

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
February 10, 2015
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on February 10, 2015.

Roll Call: Board of Adjustment/Planning Commission Members Present: Trish Taylor, Larry Thompson, Larry Smith, Lee Parks, Charlotte Quiggle (chair), Ben Oleson (Zoning Administrator)

Others in Attendance: Mark Dvorak, James Boys, Ted Boys, Dick Naakgeboren

Additions or Deletions to the Agenda? Taylor made a motion to approve the agenda as presented. Thompson seconded the motion. Motion carried unanimously.

Public Hearings

- Interim use permit to expand a commercial outdoor recreation facility (existing club house to allow for increased dining/bar area) in a General Agricultural (AG) zoning district. New area would include limited kitchen facilities and space to accommodate up to 80 guests related to golf course patrons or for related tournaments and events, with limited hours and months of operation.
 - i. Applicant: Dvorak Enterprises LLC
 - ii. Property Address: 8713 70th Street NW, Annandale (Whispering Pines Golf Course)
 - iii. Sec/Twp/Range: 34-121-27
 - iv. Parcel Number(s): 206000342204

Present: Mark Dvorak

Dvorak: Dvorak presented a copy of the current plans to board. We purchased the course a few years ago. It is coming around to be a good golf course, we started with 5 tournaments and we are up to about 36, we are going to cap it off at 50. The issues is that we have no place for people after the tournament is done so we are losing business. We are not changing business hours, not changing what we are currently doing. We are adding a basement for safety area and storage, with a larger area upstairs for additional seating/social area. Parking is available with 96 spots already. We are not looking at becoming a full service bar - just to service our current clientele. I did go around and talk most of the neighbors and have signatures indicating they are fine with it.

Oleson: Because this is in a General Ag Zoning District, Golf Course is allowed for an outdoor Recreation Business. Wright County approved in 1984 and again in 1998 to expand the golf course. When they did approve they did call out a number of conditions which are listed, one of them is that it would be a service facility for golfers only and not for public use as a restaurant or bar. This is expansion of a business that is why we need the Interim Use permit. The county put the condition in 1984 and it is redundant since the zoning does not allow for a restaurant. As long it is a food service for the patrons of the golf course and not advertised as a

public restaurant it would be fine. As Mark mentioned he is not changing anything just adding additional space. Conditions to consider, hours of operation we indicated 6 am – 11pm, months of operation with golf being a seasonal thing and they have had at least one winter even. Other things you may want to consider are ways to make sure it does not come more of full service bar and restaurant. This is kind of self-limiting with the cooking facilities he is proposing. Parking was something we wanted to look at, however, there are more than enough parking. Another item was the septic system to make sure that it is up to code and we can talk more about that.

Dvorak: We are currently up to code, however, when I tie in the dining/bar we may need to add up to two more tanks depending on the type of food we have.

Oleson: I am assuming that the possible need for additional tanks is for settling time. As long as he is meeting the requirement for that we are fine. We are mainly dealing with not having a full bar/restaurant out there. By our ordinance it is an Interim use permit, which usually have a time limit, typically we review after 5 years, however, you can decide if you want to make that shorter or longer.

Quiggle asked that the record reflect an e-mail that was received from a neighbor that only is concerned with the hours otherwise thinks the proposal is good.

Audience: Naaktgeboren asked if it was an Interim permit right now. **Oleson:** No with the County it was a Conditional Use permit, so the interim use only pertains to the addition.

Thompson: Why was the County able to do a CUP?

Oleson: The County does not have an interim use permit authorized in their ordinance, and we wanted to have certain uses that have an interim use and Golf Course falls under commercial outdoor recreation and this ordinance states Interim Use permit. On one extreme, the township could decide to not set a time limit on this. Otherwise, you could have them come back once and then extend it for a long period of time the next time, that is up to you how you want to handle.

Thompson: I do not have any issues with the request, my question is how we need to handle the interim use. It is a substantial investment that he is making and to put that on an interim use where we can tell him to tear it down I do not feel is fair to him. I understand the other types of businesses may fall under that, however, do not feel this one does. I have a question regarding the months of operation and then one winter event, are we being too restrictive? Mark what are your feelings?

Dvorak: I would like to see March thru December 31st rather than the first of December. As far as the winter event I only have had one so far and right now that is on hold, but would like to do that again in the future. I like winters off and I sell travel so I do like to travel, could see doing maybe 2 or 3 winter events.

Thompson: I would think we could be less restrictive in the winter than the summer.

Smith: I do not see any issues with the building either, I do think we need to review it in like maybe 5 years. In case we are seeing some problem with the neighbors we can address it at that time. What are your normal hours right now? And how many tournaments?

Dvorak: I open at 6 am till 10 maybe 11 on men's league night. I run about 36 tournaments right now and would like a maximum of 50.

Taylor: I do not have any problems out there at all and the expansion would be good out there. I question to the interim vs conditional. I do not see any issues with adding a few more events in the winter. My concern would be street parking for larger events.

Dvorak: The only time we have had street parking is the High School Cross Country meets.

Taylor: You were talking about keeping open until the end of December for possible Christmas parties, however, my understanding is that it can only be open for an outdoor event is that correct?

Oleson: The background on that it has to be tied to the golf course. The more it becomes a year round thing the more it becomes an event center which is a different use and not an outdoor recreation.

Parks: They have covered everything. If you were going to add food would any of that be inside?

Dvorak: Yes, I am basically creating a prep kitchen which allows for sandwiches, wraps, coleslaw, salads. I am not putting any deep fryers in at this time, I am looking at cooking outside and asking the state for a variance and need to meet codes.

Quiggle: I think it is appropriate for tournaments and for people to socialize after golf. I am concerned about veering towards an event center and it is not allowed in that area. We need to figure out some language that is not too restrictive but keeps the doors closed to becoming an event center.

Oleson: I tried to lay out some of the things that would limit it to an event center. It's not that he can't have food or fryers inside. It all goes back to the ordinance of what he can or cannot do in an Ag. District. An event center is not allowed so it needs to be tied to the outdoor event.

Dvorak: My first priority is the golfers. If there is a different path later I would have to come back at that time. I am concerned with the interim use and have to worry about taking down the building at a later date.

Oleson: I do not see that we would ever look at you having to take down the addition. The building addition could just be used for some other allowed use if the bar/dining became a problem.

Quiggle: It would be just to check in and see how things are going and make adjustments if needed. I do not see a problem keeping it open to December 31st.

Thompson: I do not want to restrict them with dates.

Quiggle: I am fine with it being closed in Jan & Feb only, which leaves it to him to manage his business.

Quiggle: I am not as concerned with the number of events as long as they are outdoor events.

Oleson: You can re-word the third condition regarding the cooking issue, using either A (more concerned with type of cooking) or B (concerned with the type of event).

Quiggle: If we use the outdoor events such as cross country skiing and could treat the building as a warming house to get a pop or a beer. The cooking area is ok for that.

Dvorak: I have had a few people ask about that and we have a great piece of property for cross country skiing.

Thompson: I don't think we should limit all cooking conducted on outdoor grills.

Thompson made a motion to approve the Interim Use permit with the following conditions:

- That the interim use permit shall expire three (3) years from the date of its approval.
- That the hours of operation for the club house be limited to between 6:00am and 11:00pm all days of the week.
- That the bar/dining facilities shall NOT be open to the general public or promoted as such. It shall only be for the benefit of patrons of the golf course and those participating in golf tournaments or events consistent with the definition of commercial outdoor recreation in the Corinna Township Land Use Ordinance as

follows: "Recreation, Commercial Outdoor – Commercial Recreation which requires large land areas or location in a rural setting such as golf courses, driving ranges, flea markets, shooting ranges, etc., but not to include campgrounds nor recreational vehicle camps."

- That the applicant shall maintain a minimum of 95 parking spaces at the club house.
- That the applicant shall make any upgrades to the septic system that may be required by state or local regulations, including water metering, monitoring of wastewater strength, larger tanks, additional drainfield or other upgrades necessary to ensure the long-term effectiveness of the system. These shall be completed no later than June 30, 2015. If as a result of monitoring of the amount of water used or the strength of wastewater it is determined that additional upgrades are necessary, those shall be implemented on a timeline required by the Zoning Administrator.
- Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between the area of disturbance and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Smith seconded the motion. Motion passed unanimously.

Taylor made a motion to approve the January 13, 2015 meeting minutes. Smith seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

- Permits; No discussion
- Correspondence; No discussion
- Enforcement Actions; No discussion
- Findings of Fact – Previous PC/BOA Decisions; No discussion

Other Business

- **Policy Discussion – Home Occupations, Home-Based Contractors, Home Extended Businesses, and Non-Commercial Contractors' Yards;**

Oleson: This is an issue that we have talked about before and is coming up again. The basic question is that we have three types of businesses that if they are not in a commercial zoning district the ordinance restricts them in certain zones. (AG, A/R, R-1, R-2, R-2a) Those three business types are home occupation, home extended business and non-commercial contractors yard. The lines between each of these are fairly gray. Back in 2010 I had conversations with former County Zoning Administrator about this since we have to be as restrictive as they are. Nothing was completely black and white so I thought we should talk about it. Back in 2010 the County Zoning Administrator indicated that Home Occupation is inside the home no sign of it outside, people do not come to the house so that is pretty straight forward. However, where do you draw the line, you could say no walk in traffic, if

you do have a one or two how do you deal with that. Home extended business is operated in a detached accessory building which may be more active and has customers on a regular basis or employees parking there. The challenge is the home occupation is allowed everywhere, the home extended is more limited as to where that can be allowed. According to the county the home extended is allowed in A/R and AG with a list of restrictions. So the question that comes up with these is the building contractor, they do not restrict a building contractor that brings his work vehicle home, but if they have a lot of excess lumber from the job site is it restricted? Storing lumber in shed vs. outside, would we consider that a home extended business? Painter that brings homes buckets of paint do we consider that a home extended business or a contractors yard? Non-Commercial Contractors yards are allowed in AG zoning district only that is more for landscapers with storage of many vehicles (equipment) outdoors. We do have a definition for that in the ordinance. We do not get a lot of clarity from Wright County and yet we have to be as restrictive. When I asked the former County Zoning Administrator if we have some leeway he said no, however, I am not sure what current County Zoning Administrators thoughts are. We are not going to solve this tonight but do you have any general thoughts? Speaking hypothetically, let's say that a company is buying a property that is zoned residential, however, it is over 4 acres and would be considered a home extended business, could they have limited outside storage? The home occupation is allowed in residential districts. The home occupation is allowed in a residential area, however, a home extended may need a variance and I am not sure how you would grant that? Home extended business is allowed in A/R & AG district. But if it is a zoning district that it is not allowed it can't be allowed even by variance. We do not regulate contractors or septic pumpers that bring their equipment home or materials. Do we want to try and clarify some of those lines?

Quiggle: I do thing that being inside is different than being inside or if it is screened.

Oleson: I think there are ways to deal with this we would have to work with the County and the Attorney. We can see if they are ok with making the same changes or they are ok with the changes and feel we are being as restrictive.

Quiggle: Can you send the proposed ordinance from 2010 for everyone to review along with getting some feedback from the County Zoning Administrator.

Oleson: The only way I can see a contractor in the residential district is if the contractor brings his truck home at night. The ordinance right now is pretty restrictive, it basically states nothing on the outside. The ordinance that we started in 2010 had some work around. For now, I will make my best judgement and be on the conservative side.

Rescheduled March Meeting Date - to be March 18, 2015 at 7:00pm.

Snyder/Tart Subdivision Resolution: We talked about this last month and approved to change the condition of the Tart/Snyder division, revised so that the .24 acre parcel will be called outlot A and will be combined with lots 1 & 2 of Sugar Lake Heights for the purposes of sale & development and this will be recorded on all of the parcels. We need to do a resolution and wonder if we are ok with just the chair signing off on the resolution. Taylor made a motion to authorize the chair to sign the resolution. Smith seconded the motion. Motion passed unanimously.

Appoint Planning Commission/ Board of Adjustment Officers

Election of Chair:

Smith made a motion to nominate Charlotte Quiggle as Chair, Taylor seconded the motion. Motion passed unanimously.

Election of Vice-Chair:

Quiggle made a motion to nominate Larry Smith as Vice-Chair, Taylor seconded the motion. Motion passed unanimously.

Review of previously granted variance requests; No discussion

Parks made a motion to adjourn. Quiggle seconded the motion. Motion carried unanimously at 9:10pm.

Prepared by: Jean Just