

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
April 30th, 2018
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

- 1. Call to Order** 6:02 p.m. by Chair Wilkening

Roll Call-

Members Present: Gary Wilkening, Susan Ostlund (arrived during Public Hearing discussion) Annie McMurrin and Randy Carlson

Members Absent: Rich Hansen

Public: Jon Knowles, Amy Knowles and Martha Winter

Staff: Pamela Smith

- 2. Additions or Deletions to the Agenda.**

None

- 3. Announcements by Chair.**

None.

- 4. M/S McMurrin/Wilkening** to recommend approval of Minutes for March 26th, 2018.

Ayes: McMurrin, Wilkening Nays: None

Abstain: Carlson

Motion passed (2-0)

- 5. Planning/Zoning –Report for March 2018**

Smith review report the Board noting that BP-2018-06 has been withdrawn since this was printed.

- 6. Public Hearing-To hear public comment on LU- 2018-01, a petition from an individual landowner to rezone PID# 96-351-0310 from Traditional Residential to Transitional Commercial.**

Public hearing opened at 6:05 p.m.

Jon Knowles stated that he didn't understand the reason they would consider allowing the rezoning of a residential zone to a commercial zone when it is considered that there is a lack of residential space. I have heard from previous people that wanted to change this to commercial or transitional commercial and have been denied or did not follow through for whatever reasons. There is already plenty of commercial space available around that area that can be used for that. Jon stated that he didn't feel that this was the right location for allowing that to go there.

Winter questioned what the property was sold for.

Wilkening questioned if it was \$20,000? Jon announced during the conversation that it was sold below what the County assessments were valued at; adding that it was valued around \$30,000 or \$28,000 or \$29,000 on the County tax roll.

Arin stated that it was assessed at \$25,000.

Martha questioned why it wasn't put out for bids.

Wilkening stated that the City was approached by the buyer to sell the land.

Arin explains that she currently operates a business out of the 'old heritage' building and the space is too small for what she needs. I like that area and I like being on that edge of town and I also like not contending with the down town area where parking isn't conducive for my clients who are uncomfortable or in pain.

She stated that she found out about the parcel when walking around that area and she liked it and found out the City owned it and made an offer to purchase the land. She wanted to build on an empty lot rather than purchasing something that would need renovations and not meet her needs. She plans to put in a living quarters as well.

Amy Knowles questioned why not ask about the lot right behind that one?

Arin said that she was not aware that that was for sale.

Amy stated that it would be the same as walking by that one.

Arin stressed that she liked that specific parcel on the corner; she liked where it was bordered by Vine Street, Highland Avenue and Walker Bay Boulevard and the lake view.

Randy questioned if she planned on leaving the big tree that is there.

Arin-Yes.

Randy questioned what kind of border, hedge or fence she plans on installing.

Arin-I don't know that answer to that question.

Randy states that he can't tell her what to plant but suggests lilac bushes.

Arin replied that she would but they make her sneeze.

Jon questioned if this was going to be a 5 day a week or 7 day a week business.

Arin-I would be 5 days a week.

Jon questioned if the apartment would be for personal use or would it be sublet.

Arin replied that the goal of the apartment is because she doesn't live as close as she would like to Walker she could stay there and that would give her more time with her son. I have heard about the housing shortage so if it needs to be rented out that can be an option as well.

Randy-What kind of security lights do you plan to have?

Arin-None. I envision it looking like a house. There will be no lit up signs.

Randy-And they will come in on Vine Street to park?

Jon- If you are commercial you have to provide your own off street parking.

Wilkening-No. Otherwise where would the Chase put everybody?

Jon replied that he feels that was an exception.

Martha questioned how big of a parking area was planned?

Arin-Whatever the City requires.

Wilkening stated that they have not seen a blueprint.

Smith stated that Arin has blueprints and is in the process of attaining a Certificate of Survey and would be required to meet parking regulations and impervious surface coverage minimums. Arin was advised by the Terri to start the rezoning process since time was of the essence while they waited for the Certificate of Survey before the building permit could be processed. And the zoning would need to be amended at that parcel in order to allow a business to operate on it.

Martha questioned if it was ever designated on a Map as a Park.

Wilkening-No.

Jon stated that it seems without knowing the structure and total intent of the property or if it is going to be residential/commercial. I think you have to table this until we have all that information here to discuss it.

Wilkening-I disagree with that Jon, because if the use is going to be transitional commercial rather than residential, rezoning it with the contingency...

Jon-Why don't you give them a conditional use permit?

Wilkening-Why are you opposed to this?

Jon-I believe that the sale of the property was not done properly. We are directly affected and Amy's family has paid taxes on that for 30-40 years. The sale of the property is lower than what it should have been. It directly affects our price of our property.

Wilkening-How are you affected?

Jon-We are financially affected.

Wilkening-I don't see how. The use of the property would be almost identical to yours; commercial upstairs and residential down below.

Jon-Our parcel doesn't have anything on it.

The board clarifies that they are talking about a vacant abutting parcel not the old heritage building.

Randy stated that he can see the argument about selling an empty lot for this much below market level and this board knows and I know that yes the sale was legal but I don't think it was right.

Amy stated that is what frustrated her that they receive notifications about everything else but not about the possible sale of city property. They could have put a for-sale sign on that and there may have been a bidding war. I am not saying that we would have bought it. We would have tried because it would have definitely benefited our property. It feels like it doesn't matter what taxes we paid for all these years. If the City is going to sell it then try to make some money on it.

Randy stated that he has drafted a policy and will be getting together with Sue to ensure that this doesn't happen again.

Wilkening-A request to sell City property would be required to come to planning commission. It wasn't required at the time of the purchase, which was a question I asked during the meeting.

Randy-The law states that for any public property for sale unless the City designates it as Park for example can't be sold. The triangle piece of property has never said that so it can be sold. I am going to propose that the City do what you say, put it out in the paper of record.

Arin stated that the reason that the property sold for \$20,000 is because a comparable piece of property sold for \$15,000. The original offer was for \$15,000 and it was turned down.

McMurrin remembers that the original offer was for \$15,000 and we turned that down.

Wilkening states to Arin that she is just about out of time. If this was approved, you would apply for a building permit shortly?

Arin-Yes.

Wilkening-You are ready to build, we are not rezoning something that is going to sit there.

Arin-Correct.

Martha requested to see the plans first.

Randy states that he is hesitant to do much unless we know what it looks like, what the footprint is, where is the parking, what kind of surface is going to be for the parking lot drive.

Arin-I don't have that information with me.

Jon-There has to be a survey and there has to be drainage.

Wilkening questioned if there were any more public comments.

Martha questioned what part the Mayor had in this.

McMurrin stated that during the vote or discussion the Mayor left the room.

Martha-If a real estate agent from that company from which the Mayor is an owner/broker sold the property; he gets a portion or commission. Is that a conflict of interest?

McMurrin clarified that he wasn't involved; when they received the bid he left.

Wilkening stated that would be a stretch to say that he did it for financial gain.

Randy stated that he doesn't know the Mayor but agrees with Gary; he doesn't believe it was for financial gain.

Wilkening-If the City was doing land transactions and selling property wouldn't it be in the best interest of the City if a person that was involved in the Council that knows the most about it dealing with that rather than Annie.

Jon-I agree as long it is public knowledge.

Martha thinks that it would be interesting if she were to sell in a few years than what would happen?

Jon-That's why it should be conditional use because if she decides to leave then it wouldn't transfer to the next owner.

Wilkening-No. It would stay with the property. A conditional use is with the property forever.

Public hearing closed at 6:30 p.m.

7. M/S Carlson/Ostlund recommend approval of LU- 2018-01, a petition from an individual landowner to rezone PID# 96-351-0310 from Traditional Residential to Transitional Commercial contingent on a Building Permit application that meets City Zoning.

McMurrin stated that she felt that the property should have been put out for bids as well but it is beside the point now.

Randy added that this board knows that is how he feels also. Randy quotes 'democracy dies in darkness' and this was a pretty dark deal. It was done legally.

Smith reminds the board that the process of that sale was the catalyst that stimulated the planning commission to create a policy to avoid this from happening again.

Wilkening stated that Carol Smith acquired a piece of property and built a house there and acquired from the City in the same fashion.

Randy stated that he doesn't have any problem with it going in there. Your hours sound, not quite banker hours but decent hours and I am excited that you are not going to have night lights on 24 hours a day. Personally I have no problem with it; I just don't like the

procedure. Randy requested to coordinate with her to work with what kind of hedge border can go up on that property.

Arin-I don't want to be disagreeable with anyone. She stresses again that she found the piece of property and they liked it and approached the City to purchase it.

Randy questioned if they could rezone it not knowing what the footprint will be?

Wilkening stated that if the building permit were to meet City standards there would be no reason for them to come through here. We could recommend rezoning contingent on a Building Permit application that meets City Zoning and that could be your safeguard.

Wilkening questioned how Sue felt about this.

Ostlund stated that if she understands this right; the City sold property that now people think should have gone up for public auction. But the City had the legal right to do it. It is in the past I don't want to argue it now. Would I be supportive of somebody building something that is within zoning on land that they were allowed to purchase? Absolutely. Wilkening explains that it is the same zoning as when Olson Electric and the Roxanne's hair salon were located there; a similar kind of transitional commercial business. It wouldn't be spot zoning.

McMurrin stated that the public that showed up tonight was not worried about the actual business that would be operated there. They were more upset with how we as a Council sold it.

Ostlund-And that Martha thought it was a conflict of interest with Jed or that Jed made money off of the Sale.

8. Planned Unit Development (PUD) Research

Randy stated that he has looked into possibly allowing park models vs. smaller homes. He has also found an Ordinance on Park Model Trailers from Phoenix.

Wilkening reviewed the discussion that he had with Mike Paulus and stated that on Wednesday of this week a potential person that may acquire this property is scheduled to come to Walker and take a look at it. He would like to initially put in apartment buildings 24 plus apartments then plan for another 24 plus in the next second build.

Wilkening mentions to Randy that he understands the Tiny House thing however it may not work here. We would be giving them the opportunity to build a small house or a tiny house on a smaller piece of property.

Randy reiterates that his idea was for smaller homes not necessarily tiny homes.

Wilkening reviews the background of acquiring the property with the Board.

Smith explains that the request was for staff to research what options exists for the allowance of smaller lot sizes with a PUD. She stated that currently the minimum lot sizes for MFR and LDR are 1 acre and 2 acre respectively so at this point the individual could apply for a Variance in the current ordinance or the planning commission could consider revising the Ordinance changing the minimum lot size standards for PUD's. The Board discusses the specific size that would be stated on the possible Ordinance change and different areas that they would need possibly to change the minimum footprint size.

Wilkening discusses the size of the lot and with the setbacks and the size of the house they could build.

Wilkening stated that he heard that he would like to do the plat and then work on getting sewer and water to the apartment. Put all the hardware in the ground.

Randy suggests changing the Ordinance that it is more stringent than a Variance.

Wilkening agreed adding that the problem with a Variance is that it could be seen as arbitrary. If you were to have an Ordinance for PUD up to certain percentage; say 40% of the property could have lots as small as 7,500 sq ft. or in plat over 10 acres.

Ostlund suggest that the PUD has to be over a certain size.

Wilkening states that you can draft it however you want to; the plat would have to be over 10 acres you could then dedicate 'x' percentage to this higher density if you want or you can make it all of that.

The Board suggested that Staff look into the City of Bemidji and the City of Grand Rapids and see what they have for PUD ordinance.

9. Reminder that next meeting is May 21st 2018; due to Memorial Day the following Monday.

10. Wilkening adjourned the meeting at 7:04 p.m.