

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
September 30th, 2019
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: Gary Wilkening, Mary Beth Hansen, Randy Carlson, Seth Liefer
Absent: Susan Ostlund
Staff: Pamela Smith **Public:** Richard Glenn, Jon Knowles, Mike Grein, Nancy Grein, Ron Stene, Joan Stene, Vicki Brenenan, Chuck Brenenan, Mark Sisson, Gini Sisson, Wayne Schott, Marcie Schott, Laurie Moe, David Cochran, Terry Freeman

- 2. Additions or Deletions to the Agenda.**
Addition to the agenda: Review and input on donation policy.
Smith explained the Park Advisory Board would like the planning commission board of adjustments to review the policy and requested input.

Wilkening suggested that it be reviewed at the budget and finance committee.

M/S Carlson/Hansen to recommend that the budget and finance committee review the donation policy.
Motion passed (4-0)

- 3. Announcements by Chair.**
Chair Wilkening welcomed Seth Liefer to the Board.

- 4. M/S Hansen/Carlson to recommend approval of Minutes for August 26th, 2019.**
Motion passed (4-0)

- 5. Planning/Zoning –Report for August 2019**
Smith reviewed the report for August noting the valuation of building permits through August is a little over 1.5 million.

- 6. Public Hearing 6:00 pm. To hear public comment on LU-2019-06, a Conditional Use Permit for moving > 50 cubic yards (non-shore or bluff impact).**
Public Hearing opened at 6:00 p.m.
Wilkening explained this property is addressed as 209 Vine Street. He noted that it was for 250 yards of sand and 250 yards of black dirt. Wilkening reads the following staff findings:
 1. With implemented conditions, no soil erosion or possible pollution of public waters will occur as a result of the conditional use.
 2. The fill site is viewable from public waters however will have no impact on site or how it is viewed from public waters.
 3. The application does not have lake access for watercraft.

4. The subject property is located in an area zoned as Transitional Commercial (TC); dirt moving of more than 50 cubic yards is Conditionally Permitted.
5. The use, with conditions imposed by the Planning Commission, is compatible with the surrounding neighborhood and does not conflict with the Comprehensive Plan.
6. The use with conditions is compatible with the existing neighborhood; the adjacent properties that surround that parcels to the North is zoned Multi Family Residential (MFR), to the South is Traditional Residential (TR), East is Parks and Recreation (PR) and West is Transitional Commercial (TC); which is a compatible conditional use for those zoning districts.
7. The proposed use, with conditions, is not considered to be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

The Proposed Conditions as presented by staff:

1. Maintain preventative steps for soil erosion before, during and after the project.
2. All areas disturbed during grading shall be covered with topsoil and seeded.
3. Water run-off shall be contained on subject properties.

Wilkening questioned if the public had any questions, input or concerns.

No other public comments or questions were heard.

Public Hearing closed at 6:07 p.m.

7. M/S Carlson/Hansen to recommend approval of LU-2019-06, a Conditional Use Permit for moving > 50 cubic yards (non-shore or bluff impact) with the condition that the silt fence is installed immediately based on the findings of fact one through seven and the conditions one through three.

Carlson questioned the applicant why number one of the staff findings and staff conditions has not been met. Carlson stated that there is no silt fence and you can see where it is starting to run into the ditch. Richard Glenn explained that they are going to be digging through it tomorrow. Carlson recommends no further dirt movement until the silt fence is installed.

Wilkening explained that they would be digging through it if the silt fencing was there because they are digging for the water and sewer tomorrow. Wilkening questioned if putting up the silt fencing to accommodate excavation to the city sewer line. Carlson agreed as long as the fencing was installed after that.

Motion passed (4-0)

8. Public Hearing 6:05 pm. To hear public comment on LU-2019-07, a zoning reclassification petition.

Public hearing opened at 6:11 p.m.

Terry Freeman explained that this is a two-step process. The applicant would like a lot split and a zoning reclassification. This would make one more residential lot to the west of the current one and reclassify the remaining to transitional commercial. Terry Freeman explained that if they did develop along the highway they would have to present a storm water plan to the County.

Wilkening reads the following staff findings for the lot split:

1. Tract A is properly zoned and suitable in its natural state for the intended purpose with minimal alteration. Tract A, Tract B and portions of Tract C have been approved a Conditional Use Permit for Dirtmoving >50 cubic yards.
2. Tract A is connected to public water and sewer. Tract B and Tract C will be able to connect to public water and sewer.
3. The applicant is not proposing any provisions for water-based recreation.
4. Lot areas and dimensions conform to the requirements of the zoning provisions, without variance. The minimum lot size for newly created lots in the Transitional Commercial zone is 5,000 sq. ft. and the minimum lot size for the newly created lots in Traditional Residential is 15,000 sq. ft. The proposed division is as follows: Tract A being 15,101± square feet, Tract B being 15,273 ± square feet and Tract C 223,970± square feet.
5. Future development will not be constrained by the proposed lot layouts.
6. Each lot is subject to the right-of-way designated on Front Street W and Trunk Highway No. 371.

M/S Carlson/Hansen to approve to waive the reading of the conditions of the staff findings of 1-7 on as presented on the Staff Report for LU-2019-07, a zoning reclassification petition.
Motion passed (4-0)

Wilkening invites public comments or questions.

Public questioned what the project is going to look like down the road; along with concerns about the wetland adjacent to the trail. Public further explained that he didn't feel confident enough to ask questions until the project was explained. He requested the difference between traditional residential and transitional commercial which Smith provided him with however he is missing what this project is going to be.

Wilkening explained that developers Brad and Julia Baird attended the previous meeting; he explains the layout of the map provided. Tract A is the location of their current rental. They would be reconfiguring that lot out of a series of lots that extend toward 371. They would add an additional lot for future residential. Wilkening explains how the lots are currently and how the current map would represent the lot split request.

The public further questions the wetland portion.

Wilkening explains that initially the applicant was requesting a lot split through Tract C dividing the wetland portion; which did not make sense. The reality of filling that because it is a wetland is not feasible. The primary reason for this lot split and rezoning of those parcels is for a commercial venture at some point. Wilkening explained that it could be a Holiday Station, pharmacy, retail store, etc. pointing out with 371 located adjacent to that it would be a primary access point. The commercial structure would be held to treating their water on site and their storm water run-off going into a catch basin filtration system.

Public questioned if the transitional commercial portion could also become residential or is it only strictly for commercial.

Wilkening stated that it would be allowed.

Freeman stated that the applicant has no plans for a specific commercial entity to exist there. He would like it zoned as transitional commercial so he can market it to someone as a transitional commercial piece of property.

Public questioned if this is just to change the zoning.

Wilkening confirmed that it is at this point.

Carlson mentions that there must be some kind of barrier between transitional commercial and residential.

The public questioned about if the trees would be affected in the changing of the setbacks.

Wilkening stated that it would not go back that far; I don't know of any plans for tree removal that would be on the north side of the property.

The public questioned if there was any kind of restriction on the kind of commercial building that go there.

Wilkening reads through the land use chart noting all of the permitted uses as well as the conditionally permitted uses for transitional commercial.

The public questioned what conditionally permitted means.

Wilkening explained that they would have to submit an application for that specific use he explained the zoning board would review it and it would have a public hearing.

The public stated that from their understanding that the wetland would not be touched at this point.

Wilkening responded that unless there are some major changes in wetland regulations; it would not be touched.

No other public comments or questions were heard.

Public hearing closed at 6:30 p.m.

9. M/S Hansen/Liefer to recommend approval to Council for LU-2019-07, a Lot Split and zoning reclassification petition.

Motion passed (4-0)

10. Discussion with Dave Cochran, Laurie Moe, Terry Freeman

Freeman explained that this discussion is in regards to the 27 acres that Dave Cochran owns. Freeman pointed out the topography map and how steep the area is in the middle. Freeman stated that the way the City has it zoned currently is the residential, multi-family and a spot in the middle as parks.

Wilkening explained that was arbitrarily zoned that way because it was thought that at one time that it could be a PUD.

Laurie Moe stated that working with Dave Cochran it was apparent that the main goal is to provide more affordable housing in Walker. She stressed the lack of affordable housing within our City and the importance of providing entry level housing.

Freeman stated that he was able to divide the lots into 15,000 sq. ft. lots to accommodate a duplex.

Wilkening questioned if they were not even considering a PUD.

Cochran explained that because of the limited number of lots would be cost prohibitive when considering the infrastructure.

Moe explained that Cochran is not looking to build the homes himself; he is looking to get the property ready so if a developer did come in it would be ready.

Wilkening explained the PUD process and the density would allow for over 100 units (if the base density increase criteria are met) in the multifamily and 45 units (if the base density criteria are met) in the low density residential.

Dave stated that if they looked at the PUD process and how to plat it out; if there are 80 lots, Walker could probably absorb about 10 or 15 a year so we are looking at a 5 or 6 year build out. He adds that it is not his intention to be the developer; he would get the infrastructure in and Laurie's job would be to find buyers for the property.

Wilkening questioned Dave if it was his intention for Dave to get the property through the PUD process and the lots sized and placed for development.

He said it was, adding that he will call Ehlers and Associates to discuss the possibility of considering a Tax Increment District.

Wilkening brought up possibly looking into David Drown and Associates.

Cochran explained that when doing the townhomes they used Ehlers and we sold \$225,000 Bond and we guaranteed to recover the bond through the increase in the tax revenues through a period of about 15 years. If the taxes did not increase enough then I had to pay the bond out. It paid it off in 10 years because of the raised tax base. Cochran added that he believes it to be different now; that they no longer go through bonds and that it is solely the developers' responsibility.

Wilkening suggested other possibilities that included deferred assessments, DEED (Mn Department of Employment and Economic Development). Laurie added national association of realtors has placement grants as well.

Laurie questioned if it would have to be one signal developer.

Staff will research that and get back to her.

Liefer stated that one possibility of having several different developers; is that you could run the risk of one of the portions being completed ahead of the others. He suggested that they could create a holding company of sorts and hold the developers responsible to meet the deadlines for the entire PUD regardless of how many developers are involved.

Wilkening clarified that Dave would be the property owner until Laurie found a buyer for the lots. Cochran stated that he would unless a developer came in and wanted to take the whole thing over.

After much discussion and clarification of PUD and the PUD process, Terry Freeman and Dave Cochran will revisit their plat and consider the PUD concept.

11. M/S Hansen/Liefer approve to recommend that City Council call for a public hearing at the October Planning Commission meeting to hear public comment on the proposed adoption of the Tiny Homes Ordinance.

Motion passed (4-0)

12. M/S Carlson/Hansen to approve adjournment of the meeting at 7:15 p.m.