

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, APRIL 11, 2016

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Doak called the meeting to order at 7:18 p.m. and dispensed with the Pledge of Allegiance, as it was recited prior to the previous meeting that began at 7:00 p.m.

2. ROLL CALL

Present: Mayor Doak, Councilors Carlson, Massie, Newberry, and Weiner

Staff Present: Dale Cooney, Zoning Coordinator, and Kathy McCullum, City Clerk

3. CONSENT AGENDA

A. Approval of the March 14, 2016 City Council Minutes

Massie moved, seconded by Newberry to approve the March 14, 2016 City Council minutes. Motion carried 5-0.

4. PUBLIC COMMENT - None

5. PUBLIC HEARINGS

Mayor Doak announced for the record that the City Council held a special meeting on Saturday, April 9th to view the properties where variances were requested.

A. Public hearing for a variance request to encroach into the minimum required side yard setback to construct a new attached garage at 3030 County Road 101.

Zoning Coordinator Cooney explained that the applicants, Dean and Kari Breitbach, have an existing non-conforming detached garage that is situated 1 foot, 2 inches off of the south property line. He indicated that the Breitbach's would like to remove the existing non-conforming garage and replace it with an attached garage that would be placed 10 feet, 1 inch off of the south property line.

Mr. Breitbach, applicant, approached the Council and described his request. He asked that the Council approve his request.

Mayor Doak opened the public hearing.

No one present wished to speak.

The public hearing was closed.

Newberry moved, seconded by Carlson to approve a variance request to encroach into the minimum required side yard setback to construct a new attached garage at 3030 County Road 101 based on the following findings:

1. The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance:

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 seeks to remove an existing non-conforming structure and replace it with a new non-conforming structure that reduces the side yard encroachment by 8 feet, 11 inches.

2. The variance request is consistent with the comprehensive plan:

The request is consistent with the Comprehensive Plan in that it maintains the single family nature of the neighborhood.

3. The proposal puts the property to use in a reasonable manner:

The proposal puts the property to a reasonable use. Apart from the setback variance, the proposal is otherwise zoning code compliant.

4. There are circumstances unique to the property not created by the landowner:

The existing non-conforming structure sits 1 foot, 2 inches off of the property line. The proposal would reduce the encroachment.

5. The variance(s) will not alter the essential character of the locality:

The essential character of the neighborhood would not be impacted by the proposal since the proposal is only a modest increase from existing conditions while also reducing the side yard encroachment.

Motion carried 5-0.

- B. Public hearing for a variance for a septic system and a driveway entrance structure on the property located at 2400 Cedar Point Drive.

Zoning Coordinator Cooney explained that the ordinance states that no accessory structure shall be erected or located within any required setback or utility easement. He said that the applicant is requesting a variance of 25 feet into the minimum required lake yard setback for the placement of the septic system.

Mr. Cooney said that the proposed septic system is sited in generally the same area as the previous septic system. He noted that the property limitations severely restrict the placement of the system, and the proposed system has been reviewed by Metro West and is otherwise compliant with state and local regulations.

Mr. Cooney said that he recently became aware of a wall that was constructed near the driveway at the entrance to the property. He noted that the wall was constructed without City approvals, and is 4 feet tall. Mr. Cooney said that the applicant is proposing to reduce the height of the wall to 30 inches tall.

Mr. Cooney said that staff recommended approval with conditions of the variance request to encroach 25 feet into the required lake yard setback to build a septic system; and to encroach 8 inches into the required front yard setback, to encroach 18 feet into the west lake yard setback, and to encroach 40 feet 3 inches into the required east lake yard setback to build a driveway entry wall.

In response to a question from the Council, Mr. Cooney indicated that the surrounding property owners were notified of the requests.

Travis Van Lieve, landscape architect for the property owner, stated that the wall was added to identify the property and to provide for a formal entrance to the property. He said that address numbers would be added to the wall along with landscaping and landscape lighting. Mr. Van Lieve said that the goal of the wall is to delineate the entrance and to carry the aesthetic from the entrance to the house. In response to a Council question Mr. Van Lieve stated that a gate was not included in the planned landscaping.

Mayor Doak opened the public hearing.

Brent Magid, 2505 Cedar Point Drive, stated concern for the placement of the septic system and its proximity to the lake. Mr. Cooney explained that the City's inspector approved the design of the system and there are no structural encroachments into the setbacks. He noted that the Minnesota Department of Natural Resources and the Minnehaha Creek Watershed District also approved the design as it meets all requirements.

The public hearing was closed.

Mayor Doak reviewed the conditions of approval:

- a. The wall on the east side of the driveway shall encroach no further than 40 feet, 3 inches into the east lake yard setback.
- b. No part of the wall shall be taller than 30 inches from the existing adjoining grade prior to the start of construction.
- c. A sign at the intersection of Maplewood Circle East and Cedar Point Drive shall be installed identifying the road as a private drive and indicating that there is not an area to turn a vehicle around.

Newberry moved, seconded by Weiner to approve a variance for a septic system and a driveway entrance structure on the property located at 2400 Cedar Point Drive based on the following findings:

1. The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance:

Section 900.01(a) outlines the purpose of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including the 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.

When those goals are in conflict with the limitations of the property, a variance may be granted. In this case, the property is severely constrained by the narrowness of the peninsula and the lake yard setback requirements for three sides of the property. It is challenging to create any improvements that do not impact the lake yard setbacks.

2. The variance request is consistent with the comprehensive plan:

Reducing the width of the east wall, as conditioned with this approval motion, would make the request consistent with the comprehensive plan.

3. The proposal puts the property to use in a reasonable manner:

The proposal puts the property to a reasonable use in that the septic system is a required improvement to make the property livable. The driveway entry wall, reduced in width as conditioned with this approval motion, is reasonable in that it is a common improvement within the city.

4. There are circumstances unique to the property not created by the landowner:

The property is severely constrained by the narrowness of the peninsula, and the lake yard setback requirements for three sides of the property.

5. The variance(s) will not alter the essential character of the locality:

The wall, as proposed, would have altered the essential character of the locality by creating a significant lake yard encroachment of a scale and character not found elsewhere in the city. By reducing the east lake yard encroachment from 64 feet 3 inches to 40 feet, 3 inches, a driveway entry wall can be created that both serves the needs of the homeowner and maintains the essential character of the locality.

And with the following conditions:

- a. The wall on the east side of the driveway shall encroach no further than 40 feet, 3 inches into the east lake yard setback.
- b. No part of the wall shall be taller than 30 inches from the existing adjoining grade prior to the start of construction.
- c. A sign at the intersection of Maplewood Circle East and Cedar Point Drive shall be installed identifying the road as a private drive and indicating that there is not an area to turn a vehicle around.

Motion carried 5-0.

- C. Consider a request for an addition to a non-conforming structure for the property located at 2800 Stone Arch Road in order to construct an enclosed sport court.

Mr. Cooney stated that the proposed addition would be 25 feet, 10 inches off the property line. He said that since the proposed addition does not encroach any farther than the existing non-conforming main building, the request should be for an alteration of a non-conforming structure rather than a variance, as originally submitted. The City will adjust application fees accordingly.

Mr. Cooney said that staff recommended approval of the request to alter an existing non-conforming structure for the construction of an addition on the front of the home.

Mayor Doak opened the public hearing.

No one present wished to speak.

The public hearing was closed.

Massie moved, seconded by Carlson to approve the request for an addition to a non-conforming structure for the property located at 2800 Stone Arch Road in

order to construct an enclosed sport court based on the following findings that are based on the review and approval process as stated in Section 900.06 of the City of Woodland Code of Ordinances:

- a) The alteration will maintain the general character of the community;
- b) The magnitude of the proposed alteration is consistent with the surrounding area;
- c) There will be no negative impact on the use and enjoyment of surrounding properties;
- d) The alteration is the only available site to create an enclosed space of this size for the addition;
- e) There is reasonable separation between the proposed alteration and structures on adjoining properties;
- f) There would be no effect on the light and visibility available to the adjoining properties;
- g) The screening is sufficient to screen the proposed alteration;
- h) The proposal would not have a negative impact on property values;
- i) There are no concerns related to fire safety in regard to the proposal;
- j) There are no alternate locations on the property for the proposed alteration which would not require a variance; the location, between the driveway/pond area and the side yard is the only reasonable location for the proposed addition;
- k) The pond area creates an unusual limitation on the ability to locate the improvements elsewhere on the property; and
- l) The existing/proposed front yard encroachment is 25 feet, 10 inches, which matches the greatest encroachment of the proposed structure.

Motion carried 5-0.

The City Council reordered the agenda to consider Item 7. A. – Old Business at this time.

7. OLD BUSINESS

- A. Second reading of an Ordinance O03-2016 amending Chapter 9 of the City Code, Zoning – relating to home occupations.

Mayor Doak explained that the Council received input from Groveland Homeowner's Association residents and held a public hearing as required by ordinance. He noted that additional time was provided to ensure that all residents had an opportunity to speak regarding the revisions to the ordinance.

The Council agreed that the ordinance amendment should move forward.

Carlson moved, seconded by Weiner to adopt Ordinance O03-2016 amending Chapter 9 of the City Code, Zoning – relating to home occupations. Motion carried 5-0.

6. NEW BUSINESS

- A. Discussion regarding the potential placement of pedestrian warning signs in the area generally located in the vicinity of 3100 Maplewood Road.

Mayor Doak introduced them item stating that there is a blind curve in the vicinity of 3100 Maplewood Road that can be dangerous to pedestrians. He asked for input from the Council Members regarding the potential placement of signage to alert drivers to watch for pedestrians.

The full Council agreed that signage should be placed and asked that examples be forwarded to the Council for consideration at the May meeting.

8. MAYOR'S REPORT

Mayor Doak reported on the following:

- County Commissioner Jan Callison held a meeting of the Lake Minnetonka area Mayors where the following items were discussed:
 - The City of Wayzata will be removing ash trees because of the expected emerald ash borer infestation. The treatment that is used only prolongs the inevitable fact that the tree will die whether it's treated or not. The cost to remove and replace the trees is less than the cost to treat them and then remove the trees later.
 - The Lake Minnetonka Water Patrol will be better prepared for the Independence Day celebration this year. The first responders will have a new staging areas that will help them quickly react to emergencies.
- The transition from TCF Bank to First Minnetonka City Bank is complete and went very smoothly. The Council complimented the City Clerk for her management of this process.

- The City Council Members need to take the Board of Appeal and Equalization Training prior to next April. Staff will contact the Council when the training becomes available.
- There may be a proposal coming before the Council for a reconfiguration of properties that are located on Gale Road.
- The Case family estate on Gale Road was sold. It is expected that the three properties will be the site of a single, large home.
- Mayor Doak, Council Member Massie, and City Engineer Martini toured the City to inspect the roads to find areas that need repair in 2016. Several areas were identified to be repaired with mill and overlay which will provide for a longer lasting repair.
- There was a court ruling that restricts cities' ability to regulate door to door solicitations. Such restrictions are seen to violate First Amendment rights.
- In the past, the City has inquired about restricting the placement of business advertisements in tubes designed for newspaper deliveries. Restricting this material has usually been ruled to violate First Amendment rights. There is, however, no requirement that residents provide newspaper tubes.
- The Senate State and Local Government Committee and the Senate Health, Human Services, and Housing Committee each heard, amended, and passed a bill that requires local governments to permit certain types of recreational vehicles as temporary family dwellings. The main motivation behind the bill is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on a grandmother while she recuperates from surgery, they could have her stay in a temporary family health care dwelling placed in the yard or driveway. At this time, there is a provision that cities may pass an ordinance opting out of allowing these types of dwellings.

9. COUNCIL REPORTS

- A. Carlson –Enterprise Finance and Operations, Intergovernmental Relations, and MCWD

Council Member Carlson suggested that the document that was sent to the Groveland Homeowner's Association regarding the changes to the utility bills be placed on the City's website. The Council agreed.

Council Member Carlson stated that there are discussions with the Governor and the legislature regarding railway safety – potential spills and emergency response. The Council asked Council Member Weiner to call the Fire Chief and ask him for details.

The Minnehaha Creek Watershed District is ready to distribute a report of the status of the next ten-year plan. Council Member Carlson will forward the document to the City Clerk to distribute to Council Members.

B. Massie – Road right-of-way maintenance, Trees, Deer Management

Council Member Massie reported that the Council should expect to see consideration of the 2016 road repairs on an upcoming agenda. The repairs would probably occur in June, if approved by the City Council.

C. Newberry – Ordinances, Septic Ordinance, and Inspections - None

D. Weiner – Public Safety, Police and Fire, General Finance - None

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Massie to approve the Accounts Payable as presented. Motion carried 5-0.

11. TREASURER'S REPORT

Weiner moved, seconded by Carlson to approve the Treasurer's Report as presented. Motion carried 5-0.

12. ADJOURNMENT

Carlson moved to adjourn the regular City Council meeting of April 11, 2016. Motion carried by consensus. The meeting adjourned at 8:51 p.m.

ATTEST:

Kathryne A. McCullum, City Clerk

James S. Doak, Mayor