

**WALKER PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
August 25, 2014  
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: Char Moore, Gary Wilkening, Greg Smith

Absent: Rich Hansen, Jane Ekholm-excused

Staff: Terri Bjorklund, Charolette Hines

Public: Mark Steiner, Cari Smith, David Cochran

2. **Additions or deletions to agenda:**

None

3. **M/S/A Moore/Smith Approval of Minutes for July 28, 2014**

**Moore:** Motion to accept minutes

Ayes: Moore, Smith, Wilkening      Nays: None  
Motion passed (3-0)

4. **Announcements by Chair:**

None

5. **Public Hearing LU-2014-05**

Wilkening: Explains the application for guest quarters. Public hearing portion is for the public. So let's hear from the public, Mark or Cari do you have any additions you would like to add?

Mark: Just that we are trying to do this to get Cari more help. We have no idea how long this is going to go on for, it could take years.

Wilkening: We did have one email come in that was from Bob and Lorrie Koons, 906 Railroad Ave. Read email out loud. So if no one else wants to add to this, we can close the public portion.

Mark: Now I don't understand that email. They (Smith's) have 5 city lots and zoned Commercial and the building exists so I don't understand what the email is saying.

Wilkening: It's actually zoned Traditional Residential, but Traditional Residential does allow for a conditional Use Permit for guest quarters. So as far as their statement in the email regarding that it does not meet the zoning ordinance that is not correct. Because the zone you guys are in does allow for what you are doing. You have gone thru the right process to make this happen.

Mark: Thru this committee?

Wilkening: Yes, the only thing that I would bring up in conversation in this application is that you are aware that the city requires separate water and sewer connections.

Mark: Yes. Neil went over that and that will not be done until next spring. It's too late in the season to start that now.

Wilkening: You have time in the construction; just getting the structure ready is going to take time.

Mark: I have all winter to work on it.

Wilkening: As there is no more public input I will close the public meeting at 6:07 PM.

**6. Planning/Zoning - Report for July 2014**

Hines: Reads the report for July 2014

Ayes: Moore, Smith, Wilkening,            Nays: None  
Motion passed (3-0)

**7. M/S/A Smith/Moore to approve LU-2014-05 CUP Smith for converting garage into Guest Quarters.**

Wilkening: Reads the LU-2014-05 CUP application and explains the request. The city has already discussed with them about having water and sewer added to the structure, separate from the home because that is something that is in the ordinance already. Read the facts of findings from the staff report. Read the proposed conditions. At this point I will open this up for conversation. It appears everything is correct and completed in the application. So we can discuss it and move forward, if you like?

Smith: Does the ordinance prohibit them from renting or leasing the property, or is that something that we just thru in?

Wilkening: No it is not. But as part of the conditional use permit it is something that we can add in there. Being residential zone area there could be problems in the future, upon transfer of property that is where this could be a problem.

Smith: What potential problems do you see as far as renting or leasing the property? I don't see it.

Mark: We basically are adding another bedroom and bath to their home.

Smith: I don't understand the restriction. So if you guys can help me?

Bjorklund: Kind of the premise what the staff was looking at was that we require a certain square footage of land in order to have a resident on it. And to have two residents you would need to have enough to subdivide a parcel and I don't believe their parcel is large enough to do that, to totally turn that garage into living quarters. What they are doing now is a garage with a loft above turning into a bedroom and bathroom.

Mark: That is the garage to the house, so we wouldn't want to split it up.

Bjorklund: That is the premise that was looked at.

Wilkening: That structure is just under the minimum requirement, so it wouldn't work to have separate residence. So that follows along with what Terri is saying.

Smith: I am ready to make a motion if we are ready to make one.

Wilkening: I'll just ask are you comfortable with the conditions, Mark & Cari?

Mark: That is what we want, just a family thing.

Wilkening: Yes if you are prepared to make a motion, I'll entertain one.

Smith: I make a motion to approve the conditional use permit based on the staff findings, and the proposed conditions.

Moore: I second

Wilkening: So we are good with this as it is.

Ayes: Moore, Smith, Wilkening            Nays: None  
Motion passed (3-0)

**8. Consider a recommendation on the request from David Cochran for a land exchange.**

Wilkening: Explains the scenario, David Cochran want's to exchange 25 feet of land for 25 feet of land. I don't think it's essential we make a decision today, but we need to keep on track with his request in a timely fashion. One of the concerns I brought forth is if you look at the map on 8-3 the land survey. Mine has a highlighted portion; approximant current road surface is what we are looking at. Dave's concern at the public works meeting was due to safety liability. If we are going to do this for his benefit, which is his request, take the liability to get this road surface moved to where a dedicated road surface can be. That seemed to make sense to me to want to or request to cleaning up the whole thing now rather than just cleaning up just one part which would be portion of Tract B and Tract A. We would want to make it so we have a legal easement across Tract B, so it wouldn't be out there unclear so to speak. David has not gone any further with this since the public works meeting last week. I guess that is my take on it, would it be a city concern that we would want to make sure that whatever we did if it was legally defined thru this Tract A and Tract B for us for road service.

Smith: So he owns Tract A and wants to swap for Tract A? I'm confused.

Wilkening: Marine Max owns both Tract A and Tract B, Dave is buying or may have bought Marine Max back. So he will own them, I think this is my opinion is have him survey it to determine the current road surface as it relates to Tract A and Tract B and then denote within this land exchange. He wants a piece to the left of the Lot 6 and Tract A, a 25 feet strip of land from the lakeshore all the way back to his parcel in Block 4, this would give him lake access to his property. Vonda Ave and Lakeside Drive are plotted but do not exist, Utility easement within lakeside of Vonda. The other thing we discussed during this meeting was a permanent access for people. What is currently people from Tianna are coming down with their golf carts. So an easement for those people would be good. Protect the interest for the Tianna Farms people. That's how I see it, any comments you have would be welcomed.

Moore: I feel it is the public safety in the winter that is what he is going for. There is a lot of traffic that goes thru there in the winter time.

Smith: What is the safety issue?

Moore: He has his boat and plane docked there near the road, that's how he presented it correct Gary?

Wilkening: Yes, people drive over the corner of his property in Tract A. That doesn't allow him to put his dock and accessory components for his float plane on his property. So liability comes into play if someone hits his items.

Smith: Is there any plan to develop Vonda Ave?

Moore: It's platted but it doesn't exist.

Wilkening: It's platted but I think it's really more of a terrain issue and you don't want to vacate it, simply because utility easements. So his proposal does seem to be a reasonable solution. But I don't feel comfortable with making a decision with the information that we have right now. We need something more formal.

Bjorklund: Dave did say that Terry Freeman was supposed to flag it.

Wilkening: I don't think we need to make a decision today.

Moore: We need to ask him to have that survey to be done if it has not been done.

Smith: What is the city willing to give up in exchange for this?

Wilkening: He is requesting 25 feet immediately left of Tract A. We need something from him a plat of what he wants to do.

Smith: The city needs to tell him what they are willing to give up, not just him telling us what he wants. I don't know why we are leaving it up to him?

Moore/Wilkening: That makes sense.

Bjorklund: I agree with Greg and that is what I asked him for and he just draws a line. What is happening now is people are using his property to go on and off the lake. With the way the road goes now it is accessing on the Marina property not the city's property. To access the lake on the

city property you would have to go to the left where all of the green grass is developed. I do have question do we give him 25 feet straight, because the property he is trying to exchange comes to a narrow end? Do we care?

Smith: Is it just Tract A or Tract A and B?

Wilkening: Portions of Tract A and Tract B would be figured out to an equal amount and trade 25 for 25 in width. The depth may be different. It could be something that we recommend Charolette and Terri work on to determine the space. Put the city back into the game.

Smith: I can't make a decision until we know what it is we are trading.

Moore/Wilkening: I agree with you.

Wilkening: That's why we have Terri and Charolette work with Dave on it.

Moore: I think that administration work him to see what exactly he wants, then come back to us and to council with recommendation.

Dave Cochran came in at 6:40PM

Dave: Terry Freeman just put the flags in and it clearly shows what I am talking about. It even amplifies a little bit of an issue if we just trade 25 feet ridge of mine traded you , the city street would still get within 10 feet of the hill into the woods there. If I would square it off the 25 feet off me would give a little bit of a wedge towards the marina. Because on the backside it is only 4 feet wide, so if we made the wedge 25 feet wide, then we could trade 25 feet for 25 feet.

Wilkening: So we were just talking before you came in the discussion was this seems like something we can do, but we would put it back to you and have you work with Terri and Charolette on what would be your trade back. This is where the city road lies and back to the clean up the access if you will and legally defining the boundary there, that's a Terry Freeman job and bring it back to us.

Dave: It does get complicated when you have to include a wedge, on both sides of the property. A piece of the property that belongs to Marine Max now but will belong to me once we close on that transaction. So we need to square out Tract A into Tract B.

Wilkening: See that is what I was talking about.

Dave: So I will have Freeman draw it out the way I would propose it, then I would suggest having everyone to take a look at the stakes.

Wilkening: Where are the Tianna tenants headed when they come down on their golf carts?

Dave: They have their own private beach there to the West of Vonda Ave, Block 6.

Wilkening: You are agreeable to allow on easement or access across the property so it doesn't disrupt the Tianna tenants?

Dave: Yes

Wilkening: Questions guys

Moore: No

Wilkening: So we will have you and Terry Freeman work with our Terri and Charolette and bring it back to us. No action moved back to administration to work out details.

## **9. Discussion on defining Rural Residential Zoning and Performance standards for the zone.**

Wilkening: read provisions 9-1, performance standards 9-7. The lots in the Industrial Park are larger than 5 acres.

Smith: I was not sure on the lot size in the Industrial Park. Thanks for that.

Bjorklund: We weren't really dealing with the industrial side of it yet. We are dealing with the non sewerred lots to the rear, was not my thought process at this time unless I misunderstood what my direction was.

Wilkening: No your thought process is right.

Bjorklund: This is just a starting point for discussion.

Wilkening: I think to scale back on the building width to 24 feet minimum, 30 feet is just too much. Another I think is the impervious coverage you don't want 2 ½ acres impervious coverage. So if anything impervious coverage scaled back to 35%.

Smith: I agree

Moore: I agree also

Wilkening: What do you think about the lot size? Let's say 2 acres for minimum .

Bjorklund: How about 1 to 3 acres?

Smith: Yes that sounds better I just don't want to see a gap in there (referring to LDR and RR Zones).

Moore: Yes that makes sense

Wilkening: I'm not opposed to that.

Moore: Either am I.

Wilkening: Let's have Charolette and Terri research the lot size and come back next month and say that this is what we found. We are not making any decisions on this today. So we can revisit this next month.

#### **10. Discussion on incorporation of RR Zone into Land Use Classification Charts.**

Wilkening: Reads the chart 10-1 everything looks good on that.

Moore: Yes seems reasonable.

Wilkening: Reads chart 10-2 everything looks good there also. On 10-3 Planned Unit Development should be Conditional Use, not prohibited.

Smith: What is planned unit development?

Wilkening: For example what Scott Bruns has with the strip mall.

Smith: ok, so I agree with changing that to Conditional use.

Wilkening: I think the resort should be Conditional use also.

Smith: I agree and also a restaurant

Moore: Yes, I agree

Smith: Retail stores/sales should be conditional use also.

Wilkening: or Interim use I think.

Smith: I agree

Moore: Makes sense to have it Interim use.

Wilkening: Alright I think we made a lot of progress tonight. It is 7:30 pm, we did go a half hour longer, and how does everyone else feel about that?

Moore/Smith: Sounds good

Wilkening: Let's call 7:30 PM

#### **11. M/S/P Wilkening to adjourn the meeting at 7:30 p.m.**