

**CITY OF WOODLAND
SPECIAL COUNCIL MEETING
MAY 20, 2013**

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Doak called the Special Council Meeting to order at 6:00 P.M.

ROLL CALL

Present: Mayor James Doak; Council Members, Tom Newberry and John Massie

Absent: Council Members Chris Rich and Sliv Carlson

Staff: Zoning Administrator Gus Karpas and City Clerk Shelley Souers

Guests: Traci Tomas, Russ Swanson, and Jeff Schoenwetter,

PUBLIC HEARINGS - continued

A. Variance; 2925 Gale Road, JMS Custom Homes request variances of the minimum lot area, impervious cover and structure coverage, in conjunction with a subdivision of a section of 2925 Gale Road

Mayor Doak opened the public hearing to consider the variance request for 2925 Gale Road, from JMS Custom Homes, LLC and Angus and Margaret Wurtele. Mayor Doak stated that the hearing is a continuation of the Monday, May 13 public hearing.

Zoning Administrator Karpas summarized the dual request by the applicants for variance and subdivision by waiving platting. Karpas stated that over the years the wetland along the south of 2925 Gale Road has encroached further onto the property from when the house was built. Karpas noted that the request is consistent with the intent of the ordinance and maintains a single family parcel. Karpas stated that he recommends approval of the request based on the following findings; **(a)** Section 900.01 outlines the purpose and intent of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location -- the proposal does not run contrary to this intent; **(b)** the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development of residential property within the city; **(c)** The request, as presented, would not alter any of the existing improvements on the property. Rather, it would create non-conformities through the reduction of lot area. The use of the property for a single family home is reasonable and consistent with the neighborhood; **(d)** The plight of the homeowner is created by the nature of the lot in which over forty percent of the lot area is either wetland or easement area for roads and driveways. In one case, the easement does not even contain any type of travel surface and probably should have been extinguished. In the other, the area of the lot is not static in that meandering of the wetland boundary dictates its lot area and currently has pushed the lot area

well under the minimum required lot area even before the proposed division; and (e) The proposal would not create a noticeable difference in the neighborhood since the proposal is a land transfer. Future requests to alter the structure would require Council approval and further impact on the essential character of the locality can be addressed at that time.

Karpas stated that the proposal permits the city the opportunity to control what happens to PID 18-117-22 22 0007. Being a separate lot of record, it could be conveyed separately unless the city sought legal action to prevent such a transaction. By approving a variance and a subsequent subdivision/combination, conditions can be applied that can be filed with the title of the property and provide guidance to future councils.

Karpas stated that there are no structural alterations proposed at this time for the residence.

There being no comments, Mayor Doak closed the hearing on the variance at 6:06pm.

B. Subdivision by waiving platting; 2900 Gale Road and 2925 Gale Road; Brad Hoyt & JMS Custom Homes

Doak opened the public hearing to consider the subdivision request for 2925 and 2900 Gale Road, from JMS Custom Homes, LLC and Angus and Margaret Wurtele and Brad Hoyt. Mayor Doak noted that the subdivision public hearing is a continuation of the Monday, May 13 hearing.

Zoning Administrator Karpas stated that the proposed subdivision request will clean up the existing easements. Karpas stated that he recommends approval of the subdivision request based on the following findings; the proposal complies with the criteria for the approval of a subdivision outlined in Chapter 8 of the City Ordinances in that a) the review by the City Attorney found no conflicts with the Minnesota State Statutes; b) the proposed subdivision will not impact community planning and conforms with the existing and planned streets in the surrounding areas; c) the proposed subdivision will not include immediate developments which would impact grading, run-off or street surfaces; and d) the proposed subdivision would have no impact on the use and enjoyment of the surrounding properties or other properties in the community.

Zoning Administrator Karpas recommended that the following conditions be applied to approval of the subdivision.

- The portions of the subdivided parcel must be absorbed by the larger, adjacent parcels so that only two PIDs remain at the completion of the subdivision/combination process.
- That portion of the property subdivided north of Gale Road and to be attached to 2900 Gale Road cannot be used for the storage of material of any kind and is limited to the parking of licensed operable passenger vehicles owned by the property owner or their short term guests.
- The existing easements shall remain unobstructed.
- No building permit may be issued for any dimensional alteration of the structure located at 2925 Gale Road without a variance granted by the City Council.

- The vacant unused road easement on 2925 Gale Road must be extinguished. This process must begin within 90 days of the issuance of new property identification numbers (PIDs) for the property.
- After the issuance of new PIDs, individual certified surveys must be submitted for both 2900 Gale Road and 2925 Gale Road showing final lot dimensions and legal descriptions.

There being no comments, Mayor Doak closed the subdivision hearing at 6:12pm.

Council Member Newberry moved to approve the requests for variance and subdivision by JMS Custom Homes, LLC and Angus and Margaret Wurtele and Bradley Hoyt for 2925 and 2900 Gale Road as presented to the Council with the findings and conditions specified and recommended in the staff report for the variance and subdivision by waiving the platting requirements. Council Member Massie seconded the motion. Motion carried 3-0.

ADJOURNMENT

Council Member Newberry moved and Council Member Massie seconded the motion to adjourn. Meeting adjourned at 6:17pm.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor