

**WALKER PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING & PUBLIC HEARING  
August 27, 2012  
6:00 p.m. 701 Elm Street Walker Fire Hall Meeting Room**

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

**Roll Call**

Members present: Gary Wilkening, Jeff Holly, Greg Smith

Members Absent: Rich Hansen, Jane Ekholm, Char Moore

Staff: Terri Bjorklund (City Administrator) and Meghan Compton

Others: John Valen (City Attorney), Kelly Nelson, Linda Arts, Terry Freeman, Michael Cronin

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

None

3. **Public Hearing: LU-2012-08 Nelson, Request for rezoning of property at 607 S. 2<sup>nd</sup> Street**

Chair Wilkening requested any comments from Kelly Nelson or the public regarding this request.

There were none. He proceeded to read the staff recommendations on the rezoning request.

Public Hearing closed at 6:03 p.m.

4. **Public Hearing: LU-2012-09 Holiday Station Stores – Request for Ordinance text amendment**

Chair Wilkening called the Public Hearing at 6:03 p.m. and began by reading the staff recommendation regarding the request.

Michael Cronin, representative for Holiday, spoke with City Attorney regarding the details in the staff recommendation. If you remove the proximity standard, you may want to have another standard for safety that limits the frequency from 15 to 30 seconds. He is asking the board to not adopt the staff recommendation. Holiday believes from their experience that the city gains very little from the proximity standard but the prohibition poses great negatives. Their first thought was to move the sign. If they moved the sign they'd have the expense of moving the sign but would also need approval from the City to remove the trees/woods. We didn't know if that was reasonable. We then thought about a variance. In talking to the staff at that time, it wouldn't make any sense to have the variance. So Holiday decided to move forward with the Conditional use permit request. It is not a flashing sign, it is not a distracting sign. If you see it at the bank, it will not change until you are at the sign. They are requesting they can move forward with the Conditional Use permit and would be willing to talk about any concerns and include as a variance as necessary.

Wilkening – hand delivered letter from Orton's. They are requesting the sign ordinance be removed in its entirety.

Cronin – This is opposite of what Holiday is requesting. Because of the strict standards of your ordinance, that is why we are here. I would say this is not the direction that you want to go at all.

Valen – Can you read the exact language request for the ordinance?

Wilkening – Read through current text and two alternative options proposed by Holiday.

Valen – the first alternative is probably better. None of those would apply to this sign. The ordinance also says specify what those conditions would be. In other words, a dynamic sign can be closer than 50 feet with a conditional use permit with the following criteria. Maybe there are some conditions you can impose that would make it safe. If you are going to amend the ordinance, you should try and come up with some specific criteria.

Cronin – a specified standard at one avenue might not be the standard you want to apply at a different location. What I am proposing is to leave it to the council to decide.

Valen – the reason behind the criteria is to make an objective way of evaluating these requests, and not being able to approve them on a whim.

Cronin – there is no data that can show this is an issue, given the controls that you have adopted.  
Public hearing was closed at 6:27 p.m.

**5. Announcements by Chair:**

None

**6. M/S/A of minutes:** Smith/Holly (3-0) Motion to approve minutes of July 30, 2012

**7. Consideration of LU-2012-08**

Nelson – did make a request the rezoning of that area to multi-family. It was too large for a private residence, so we've decided to change it to five apartments.

Smith/Holly to approve the request and move forward to the City Council, given these statements of staff findings in their entirety

Wilkening – it is a reasonable request, will be moved forward to City Council on September 10.

Motion passed (3-0)

**8. Consideration of LU-2012-09**

Smith – I wish I had more involvement in the original plans for the ordinance. I don't have an understanding of why. I can see both sides clearly.

Holly – I can kind of speak to that 50 foot, Edy found 4 or 5 communities that were similar to Walker. We crafted this over a two year period, based upon what other cities had already done. I guess I'll disagree in a couple of areas. Just to give you some background. I live on 5<sup>th</sup> street. The particular vehicle that I have a huge blind spot and I can't see people in the cross walk. I've talked to other people about it, and that is a very dangerous intersection for pedestrian traffic. I think it's a huge safety scenario. I don't know if there is any difference between 5<sup>th</sup> and 8<sup>th</sup>.

Wilkening – I had the opportunity to travel to the cities this past weekend. And I found an increasing number of digital dynamic displays at corners that were triggered by stop lights. The ones that had the changing/fading images, that type were substantially greater than the others. The others, that had no restrictions were substantially more distracting. I look back and why did we have it? It was a recommendation that came from Edy, there was never any documentation that it created a hazard.

Holly – we had a long discussion about that 50 foot. I would certainly like to go back and see where that 50 foot came from.

Cronin – in March I talked to Edy and she is the one who said to do the text amendment. Would it make a difference to focus it more on 8<sup>th</sup> Avenue and not 5<sup>th</sup>. We are in transition. Would there be any support for something that limits the proximity only in the central business district?

Holly – I'm just trying to read here. I'm a little confused as to what we are asking for.

Bjorklund – they are requesting a text amendment with the thought process that they would come back and request a conditional use permit to allow the sign.

Holly – Valen, if we change this text, to say ...with a conditional use permit...

Valen - If you did nothing more tonight than to adopt that language, than anybody thereafter, including Holiday, could come in and ask for a conditional use permit.

Wilkening – what would the board like to do?

Holly/Smith a motion to deny the dynamic display text amendment with inability to draft conditions at allowing this request.

Smith - I am struggling with this as to why we don't already have those conditions documented. All the other conditions would still apply. Given those conditions is it possible to be safe closer than 50 feet?

Smith – can we table this?

Bjorklund – this is a 60 day process. I sent a letter giving you another 30 days. The only council meeting you have to say yay or naye to this is the next council meeting.

Smith – if we kill it now, there isn't any reason he couldn't come back with the request.

It will go to city council as a recommendation to deny the request.  
Motion passed (2-1)

**9. Review revised project for LU-20122-06 Hideaway**

Terry – Grant Thayer hired me back in January to help apply for a variance, there is a building down there with a flat roof. He wanted to re-build what was there, he just wanted a variance for the height and a pitch roof instead of a flat roof. He was going to rebuild on that location and add an attached garaged off the back. The bid to get that work done is expensive. He has re-drawn a plan that he is not going to add an attached garage out back. The plan was provided.

Wilkening – the new plan will be in the footprint of the old plan?

Terry – since the planning commission made a recommendation to the council. In the ordinance it states if you don't start it within 6 months and complete the work in 1 year, he is coming up on the 6 months and would like to extend to February 1<sup>st</sup>, 2014.

Wilkening – the six month start was waived right off the bat, but we probably would want to issue that on our January council meeting. We'll put it on our December Planning Commission agenda. That would be the way to handle it.

Terry – the storm water plans will not change.

**10. Building/Zoning Report**

**11. Review application and recommendation to call for a public hearing for conditional use permit LU-2012-10**

This confuses some people because I was just here requesting a zoning change. One week after that request I was approached by the school district, looking for a facility for their alternative learning program. The alternative learning would be in the basement and the upstairs would be living facilities. The Fire Marshall said a sprinkler system would need to be installed. The school board has decided they would like to occupy the entire building. Linda will speak on how the entire building will be utilized. What I am requesting now is for that building to be used as a conditional use permit.

Wilkening – do we allow for this conditional use permit to go to Council to request a public hearing? A conditional use permit is required in Multi-family residential to operate a school.

Nelson – the school wants to enter in to a lease agreement. If two years from now, they decide they no longer want to use that building, the zoning is still in place and we don't have to go back and rezone.

Holly – how long is the conditional use permit?

Wilkening – it goes with the property, it is permanent.

Linda – we are looking at a three year lease. There were reasons the school board said they'd be vacating. We are looking down the road and we are looking at long term. We are looking at an alternative learning program. My task is to move that to a full ALC. We aren't an ALC now. We will be able to generate revenue for our school. One way for us to access Targeted service grant, we can generate a substantial amount of money only if we are an ALC. It also allows us to serve kids from other districts. We will actually be it's own school. Credits will be issued from ALC. That is the goal. In addition, because there is so much space, this has Early Childhood potential. If we find that it's not the ALC place, we might exchange the early education programs. It means that there is a lot of potential. So we want to plan strategically. We could use it for meeting space, or the adult learning program through Community Ed. Our superintendent is thinking about spending a lot of money with our highest Special Ed kids to go to Park Rapids and Bemidji. The facility at Grandma Jo's means we could house those kids for part of their day, practicing housekeeping and cooking. Linda- and talk about safety. There is some stuff can't happen with WACC, that we can utilize with Grandma Jo's. We are trying to find the best place and the best use as we move forward.

Wilkening – is it a conditional use permit for a school?

Nelson – this is conditional use, for a multi-family zoned property. The previous was commercial property.

Wilkening – they want to build a school on your property, it would require a conditional use permit. If it was to require a commercial real-estate lease, we couldn't do that in multi-family. I just want to make sure that this board is doing this the correct way and not issuing a conditional use permit for something that it's not.

Nelson – I don't see where the commercial is, a school is public.

Holly – if the school ever purchased that property, I think at that point there is merit to have it zoned public.

Nelson – if they buy it at some point, they would rezone it

Wilkening – they wouldn't have to

Holly – I think it would be advisable to do that.

Wilkening – is this office space?

Linda – we would call it classroom

Wilkening – what we are really doing is calling for a public hearing tonight. Even if the zoning doesn't change, it would still be a conditional use permit in a residential zone.

Holly/Smith to make a recommendation for a public hearing for LU-2012-10 on September 24<sup>th</sup> at 6:05 pm

Motion passed (3-0)

12. **Adjourn.** The meeting of the planning commission was adjourned at 7:22 p.m.