

CITY COUNCIL MINUTES
Monday, February 8, 2010
7:00 P.M.

Mayor Doak called the meeting to order at 7:00 PM.

ROLL CALL

Present: Mayor Jim Doak; Councilmembers, Michael Jilek, Tom Newberry, Sliv Carlson and Troon Dowds.

Staff: Chief of Police Cory Johnson, Zoning Administrator Gus Karpas, City Attorney Joel Jamnik, City Engineer Dave Poggi and City Clerk Shelley Souers.

Guests: Steve and Tamela Schroll, Bruce Schmitt, Darren Schmitt, Joan and George Stickney, Daniel Distel, Mark Gronberg and Peter Vogt.

CONSENT AGENDA

A. Minutes of the Council Meeting, January 11, 2010.

Councilmember Carlson moved to approve the consent agenda as submitted. Councilmember Dowds seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

No public comments.

PUBLIC HEARING- Continued

A. Steve & Tamela Schroll, 2700 Stone Arch Road, request a Special Use Permit to alter the topography of the existing grade in conjunction with new construction of a single family home.

Mayor Doak opened the public hearing at 7:03P.M.

Councilmember Newberry excused himself from the Council table and abstained from Council discussion and the Council vote.

Mayor Doak reported that in January the Council convened a public hearing to consider a request by Mr. and Mrs. Schroll for a Special Use Permit to alter the grade of their property to construct a new single family home. Following the initial public hearing the Schrolls made modifications to their house plan and driveway grade, reduced the cubic yards of imported fill and added rain gardens to address drainage concerns raised at the public hearing in January.

Zoning Administrator Karpas summarized the plan amendments which included a reduction of the elevation of the upper garage floor by approximately fourteen inches from 944.37 to 943.21. This alteration lowered the grade from the previous high elevation of 944' to 942.9 at the garage apron. The subfloor elevation was reduced from 945.29 to 944.62. The driveway grade was reduced from 7.5% to 7%. The driveway width would be widened from 12 feet to 14 feet to accommodate on-site parking during construction, increasing the impervious surface from the earlier plan and still be in compliance with the impervious surface standards. The change in grade and driveway slope will reduce the amount of imported fill from 1,060 cubic yards to 370 cubic yards. Mark Gronberg, surveyor for the applicant, confirmed the reduction in fill is a

result of lowering the driveway and the addition of a 2'-6" retaining wall located along the south side of the garage apron.

Zoning Administrator Karpas noted that a preliminary landscape plan delineates plantings to be used to soften the look of the retaining wall and house from the street side. The applicant has not shown any landscaping on the hillside. Two six inch deep rain gardens are planned and comply with the Minnehaha Creek Watershed District's requirements for rain garden design. The applicants submitted a rendering of the home as viewed from the street entrance.

Zoning Administrator Karpas stated that the modified grade alteration results in a six feet grade change from the highest adjoining ground level to the lowest level.

City Engineer Poggi stated that the proposed rain gardens are sized appropriately to infiltrate ½ inch of runoff. Mr. Poggi noted that the existing drainage patterns have been maintained and he believes there will be no issues from a drainage standpoint.

Mayor Doak asked if the proposed project could improve the existing conditions.

City Engineer Poggi stated that the proposed changes should not have a negative impact on drainage and may potentially improve the drainage.

Bruce Schmitt, owner and architect of Bruce Schmitt and Associates, stated that a landscape plan delineating the types and quantities of plants to be planted along the house will minimize the impact of the height of the house by four to five feet. Mr. Schmitt reiterated that the proposed driveway slope of 7% is equal to about four degrees of rise. The reduction of fill is due to the lowering of the garage and the addition of the rain gardens. The lot is a transitional lot and the home design deals with a higher house on the west and lower house on the east. The lowest floor elevation is restricted by the flood plain elevation. The lower level ceiling height was reduced eight inches. The existing lot currently has a 10% grade change. There is 7.3 feet of grade change proposed with the new plan. The roof height would be the same regardless of the fill.

Councilmember Carlson asked if the applicants had considered creating a steeper driveway grade closer to the garage apron and leveling out the driveway as it extends towards the street.

City Engineer Poggi noted that the degree of driveway slope is approximately eight inches of rise over 10 feet of distance.

Mayor Doak thanked the Schrolls for the additional work and the graphic rendering of the house as viewed from the street. Mayor Doak asked what the hill would look like viewed from the properties to the east and the type of landscape planned to moderate the visual impact of the slope.

Mr. Schmitt noted that the lot is very low along the east side. The slope of the driveway was moved to the west and closer to the house. The area south of the rain garden was intended to be a lawn area. The pond along the west side will be obscured from the east property.

Mr. Schroll noted that views of the ornamental pond, from inside the Newberry's home, would be blocked by their proposed house. The view of the pond from south of the Newberry's garage would be obscured by their proposed driveway slope. The elevation in front of the rain garden [along the south east side of the house] is 933 and drops two feet to 931 at the east corner of the lot.

City Attorney Jamnik stated that a future subsequent owner could apply to amend an approved special use permit because it is not a deed restriction.

Mr. Schroll stated that their concern with a height restriction for their home is that a future buyer of Newberry property [2750 Stone Arch Road], without the same degree of restriction could construct a home that would overshadow their house because it is also closer to the lake.

Mr. Newberry stated that the maximum height of a house on their property could be 968 feet [peak height].

Dr. Vogt, 2800 Stone Arch Road, spoke in support of the Schroll's proposed plans.

Mr. Stickney, realtor for the Schroll's property, provided a colored site plan delineating the existing and proposed impervious cover.

Mr. Newberry noted that a future buyer of the Schroll's property could circumvent the height limitation by 10% if the Special Use Permit application is approved without conditions. Mr. Newberry reiterated that the maximum height of a structure on their property of 968 feet is well below the potential height of a structure on the Schroll property.

Mayor Doak noted that, at the January public hearing, property appraiser Mr. Jabs stated that the added fill to 2700 Stone Arch Road would have a negative impact on the value of 2750 Stone Arch Road, although the new home would probably enhance the neighboring values. Mayor Doak asked the City Assessor Dan Distel for his opinion regarding the proposed grade alteration and the impact to the neighboring property values of the entire Schroll project.

City Assessor Distel stated that in his opinion, the proposed architecture and the final topography is fitting for the area and for lake property. The proposed grade transition of the homes from west to east is typical and he does not believe there would be a negative influence in value to surrounding properties.

Mayor Doak noted that Stone Arch Road is a vulnerable street and asked Council whether a construction bond should be provided by the owners or contractors to ensure restoration of the roadbed and to encourage caution on the part of the contractors.

Council agreed that the City would not require a bond for this project, but would examine this issue as a policy for future construction projects.

Mayor Doak closed the public hearing at 7:56 P.M.

Council considered the special use permit criteria and reached the following findings by consensus.

- 1) The effect of the proposed use on the character and development of the neighborhood:

Although the volume of fill and the change in the topography of the building lot is substantial, the impact on the neighborhood should be positive, provided the proposed drainage pattern is controlled in a manner which lessens the rate and volume of water that leaves the property and the grounds are appropriately landscaped with trees and shrubs to lessen the visual impact of increased height of the lot with particular emphasis on the view of neighbors to the east. The City Engineer will verify the effectiveness of the storm water runoff abatement plan and the Zoning Administrator will approve the landscape plan submitted by the applicant prior to the construction of the home.

2. Effect of the proposed use on the health, safety and welfare of occupants of the surrounding lands:

The proposed use is consistent with the existing use as a single family home. The proposed grading will create a slope from the west to the east. With the proper installation of rain gardens and directed flow of drainage, there would not appear to be any negative effect on the health, safety and welfare of neighbors. The pre-existing storm water drainage problem on Stone Arch Road could be improved by the proposed construction.

3. The existing and anticipated traffic conditions, including parking.

Aside from parking during construction, the proposed use would improve off street parking over that which currently exists on the property and is consistent with that available at the other single family homes in the neighborhood. Parking during construction, and the delivery of material to the site will be regulated by the City so as not to create an unnecessary burden to the neighborhood.

4. The effect on property values in the surrounding area.

After hearing testimony from neighbors, a professional appraiser and the city Assessor and rely on years of similar experience in Woodland, the Council finds the proposed grade change and home, taken as a whole, will not negatively impact the property values surrounding the proposed project. The proposed home is consistent with those most recently constructed on the lakeside of Stone Arch Road in terms of size and value.

Mayor Doak suggested several conditions be applied to the special use permit; 1) To prevent utilizing the topographical change to the property to circumvent the City's restriction on the height of structures and to consider the overall impact of the project on neighboring properties, the proposed structure and all structures proposed in the future for the property may not have a height that exceeds 973.5 feet above sea level. This restriction coincides with the applicant's stated goal to provide a visual transition in terms of topographical grade and structure height as viewed from west to east. 2) The applicants install Minnehaha Creek Watershed District approved rain gardens, at the direction of the City Engineer, to control runoff on the property

with a focus on the east side where the topography is relatively flat. 3) Prior to issuance of a Certificate of Occupancy, the City's Zoning Administrator will confirm that the landscaping on the property at the conclusion of construction conforms to the plan submitted by the applicants. 4) Prior to issuance of a Certificate of Occupancy, the City Engineer will certify that the storm water control devices constructed on the property and the final grading of the property conforms to the plans submitted by the applicants. 4) Parking will be limited to the subject property during construction.

Councilmember Jilek moved approval of the Special Use Permit with conditions and findings as stated. Councilmember Dowds seconded the motion. Motion carried 4-0-1, with Councilmember Newberry abstaining from the vote.

Councilmember Newberry rejoined the Council discussion at 8:14P.M.

NEW BUSINESS

A. Minnehaha Creek Watershed District (MCWD) proposed rule changes (F & D)

Drainage Engineer Dave Poggi stated that the MCWD has suggested revisions to rules D & F regarding wetland protection and shoreland stabilization. Mr. Poggi stated that the overall goals of the MCWD are to promote and maintain a natural shoreline by moving away from riprap and stone walls in lieu of natural vegetation and to protect the quality and diversity of wetlands in the District.

Mayor Doak expressed concern that property values could be impacted by the proposed rule changes because a significant number of properties in Woodland may become nonconforming within the wetland buffer rules.

Councilmember Jilek expressed concern that the proposed rule changes may not be realistic for an urban lake.

Mr. Poggi distributed a map ranking the wetlands throughout Woodland based on size, vegetation, and hydrologic features. Wetlands are administrated by the Corps of Engineers, the Department of Natural Resources and the Watershed Districts. The proposed rule would require that wetlands be replaced if altered or filled in certain instances.

Mayor Doak reiterated that the proposed rule changes will have a significant impact to Woodland property and requested the City Engineer to assist the City in preparing comments to address the technical issues of the rule changes.

OLD BUSINESS

A. Trees on Blaine Road

Councilmember Dowds reported that the City's tree contractor Aaron Smith examined a Basswood and two pine trees along County Road 101 and Blaine Avenue. Mr. Smith will remove the basswood and one of the pine trees within the next week.

MAYOR'S REPORT

Mayor Doak reported that he and Councilmember Dowds will be working on a tree inspection and removal policy.

Mayor Doak reported that he attended a planning and zoning seminar and will distribute several helpful handouts regarding land use to Councilmembers.

Mayor Doak reported that a curb stop valve was excavated along Stone Arch Road to facilitate water shut off. Mayor Doak suggested that the City evaluate the overall condition of the water system and the adequacy of the maintenance fund supporting it.

COUNCIL REPORTS

Deer Management & Website

Councilmember Jilek reported that no deer have been removed to date.

Finance & Public Safety

No report.

Road & Signs

No report.

Ordinances

Mayor Doak suggested that the Council re-examine the land alteration ordinance and consider creating a permit process to for grade changes based on height. Grade changes greater than three feet could require a variance.

Councilmember Newberry suggested that Council also consider amendments regarding height limitations and establishing a spot elevation from a base point on the lot.

ACCOUNTS PAYABLE

Councilmember Jilek moved approval of the Accounts Payable as submitted. Councilmember Newberry seconded the motion. Motion carried 5-0.

TREASURER'S REPORT

Councilmember Newberry moved approval of the Treasurer's Report as submitted. Councilmember Carlson seconded the motion. Motion carried 5-0.

ADJOURNMENT

Council unanimously moved to adjourn the regular meeting at 9:20 P.M.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor