

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
February 24th, 2020
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

1. Call to Order 6:00 p.m. by Chair Wilkening

Roll Call-Members Present: Gary Wilkening, Mary Beth Hansen, Randy Carlson, Seth Liefer

Absent: Susan Ostlund

Staff: Pamela Smith **Public:** Terry Freeman

2. Additions or Deletions to the Agenda.

The addition of 5.2 to the agenda. Action of proposed Ordinance ‘Community Special Event Ordinance’.

Moving action on LU-2020-02 to 5.1 on the agenda.

3. Announcements by Chair.

None.

4. M/S Hansen/Carlson to recommend approval of Minutes for January 27th, 2020.

Motion passed (4-0)

5. Report Planning/Zoning Report for January 2020

Smith reviewed the building permits applied for in January. Smith updated the board in action taken in the VRBO operating within a CBD district; the property owner is aware that it is a prohibited use and will no longer be operating as a VRBO.

5.1 M/S Hansen/Liefer to recommend approval of LU-2020-02 Lot Split with the findings of fact and condition and waiving the application fee.

Terry Freeman introduced himself as the surveyor representing Cass County. He explained that the Walker Hackensack Akeley School district has the opportunity to receive a grant or funding to operate a Level 4 school provided they found a suitable location. The school district has determined that the 9.4 acres of the proposed lot split would be the best site. Cass County owns Tract B that is located within the City limits of Walker at the old Ah-Gwah-Ching location. Terry explained the easements that currently exist as well as the additional easement dedicated known as easement B-1. Wilkening stated that the consulting committees involved in this requested a contiguous easement from the proposed C.S.A.H. No. 37 to the existing easements for future residential growth on the opposite side of C.S.A.H No. 37. Wilkening explained the County engineer did not want to dictate where an easement would be located until at which time the road was constructed and a suitable location such as an intersection would be determined. Wilkening requested that because this is a public to public lot split they waive the application fee.

Motion passed (4-0)

5.2 M/S Carlson/Liefer to set aside and not move forward with the proposed ‘Community Special Event Ordinance’.

The Board discussed the proposed Ordinance. They stated that a lot of work had gone into the proposed Ordinance. Wilkening stated that the proposed Ordinance could conflict with our existing Ordinance. There are also some additional restrictions within the proposed Ordinance in regards to parking plans and events held on private property, adding that he doesn't believe the City can regulate events held on private property.

Motion passed (4-0)

6. Discussion on Temporary off-site Sign Ordinance.

Smith explained the City currently has a temporary off premises sign permit. That perhaps we utilize the current Ordinance that regulates that. However we should consider that more staff time would be involved in recurring signs such as Walker Bay Live and may need to increase the fee schedule to accommodate that and recoup the staff time for processing the application as well as compliance after the fact. Smith explained that you could not put the signs in the Right of Way and would have to follow set-backs; unless you applied for an obstruction permit with the City. Wilkening stated that if the signs are not placed in the Right of Way for what they want to use them for as a wayfinding sort of sign they may not be effective. Carlson noted that Walker Bay Live dates are June 11th through the 27th of August and including the 4th of July. Smith added that Seth had pointed out that in our Ordinance a sign 2 square feet or less could have an unlimited number placed within each parcel. Wilkening pointed out a distinction between signs advertising for profit event and signs advertising for nonprofit. Wilkening also added that he would like to craft the Ordinance as not to hurt Walker Bay Live, stating that it brings people to our community. Smith stated they may want to consider having an obstruction permit application as part of this process or combine the application as a temporary wayfinding sign right of way obstruction application. The Board discussed limiting the number of signs. Wilkening stated 3 signs and Carlson stated 6 signs. They both agree at 5 signs per event. Wilkening questioned if a public hearing would be necessary. Smith stated that as long as they did not change the Ordinance, it would not be required. Wilkening stated that he would like to limit the amount of Commercial off premises temporary signs. He added that because a majority of the temporary signs are used as wayfinding and within a right of way it may be better off writing into one permit process that would include the obstruction process with the temporary sign process. Wilkening suggested 1-3 signs as a \$50.00 fee and 4 and more is \$75.00. Smith explained that staff time involved in this is at different values. She suggested talking to Mike the public works director about how much staff time may be involved to get a better idea of a set fee involved in the obstruction permits. The Board agrees to limit the time for a reoccurring temporary off premises sign permit to 36 hours. Smith questioned if they wanted to define reoccurring events as 3 or more times per year? The board agreed. Smith questioned the fee schedule. Wilkening stated that we should involve Terri in this because she would know what it would cost. Wilkening questioned the process for this summer adding that you cannot charge for something that is not included in our fee schedule. Smith stated if they continued to follow the current permitting temporary off-premises sign permit process that it would be \$25.00 for the event and they would not be able to regulate the duration of 36 hours; currently it is 7

consecutive days allowed. Smith clarified that she would talk with Terri about how to proceed with the thought process the Board has discussed today for limiting the duration and including the right of way obstruction permit with temporary off site signage and the potential of the Ordinance change and the possible fee schedule revision for this.

7. Review and consider having staff draft Ordinance Dedication to public *‘in lieu of land dedication for cash payments on PUDs’*

Wilkening explained that this is another change that we can do via fee schedule verses changing our Ordinance. The Board discussed the methodology and determining the use of the park being commercial use vs. residential use and they agree that 50% is a fair determination of use. They also agree that based on the current density of the City and the existing park and trail acreage the per capita share for residential or commercial should be figured at .018 acres per resident or employee. After discussion about how land value differs throughout the City. Denoting the in lieu of land for cash payment be determined by the Cass County parcel report for the undeveloped land value at the time.

8. Wilkening adjourns meeting at 7:26 p.m.