

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
& PUBLIC HEARING MINUTES
SEPTEMBER 30, 2013
6:00 p.m. 701 Elm Street Walker Fire Hall Meeting Room**

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

Roll Call

Members Present: Jane Ekholm, Char Moore, Gary Wilkening, and Rich Hansen

Members Absent: Greg Smith

Staff: Pamela Smith and Terri Bjorklund

Others present: John Stewart, Lara Stewart, Dick Groth, Warren Scouton

Additions or deletions to agenda:

None.

Announcements by Chair:

Wilkening notes that the Council approved the recommendation of the Planning Commission to draft language amending City Ordinance § 33.26 PLANNING ADVISORY COMMISSION, section (A), changing the previous board member requirement from seven members to five members.

6:05 P.M.

PUBLIC HEARING

CONDITIONAL USE PERMIT LU-2013-02 (CUP Orton/Scouton).

Applicant: Warren Scouton

Property Owner: Timothy Orton

401 Minnesota Avenue W, PID 96-337-2310

Scouton presents his request to the board, stating that this Conditional Use Permit application is for an auto dealership. He currently runs a Bail Bonds business in the same building and would like to be able to use this location to also park up to 8 cars for sale in the parking lot.

Moore-Is this the same business that is in Cass Lake?

Scouton- Yes. But not at the Level Cass Lake is.

Wilkening questions whether or not the vehicles would need to be operational.

Scouton states that all of the vehicles would be salable and respectable looking.

Moore-Would your signage change?

Scouton states that he would put an Area Auto Sales sign above the current Bail Bonds sign.

Ekholm questions how he plans to keep any leakage that could occur from housing the used vehicles that he takes in.

Scouton states that he would fix them at his house before they are brought on the lot.

No other comments were received by mail or in person.

Public Hearing Closed at 6:10 p.m.

Ekholm requests that the approval of Minutes be discussed at an executive session.

Wilkening postpones the approval of Minutes to discuss at an executive session.

M/S/A Ekholm/Moore to extend LU-2013-02 for 90 days allowing for an Interim Use Permit to be researched.

The Board discusses that it would not like to see unsightly vehicles at that location and questions the washing of vehicles with regards to runoff. Scouton replies that as it states in the Conditional Use Permit application that no landscaping is proposed and as far as the washing of vehicles; he will go across the street to Orton's Car Wash. Wilkening refers to the Staff Report and reads the findings of fact 1-6.

Hanson notes that if Orton's had a groundwater remediation system that the removal of the existing well should be reimbursable. The Board discusses having a different green space in that location, Ekholm mentions a lattice type design with block pavers. Wilkening states that the Board should draft a letter to mail to Tim Orton regarding green space.

Terri discusses the permanency of a Conditional Use Permit and Wilkening reminds the Board that CUP's are tied to the property not the owner. Hanson refers to number 9 on the agenda and discusses using an Interim Use Permit for Scouton's request may make more sense.

Wilkening explains to Scouton that an Interim Use Permit would go with the life of the Lease, not the property. The Board questions Scouton on how long it is viable for him to wait. He notes that his Auto Sales Business is at a standstill right now and until this can be figured out, he has no other choice than to wait for the approval of the Board on his application.

Ekholm makes a motion to table the CUP request

Wilkening states that in lieu of tabling to make a recommendation to Council to see if it's viable to extend this without extra fees and time frame and to use the Interim Use Permit. This will give Terri an opportunity to discuss this with Valen. Ekholm suggests that it may be in their best interest to give themselves a 90 day extension.

Ekholm- withdrawals original motion.

M/S/A Ekholm / Hanson to recommend extension of the time period for the CUP for 60 days and to work towards an interim use permit ordinance in that time.

Motion passed (4-0)

M/S/A Moore/Ekholm to recommend approval supported by findings of fact adding to the findings Benefiting Public Safety by realigning driving surface and reducing traffic congestion and on the condition that Stewarts grant a utility easement to the City of Walker.

Motion passed (4-0)

John Stewart and Lara Stewart present their Vacation request to the board. The request is to vacate a portion of Third Street from Minnesota Avenue extending to a point approximately 87.5 Feet North. This would allow them to build a bigger building used for year round business; it would change the parking and allow for an easier drive thru for bigger vehicles and would allow for a safer flow of traffic in and out of their establishment.

Terri reminds the Board that a Public Hearing will be at 5:30 p.m. on Monday October 7, 2013 at the Walker Fire Hall regarding this vacate request.

Wilkening refers to the proposed findings of fact on the Staff Report and the last one under against; he believes should be re-categorized as for.

Ekholm questions that if the vacate were granted would Stewarts allow the City of Walker an easement for any future utilities.

Building/Zoning Report.

Teri reviews August zoning report.

Discussion on Interim Use Permits.

Wilkening recommends having Terri draft an Interim Use Permit to present to Council.

Ekholm believes that by allowing Interim Use Permits could prevent long term mistakes. Terri asks the Board if they have any draft language that they prefer to use. Hanson mentions that Chanhassen seems to be the point.

Staff member Pamela Smith excuses herself for the continuation of an executive session leaving the minutes to Staff member Teri Bjorklund.

Continued discussion on Industrial park land use:

Wilkening recaps how the City came to own the property and that the design for the potential expansion of the sewer system is completed and will be presented to the Council at the October meeting.

The potential for dividing of the land into two areas light industrial and rural residential

Discussed potential pricing of lots

The need to work on current city code to allow for on-site septic systems

Weight limit road for residential area.

Lot # 9 could potentially be used as dedicated green/park space

Define Rural Residential.

M/S/A Moore/Ekholm to approve of Minutes for August 26, 2013 with recommended changes.

Adjourn: The meeting of the planning commission was adjourned at 7:44 p.m.