

Memorandum

To: Sunfish Lake Planning Commission

From: Ryan Krzos, AICP
Kristin Moen, AICP Candidate

Date: February 19, 2020

Re: Sunfish Lake CUP Application Ordinance Revisions
R-015255-000

Recommended Planning Commission Action

Staff recommends the Planning Commission reopen the required public hearing and consider making a motion to recommend the City Council adopt an Ordinance amending Zoning Ordinance § 1204.

Background and Overview

At the beginning of 2019, Staff recommended that the City review the application requirements and procedures related to major review, variances, and conditional use permits. In November, the previous planner, Ryan Gritman brought forward changes to the ordinance that staff found to be obsolete, or in need of a rewording. His staff report is at the end of this staff report as an attachment.

At the November meeting, the Planning Commission requested more information on the items below and made the decision to table the item until further analysis could be done.

- 1) Recommendation from the City's engineer about the proposed changes to the tree inventory requirements.
- 2) Recommendation from the City's septic inspector about the requirements for locating septic systems and wells on adjacent properties on site plans.

Additionally, more information was requested on the recycling of construction materials. Specifically, commissioners wanted to know if the City is able to require property owners to be responsible for recycling construction materials. This is a subject area that the City and Staff will begin exploring separately from this ordinance revision.

Analysis

A. *Tree Inventory*

Currently the ordinance requires that a tree inventory be done on the entirety of a property. Past practice has been inconsistent about the area of a property where a tree survey must be done. Last year, two applications had two surveys done which did not include all trees on the site. After entitlement, the applicants returned with changes to their plans that located improvements within areas where trees would need to be cut down to accommodate the improvements. The homeowners were informed that they could not proceed and needed to redesign in order to avoid the trees. This resulted in delays and extra costs to the homeowners, as well as additional staff time.

In light of this, the City Engineer recommends that the requirement be amended to request that applicants survey the entire property or unless approved by the City Engineer. This would give some flexibility for small projects that have no tree impacts, or projects on parcels where the size is so large that applicants are presented an undue burden in meeting the requirements.

B. Septic Systems and wells on adjacent properties

The City septic inspector suggests reducing the requirement for locating septic systems and wells on adjacent properties from 350 feet from the property line to 100 feet from the property line. The draft ordinance had originally stated 50 feet from the property line, but that number has been increased to 100 feet based on the feedback from the septic inspector.

C. Construction materials recycling

The draft ordinance has a section that states the City can request additional materials from applicants, and this could include a “construction materials recycling” plan. This language allows the city planner to ask for a construction materials recycling plan. This does not require that materials be recycled and at this time is sufficient until a more comprehensive look into whether an ordinance mandating the recycling of construction materials should be implemented.

Changes to the Draft Ordinance

The following sections have been updated in the draft ordinance per the requests and comments from the November 2019 Planning Commission meeting.

1. Staff is proposing that there should be no change to a full site/property tree survey as part of the Landscape Plan. It was proposed that the ordinance be revised to require a tree survey only for significant trees/vegetation within 50 feet of the job site, including the driveway area and any areas affected by site grading or other improvements. The City engineer does not support the previously proposed changes and recommends keeping the original ordinance requirements for a tree survey of the entire site.
2. Section 6.A.10. has been updated to require application materials that include the location of septic and well systems on adjacent properties that are within one hundred (100) feet of the property line on all sides of the property. This has been updated from 50 feet to 100-feet based on the recommendations from the city septic inspector.
3. Construction materials recycling: Section 6.B.26 states that a “narrative that explains how construction materials will be recycled when possible” may be required by the City. The commissioners requested additional information about this topic, and also wanted to consider making the recycling of construction materials a requirement.

Action Steps

After considering the items outlined in this report and holding the public hearing at the meeting, Staff recommends the Planning Commission offer any additional feedback and then consider making a motion to recommend the City Council adopt an Ordinance amending Zoning Ordinance § 1204.

Supporting Documentation

1. Draft Ordinance Amending Zoning Ordinance § 1204
2. Draft Site Plan Review Checklist
3. Staff Report from Ryan Gritman, dated November 13, 2019
4. Minutes from the Planning Commission Meeting on November 20, 2019

CITY OF SUNFISH LAKE
COUNTY OF DAKOTA
STATE OF MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY OF SUNFISH LAKE ZONING ORDINANCE
WITHIN THE CITY OF SUNFISH LAKE RELATED TO SITE AND BUILDING PLAN
EVALUATION CRITERIA**

THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE ORDAINS:

Section One. Amendment. Chapter 1204.02 "Conditional Use Permit Procedure" of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

- ^{10 18} A. Request for conditional use permits, as provided within this Ordinance shall be filed with the City Planner on an official application form. Such application shall be accompanied by a fee ~~as provided for by City Council Resolution in accordance with Section 1201.10 of the Zoning Ordinance.~~ Such application shall also be accompanied by ~~five (5)~~ two (2) large scale copies and one (1) reduced scale (11" x 17") copy of detailed written and graphic materials fully explaining the proposed change, development, or use. ~~In addition, the applicant shall provide an electronic copy of all materials submitted.~~ The request for conditional use permit shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) days after the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.
- B. Meet with City Staff onsite. The applicant shall meet at the site of the proposed project with City Staff prior to submitting an application for a conditional use permit. City Staff may choose to waive this requirement if it is determined that the project will have minimal impact on the site and surrounding areas.
- ~~B. C.~~ C. Proof of Ownership or Authorization: The applicant shall supply proof of title and the legal description of the property for which the conditional use permit is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the requested conditional use permit.
- ⁸~~C.~~ D. Upon receipt of said application, the City shall set a public hearing following proper hearing notification as applicable. The Planning Commission shall conduct the ~~hearing, and~~ hearing and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within one thousand (1,000) feet of

the boundary of the property in question (public right-of-way shall not be included in the one thousand (1,000) foot measurement). The City Planner shall have the right to provide additional property owners notification beyond the one thousand (1,000) foot distance if it is judged that the request will have impact upon additional properties. Records of the County Assessor shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.

~~D.~~ E. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.

~~E.~~ F. The City Planner shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.

~~F.~~ G. The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's compatibility with present and future uses of the area.
3. The proposed use's conformity with all performance standards contained herein.
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

~~G.~~ H. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

- ~~H.~~ I. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
- ~~I.~~ J. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance.
- ~~J.~~ K. The City Council shall not consider a conditional use permit application until they have received a report and recommendation from the Planning Commission. If, however, the Planning Commission has not acted upon the request within a period of time sufficient to allow a decision to be made within the time requirements of Section 1204.02 (Procedures), the City Council may proceed with its consideration and action on the request.
- ~~K.~~ L. Upon receiving the report and recommendation of the Planning Commission, the City shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- ~~L.~~ M. Upon receiving the report and recommendation of the Planning Commission, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
- ~~M.~~ N. If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a specific request.
- ~~N.~~ O. Approval of a request shall require passage by three of five (3 of 5) votes of the entire City Council.
- ~~O.~~ P. Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least one (1) year from the date of its denial, except as follows: 1. The City Council determines that an application is different from that applied for within a one (1) year period. 2. If the City Council determines by a vote of not less than three of five (3 of 5) that the circumstances surrounding a previous application have changed significantly.
- ~~P.~~ Q. If a request for a conditional use permit receives approval of the City Council, the applicant shall record such with the County Recorder within thirty (30) days of the City Council approval date. The applicant, immediately upon recording such or as soon as is reasonably possible, shall furnish the City proof of recording. No building

permits for the property in question will be granted until such proof of recording is furnished to the City.

Section Two. Amendment. Chapter 1204.04 "Conditional Use Permit Information Requirement" of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

A. Site Development Plan:

1. Location of all buildings on lots including both existing and proposed structures.
2. Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
3. Vehicular circulation.
4. Architectural elevations (type and materials used on all exterior surfaces).
5. Location and type of all proposed exterior lights.
6. Curb cuts, driveways, number of parking spaces.
7. Soil tests and classification.
8. Location and dimensions of septic systems and drain field.
9. Location of existing or proposed wells.
10. Fire protection measures.
11. If property is in excess of five (5) acres, a resubdivision plan.

B. Dimension Plan:

1. Lot dimensions and area.
2. Dimensions of proposed and existing structures.
3. "Typical" floor plan and "typical" room plan.
4. Existing setbacks of all buildings located on property in question.
5. Proposed setbacks.
6. Existing and proposed easements.

C. Grading and drainage plans, pursuant to Section 1204.04, which include but are not limited to:

1. Existing contours, minimum two (2) feet vertical separation. Different contours may be accepted with approval from City Staff.
2. Proposed grading elevations.
3. Drainage configuration, including drainage and utility easements.
4. Spot elevations.
5. Proposed road profile.
6. Erosion control measures, including provisions for on-site sedimentation control.

D. Landscape Plan:

1. Location of all existing trees, including type, diameter, and which trees will be removed, unless otherwise approved by the City Engineer. Location, size, species, and present condition of all significant trees/vegetation within fifty (50) feet of the job site including the driveway area, and any areas affected by site grading or other improvements.
2. Location, type and size of all proposed plantings.
3. Location and material used for all screening devices.
4. Method of soil stabilization (i.e., seeding or sodding).

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Section Three. Amendment. Chapter 1206.02 "Variance Procedure" of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

A. Minor Variances:

1. Purpose. The purpose of this Section is to provide for an expeditious method of processing variance requests.
2. Qualifications. Requests qualifying as minor variances must meet one of the following criteria:
 - 25 a. Cases where practical difficulties to existing buildings or platted property are created as a result of public action or change in City Code standards (exception: shoreland or floodplain regulations).

- b. Structure or setback deviations which are characteristics of and common to neighboring uses and which do not exceed five (5) feet.

3. Processing.

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- a. Requests for a minor variance shall be filed with the City Planner on an official application form. Such application shall be accompanied by a fee as established by Council resolution in accordance with Section 1201.10 of the Zoning Ordinance. Such application shall also be accompanied by ~~five (5)~~ two (2) large scale copies and one (1) reduced (11" x 17") copy of detailed written and graphic materials necessary for the explanation of the request. In addition, the applicant shall provide an electronic copy of all materials submitted. The request for minor variance shall be placed on the agenda of the first possible City Council meeting occurring thirty (30) days after the date of application submission. The request shall be considered as being officially submitted when all the information requirements are complied with.
- b. Meet with City Staff onsite. The applicant shall meet at the site of the proposed project with City Staff prior to submitting an application for a variance. City Staff may choose to waive this requirement if it is determined that the project will have minimal impact on the site and surrounding areas.
- b. The City Planner serving as the planning agency representative shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Council.
- c. Written notice describing the request and date of consideration of the minor variance request by the City Council shall be mailed to immediately abutting property owners at least ten (10) days in advance of the meeting at which said matter is to be addressed.
- d. For properties within the Shoreland and/or Floodway or Flood Fringe Overlay District, the City shall submit to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice of the City Council meeting where it is to be heard.
- e. The City Staff and the City Council shall have the authority to request additional information from the applicant to retain expert testimony with the consent and at the expense of the applicant, said information to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of any applicant to supply all necessary supportive information may be grounds for denial of the request.

- 8 f. The Council shall review the application and may upon its option conduct a public hearing on the request. If a public hearing is conducted on the request, written notice shall be provided to property owners within one thousand (1,000) feet of the boundary of the property in question (public right-of-way shall not be included in the one thousand (1,000) foot measurement). The City Planner shall have the right to provide additional property owners notification beyond the one thousand (1,000) foot distance if it is judged that the request will have impact upon additional properties. The City Council may also make a determination and require that the matter be processed as a regular variance.
- g. The applicant or a representative shall appear before the Council in order to answer questions concerning the proposed variance request.
- 9 h. Approval of a minor variance from this Ordinance shall be by three of five (3 of 5) votes of the entire City Council.
- i. All decisions by the Council involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Dakota County District Court.
- j. A copy of all decisions granting variances for properties in the Shoreland, Floodway or Flood Fringe shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.

B. Regular Variances:

1. Classification. All variances which are not classified as "minor" shall be deemed "regular" variances.
 2. Processing.
- 9 18 a. Request for variances, as provided within this Title, shall be filed with the City Planner on an official application form. Such application shall be accompanied by a fee ~~as provided for by City Council Resolution in accordance with Section 1201.10 of the Zoning Ordinance.~~ Such application shall also be accompanied by ~~five (5)~~ two (2) large scale copies and one (1) reduced (11" x 17") copy of detailed written and graphic materials fully explaining the proposed change, development, or use. In addition, the applicant shall provide an electronic copy of all materials submitted. The request for variance shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) days after the date of submission of the application. The request shall be considered as

being officially submitted when all the information requirements are complied with.

b. The applicant shall meet at the site of the proposed project with City Staff prior to submitting an application for a variance. City Staff may choose to waive this requirement if it is determined that the project will have minimal impact on the site and surrounding areas.

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~~b. c.~~ Upon receipt of said application, the City shall set a public hearing following property hearing notification as applicable. The Planning Commission shall conduct the hearing, and reports its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within one thousand (1,000) feet of the boundary of the property in question (public right-of-way shall not be included in the one thousand (1,000) foot measurement). The City Planner shall have the right to provide additional property owners notification beyond the one thousand (1,000) foot distance if it is judged that the request will have impact upon additional properties. The City Assessors records shall be deemed sufficient for determining the location and ownership of said property. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.

~~c. d.~~ For properties within the Shoreland, Floodway or Flood Fringe Overlay District, the City shall submit to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) day's notice of the hearing.

~~d. e.~~ Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance provided a bona fide attempt has been made to comply with the notice requirements of this Section.

~~e. f.~~ The City Planner shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Council.

~~f. g.~~ The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.

- ~~g. h.~~ The applicant or representative thereof shall appear before the Planning Commission to answer questions concerning the proposed variance.
- 9 ~~h. i.~~ The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission shall reach a decision on the request within a period of time sufficient to allow a decision to be made within the time requirements of Section 1206.02 (Procedures), unless a delay in action is requested by the applicant. The Commission's recommendation and the City staff's report shall be presented to the Council.
- 9 ~~i. j.~~ The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission. If, however, the Planning Commission has not acted upon the request after thirty (30) days from the first regular meeting at which the request was considered, the City Council may proceed with its consideration and action on the request.
- ~~j. k.~~ Upon receiving the report and recommendation of the Planning Commission, the City shall place the report and recommendations on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- ~~k. l.~~ The Council shall review the application and may at its option conduct a public hearing on the request.
- ~~l. m.~~ A variance of this Ordinance shall be by three of five (3 of 5) votes of the entire City Council.
- ~~m. n.~~ All decisions by the Council involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Dakota County District Court.
- ~~n. o.~~ A copy of all decisions granting variances for properties in the Shoreland, Floodway or Flood Fringe shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.
- ~~o. p.~~ Whenever a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting the same property shall not be considered again by the Planning

Commission or City Council for at least one (1) year from the date of its denial, except as follows:

- (1) If the applicant or property owner can clearly demonstrate that the circumstances surrounding the previous variance application have changed significantly.
- (2) If the City Council decides to reconsider such matter by a vote of not less than three of five (3 of 5).

~~p. d.~~ If a request for a variance receives approval of the City Council, the applicant shall record such with the County Recorder within thirty (30) days of the City Council approval date. The applicant, immediately upon recording such, or as soon as is reasonably possible, shall furnish the City proof of recording. No building permits for the property in question will be granted until such proof of recording is furnished to the City.

r. Meet with City Staff onsite. The applicant shall meet at the site of the proposed project with City Staff prior to submitting an application for a variance. City Staff may choose to waive this requirement if it is determined that the project will have minimal impact on the site and surrounding areas.

Section Four. Amendment. Chapter 1208.02 "Classification" of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

- A. For the purpose of this Ordinance, site and/or building alterations and new structures shall be classified as either major or minor.
- B. Minor site and/or building alteration or new structures include:
 1. Trees.
 - a. The removal of five (5) or less significant trees within the required lot setback areas, within a two (2) year period, shall be exempt from this section but shall be subject to the approval of the City Forester.
 - b. The removal of six (6) or more significant trees within the required lot setback areas, within a two (2) year period, shall be subject to this section.
 - c. Except as provided in the Shoreland Overlay District, the removal of significant trees internal to a lot and outside the required setback areas shall be exempt from this section, except that the removal of ten (10) or more such trees over a two (2) year period shall be subject to the approval of the City Forester.

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2. Except as provided in the Shoreland Overlay District, the grading, excavation, removal and/or filling of less than fifty (50) cubic yards of dirt, sand, gravel/rock, mulch, or other natural material provided site drainage is not altered. Such activities commonly associated with gardening (e.g., soil amendments, tree/shrub planting, reseeding and rototilling) and grading associated with the resurfacing or top dressing of existing driveways, provided they do not alter site drainage, shall be exempt from any processing requirements.
- a. When associated with building additions/alterations or other construction activities requiring a building permit, a separate grading permit shall not be required.
 - b. A grading permit shall be required for all other earth disturbing activities and shall be issued at the discretion of the City Building Official, who may confer with other City Consultants regarding acceptability of the proposed grading or excavation activity. Should it be determined that the project impacts site drainage or will alter the land to an extent that may impact neighboring properties, review of the project will be necessary through the Minor Site and Building Plan process, and formal application shall be made with the City Planner, accompanied by a fee as provided for by City Council resolution.
 - c. In any case, all projects must comply with the grading and filling standards in the City's Stormwater Management Ordinance (Section 1216.04.F).
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3. The hard surfacing of an area one thousand (1,000) square feet or less, or the hard surfacing of an existing driveway or a new driveway provided that, in any such case, the site drainage is unaltered and equal to that before construction. The hard surfacing of an area not exceeding two hundred (200) square feet within any consecutive three-year period is exempt from this section provided that the site drainage is unaltered and all performance standards contained herein are met.
4. Existing building alterations which:
- a. Are less than one thousand (1,000) square feet in total area.
 - b. Do not increase an existing building's footprint greater than one thousand (1,000) square feet.
 - c. Does not result in a structure greater than thirty (30) feet in height.
 - d. Maintains the architectural character and appearance of the principal structure.
 - e. Does not adversely impact neighboring properties.

5. Accessory building construction of one thousand (1,000) square feet or less which:
 - a. Does not require a conditional use permit or variance.
 - b. Maintains the architectural and design character and appearance of the principal structure.
 - c. Does not adversely impact neighboring properties.
- C. Site and/or building alterations or new structures not qualifying as minor projects shall be classified as major.

Section Five. Amendment. Chapter 1208.03 "Site and Building Plan Procedure" of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

⁹ **SECTION 12.08.03 PROCEDURES:** Pursuant to Minnesota Statutes 15.99, as may be amended, an application for site and building plan review shall be approved or denied within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional City requirements are as follows:

A. Minor Projects:

- ⁹ 1. Requests for minor site building plan project approval, as provided by this Ordinance, shall be filed with the City Planner on an official application form. Such application shall be accompanied by a fee ~~as provided for by City Council resolution in accordance with Section 1201.10 of the Zoning Ordinance~~. Such application shall also be accompanied by ~~three (3)~~ two (2) large scale copies and one (1) reduced scale (11 x 17") copy of detailed written and graphic materials fully explaining the proposed change, development, or use. In addition, the applicant shall provide an electronic copy of all materials submitted.
2. The applicant shall meet at the site of the proposed project with City Staff prior to submitting an application for a minor review. City Staff may choose to waive this requirement if it is determined that the project will have minimal impact on the site and surrounding areas.
- ~~2.~~ 3. The City Planner shall instruct the appropriate staff persons to prepare technical reports when deemed necessary and shall conduct a technical review and be responsible for the processing and approval or denial of the request.

- ~~3- 4.~~ The City staff shall have the authority to request additional information from the applicant concerning project details or operational factors, or to retain expert testimony with the consent, and at the expense of the applicant, concerning operational factors. Said information is to be declared necessary to evaluate the request and/or establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- 4- 5. At least seven (7) days prior to a decision on the project, the City Planner shall notify in writing the City Council and the immediately abutting property owners of the proposed project.
- ~~5- 6.~~ The City Planner shall have the authority to require the project to be processed as a major site and building plan if it is determined that significant issues are generated which require policy direction or cause area-wide concern.
- ~~6- 7.~~ The City Planner shall deny the project or shall approve the project plus impose such conditions or requirements as may be deemed necessary to carry out the intent and purpose of this Ordinance.

B. Major Projects:

1. Request for site and building plan approval, as provided within this Ordinance shall be filed with the City Planner on an official application form. Such application shall be accompanied by a fee ~~as provided for by City Council Resolution~~ in accordance with Section 1201.10 of the Zoning Ordinance. Such application shall also be accompanied by ~~five (5)~~ Two (2) large scale copies and one (1) reduced scale (11" x 17") copy of detailed written and graphic materials fully explaining the proposed change, development, or use. In addition, the applicant shall provide an electronic copy of all materials submitted. ~~The request for site and building plan approval shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) working days from the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.~~
2. Meet with City Staff onsite. The applicant shall meet at the site of the proposed project with City Staff prior to submitting an application for a major review.
3. The request for site and building plan approval shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) working days from the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.

- ~~2-4.~~ Written notification of said meeting shall be mailed at least ten (10) days prior to all owners of land within one thousand (1,000) feet of the boundary of the property in question (public right-of-way shall not be included in the one thousand (1,000) foot measurement). The City Planner shall have the right to provide additional property owners notification beyond the one thousand (1,000) foot distance if it is judged that the request will have impact upon additional properties. The County Assessors records shall be deemed sufficient for determining the location and ownership of said property. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of City records.
- ~~3- 5.~~ Proof of Ownership or Authorization: The applicant shall supply proof of title and the legal description of the property for which the site and building plan approval is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the requested site and building plan approval.
- ~~4- 6.~~ The City Planner shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.
- ~~5- 7.~~ The City Forester will make an assessment of invasive species at a building site. Invasive species are defined by Section 1202.02 of this Ordinance. A copy of the assessment will be given to the property owner and the Planning Commission and City Council. The property owner will also be given education materials relating to invasive species control.
- ~~6- 8.~~ The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- ~~7- 9.~~ The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
- ~~8- 10.~~ The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance.
- ~~9- 11.~~ The City Council shall not consider a site and building plan application until they have received a report and recommendation from the Planning Commission. If, however, the Planning Commission has not acted upon the

request after sixty (60) days from the first regular meeting at which the request was considered, the City Council may proceed with its consideration and action on the request.

~~40-12.~~ Upon receiving the report and recommendation of the Planning Commission, the City shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

~~44- 13~~ The applicant or a representative thereof shall appear before the City Council in order to answer questions concerning the proposed request. 912. Approval of a request shall require passage by three of five (3 of 5) votes of the entire City Council.

Section Six. Amendment. Chapter 1208.05 "Site and Building Plan Information Requirement" of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

The information required for all site and building plan applications ~~generally~~ consists of the following items, and shall be submitted ~~when requested by~~ to the City:

A. Existing Information:

1. Names, addresses, and phone numbers of property owner(s), applicant, surveyor, architect, engineer, or other persons associated with the project.
2. Proof of title and the legal description of the property.
3. Property boundary lines in relation to a known section, quarter section, or quarter-quarter section line(s) comprising a legal description of the property and including bearings, distances, curve data, and total acreage of parcel.
4. Lot dimensions, including width as measured at the front building setback line.
5. Building setbacks, existing and proposed.
6. North arrow and scale no smaller than 1 inch = 100 feet.
7. Existing land uses.
8. Layout of buildings, old foundations, ~~septic systems, wells,~~ and other site elements which currently exist on the property and those on adjacent properties to within three hundred fifty (350) feet.

9. Layout of existing septic systems and wells that are currently on the property. All existing septic systems and wells on the property shall be protected with safety fencing before construction can begin. All safety fencing shall remain in place for the duration of construction and shall not be removed until the site has received a certificate of occupancy.
10. Location of wells and septic systems on adjacent properties that are within ~~one-hundred (100)~~^{fifty (50)} feet of the property line on all sides of the property. If no well or septic system exists within ~~one-hundred (100)~~^{fifty (50)} feet of the property line, then the site plan shall be marked "no well or septic within ~~100~~⁵⁰ feet."
11. Existing building setbacks for all buildings not scheduled for demolition.
- ~~9.~~ Adjacent streets and/or rights-of-way (public or private), curb cuts, driveways, etc.
- ~~40.~~ Existing topography unless waived by the City Planner showing two (2) foot contours. Different contours may be accepted with approval from City Staff.
- ~~41.~~ Location, size, species, and present condition of all significant trees/vegetation on-site Location, size, species, and present condition of all significant trees/vegetation within fifty (50) feet of the job site including the driveway area, and any areas affected by site grading or other improvements.
- ~~42.~~ Shoreline, water elevation, 100-Year Floodplain and Ordinary High-Water Mark (if applicable).
- ~~43.~~ Formal delineation of wetlands, lakes, streams, and other waters on or immediately adjacent to the site, certified by a registered engineer, in accordance with the 1991 Wetland Conservation Act.
- ~~44.~~ Location, dimension and purpose of all easements.
- ~~45.~~ Location, size, and elevations of any existing utilities, drainage control devices, or other underground facilities on or adjacent to the property.
- ~~46.~~ Subsurface conditions on tracts for subdivisions utilizing individual water and sewage disposal systems; location and results of tests to ascertain subsurface soil, rock and ground water conditions and availability; location and results of soil percolation tests; and proof that no hydric soils exist in the area of development.
- ~~47.~~ Location and dimensions of existing storm water drainage systems and natural overland drainage patterns, including a calculation (by a qualified engineer) of storm water runoff before construction.

B. Proposed Design Features:

1. Narrative that fully explains the project, the proposed changes, and the intended use of the property.
- ~~4.~~ 2. Proposed layout of principal and accessory buildings, septic systems, wells, fences, retaining walls, entry monuments and other site elements.
- ~~2.~~ 3. Architectural elevations (type and materials used in all exterior surfaces) inclusive of top of foundation, finished floor, garage floor, and basement elevations for all structures.
- ~~3.~~ 4. House plans must show footprint size, total square footage and finished floor area for each level of the structure.
- ~~4.~~ 5. Building height calculations shall be indicated on site and building plans. The building height limitation shall be determined by taking the average existing grade of the structure and adding thirty (30) feet. The existing grade shall be determined by taking spot elevations at all points around the perimeter of the house and finding the average. The building height as measured on the elevation drawings shall be the distance between the top of foundation and peak of the roof which when added to the top of foundation elevation may not exceed the building height limitation as defined above.
- ~~5.~~ 6. Proposed driveway(s), curb cuts, streets and/or rights-of-way (public or private).
- ~~6.~~ 7. The location and sizing of proposed on-site water (well) systems.
- ~~7.~~ 8. The location and size of proposed on-site waste disposal systems (primary and back-up facilities).
- ~~8.~~ 9. Grading plan with minimum two (2) foot contours which shall include the proposed grading and drainage of the site, including provisions for surface water ponding and drainage. Also, to be stipulated are the garage floor, first floor, and basement elevations of all structures along with locations of low openings and elevations. Different contours may be acceptable with prior approval from City Staff.
10. Where runoff direction, rate, volume, or water quality will be affected by the proposed improvements, the applicant shall submit a stormwater management narrative with supporting calculations for proposed changes in drainage along with detailing practices to be used to manage and maintain the existing rate, volume, and water quality parameters for runoff from the site in accordance with the City's Comprehensive Storm Water Management Plan.

- ~~9-11.~~ 11. A plan for soil erosion and sediment control both during construction (erosion control fencing, hay bale checks, etc.) and following final grading, after development has been completed.
- ~~40-12.~~ 12. A drainage plan of the developed site, prepared by a qualified engineer, delineating in which direction and at what rate storm water runoff will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect. Emergency Overflow locations shall be specified along with overflow elevations. A calculation of increase of impervious areas shall be provided.
- ~~44-13.~~ 13. Locations and dimensions of all temporary soil or dirt stockpiles.
- ~~42-14.~~ 14. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Zoning Ordinance and applicable state statutes.
- ~~43-15.~~ 15. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required.
- ~~44-16.~~ 16. A landscape plan showing the proposed species, number and sizes of trees and shrubs utilized for screening of the structure from neighboring properties and buffering of garage areas, lighting, fencing, mechanical equipment, and other utilitarian type elements. The plan should also show the types and locations of ground covers used to permanently stabilize areas disturbed during construction.
- ~~45-17.~~ 17. A lighting plan and fixture specifications showing the location, size, type/style, and wattage/ lumens of all exterior lights on site. The source of light shall not be visible from adjacent properties or lakes and all fixtures must be hooded to control the direction of light and glare.
- ~~46-18.~~ 18. Where structures are to be placed on lots of five (5) acres or more which are subject to potential replat, the site plan shall indicate a logical way in which the lots could possibly be re-subdivided in the future.
- ~~47-19.~~ 19. Applications, statements and supporting documentation and plans for rezoning, variances, conditional use permits or other requests being sought in association with site plan/building permit approval.
- ~~48-20.~~ 20. Optional fire protection measures such as a sprinkler system in all new construction and/or a dry hydrant or standpipe for utilization of swimming pool water.
- ~~49-21.~~ 21. Where applicable, compliance with Airport Noise Abatement regulations must be demonstrated.

20-22. Fences, gates, sheds, freestanding decks, patios or screened porches, docks, and all other accessory structures (proposed and existing) must be shown on plans and will be subject to specific standards outlined in the City's Zoning Ordinance.

24-23. Such other applicable information as may be required by the City.

24. The applicant shall submit a list (or show on plans) of all exterior building materials intended to be used including siding, trim, fascia, and roofing. Materials must be compliant with Section 1219.03 of the Zoning Ordinance.

25. Submit structural design calculations for retaining walls greater than three (3) feet in height.

26. Narrative that explains how construction materials will be recycled when possible.

27. Narrative that explains any high efficiency building materials that are intended to be used.

28. Staff may waive any requirements of this Section if it's determined that the information is not necessary for staff review.

Section Seven. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Sunfish Lake this ____ day of _____, 2019.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk

SITE PLAN REVIEW & BUILDING PERMIT APPLICATION PROCEDURES

For major review projects, or projects that contain a variance or conditional use permit

A checklist of background information and submission requirements for the processing of site plan reviews and building permits is provided below. The intent of this form is to furnish a clear understanding and detailed indication of the materials and documentation necessary for the review of such requests. City Staff will utilize the attached form as a checklist in review of the information which is submitted. Some items may not be applicable to some projects and may be waived with approval of the City Planner.

	<u>Compliance</u>	
	Yes	No
Processing Procedures:		
Review the appropriate sections of the City Zoning Ordinances and Comprehensive Plan.		
Meet with City Staff/Engineer/Planner, <u>if necessary</u> , to discuss proposal.		
File application for site plan review/building permit concurrent with submission requirements as set forth below.		
Application/review fees paid and escrow deposits made.		
Major Review: Five (5) <u>two (2)</u> full size copies and one reduced (11x17) copy of all submitted plans, <u>plus one (1) electronic copy.</u>		
Minor Review: Three (3) <u>two (2)</u> full size copies and one reduced (11x17) copy of all submitted plans, <u>plus one (1) electronic copy.</u>		
Submittal Requirements for Existing Site Elements:		
Names, addresses, and phone numbers of property owners, applicants, surveyor, architect, engineer, or other persons associated with the project.		
Proof of title and the legal description of the property.		
Complete site survey, containing:		
Property boundary lines in relation to known section, quarter section, or quarter-quarter section lines comprising a legal description of the property and including bearings, distances, curve data, and total acreage of parcel.		
Lot dimensions, including width as measured at the front building setback line.		
Date of plan preparation, north arrow and scale no smaller than one-inch equals one hundred feet.		
Existing land uses.		
Layout of buildings, old foundations, septic systems, wells, and other site elements which currently exist on the property and those on adjacent properties to within 350 feet.		
<u>Layout of existing septic systems and wells that are currently on the property.</u>		

Location of wells and septic systems on adjacent properties that are within 100 feet of the property line on all sides of the property. If no well or septic system exists within 100 feet of the property line, then the site plan shall be marked "no well or septic within 100 feet".		
Existing building setbacks <u>for all buildings not scheduled for demolition</u>		
Adjacent streets and/or rights-of-way (public or private) curb cuts, driveways, etc.		
Existing topography (existing and proposed 2-foot contours must be shown on the same plan). <u>(different contours may be acceptable with prior approval from staff)</u>		
Location, size, species, and present condition of all significant trees/vegetation, <u>unless otherwise approved by the City Engineer.</u> <u>n within fifty (50) feet of the job site including the driveway area on site-on site.</u> Tree locations should be illustrated on the grading plan.		
Shoreline, water elevation, 100-year floodplain/flood fringes/floodways and Ordinary High Water Mark, if applicable.		
Formal delineation of wetlands, lakes, streams, and other public waters on or immediately adjacent to the site, certified by a registered engineer in accordance with the 1991 Wetland Conservation Act. The plans should show shoreline and OHWL.		
Location, dimension, and purpose of all easements.		
Location, size, and elevations of any existing utilities, drainage control devices, or other underground facilities on or adjacent to the property, including drainfields and wells within 50 feet of the property lines on adjacent lands.		
Subsurface conditions including soil types, rock and groundwater conditions, water quality and availability, results of percolation tests, and proof that no hydric soils exist in the area of development.		
Location and dimensions of existing storm water drainage systems and natural overland drainage patterns, including a calculation (by a qualified engineer) of storm water runoff before construction, <u>if required.</u>		
Submittal Requirements for Proposed Design Features <u>(Zoning Ordinance 1208.05):</u>		
<u>Narrative that fully explains project, the proposed changes, and the intended use of the property.</u>		
Proposed layout of principal and accessory buildings, walls, fences, gates or monuments, and other site structures, showing the proposed structure setbacks from lot lines.		
Architectural elevations (type and materials used in all exterior surfaces) inclusive of top of foundation, finished floor, garage floor, and basement elevations for all structures.		
House plans must show footprint size, total square footage and finished floor area for each level of the structure.		
Top of foundation, finished floor, garage floor and basement elevations must be indicated for all principal structures.		
Building height calculations shall be indicated on site and building plans. The building height limitation shall be determined by taking the average existing grade of the structure and adding thirty (30) feet. The existing grade		

shall be determined by taking spot elevations at all points around the perimeter of the house and finding the average. The building height as measured on the elevation drawings shall be the distance between the top of foundation and peak of the roof which when added to the top of foundation elevation may not exceed the building height limitation as defined above		
Proposed driveway(s), curb cuts, streets, and/or rights-of-way (public or private).		
Location and sizing of proposed on-site well water system. Well location must be shown on the site plan.		
Location and size of proposed on-site waste disposal systems, including both primary and back-up drain fields. Drain field locations must be shown on the site plan.		
Grading plan with minimum two-foot contours which shall include the proposed grading and drainage of the site, including provision for surface water ponding and drainage. Also, to be stipulated are the garage floor, first floor and basement elevations of all structures along with locations of low openings and elevations. (different contours may be acceptable with prior approval from staff)		
Where runoff direction, rate, volume, or water quality will be affected by the proposed improvements, applicant shall submit a stormwater management narrative with supporting calculations for proposed changes in drainage along with detailing practices to be used to manage and maintain the existing rate, volume, and water quality parameters for runoff from the site in accordance with the city's Comprehensive Storm Water Management Plan.		
A plan for soil erosion and sediment control both during construction (erosion control fencing, etc.) and following final grading, after development has been completed.		
A drainage plan of the developed site, prepared by a qualified engineer, delineating in which direction and at what rate stormwater runoff will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect. Emergency Overflow locations shall be specified along with overflow elevations. A calculation of increase of impervious areas shall be provided.		
Locations and dimensions of all temporary soil or dirt stockpiles		
Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Zoning Ordinance and applicable state statutes.		
A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types/locations of trees, and other plantings that are to be installed may also be required.		
A landscape plan showing the proposed species, number, and sizes of trees, shrubs, grasses and other perennials to be planted on site which emphasizes perimeter plantings, screening of the structure from neighboring properties and buffering of garage areas, lighting, mechanical equipment, and other utilitarian type elements. The plan should show the types and locations of ground covers used to permanently stabilize areas disturbed during construction		
A lighting plan and fixture specifications showing the location, size, type/style, and wattage/ lumens of all exterior lights on site. The source of light shall not be visible from adjacent properties or lakes and all fixtures must be hooded to control the direction of light and glare.		
Where structures are to be placed on lots of five (5) acres or more which are subject to potential replat, a site plan shall indicate a logical way in which the		

lots could possibly be re- subdivided in the future.		
Applications, statements, and supporting documentation and plans for rezoning, variances, conditional use permits, or other requests being sought in association with site plan/building permit approval.		
Optional fire protection measures such as a sprinkler system in all new construction and/or a dry hydrant or standpipe for utilization of swimming pool water.		
Where applicable, compliance with Airport Noise Abatement regulations must be demonstrated.		
Fences, gates, sheds, free-standing decks, patios or screened porches, docks, and all other accessory structures (proposed and existing) must be shown on plans and will be subject to specific standards outlined in the City's Zoning Ordinance.		
The applicant is aware that the proposed structure must be clearly staked at least one week before the Planning Commission meeting at which the application will be reviewed.		
Other information, specified here which may be required by the City:		
<u>Additional Requirements:</u>		
<u>Submit a list (or show on plans) of all exterior building materials intended to be used including siding, trim, fascia, and roofing. Materials must be compliant with Section 1219.03</u>		
<u>Submit structural design calculations for retaining walls greater than three feet in height</u>		
<u>Submittal Requirements for Proposed Design Features (Comprehensive Plan):</u>		
<u>Narrative that explains how construction debris will be recycled when possible.</u>		
<u>Narrative that explains any high efficiency building materials that are intended to be used.</u>		
Note: Failure on the part of the applicant to supply all necessary information listed herein or any supportive information as requested by the City may be grounds for rejection of the application or denial of the request.		



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM:

To: Sunfish Lake Planning Commission

From: Ryan Grittman

Date: November 13, 2019

RE: Sunfish Lake Application Requirements and Procedures Ordinance –
Agenda Item #5

File: 211.02

BACKGROUND

At the beginning of the year, Staff recommended that the City review the application requirements and procedures related to major reviews, variances, and conditional use permits. This section of the ordinance was last updated in 2006. Since that time, there have been changes in technology, Statutes, and other policies that have deemed some sections of this ordinance obsolete, or in need of a rewording. Staff has prepared a draft ordinance for review. Below are some highlights for the ordinance amendment and why the proposed changes are necessary.

When an applicant applies for a site and building plan review. They're given a checklist of items they're expected to submit for review. The checklist is taken straight from the ordinance. Therefore, changes to the checklist must come in the form of an ordinance update.

ANALYSIS

Below are some of the more notable changes to the application ordinance:

- *Requiring only two paper copies of site and building plans instead of five.*

The current ordinance requires five paper copies. This ordinance was written when reviewing plans took place on paper and all staff members received paper copies for their review. Since that time, most reviews are now done on computers.

- *Requiring an electronic submission of site and building plans.*

The current ordinance does not require this; however, the Engineering staff will only review electronic plans. This ties in with the requirement above.

- *Requiring an onsite meeting with the applicant and staff ahead of the application submission.*

This is something that the City Council has requested. Staff has been able to do this for 2019, but would like to see it memorialized as an ordinance. As of right now, there's nothing holding an applicant to meet with Staff onsite.

- *Allowing flexibility with the contours on the grading and drainage plans.*

The current ordinance requires contours every two feet. However, there are some sites where this can be too much detail if the site contains too many steep slopes. An amendment to allow flexibility will correct this issue. Some plans that have been submitted in the past were "cluttered" because of this requirement.

- *Requiring a tree survey to be completed around the site improvement areas and not the entire site.*

Staff has not requested a full tree survey for a project in several years even though it's required by ordinance. Staff feels that a tree survey requirement for the whole site is not necessary and is an unreasonable cost to the applicant. Further, staff does not have an apparent need for a tree survey of an entire site. As such, we have not requested a full tree survey in several years even though the ordinance technically requires it.

- *Changes to the requirements of locating septic systems and wells on adjacent properties.*

The ordinance currently requires all septic and well systems on adjacent properties that are within 350 feet of the property line be noted on the site plans. This requirement is an excess of what's needed. Staff is recommending a reduction of this requirement to 50 feet from the property line.

- *Requiring a stormwater management plan by ordinance.*

Currently, this is required by the City's Comprehensive Stormwater Management Plan. Staff would like to see this requirement as an ordinance as well.

- *Submitting a narrative on high efficiency materials and a process for recycling demolition materials.*

Staff understands that the recycling of demolition is already taking place on most demolition projects. The City would like to see this also memorialized as an ordinance.

CONCLUSION

Staff is recommending these changes to update the applicant submittal requirements as the City's needs have changed since 2006. Some of these changes have already been implemented by staff, even though it's technically going against the ordinance. Staff is recommending approval of the changes as presented.

- DRAFT –
SUNFISH LAKE PLANNING COMMISSION MEETING – NOVEMBER 20, 2019
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Chair: Tom Hendrickson
Commissioners: Shannon Nelson, Jeannine Naves and Dominick Driano
City Planner: Ryan Grittmann
City Clerk: Cathy Iago
Commissioner Beckett was absent.

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Naves moved to adopt the agenda, seconded by Commissioner Nelson and carried (4-0)

3. APPROVE MINUTES SEPTEMBER 18, 2019: Chair Hendrickson asked if there were any additions or corrections to the September 18, 2019 minutes.

Commissioner Naves explained that she had notified the Clerk to change the spelling of Angell Road on page 1 of the minutes.

Chair Hendrickson asked if there were any other corrections and there was no response.

Commissioner Driano moved to approve the September 18, 2019 Planning minutes as corrected, seconded by Commissioner Naves and carried. (5-0)

4. PUBLIC HEARING: A. Public Hearing to Discuss Sign Ordinance Update: Chair Hendrickson opened the public hearing to discuss the proposed amendments to the Sign Ordinance. He asked the Planner to present his report.

Planner Grittmann referred to his report dated November 13, 2019 and explained that at the September Council meeting staff was directed to review the City’s sign ordinance and recommend any changes deemed necessary. The request from Council was due to a noticeable increase in construction signage related to new home construction in the City. He advised that staff reviewed the current ordinance and determined that the construction signs are only permitted for a period of up to 21 days and require that the applicant obtain a permit from the City. Staff determined that the short time period may be unreasonable since the construction signs are necessary for delivery of materials during the construction period which could last a year.

The Planner further explained that the four (4) local churches in the City had submitted a petition to request that the City review the Dynamic Display sign prohibition and consider allowing such signage which is allowed under State Statutes.

Planner Grittmann advised that a recent Supreme Court ruling determined that cities cannot regulate the content of signage; this means that the City cannot permit or prohibit what is put on a sign. As an example, Staff recommends that the ordinance related to Real Estate signs be reworded to simply say that a sign is allowed if a property is for sale or rent and would make no mention of what is allowed or not allowed on said sign.

The Planner stated that the current ordinance allows Temporary Signs for a period of up to 21 days with approval of an administrative permit and that the permit cost is \$200. He pointed out that the time-frame would not be sufficient for construction projects that take a year or longer to complete. He noted that the purpose of the construction signs is to alert delivery drivers where the site is located since it may be new construction and needs identification as no address sign exists.

Staff recommends an exception to the Temporary Sign ordinance that allows construction signage for sites that currently hold an active building permit; the sign would be required to be removed after two (2) years of permit issuance, or when the permit is closed whichever is sooner.

Planner Grittmann advised that there are four (4) churches which make up the City's Institutional Districts and the churches submitted a petition asking the City to review its prohibition of the Dynamic Display signs. He explained that requesting an ordinance update via a petition is allowed by State Statute in lieu of submitting a formal application and fee. He stated that staff prepared a draft ordinance which would allow Dynamic Display signs in the Institutional District with conditions as listed in his report dated November 13, 2019. Staff is seeking guidance from the Planning Commission on two issues;

- 1) Minimum display time is drafted as five (5) seconds and the Commission should decide if a different time interval is more appropriate; and,
- 2) The current draft recommends that an Administrative Permit is required to install a sign and the current fee is \$200 which includes staff review, neighbor notification, and staff approval. No public hearing is required. Staff notes that the only potential applicants for this type of sign would be the churches in the Institutional District. Staff requests that the Commission determine if a more thorough review should be required by strengthening the conditions of the minor review, or to require a conditional use permit or a major review of the sign installation.

Chair Hendrickson asked if there were any questions from the Commission.

Commissioner Naves stated that two (2) different groups share the church facilities at St. Anne's Church and questioned if the property would be treated as one church or if two signs would be allowed.

Planner Grittmann advised that the current ordinance states that only one sign is allowed per property. He indicated that the church could apply for a minor subdivision to accommodate both groups, however, it is the opinion of staff that the site would not meet the Institutional District lot size and setback requirements to accommodate both church group on the current site.

Commissioner Naves noted that the proposed ordinance only allows one (1) Dynamic Display sign per property. She questioned if the new ordinance regulations would prohibit other signage on the church property.

Planner Grittmann responded yes and explained that it is the intent of the ordinance to only have one sign on the property; he referred to Section 5.B.3. and noted the condition states that only one sign is allowed per property zoned INS Institutional District.

It was noted that there was a typing error under Item 3.e. One (1) "monument" signs is allowed per property zoned INS Institutional District that should state One (1) "dynamic" sign.

Commissioner Driano explained that he reviewed the City of St. Paul's ordinance which contained a section regarding "Conversion to a Dynamic Display Sign" and suggested that it may be appropriate to include a section into the new ordinance regarding conversion for clarification purposes.

Commissioner Naves noted that "Billboard" signs are prohibited and she suggested that it may be appropriate to include a definition of a billboard sign in the "definitions" section of the ordinance.

Commissioner Driano asked what the four (4) churches were requesting in the petition.

Planner Grittmann explained that they were asking for an amendment in the ordinance to allow Dynamic Display signs.

Commissioner Driano showed the group two (2) different types of dynamic display signage and asked if the churches wanted a message board type sign or one with scrolling words.

The Planner explained that the churches did not specify what type of sign they were requesting. He noted that the proposed ordinance lists the minimum display time of at least five (5) seconds before it is allowed to change the text or image.

Commissioner Driano stated the City of St. Paul ordinance lists the time at 12 seconds and also contains conditions that limit scrolling words, prohibit videos and sound, sets the time for shut-off between the hours of 11:00 p.m. and 7:00 a.m. and states that it must be monochromatic. He further advised that churches within residential areas are limited to a thirty square foot maximum size, shut-off between 10:00 p.m. and 7:00 a.m., changes every 20 minutes, 15-inch copy and no sound or video. He also stated that the St. Paul ordinance outlines the letter size and time change effect on driver distraction. He suggested that it would be appropriate to review the distance placement of the sign and its impact on adjacent residential property.

Chair Hendrickson advised that the City of Eagan ordinance appears to base the character height of the sign on the speed limit of the road adjacent to the sign and that the minimum change of the message at one (1) minute.

Commissioner Naves stated she had concerns regarding language that may be placed on the sign on election day as any reference to a political party is prohibited. She explained that it may be wise to include language to prohibit the sign being turned on during election hours or limit what can be placed on the sign; i.e.; Voting today.

Commissioner Driano asked if the Planner had borrowed some language from the City of St. Paul's ordinance and asked if other adjacent communities' ordinances should also be reviewed.

Planner Gritman commented that larger cities usually have better regulations that apply to various types of situations.

Commissioner Driano suggested that staff may wish to review the City of Mendota Heights ordinance since they are a neighboring city.

Chair Hendrickson recommended that this matter be tabled to allow staff more time to conduct further review of the Dynamic Display regulations and to refine the ordinance as discussed and present the proposed changes at the next meeting. He suggested that the Commissioners contact the Planner prior to the next meeting if they have any other questions or comments.

Chair Hendrickson asked if there were any comments from the public.

Paul Lindquist and Pastor Jerry Brantham were present representing Southside Baptist Church. Mr. Lindquist stated that the church, which is located on South Robert Trail, wished to install a Dynamic Display sign.

Pastor Brantham stated that the commission discussion thus far on this type of sign would not impact the sign that the church proposes to install. He stated that the proposed sign would meet the size requirements discussed and that the church would not object to turning it off at 10:00 p.m. and back on at 7:00 a.m. He displayed a copy of the proposed sign that the church wishes to install and commented that it would not be too dynamic.

Mr. Lindquist reiterated that the church would be willing to stay within the guidelines that the Commission discussed.

Pastor Brantham explained that the current message sign freezes in the winter and that the church wishes to move forward and update the signage.

Commissioner Naves pointed out that there are two different speed limits on South Robert Trail near the church depending on which direction you are traveling. She asked if the name of the church would be moved to the new sign.

Pastor Brantham responded yes and stated the church would only have one sign, any other signage would be only temporary to advertise an event.

Mr. Lindquist asked if a two-sided sign would be permitted and the Planner responded yes.

Commissioner Naves stated that she wished to make sure the new regulations for only one sign on a property do not apply to Fire, address or alarm signs.

Planner Gritman explained that one sign per property would only apply in the Institutional District and that residential properties are allowed two (2) address signs.

Chair Hendrickson asked if there were any further questions and there was no response. He recommended that the public hearing be continued in order to allow staff to conduct further research and make any additions or changes to the proposed ordinance.

Chair Hendrickson moved to continue the public hearing to the next Planning Commission meeting to allow staff to conduct further research on the matter and redraft the proposed ordinance, seconded by Commissioner Naves and carried. (4-0)

Mr. Lindquist asked when the next meeting would be held and the Planner responded that the next regular meeting is scheduled on December 18, 2019.

5. PUBLIC HEARING: A. Public Hearing to Discuss Application and Submittal Requirements Ordinance: Chair Hendrickson opened the public hearing to discuss the proposed amendments to the Application and Submittal Requirements Ordinance. He asked the Planner to present his report.

Planner Gritman referred to his report dated November 13, 2019 and explained that at the beginning of the year he recommended a review of the application requirements and procedures related to Major Site Plan reviews, Variances and Conditional Use Permits. He noted that this section of the ordinances was last updated in 2006 and, since that time, there have been changes in State Statutes, technology, and other policies that have deemed some section of the ordinance obsolete or in need of rewording. He outlined some of the more notable changes to the application checklist in the current ordinance:

- 1) Require only two paper copies of site and building plans instead of five; Currently 5 copies are required, however this required was when all staff members received a paper copy for their review. Since that time the information is now reviewed on computers.
- 2) Require an electronic submission of site and building plans; The current ordinance does not require this; however, the Engineering staff will only review electronic plans and this ties in with the above listed change;
- 3) Allow Flexibility with the contours on the grading and drainage plans; The current ordinance requires contours every two feet., however, on some sites this may be too much detail if the site contains too many steep slopes. An amendment to allow flexibility would correct this issue.
- 4) Require a Tree Survey be completed around the site improvement areas and not the entire site; Staff has not required a full tree survey for a project in several years since it is not necessary and would be an unreasonable cost to the applicant. Staff does not have an apparent need for a tree survey of the entire site.
- 5) Change the requirement of locating septic systems and wells on adjacent properties; The ordinance currently requires septic and wells on adjacent properties that are within 350 ft. of the property line be noted on the site plans. This is in excess of what is needed and staff recommends a reduction to 50 ft. from the property line.
- 6) Require a Stormwater Management Plan by ordinance; This is required by the City's Comprehensive Stormwater Management Plan and staff recommends it also be required as part of the application process in the ordinance.
- 7) Submitting a Narrative on High Efficiency Materials and a Process for Recycling Demolition Materials: Staff understands that the recycling of demolition is already taking place on most projects and the City would like to see this requirement memorialized in the ordinance.

The Planner noted that some changes had already been implemented by staff even though they are not currently part of the ordinance.

Commissioner Naves suggested that the Tree Survey be required around 50 ft. of the "disturbed area" of construction so it would be similar to the septic regulation.

The Planner stated that was what the regulation used to be, and then it was increased to 100 ft. He explained that the regulation needs to stress where the project area is and to defined the area around it.

Chair Hendrickson suggested the language could be added to the Tree Survey section to stated "any disturbed area" as well as 50 ft. from that point. He pointed out that the Engineer had previously required protection of the existing or proposed septic systems and if that requirement had been added to this ordinance.

Planner Gritman responded not, but that requirement could be included if the Commission agrees. He pointed out that there is a clause included which requires submission of "any additional information as required by staff".

Chair Hendrickson suggested that the Septic Inspector and Engineer be asked their opinion before any regulations are included. He stated that in the past residents have been good about pumping their septic systems which is why the City has avoided the mandate to install sewer and water infrastructure. He stated that in his opinion it is important to protect the septic systems. He referred to Section 6, paragraph 2, which states "The information required for all site and building plan applications generally consist of the following items and shall be submitted when requested by the City." He stated that he was unsure if the items listed as number 26 and 27, referring to recycling of construction materials and explains the high efficiency building materials that are intended to be used are allowable. He explained that in his discussions with contractors he was told that the

dumpsters with construction materials are sorted prior to going in the landfill. He commented that he was unsure if the City could require property owners to be responsible for recycling these materials.

Commissioner Nelson commented that there is a fine line between recycling and reusing materials and agreed it may not be the property owner's responsibility.

Planner Gritman stated he would conduct further research on the matter. He noted that on occasion the applicants bring in a preliminary plan that does not identify the proposed exterior building materials, therefore, staff is asking that they submit this information at the preliminary meeting so there are no misunderstandings as the application progresses.

Commissioner Driano suggested that the paragraph mentioned by Chair Hendrickson in Section 6 of the ordinance should be reworded so that it is clearly defined what the applicant needs to submit and lists all required items.

In discussion, the Commission agreed that the wording should require all items be submitted and that staff would then reserve the right to remove any items they deem are not necessary.

Commissioners Naves asked if the Planner could eliminate the reduced scale copy required in Section 1 if he wished to reduce the number of copies submitted.

The Planner explained that the reduced scale copy was used for the agenda packet and that he was only reducing the number of large scale copies previously required.

Commissioner Naves referred to Section 3.B.h. of the proposed ordinance and asked if the applicant would always be the homeowner or if it could be someone else who appears before the Commission for a variance request.

The Planner explained it does not have to be the homeowner, it could be a representative.

Commissioner Naves pointed out a typing error in Section 4.B.4.b. Do not increase an existing "building=s", should be "building".

Commissioner Driano questioned if the contours map should be moved out to 10 feet.

Planner Gritman explained that staff found the contours really cluttered the diagram on small sites and that it would be preferable for staff to determine if the contour number should be higher after reviewing the site.

Chair Hendrickson noted that there were no audience members present to comment on the proposed ordinance. He suggested that this public hearing also be continued to allow staff to make the necessary revisions.

Chair Hendrickson moved to continue the public hearing and table the proposed ordinance relating to the application requirements and procedures to allow staff time to discuss the changes with the Engineer and Septic Inspector and to make the necessary revisions, seconded by Commissioner Nelson and carried. (4-0)

6. PUBLIC HEARING: A. Public Hearing to Discuss Building Height Calculation Ordinance: Chair Hendrickson opened the public hearing to discuss the proposed clarification to the Building Height Calculation Ordinance. He asked the Planner to present his report.

Planner Gritman referred to his report dated November 13, 2019 and explained that the current ordinance does not explain how building height is calculated on new home construction in the City. He referred the Commission to an illustration in the Sunfish Lake Design Guidelines that was attached to his report. He noted that in the past the City had calculated building height as taking all the building corners and finding an average from the existing grade. This elevation is then seen as the elevation of the ground level of the home, then the building heights are calculated from there. He noted that different architectural styles use a different spot as the "top" of the house. He explained that staff researched the current ordinance and Design Guidelines and found that this method is not written down anywhere in these documents.

The Planner stated that staff is seeking guidance from the Commission and was recommending two options:

Option 1: Adopt the draft ordinance which uses the highest and lowest corners of the building to calculate height, which is consistent with the Sunfish Lake Design Guidelines.

Option 2: Adopt the draft ordinance which uses all the corners of the building to calculate height; and begin the process of updating the Sunfish Lake Design Guidelines to match the ordinance.

Planner Gritman explained that Council states its desire to adopt a simpler ordinance that is uniform and clear through the ordinance.

Chari Hendrickson asked if the Council had expressed a preference as to which method would be preferable.

The Planner stated that Council recommended that the method be easy to understand and fair.

Clerk Iago agreed that explained that Council appeared to just want the method defined and added to the regulations.

Chair Hendrickson explained that the calculation is currently from the existing grade which poses a challenge to the applicant. He discussed several other applications, including his own home, that found it challenging to use the existing grade when calculating the height.

Commission Naves stated she did not have a huge preference, but pointed out that using all four corners may be an issue with all the "bump outs" on new home designs.

Chair Hendrickson pointed out that the calculations could be made on a computer by entering the height of the corners. He noted that it is not costly.

Planner Gritman agreed and explained it may be difficult with the "bump outs" but it would not be impossible and it would be difficult to manipulate the results.

Commissioner Driano stated he had no opinion either way and would defer to the Commission's choice.

Commission Nelson stated she would support the method that is easiest to understand.

Chair Hendrickson stated he would support using all four corners of the home.

Planner Gritman advised that he recently told new applicants to use all points to make it work.

Chair Hendrickson noted that there were no audience members present and closed the public hearing.

Commissioner Naves moved to recommend amending the Building Height Ordinance to require that all the corners of the building are used to calculate the building height and that staff update the Sunfish Lake Design Guidelines to match the ordinance, seconded by Chair Hendrickson and carried. (4-0)

OTHER/NEW BUSINESS: Chair Hendrickson asked if there was any other or new business.

Planner Gritman explained that he was advised that the new home construction application for property at 245 Salem Church Road would not be completed.

Chair Hendrickson asked if there were any further comments or questions and there was no response.

ADJOURN: Commissioner Driano moved to adjourn the meeting at 8:10 p.m., seconded by Commissioner Nelson and carried. (4-0)

Respectfully submitted,

Catherine Iago, City Clerk