol to the

266 site would be a problem and is not the right way to grow this business. Testimony
267 closed.

268 Letters were read from Bucholz Family, Brent and Mary Qualey and Liz Hathaway
269 Castelan in opposition. Their concerns include: serving of alcohol, parking, lack of
270 sidewalks in area is dangerous for children, bikers, walkers, joggers, noise and traffic.

271 Commissioner Knutson noted that he spoke with the Sheriff and was told there were no
272 issues with the Flea market last year. He also noted that Lake View Township and the
273 County Board approved the license contingent on the approval of the amended
274 conditional use permit.

275 **MOTION: Lien made a motion to approve a Conditional Use Permit to amend CUP**
276 **No. 594100 to include serving of liquor, beer and wine at food and beverage concessions.**
277 **Moritz second. Opposed Kovala. Majority in favor. Motion carried.**

278 **SEVENTH ORDER OF BUSINESS: APPLICANT: Kris Wirth 10521 Indy 500 Rd**
279 **Frazee, Mn 56544 Project Location: 10521 Indy 500 Rd Frazee, Mn 56544 LEGAL**
280 **LAND DESCRIPTION: Section 28 Township 138 Range 040 .89 Acre to be attached**
281 **to W 350' of NW1/4 of NW1/4 of SE1/4 N of Hwy #10 APPLICATION AND**
282 **DESCRIPTION OF PROJECT: Request a Change of Zone from Agricultural to**
283 **Commercial.**

284 Wirth explained his application to the Board. He is asking for change of zone for the .89
285 Acre tract B to be attached to his existing parcel to the east. Currently there is not
286 enough room to build a shop. Tract A is 3.80 acres and would stand alone, it currently has
287 a home on it.

288 Kovala stated that the Board received photos showing erosion and runoff due to the
289 placement of culverts. He has concerns regarding this. Wirth stated that Jutz
290 Excavating put a culvert in to eliminate the problem.

291 Kaiser asked when the main parcel to the east was rezoned. Staff reported that it was in
292 2003.

293 The Board took testimony. Scott Booth took the pictures the Board received. He is
294 concerned about the lake and the runoff. Lien asked if this is natural drainage. Booth
295 stated no that Wirth created it with the culverts he installed.

296 Jan Booth concerned with what happens on the property because it affects their property.
297 Testimony closed.

298 Lien stated that the Staff needs to inspect the runoff issue. He asked if the race track
299 would be shortened. Wirth stated yes. Lien stated the runoff issue is for the County to
300 enforce and has no bearing on the application request.

301 **MOTION: Lien made a motion to approve a Change of Zone from Agricultural to**
302 **Commercial as it meets the criteria of the zoning ordinance. Thorkildson second. All in**
303 **favor. Motion carried.**

304 **EIGHTH ORDER OF BUSINESS: APPLICANT: Wetli Properties** 16998 Seclusion
305 Pt Rd Audubon, Mn 56511 **Project Location:** 10909 Townline Rd Aubuon, Mn 56511
306 **LEGAL LAND DESCRIPTION:** Section 31 Township 138 Range 042 Gov't Lots 1
307 and 2 **APPLICATION AND DESCRIPTION OF PROJECT:** Request approval of a
308 preliminary plat (Townline Acres) consisting of 21 lots.

309 Kaiser requisied himself at this time.

310 Mike Gletchall, PLS, explained the request to the Board. The Wetli family purchased the
311 property with the intent to use the existing farm site (24.94 Ac) for family. The
312 remaining lots would be 2.5 acres or more. The road within the plat would be dedicated
313 to the public. Moritz stated that the plat fits well in the area.

314 No correspondence or testimony was received.

315 **MOTION: Moritz made a motion to approve a preliminary plat consisting of 21 lots**
316 **as it meets the criteria of the zoning ordinance. Merritt second. All in favor. Motion**
317 **carried.**

318 **Kaiser returned to the Board.**

319

320 **NINTH ORDER OF BUSINESS: APPLICANT: Soo Pass Ranch Inc.** PO Box 1227
321 Detroit Lakes, Mn 56501 **Project Location:** 25526 County Hwy 22 Detroit Lakes, Mn
322 56501 **LEGAL LAND DESCRIPTION:** Section 16 Township 138 Range 041 Lot 2
323 SW of RWY Less N 32 Rds W of Hwy; & 3.78 AC & Lots 1 & 3 Ex RW 1 AC W of
324 Hwy & NE 10 AC of Lot 1; NE1/4 of NW1/4 **APPLICATION AND DESCRIPTION**
325 **OF PROJECT:** Request a Conditional Use Permit to replace four utility poles (defined
326 as towers) to add wireless telecommunications equipment for the purpose of improving
327 Verizon's coverage in the area.

328 Steve Foster, Selective Site Consultants, explained the application to the Board. The
329 tower sites are similar to the sites approved last year. The CUP is required due to the
330 distance within the shoreland district. The towers will be 35+feet in height. The towers
331 are needed for the demand in service during the WeFest. The towers will provide
332 connectivity back to the cell tower relieving the load restrictions currently.

333 Merritt questioned if the towers would be lit. Foster stated no. Merritt asked how the
334 towers work. Foster stated that they act as boosters to send the demand to the main
335 tower. Foster further discussed the need due to the data usage demands during the
336 WeFest.

337 No correspondence or testimony was received.

338 **MOTION: Kovala made a motion to approve the conditional use permit to replace**
339 **four utility poles to add wireless telecommunications equipment for the purpose of**
340 **improving Verizon’s coverage in the area based on the fact the request meets the**
341 **criteria of the zoning ordinance. Seaberg second. All in favor. Motion carried.**

342

343 **TENTH ORDER OF BUSINESS: APPLICANT: James and Jane Hokenson 19552**
344 **County Hwy 25 Detroit Lakes, Mn 56501 Project Location: 24140 County Hwy 48**
345 **Osage, Mn 56570 LEGAL LAND DESCRIPTION: Section 20 Township 140 Range**
346 **036 PT SE1/4SE1/4 Beg 679.7’ N & 33’ W of SE SEC COR Th N 166.5’ W 209.4’ NW**
347 **102.4’ SW APPLICATION AND DESCRIPTION OF PROJECT: Request a Change**
348 **of Zone from Commercial to Residential.**

349 No one was present to represent the application. Kovala stated he is familiar with the
350 property. The property has a house on it and is currently used residentially. He stated he
351 was not sure why it was zoned commercial but residential zone fits in the area.

352 No correspondence or testimony was received.

353 **MOTION: Kovala made a motion to approve the change of zone based on the fact**
354 **the request is compatible with the existing neighborhood and meets the criteria of the**
355 **zoning ordinance. Merritt second. All in favor. Motion carried.**

356
357

358 **OTHER BUSINESS: Informational Meeting:** The next informational meeting is
359 scheduled for Wednesday, July 5th, 2017 at 8:00 am in the Third Floor Meeting Room of
360 the Original Courthouse.

361
362 As there was no further business to come before the Board Kovala made a motion to
363 adjourn. Thorkildson second. All in favor. Motion carried. Meeting adjourned.

364
365

366 _____
367 Jim Bruflodt, Chairman Jeff Moritz, Secretary

368
369 ATTEST _____
370 Patricia Swenson, Interim Zoning Supervisor

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