

RESOLUTION NO. 2012-24

**A RESOLUTION OF THE CITY OF WELLS, MINNESOTA APPROVING
THE REQUEST FOR CONDITIONAL USE PERMIT (CUP) TO
ALLOW CONSTRUCTION AND USE OF OVERSIZE SHED STRUCTURE
IN A RESIDENTIAL ZONE.**

WHEREAS, Jerry and Marilyn Dulas, applicants and property owners, have made application for conditional use permit approval under City Code Section 152.052 – 152.053 to allow an oversized shed structure to be used to store an RV and other personal items upon their homestead property in a Residential Zone.

WHEREAS, the subject property is legally described as found on Exhibit A; and

WHEREAS, the Wells Planning and Zoning Commission conducted a public hearing on the proposed CUP on September 4, 2012; and

WHEREAS, all required public notices regarding the public hearings were posted and sent; and

WHEREAS, the Wells Planning and Zoning Commission has recommended approval of the proposed CUP subject to the conditions listed below; and

WHEREAS, the City Council reviewed the requested CUP at its special meeting of September 20, 2012;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WELLS, MINNESOTA, that it adopts the following findings of fact related to the requested CUP;

Criteria #1 The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;

Finding #1 The proposed oversized shed uses would be located and accessed in such fashion that they will not be injurious to the use and enjoyment of other properties in the immediate facility.

- Finding #2 The proposed oversized shed will be primarily to store a large motorized recreational vehicle which may be stored upon residential property within the City of Wells. The view of the proposed shed vs. the view of a parked motor home will not significantly impair property values in the district with the conditions set forth below.
- Criteria #2 The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses allowed in the area;
- Finding #3 The subject site is a 3 acre lot with residential homes bordering only on the South. The lot is bordered on the North by a cemetery and on the West by farmland. The lot is accessed by the Westernmost street in the City on the East. The use will not impair current normal uses in the area and does not impede normal and orderly development of the surrounding vacant property.
- Criteria #3 Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- Finding #4 Adequate access roads exist to serve the subject site. Local roadways, sanitary sewer, water and any other necessary facilities will be constructed as a part of the project, with the conditions as set forth below.
- Criteria #4 The use is consistent with the purposes of the zone in which the applicant intends to locate the proposed use;
- Finding #5 The proposed oversized shed is consistent with the purposes of the Residential Zone, with the conditions set forth below.
- Criteria #5 The use is not in conflict with the Comprehensive Plan.
- Finding #6 This use is not in conflict with the Comprehensive Plan. The Comprehensive Plan designates this site as residential.

BE IT FURTHER RESOLVED that the requested conditional use permits are hereby granted subject to the following conditions:

- a. That owners provide adequate screening in the form of natural plants, trees and/or shrubs along the south side of the new oversized shed to screen said structure from the adjoining homes bordering said property on the south.

b. That owners remove and properly dispose of the existing accessory shed located upon said property, said existing shed located to the East of the new structure and for which said new structure was built to replace.

c. That owners take all necessary measures to ensure that rainwater run-off from said new oversize shed structure properly drains away from the neighboring properties so as to ensure that said excess water does no damage to said adjoining parcels.

d. That owners shall not use said new oversize shed structure for any commercial manner or use.

e. That owners take steps to ensure that the North and South side walls upon said new oversize shed structure do not exceed ten (10) feet in height.

Adopted in regular session of the City Council of the City of Wells, Minnesota, held this 24 day of September 2012.



Mayor of the City of Wells

ATTEST:



City Clerk