

Becker County Planning Commission
March 27th, 2024

Members Present: Acting Chairman Jeff Moritz, Tom Disse, County Commissioner Erica Jepson, Nick Bowers, Steve Lindow, Kim Mattson, Tommy Ailie, Commissioner John Okeson, Craig Hall, Harvey Aho, and Zoning Administrator Kyle Vareberg. **Members Absent:** Dave Blomseth, Kohl Skalin, and Mary Seaberg

Acting Chairman Jeff Moritz called the Planning Commission meeting to order at 6:00 pm. Introductions were given. Becker County Zoning Technician Nicole Bradbury recorded the minutes.

Tommy Ailie made a motion to approve the minutes from the February 28th, 2024, meeting. Aho second. All members in favor. Motion carried.

Acting Chairman Jeff Moritz explained the protocol for the meeting and stated that the recommendations of the Planning Commission will be forwarded to the County Board of Commissioners for final action. Applicant one will be forwarded to Lake View Township for final action.

New Business:

- 1. APPLICANT: Michael D Anderson** 213 Willow St E Detroit Lakes, MN 56501
Project Location: TBD Co Hwy 6 Detroit Lakes, MN 56501 **LEGAL LAND DESCRIPTION:** Tax ID Number: **19.0047.003** Section 04 Township 138 Range 041; 4-138-41 PT GOVT LOTS 3-4, PT SE1/4 NW1/4: COMM CTR SEC 4, W 132' TO POB; N 165', E 132', N 1906.08', W 66', N 432.69', NW 103.08', N 150.01', W 1100.2', SLY AL TH 59 1095.52', E 300', NLY 786.06', E 227.28', SELY 599.44', SLY 614.87', S 378.12', SW 894.46', W 326.92', W 105.4', S 58.99', E 1264.98' TO POB. TRACT A-2. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Final Plat for a common interest community consisting of twenty-one (21) units to be called LAKER ISLAND STORAGE FIRST ADDITION.

Scott Walz with Meadowland Surveying presented the application. He stated that a storm water management plan had been approved by both the Pelican River Watershed District (PRWD) and the Minnesota Pollution Control Agency (MPCA).

Ailie asked if there were any changes since the Preliminary Plat approval.

Walz said no.

As there was no one to speak for or against the application, testimony was closed.

MOTION: Ailie motioned to approve the application as submitted. Hall second. Roll Call; All in favor. Motion carried.

2. APPLICANT: APPLICANT: Jarko Properties LLC PO Box 206 West Fargo, ND 58078 **Project Location:** 15912 Co Hwy 6 Lake Park, MN 56554 **LEGAL LAND DESCRIPTIONS:** Tax ID Numbers: **06.0038.018 & 06.0038.020** Section 02 Township 138 Range 043; PT SW1/4 SE1/4: COMM S QTR COR TH E 749.63' TO CTR LN CSAH #5 TH N AL HWY 430.17' TO POB; N AL HWY 520.18', SELY 307.87', SELY 462.25' TO E LN SW1/4 OF SE1/4, S 231.61', TH W 641.48' TO POB AKA TRACT C & PT SW1/4 SE1/4: BEG SE COR TH W 563.16' AL CSAH #6, TH NWLY 334.89' AL CSAH #5, ELY 641.48 TO E LN SW1/4 SE1/4, TH SLY 433.60' TO POB AKA TRACT D REF: PT 06.0038.000 IN 2008. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Preliminary Plat for thirty (30) existing units and forty-one (41) new units to be known as ELITE SHOP CONDOS.

Scott Walz presented the application. He stated that the south parcel currently has a Conditional Use Permit for rentals for the units currently there. He said they are looking to convert those and the North property into storage condos. He said some of the existing fencing will be removed for construction and then a fence will be built as shown on the preliminary plat. The northern parcel will not be fenced. He stated that the new parcel will be accessed from County Road 5 and the existing parcel will be accessed from County Road 6. The new lighting will match what is on the current structures, and the free-standing buildings will have a single light over each door. He said that the ordinance does not require any type of screening, so they have not planned for any, and that for non-shoreland they are allowed up to sixty-five (65) percent impervious surface coverage. They are proposing sixty-three point seven (63.7) percent. He also commented that if approved an engineered storm water management plan will be submitted to the Cormorant Lakes Watershed District (CLWD) and the MPCA for approval.

Okeson asked if the Highway Department had any comments regarding this.

Walz said they received no response.

Okeson asked if they had submitted an application.

Walz said they will need to get a permit for that.

Okeson commented that it would be possible the Highway Department could select an entrance different from what is on the preliminary plat.

Mattson stated that he is concerned about the safety of the approach.

91 Walz said the Highway Department will review the area for safety. He stated they are more than
92 four hundred (400) feet from the intersection to the south and more than four hundred (400) feet
93 from where it starts to curve to the north.

94
95 Hall commented that the neighbors are concerned about lighting and asked if there was a way to
96 reduce some of that, so it isn't so intrusive at night.

97
98 Walz stated that they are leaving what is there, and the new buildings will have the same
99 lighting. He said the free-standing buildings will have a single light, downward facing, but there
100 are no plans to reduce what is already there. They want it to be secure.

101
102 Bruce Qvammen, the Developer, said it will be the same lighting as the ones on the south side of
103 Big Cormorant.

104
105 Yvonne Johnson, neighbor spoke and shared how bright the lights are. She commented on how
106 dangerous it is for kids getting on and off the bus at the road to the north of this proposed project.
107 She said she does not approve of this project.

108
109 Julie Omvig, neighbor, shared that she has had to call the Sheriff's Department for cars flying by
110 on that curve. She said people already go too fast in that area. She stated it has been very
111 dangerous for her children getting on and off the bus. She said by adding this project, things will
112 not get better, and the view will not be nice.

113
114 Ailie asked how far she lives from the site.

115
116 Omvig said right north, and the buildings would be up to her tree line. She stated that her
117 driveway is close to the entrance, and this will create more traffic.

118
119 Deb Huseby and Kathy Escherich, neighbors, spoke. Huseby submitted a picture of the curve,
120 and a statement from the Lake Park-Audubon transportation director. The curve picture also
121 shows the driveway entrance for Omvig. Those are entered below:
122



123

Storage Condos at Co Hwy 5 & 6 south of Lake Park

3 messages

Deborah Huseby <dhuseby@lpa.k12.mn.us>

Wed, Mar 27, 2024 at 12:34 PM

To: Matthew Jensen <mjensen@lpa.k12.mn.us>, Dean Sunram <dsunram@lpa.k12.mn.us>

Hello,

I live on East Tony Johnson Road, Lake Park. There is a meeting tonight at the Court House at 6:00 pm. The meeting is to open discussion on a proposed storage condo expansion. The owners of the existing storage units want to build an additional 41 units. The entrance to the new units will be on Co Hwy 5 to the south of Cory & Julie Omvig's property. I know the curve along Co Hwy 5 at this location makes it impossible to see traffic. When the bus stops to pick up Derrick Omvig, there have been a few close calls because drivers can't see very well. An increase in traffic at this location would be a safety hazard so I wanted to let both of you know. I will be attending the meeting tonight so if you'd like more information please let me know.

Best Regards,
Deb Huseby

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Deb Huseby
WIN Teacher
LPA Elementary School
218-325-0754 ext.1184
dhuseby@lpa.k12.mn.us

Matthew Jensen <mjensen@lpa.k12.mn.us>

Wed, Mar 27, 2024 at 12:42 PM

To: Deborah Huseby <dhuseby@lpa.k12.mn.us>

Hey Deb

Whether the storage units are built or not I would suggest flashing school bus stop ahead signs from the north and south on Hwy 5.

Matt Jensen
Transportation Director
Lake Park/Audubon Schools #2889

[Quoted text hidden]

Deborah Huseby <dhuseby@lpa.k12.mn.us>

Wed, Mar 27, 2024 at 12:45 PM

To: Matthew Jensen <mjensen@lpa.k12.mn.us>

That's a great idea! Thanks!

Huseby said they have given the permission for the school bus to use their driveway as a turn-around cause it's too dangerous on the road.

Escherich stated that she included pictures with her email that show how bright the lighting is. Escherich's letter is entered below:

Becker County Planning and Zoning Department
Reply regarding Elite Shop Condos project

Property owner of parcel number 06.0038.008 replies:

I have two concerns regarding zoning laws that are in question with the Elite Shop Condos project.

1. With the past storage condos, and now this new proposed project, there is no buffer planting screen in place on the current parcel (060038020) or noted on their proposed preliminary site plan or application notes. On page 7-58, section 4, subsection B.1, of the zoning laws state that if a commercial property is adjacent to residential property, the land around the buildings can be left in a natural state. Otherwise, it must be landscaped with a buffer planting screen. According to the zoning laws, there should be landscaping around these buildings and a buffer planting screen because the land was not left in a natural state. Prior to the storage buildings being built, there was grass, soil, trees and natural vegetation. I know there isn't a home built on the adjacent property to the east (parcel #060038010), but it is still zoned residential. There is a home on parcel #060038000 so a buffer planting screen should be required.
2. On page 8-81, table 54 shows that commercial property can have no more than 30% impervious surface coverage. In the application notes of the preliminary site plan, it states the total proposed impervious surface covers 63.7% of the project area. In the definitions section of the zoning laws, gravel is listed as an impervious surface. I'm very concerned with water run-off due to the amount of impervious area noted in this project.

Other general concerns:

1. Lighting – The lights on the current storage condos supposedly have downward facing lights. Please see the attached photos of the lights on the buildings from my backyard which is 15 acres away. The glare goes well beyond the borders of their property. On the right bottom corner of the pictures, you'll see my hot tub. I have a view from my hot tub/yard of a storage facility with obnoxiously bright lights. I can no longer see stars or enjoy my yard at night. If the proposed buildings utilize the same amount of lights, the same downward facing design and the same intensity, it will be like I live in an industrial park. I own rural property and pay Cormorant township property taxes so I can look at nature.
2. Fencing – The current storage buildings have tall chain link fencing that is topped with barbed wire. I don't see fencing noted on the preliminary site plan for the proposed condos. Will the existing type of fencing be used around the proposed condos?

*The bright lights and fencing with barbed wire at the top leads the general public to believe this is not a safe area. It implies our neighborhood could be a high-crime area. The combination make the storage facility look like a prison.

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3. North of East Tony Johnson Road is a waterfowl production area. The increased traffic, bright lights and water run-off could affect the animals on this state land. Has an impact study been completed? Does the DNR require one? There are a variety of animals that call this area home.

On a personal note, when my husband and I decided to buy our house, part of the allure of the house was it's location. Close to town and its amenities but in a rural setting. We enjoyed the wild life, (deer, wild turkeys and foxes, even an occasional coyote), and the beautiful evening skies. That has all changed. Now when I choose to sit out on my back deck, all I see are storage buildings and very bright lights. Not too many stars can be seen in the sky with the glaring lights disrupting the view. I worry about how that these storage condos will affect my property and resale values. Thank you for giving me this opportunity to express my concerns.

Best regards,

Katherine Escherich
15949 E. Tony Johnson Rd.
Lake Park

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Huseby stated that the current fencing has barbed wire at the top. She said to her, that indicates they live in a high-crime area. She said they should have security, but this is beyond what is normally seen. She submitted pictures of the fencing, and they are entered below:



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148 Huseby said they are asking the Board to consider the fact that if they allow this to move
149 forward, they will no longer be living in a residential area, but instead an industrial area.

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151 Jepson asked Escherich to show her where on the map she lives.

152

153 Huseby said it is parcel number 06.0038.008. She also stated that there is a wildlife production
154 area across the road from them, and wondered if an impact study had been done. She is
155 concerned that at sixty-five (65) percent impervious coverage that the water runoff will impact
156 the wildlife.

157
158 Escherich ask how much of that water runoff will affect her.
159
160 Moritz stated that the storm water management plan happens later after the Preliminary Plat
161 approval. He commented that he sits on the CLWD board and he said they will be using a
162 professionally engineered plan that is then submitted to the CLWD board to review what is
163 engineered to ensure there will not be any long term problems.
164
165 Huseby asked about commercial screening.
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167 Vareberg stated that the property as it is being used now is a commercial use, but that when a
168 common interest community is developed the use is no longer considered commercial, therefore
169 screening is not required.
170
171 Jay Kostecky, the property owner, spoke and stated that in 2020 there was a lighting complaint
172 and after review it was determined that he lighting was within the perimeters. He said he had an
173 electrician go out in the middle of the night to test the foot candles which came back at point
174 nine (.9). He said as the prooperty owner, he is responsible for the safety and security of the
175 property.
176
177 Vareberg read a letter from B&M electric with the results of the testing they performed in 2020.
178 That letter is entered below:
179

B & M Electric Inc
30614 Sunset Rd
Detroit Lakes, Mn 56501
218-847-1946

4/17/2020

To whom it may concern:

I am writing this letter regarding the security lighting at the Elite Storage units at the corner of the county hwy 6 and #5. I went out to the location and took some light readings at the sight, right under the lights on the east side of the building, I had a reading of 4.5 foot candles. Going east from the building 75 feet to the fence, I had a reading of .9 foot candles.

In my opinion there is very little to no light that makes it to the homeowner's yard to the east. In fact, I think the homeowners yard light produces more foot candles then the lights on the storage shed.

As a reference to the amount of light being projected toward the east, I have a led night light that I use in my house for my daughter's bedroom which produces 3.5 foot candles.

Sincerely

Mike Eidenschink

B & M Electric Inc

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182 Kostelecky said that after that complaint, he did disconnect two (2) lights on the East wall for the
183 neighbor, but he felt like he couldn't disconnect any more lights than that.

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185 Mattson asked who would be buiding the structures.

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187 Kostelecky stated that Qvammen is.

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189 Mattson asked what they would look like.

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191 Kostelecky said that the continuous buildings on the plat will match the buildings that are there
192 in being white and blue, and the free standing buildings will be a charcoal gray and mid gray.

193

194 Mattson stated that he drives by there often and its very commercial looking as it sits now. He
195 said there is nothing aesthetic about it.

196

197 Qvammen said they will look like a residential storage building.

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199 Hall asked if both parcels could be accessed off of County Road 6.

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201 Walz said it could be looked at.
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203 Hall said he was wondering if it would be a possiblilty because of all the opposition for an
204 entrance off of County Road 5.
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206 Walz said the traffic problem is an existing issue, but these ones may be used just a few times a
207 day, so it really shouldn't generate more traffic.
208
209 Vareberg proposed that he, Commissioner Okeson, Walz, and Jim Olson the County Highway
210 Engineer could meet out at the site before the County Board meeting to hopefully alleviate some
211 of those concerns.
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213 Moritz thinks that would make things easier as it seems to be a big hang up.
214
215 Vareberg said if Olson isn't comfortable with it, it won't be permitted.
216
217 Lindow suggested maybe someone could go out to a neighbor's at night to see how bright it is
218 and suggested shields to modify the downward facing lights.
219
220 Testimony Closed.
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222
223 All letters received were read before the meeting and are entered into record below:
224

Dear Nicole Bradbury

I am Strongly against this it be a major eye sore and this would in danger the wild life in this area, every year wild life lose places graze and live. Please deny this at township 138N - Range 43W. Thank You Dean L Nash, 16145 Cormorant RD, Lake Park, MN 56554

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My name is James Wiseman. I have land that would boarder the Elite Shop Condos. I do not want anymore storage buildings. This area is residential not commercial!! I vote NO!!

-A followup email was sent, correcting his name: James Wiedeman.

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Dear Nicole Bradbury

I strongly oppose this proposal for township 138N—Range 43W. It would be a major eye-sore and endanger the wildlife in this area. Every year, wildlife loses places to graze and live. Please deny this at township 138N—Range 43W.

Respectfully,

Dan

Daniel R. Nash, Ph.D. candidate, MS, CISSP

16145 Cormorant RD, Lake Park, MN 56554

Ms. Bradbury,

Please consider this our response and objection to the preliminary plat application of Jarko Properties, LLC. We presently reside at 15911 E. Tony Johnson Rd, Lake Park, MN and are in the process of purchasing the home from Christopher & Angela Moothart (Parcel 060038001). We are gravely concerned about the expansion of the storage units into a shop condo development. Our concerns include the following:

- (1) Safety: The intersection of Tony Johnson road and County 5 is on a curve and is nearly a blind intersection when coming from our driveways. See attached map with the intersection circled. This is a presently a 55mph speed zone (and most are driving at higher speeds). An additional entrance for the condos on Hwy 5 will create additional traffic and make an already tricky intersection exceptionally dangerous.
- (2) Lighting: being in a rural area comes with some expectation of limited commercial lighting – additional units and lighting take away from the quiet enjoyment of living outside of a commercial area, which is something the current owners (and future owners) paid for as part of their purchase price in these areas. The lighting is already very noticeable and bright to our enjoyment when we are outside. In addition, the project is close to wildlife areas and state lands that are meant to protect and preserve wildlife – we are concerned additional lighting (and traffic) will scare off the wildlife in the immediate area.
- (3) Market Value – as with lighting, we are concerned about this driving down market prices of the homes in the area. We are also concerned about other projects that come after this one - the units presently at the location already look like a small industrial park in the middle of a rural area. This build will only expand that industrial impression on our market values and enjoyment of the landowner's property. It may create additional interest for other commercial businesses near this property.
- (4) Trees - The application does not appear to include any tree lines or other sheltering to attempt to blend in with residential lots in the area.

Should you have any questions regarding our statements, please contact Sara at 218-779-8202.

Sincerely,
Sara and Carlos Diaz

Aaron and Natasha Isaman
15976 County Highway 6
Lake Park, MN 56554

Dear Ms. Bradbury,

Please consider this our response and objection to the plat application of Jarko Properties, LLC. We have residing at 15976 County Highway 6, Lake Park, MN since April of 2014. During our time here, our family has enjoyed many of the wildlife experiences that this area has provided; however, these experiences have deteriorated with the addition of the units that Jarko Properties has built. Our concern is that these experiences will only continue to deteriorate further with the further additions of storage units. The lighting on the current units has altered our wildlife/rural life experience substantially. When neighbors have brought concerns regarding lighting to Jarko Properties they have refused to modify this lighting which is saddening.

As far as zoning and land, it was our understanding per Becker County Ordinances that Commercial Planned Unit Developments cannot exceed 25% of the commercial/transient MUD suitable area. The impervious amount in the plat application is 67.4% which is over double what the ordinance allows. There are also covenants on all the lots here and we are questioning why these covenants would not apply to the parcels that Jarko Properties, LLC owns.

Most importantly, safety for our children, pets, and ourselves is the highest priority in this situation. The additional entrance for these storage buildings is highway 5 near a curve that is already unsafe. With the additional traffic related to these storage units this only creates a higher probability of causing accidents or near-misses. Since the previous storage units have been built it has creating an increase in danger of motor vehicle accidents, loss of wildlife, and all around altered experience of our rural home-life.

Please email or call with any questions: isamans@hotmail.com or Aaron 218-234-0125 or Natasha 218-205-2608.

Sincerely,

Aaron and Natasha Isaman

The block contains two handwritten signatures in black ink. The signature on the left is a stylized, cursive 'A' followed by a horizontal line. The signature on the right is a cursive 'N' followed by a long, horizontal line that extends to the right.

MOTION: Hall motioned to approve the application with the condition that the Highway Department review the location of the entrance and the safety issue if the entrance is off of County Road 5, and that they use best judgement for lighting.

Qvammen wanted the members to know that if approved they would be willing to fund signage for a school bus stop.

Aho second. Roll Call; All in favor. Motion carried.

3. APPLICANT: Ethan Thompson 15515 Co Hwy 39 Frazee, MN 56544 **Project Location:** 15515 Co Hwy 39 Frazee, MN 56544 **LEGAL LAND DESCRIPTION:** Tax ID Number: **11.0019.002** Section 05 Township 138 Range 038; 5-138-38 PT NW1/4 SE1/4: BEG NW COR NW1/4, E 660', S 907', W 264', N 676', W 396', N 231' TO POB. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to operate a U-Pick Flower business.

Cassandra Thompson presented the application. She stated that she already has three thousand (3000) seedlings planted in preparation for the business.

As there was no one to speak for or against the application, testimony was closed.

MOTION: Aho motioned to approve the application as submitted. Ailie second. Roll Call; All in favor. Motion carried.

Other Business:

I) **Tentative Date for Next Informational Meeting: April 17th, 2024; 8:00 am; 3rd Floor Meeting Room in the Becker County Courthouse, Detroit Lakes, MN.**

Since there was no further business to come before the Board, Hall made a motion to adjourn. Ailie second. All in favor. Motion carried. The meeting adjourned at 6:40 pm.

David Blomseth, Chairman

Jeff Moritz, Secretary

ATTEST

Kyle Vareberg, Zoning Administrator