

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
June 25th, 2018
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

1. Call to Order 6:01 p.m. by Wilkening

Roll Call-

Members Present: Randy Carlson, Rich Hansen and Gary Wilkening

Members Absent: Annie McMurrin and Susan Ostlund

Public: Brian Hein, First National Bank North

Heather Hauser, Bill Hansen Realty

Staff: Pamela Smith

2. Additions or Deletions to the Agenda.

None

3. Announcements by Chair.

None

4. M/S Hansen/Carlson to recommend approval of Minutes for May 21st, 2018.

Motion passed (3-1)

5. Planning/Zoning –Report for May 2018

Smith noted the 5 building permits and the valuation of permits to date is \$619,635.

There were no regular or temporary sign permit applications received in May and only one fence permit was applied for during the month of May.

6. Public Hearing 6:05 pm. To hear public comment on LU- 2018-03, a Variance application LU-2018-03 located at property known as 102 6th Street North, Parcel #96-337-1610, to allow for a ±1 foot encroachment into the right-of-way beyond the length of time allowed for an obstruction.

Public hearing opened at 6:05 p.m.

Brian Hein representing First National Bank North stated that the request is for installation of a handicap accessible ramp; it will extend the length of the building towards the parking lot. The ramp will meet ADA compliance regulations. The current steps encroach into the right-of-way. What they are proposing would actually lessen the encroachment by 1 foot. If approved they plan on completing the project this fall.

No other comments from the public were heard regarding LU-2018-03, a Variance application.

Public hearing closed at 6:07 p.m.

7. **M/S Hansen/Carlson** to recommend LU-2018-03, a Variance application LU-2018-03 located at property known as 102 6th Street North, Parcel #96-337-1610, to allow for a ± 1 foot encroachment into the right-of-way beyond the length of time allowed for an obstruction with the findings and facts and conditions as listed on the Staff Report.

Motion passed (3-0)

Wilkening indicated it would allow the building to come into ADA compatibility plus they are making an effort to reduce its lack of conformity. Hansen and Carlson both agree and see no issues with this Variance request.

Wilkening questioned Smith if any written consideration was received from the public.

Smith indicated that no response was received from the public.

Motion passed (3-0)

8. **Discussion regarding the discovery of a private homeowner's septic located on City Property.**

Heather Hauser explained that after a survey of the Tufte property it was discovered the homeowners septic, a portion of the deck and retaining was located on City property.

Wilkening added that the Tufte property is located in Shingobee Township and the encroachment in question is located on City of Walker property. Heather stating the current land owner purchased the land not aware that the encroachment. Heather noted that that area of the property where the encroachment exists could best be described as a ravine. Wilkening added that that area of land that the City owns is for future expansion of the sewer ponds.

The Board discussed the different options that the City has the authority to do when considering the sale or disposition of land owned by the City; included possibly requiring conformance once the septic system failed. Heather stressed to the board, that due to the fact that the current retaining wall that is encroaching as well is considered an important part of what is supporting the house. The Board agreed to look into splitting of a portion of the City land that extends 10 feet beyond the northern most encroachment. The suggest splitting it at the end of the parcel but not past the road and keep it simple. Heather questioned if they had any idea of the cost for the proposed parcel. Wilkening stated that he feels an amount less than \$500 would be far too little and an amount more than \$10,000 would more than likely be considered not to be fair market price. The Board discussed how to determine the fair market value of a newly created parcel. They agree that this situation is unique in nature and in this case would request after splitting and selling that parcel; relinquishing the newly created lot into Shingobee Township Limits. Wilkening suggests that if the property owner would like to expedite this proposal they should request a portion of the meeting to be closed at the next City Council meeting on July 2nd, 2018, to allow for discussion and to allow for the property owner to make an offer to the City for the newly created parcel. Wilkening suggested that as far as all of the survey work it would need to be included in the offer. It would be specified that we will take care of the survey and the entire work contingent on the acceptance of our offer; so he doesn't have to spend any more money before we move forward. Wilkening believes Terry Freeman should be able to give some idea of what the square footage would be without doing any more survey work.

Wilkening suggested and Hansen reiterated that City should also consider relinquishing that piece into the Township and make that a requirement.

M/S Hansen/Carlson to recommend approval to determine the portion of City land to the north of Tract A and extending 10 feet beyond the northern most point of encroachment and extending east toward the property line abutting the State of Minnesota; with costs for survey, filing, recording and any other fees associated with a parcel split borne by the property owner and the price to be determined by City Council. Motion passed (3-0)

9. Discussion on draft policy regulating the sale, acquisition or repair of City owned property.

➤ Refer to May 21st, 2018 Planning Commission Packet for reference.

Carlson noted that the example of the City of Alexandria Real Estate Disposition Policy is more in depth verses what he has drafted. Hansen referred to the minutes of April 21st, 2017 denoting the statement the Sue said, ‘Ostlund suggested that in the policy to state; we make it our practice to open it up for bids, but reserve the right to consider the economic development of our community to make our decision. Hansen stated that due to the unique situation that exists with the Tufte property it wouldn’t fall under this exemption; it has nothing to do with the economic development of the City but still should be something that the City has flexibility to say we should sell this property to them at some dollar amount rather than open it up for public bids.

Wilkening adds that the correlation between the City of Alexandria policy and what the League of Minnesota Cities has is pretty close. One suggested change would be to remove ability for the City Manager to make or delegate real estate transaction without Council direction or approval from either the Planning Commission or the City Council that could initiate disposition. Wilkening noted that he likes number 3 under E. in the City of Alexandria’s policy where it has factors that are evaluated. The Board suggested adding an (i) for the scoring criteria in regards to having the construction completed in a certain amount of time on a parcel by parcel basis.

The Board directs staff to draft a policy based on the City of Alexandria and clarifies that it include the City Council and/or Planning Commission can initiate the process along with adding the scoring criteria for construction completion on a parcel by parcel basis. And bring back to the July meeting to review.

10. Planned Unit Development (PUD) Research

➤ Refer to May 21st, 2018 Planning Commission Packet for reference.

Smith stated that there is a lot entailed when changing a PUD Ordinance. There are multiple State references as well as related City Code references. If you change one area you have to update another. Smith read from the information Memo from the League of Minnesota Cities. Smith read that it is regulated by diverse state and federal court cases and that the City may want to consider the assistance of an experienced planner and attorney when drafting PUD ordinance or possibly the assistance of the League of Minnesota Cities.

Wilkening stated that he has not heard back from Dave Cochran regarding the last message that he left him regarding if he had any additional contact with the potential developer.

They discuss minimum lot sizes and other considerations when drafting a revision to increase density. Wilkening stated that they might be better off requesting the Council to do a request for proposals to work with the planning commission to draft this Ordinance.

M/S Carlson/Hansen to recommend of the request to advertise for RFP's for proposals to hire a planner to work with the Planning Commission Board of Adjustments to draft a PUD Ordinance that also includes adding a section that would allow the increase of housing density.

Motion passed (3-0)

Wilkening updated the Board about the sidewalk discussion and stated that Public Works has voiced a request to MnDOT the creation of a sidewalk and a crosswalk by Holiday and Dollar General area. We are going to see if we can get the first half of it included in their pedestrian upgrades.

Wilkening adjourned the meeting at 7:36 p.m.