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MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Alan Brixius/Michelle Barness

DATE: February 28, 2013

RE: Sunfish Lake – Planning Update for March City Council Meeting

NAC FILE: 211.02 - General

3/5/13 CC Mtg.
**Agenda
Item
6c**

February 2013 Planning Commission Meeting

345 Salem Church Road. The Sunfish Lake Planning Commission met on February 20, 2013 to consider the development application for a variance from the 200 foot shoreline setback on the subject property. The property owners, Joe and Linda Schaefer, are proposing to construct an addition and hipped roof on their home; because these building expansions will occur within the shoreline setback approval of a variance is required to proceed.

The applicant has sent in site and building plans for the proposed addition and hipped roof for Council review. The plans include the existing and proposed home elevations (Exhibit B & C), and the first floor plan (Exhibit D). The drawings illustrate that the hipped roof will increase the height of the home by only 3 feet; its construction will coincide with the creation of stone columns at the front entry to the home, and windows and patio doors on the rear of the home. The building addition will occur within an existing covered walkway between the home and garage, and building materials used for the addition will match the existing home's exterior materials. .

The proposed project will not require excavation or grading, and will not impact site vegetation or landscaping, accessory buildings, parking or drives, lighting, or septic systems.

The Planning Commission recommended approval of the requested shoreline setback variance and building plans to allow the construction of the proposed addition and hipped roof, based on the Planning Commission findings, which are attached to this report.

With the submission of these building plans, we request Council action on the development application for 345 Salem Church Rd. per the findings of the Planning Commission. A council resolution is attached for council consideration.

2250 Delaware Avenue. The Sunfish Lake Planning Commission met on February 20, 2013 to consider the development application for a major site and building plan review for the subject property. The property owner, 2250 Delaware LLC, is proposing to remove the existing home on the property and construct a new home and garage in approximately the same location.

The applicant has sent in site and building plans for the proposed home and attached garage for Council review. The plans include the Existing and Proposed Site Plan (Exhibit A & B), the Lower Floor Plan (Exhibit C), the First Floor Plan (Exhibit D), the Second Floor Plan (Exhibit E), Building Elevations (Exhibit F), Building Sections (Exhibit G), a Landscape Plan (Exhibit H), and the Lighting Plan and Fixture Details (Exhibit I).

The drawings illustrate that the proposed home will meet all shoreland district setback and lot area requirements, including the shoreline setback requirement. The building footprint of the proposed home is approximately 900 square feet larger than the existing home, however the width of the home nearest the lake will be reduced from that of the existing home and size expansion will occur towards the west, away from the lake. In addition, the project proposes moving the driveway further from the lake, and will maintain impervious surface on the site slightly below that which currently exists. The site plan indicates that the proposed home will be approximately 27.5 feet above average existing grade, which meets ordinance building height requirements.

The proposed garage exceeds the 1,250 square foot area permitted by ordinance. The Planning Commission requested that the applicant demonstrate that this size requirement has been met by providing plans showing that the excess garage area (intended as a workshop) has been integrated into the principal structure.

The City Engineer and Forester have provided additional recommendations for the application regarding tree identification, removal & protection, grading, erosion & sediment control, and construction management on the site, which the applicant has agreed to address.

The Planning Commission recommended approval of the requested major site and building plans to allow the construction of the new home and garage, based on the Planning Commission findings, which are attached to this report.

With the submission of these site and building plans, we request Council action on the development application for 2250 Delaware Ave. per the findings of the Planning Commission. A council resolution is attached for council consideration.

City Council Inquiries

At the February 2013 Council meeting, the council requested planning staff research ordinance pertaining to the following concern:

Tree Removal on Vacant or Undeveloped Land. At the February 2013 City Council meeting the City heard comments from concerned citizens regarding removal of trees

from the undeveloped lot at 6 Acorn Drive. Currently Ordinance regulates the removal of significant trees, defined as “any tree measuring six (6) inches or more measured at a point five (5) feet above the ground, and which is not diseased, dead, or dying,” but does not regulate the extensive removal of trees for lumber or firewood, specifically on undeveloped land. The council requested that planning staff investigate the option of a tree harvesting permit for the regulation of tree removal. Planning staff has drafted preliminary language and issues that might be addressed by a tree harvesting permit, and will provide it for review and discussion at the next Planning Commission meeting.

March 2013 Planning Commission Meeting

There will be no new planning and development applications for review at the March 5, 2013 Planning Commission meeting. The meeting will be held in order to discuss City Code pertaining to the following topics:

- 1) Solid wall fences
- 2) Tree harvesting

Planning staff will bring forward for review and discussion any recommendations the Planning Commission may make on these items at the April 2013 City Council meeting.

cc: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna, City Engineer
David Neameyer, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector



MEMORANDUM

TO: Sunfish Lake City Council

FROM: Alan Brixius

DATE: February 28, 2013

RE: Sunfish Lake – Tree Harvesting Permit

FILE NO: 211.02 – General

Recent concerns have arisen in Sunfish Lake regarding extensive tree harvesting activities on undeveloped or vacant land. A situation arose at 6 Acorn Drive in which a contractor was allowed to remove trees from an undeveloped parcel with permission from the absentee property owner. Tree harvesting on the undeveloped parcel was significant and over an extended period of time. The contractor indicated that trees being removed were intended to be sold as firewood, and were only dead, dying or invasive trees. In this and similar situations the City currently has no way of monitoring the degree, manner, or schedule for the harvesting of trees on undeveloped or vacant parcels, or of verifying whether live trees are not also being removed.

Currently ordinance does provide some regulation for the removal of significant trees:

Section 1208.02 Classification of Site and Building Plans, describes that the removal of 6 or more significant trees within the required lot setback areas, within a 2 year period, will be subject to a minor site and building plan review.

Section 1218.03 Required Fencing, Screening and Landscaping, regulates the treatment of existing trees on a property during site alternation or building expansion projects, emphasizing the preservation of these trees, and requiring tree protection and restoration measures in the case of removal. This standard would apply in all districts.

Section 1243.04 Shoreland Alterations prohibits the cutting or removal of trees over 6 inches in diameter measured at a point two feet above the ground without permission from the City. This standard would apply in the Shoreland Overlay District.

To summarize, Zoning Ordinance does regulate the cutting of 6 or more healthy trees (of 6 inches in diameter or more at 5 feet above the ground) through the requirement for a minor site plan review, in addition to regulating tree removal associated with construction or building expansion activities, which would require a major site and

building plan review and the application of the ordinance described above. The City does not currently regulate the removal of dead, dying, or invasive trees, or the removal of healthy trees less than 6" in diameter at 5 feet above the ground. These types of trees can be removed continually without the requirement for a permit or City review.

Planning staff has compiled a very preliminary set of issues that may need to be addressed should the City wish to create a tree harvesting permit to regulate the extensive removal of live, dead, dying or invasive trees from a property. The issues were compiled in the attached draft tree harvesting permit. The draft tree harvesting permit was reviewed by the City Forester, whose comments were integrated.

The City needs to discuss the circumstances under which a tree harvesting permit should be applied. Applicability of the tree harvesting permit may address a variety of issues:

- 1) Regulation of the removal of any dead, dying, or invasive trees on private property (which is not currently regulated).
- 2) Regulation of the removal of live, dead, dying or invasive trees above a certain number of trees (in association with current minor site plan review requirements, but with the inclusion of dead, dying, and invasive trees).
- 3) Regulation of the removal of live, dead, dying or invasive trees when a contractor is involved.
- 4) Regulation of the removal of live, dead, dying or invasive trees on vacant or undeveloped private property (with the assumption that this tree removal situation requires additional regulation due to the condition of an absentee land owner).

The attached tree harvesting permit draft is intended to be broad and very preliminary. It provides a summary of potential application procedures and operational requirements, which should be open for discussion and may change based on which tree harvesting issues the City feels it is most important to regulate.

c: Sunfish Lake Planning Commission
Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna, City Engineer
David Neameyer, Building Official
Jim Nayer, City Forester

Tree harvesting permit

Purpose:

The tree harvesting permit is intended to regulate the removal of six or more live, dead, dying, or invasive trees within one calendar year on a property for use as lumber or firewood.

Definitions:

1. "Significant tree" is any tree measuring six (6) inches or more measured at a point five (5) feet above the ground, and which is not diseased, dead, or dying.
2. "Dead tree" means the tree is lifeless.
3. "Dying tree" is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.
4. "Invasive tree" is a tree species that is non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Applicability:

Planning Commission and City Council to determine applicability. May be directed at the regulation of tree removal on vacant or undeveloped land, as opposed to developed residential land where the property owner is present.

Application for Permits:

An application for a tree harvesting permit shall be made upon forms prescribed by the City. The application shall contain:

1. A statement of the reason for harvesting, cutting or removal;
2. A schedule of the progression of tree harvesting activities, including a description of the timeframe for completion all clean-up activities.
3. A description of how processing of harvested tree materials will occur on the site.
4. The property owner is required to sign all tree harvesting permit application forms for approval.
5. The tree harvesting permit for live, dead, diseased, dying or invasive trees will commence on a specified date and expire on a specified date, as determined by the City.

Site Visit:

Prior to commencing removal of live, dead, dying, or invasive trees from the property, the site must be visited by the City Forester with the property owner (or owner's representative), to mark trees for harvesting, cutting or removal, and to verify significant tree species, tree protection measures, and access routes into the site.

Dead, dying, or invasive tree harvesting operations are regulated in the following manner:

1. Trees over six (6) inches in diameter, measured at five (5) feet above the ground, which are to be harvested, cut or removed are to be marked with red or orange paint.
2. Tree harvesting operations are prohibited from occurring before 7:00 am on Monday through Saturday; before 9:00 am on Sunday; after 8:00 pm on Monday through Saturday; or after 5:00 pm on Sunday, according to Chapter 902 *Hours of Operation* of the City Code
3. Access to the site must occur from the nearest public or private street, and shall be located so as to avoid damage to healthy site vegetation. Care shall be taken to limit trips by said vehicles or machinery in order to protect site soils and vegetation.
4. Erosion and sediment control measures may be required by the City during the course of tree removal to protect against significant disturbance of the site's landscape or nearby waters.
5. Any disturbed land shall be immediately restored upon completion of tree removal activities.
6. Vehicles and machinery employed in the removal of live, dead, dying, or invasive trees shall be parked onsite. Parking or work associated with tree harvesting operations is prohibited in the street ROW.
7. All tree harvesting equipment and vehicles must be removed from the property by 8:00 pm Monday – Saturday, and by 5:00 pm on Sunday, in accordance with defined hours of tree removal operations.
8. All tree harvesting equipment must be removed, and all clean-up activities completed, by the specified tree harvesting permit expiration date.

CITY OF Sunfish Lake MINNESOTA

Planning Commission Findings of Fact & Recommendation (Approval)

Applicant's Name: KWH Design & Remodeling, Inc.

Request: The applicants request City approval of a variance from the required 200 foot shoreline setback and building plans to allow construction of a building addition and hipped roof on their home located at 345 Salem Church Road.

Planning Commission Meeting Date: February 20, 2013

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

1. The address of the subject property is as follows:

345 SALEM CHURCH ROAD, SUNFISH LAKE, MN 55118
2. The Planning Report dated February 13, 2013 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The existing home is a legal non-conforming structure in that it fails to meet the required shoreline setback of 200 feet.
4. The Sunfish Lake Zoning Ordinance allows for a non-conforming home to be expanded to improve livability.
5. The proposed project will include the construction of a 56 square foot addition enclosing an open, roofed walkway currently existing between the house and garage, and a hipped roof which will replace approximately 792 square feet of an existing flat roof on the home.
6. The variance is required to allow building expansion within the shoreland setback.
7. The Sunfish Lake Planning Commission reviewed the applicant's request for a shoreline setback variance on February 20, 2013. The Planning Commission recommended approval of the shoreline setback variance and building plans to allow the construction of a building addition and hipped roof on the home located at 345 Salem Church Road, subject to certain conditions as set forth in the Planning Report and adapted by the Planning Commission.

8. Upon review of the planning report and application information the Planning Commission found the building addition and hipped roof request was a reasonable use of the property and due to practical difficulties unique to the site could not be allowed without variance. The following findings support the Planning Commission recommendation to approve the variance:
 - a. The proposed addition will be constructed within the existing building lines of the property and will not increase the setback encroachment (to the shoreline of Sunfish Lake).
 - b. No building expansion to the east or west is proposed. Thus, the proposed addition will not encroach any closer to neighboring residential uses.
 - c. The proposed addition will occur entirely within existing built areas and hard surfaces, so the addition will neither expand the building footprint nor increase impervious surface on the subject property.
 - c. The proposed hip roof will increase the height of the home by only 3 feet above the existing skylight, so that the visual profile of the home from the lake and neighboring properties will change very little as a result of the proposed construction.
 - d. The proposed building addition and hipped roof meet all other Zoning Ordinance criteria.
 - e. Approval of the shoreline setback variance is in keeping with the intent of the Zoning Ordinance and will not be detrimental to the character of the neighborhood.

Recommendation: Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's building plans and request for a shoreland setback variance to allow the construction of an addition and hipped roof on their home.

Approved, subject to the following conditions:

1. The applicants install landscape plantings (trees, shrubs, and perennials) along the east side of the proposed home addition and along the slope. This will help screen the addition and existing garage from the lake, and will further stabilize the slope in that area.
2. The applicants must obtain a building permit from the City Building Official prior to commencing any construction of the proposed projects.

3. Per the City Engineer's recommendations, the applicant will need to:
- a. Provide a plan or otherwise describe how the proposed walkway addition will be constructed so as to provide positive drainage of 2% away from the existing and new addition.
 - b. Install silt fence around the back side of the house to seal off the construction area to contain any surface runoff. In the case that construction proceeds prior to the ground thawing, per the Planning Commission's recommendation, the applicant may instead opt to install a minimum 6" bioroll around the back side of the house to seal off the construction area to contain surface runoff.
 - c. Place debris from the roof construction in a dumpster to contain the demolish debris.
 - d. Protect the existing septic drain field, secondary drain field, and well with orange construction fencing, to prevent accidental surface disruption in these areas.
 - e. Adhere to recommendations regarding site access as described in the City Engineers report dated February 5, 2013.

Adopted by the Sunfish Lake Planning Commission this 20th day of February 2013.

City of Sunfish Lake

By: _____
Arnulf Svendsen
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING A SHORELINE SETBACK VARIANCE
AND BUILDING PLANS FOR THE CONSTRUCTION OF AN ADDITION AND
HIPPED ROOF ON THE HOME LOCATED AT 345 SALEM CHURCH ROAD,
LEGALLY DESCRIBED AS LOT 1, BLOCK 1, HARRISON ESTATES.**

WHEREAS, KWH Design & Remodeling, Inc. has submitted an application for a shoreline setback variance and building plan review for construction of an addition and hipped roof on the home located at 345 Salem Church Road, legally described as:

Lot 1, Block 1, Harrison Estates, Dakota County, MN

WHEREAS, City staff reviewed the application and judged it to be complete and outlined their review comments in a planning report dated February 13, 2013, prepared by Northwest Associated Consultants, and an engineer's report dated February 5, 2013; and

WHEREAS, the Sunfish Lake Planning Commission held a meeting on February 20, 2013 and reviewed the shoreline setback variance application, along with the planning report dated February 13, 2013; and

WHEREAS, upon hearing the staff presentations and applicant testimony the Planning Commission recommend to the City Council approval of the shoreline setback variance and building plans to construct an addition and hipped roof on the home at 345 Salem Church Rd, whereby the following findings support the Planning Commission recommendation to approve the variance:

1. The proposed addition will be constructed within the existing building lines of the property and will not increase the setback encroachment (to the shoreline of Sunfish Lake).
2. No building expansion to the east or west is proposed. Thus, the proposed addition will not encroach any closer to neighboring residential uses.
3. The proposed addition will occur entirely within existing built areas and hard surfaces, so the addition will neither expand the building footprint nor increase impervious surface on the subject property.
4. The proposed hip roof will increase the height of the home by only 3 feet above the existing skylight, so that the visual profile of the home from the lake and neighboring properties will change very little as a result of the proposed construction.

5. The proposed building addition and hipped roof meet all other Zoning Ordinance criteria.
6. Approval of the shoreline setback variance is in keeping with the intent of the Zoning Ordinance and will not be detrimental to the character of the neighborhood.

WHEREAS, the Sunfish Lake City Council considered the application for a shoreline setback variance to construct an addition and hipped roof on the home at 345 Salem Church Rd. at their meeting on March 5, 2013 and agrees with the findings of the Planning Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the shoreline setback variance and building plan review request dated January 21, 2013 for the property legally described as Lot 1, Block 1, Harrison Estates with the following conditions:

1. The applicants install landscape plantings (trees, shrubs, and perennials) along the east side of the proposed home addition and along the slope. This will help screen the addition and existing garage from the lake, and will further stabilize the slope in that area.
2. The applicants must obtain a building permit from the City Building Official prior to commencing any construction of the proposed projects.
3. Per the City Engineer's recommendations, the applicant will need to:
 - a. Provide a plan or otherwise describe how the proposed walkway addition will be constructed so as to provide positive drainage of 2% away from the existing and new addition.
 - b. Install silt fence around the back side of the house to seal off the construction area to contain any surface runoff. In the case that construction proceeds prior to the ground thawing, per the Planning Commission's recommendation, the applicant may instead opt to install a minimum 6" bioroll around the back side of the house to seal off the construction area to contain surface runoff.
 - c. Place debris from the roof construction in a dumpster to contain the demolish debris.
 - d. Protect the existing septic drain field, secondary drain field, and well with orange construction fencing, to prevent accidental surface disruption in these areas.
 - e. Adhere to recommendations regarding site access as described in the City Engineers report dated February 5, 2013.

This resolution is adopted by the City Council of the City of Sunfish Lake this 5th day of March 2013.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk

CITY OF *Sunfish Lake* MINNESOTA

**Planning Commission
Findings of Fact &
Recommendation
(Approval)**

Applicant's Name: Moser Homes, Inc.

Request: The applicants request City approval of major site and building plans at 2250 Delaware Avenue.

Planning Commission Meeting Date: February 20, 2013

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

1. The address of the subject property is as follows:

2250 DELAWARE AVENUE, SUNFISH LAKE, MN 55118
2. The Planning Report dated February 13, 2013 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The proposed project will demolish an existing home and attached garage at this location, and construct a new home and attached garage in approximately the same location.
4. The public hearing was properly noticed and held on February 20, 2013.
5. The Sunfish Lake Planning Commission conducted a public hearing and reviewed the applicant's request for major site and building plan on February 20, 2013. The Planning Commission recommended approval of major site and building plan approval to allow for the construction of a new home and attached garage located at 2250 Delaware Avenue, subject to certain conditions as set forth in the Planning Report and adapted by the Planning Commission.
6. Upon review of the planning report, application information, and testimony at the public hearing, the Planning Commission found the building request was a reasonable use of the property which will meet the requirements of the Sunfish Lake Zoning Ordinance and Comprehensive Plan. The following findings support the Planning Commission recommendation to approve the site and building plans:

- a. The property is zoned R-1 Single Family Residential District and Shoreland Overlay District, and single family use is a permitted use in the R-1 District.
- b. The proposed home will be located in the approximate location of the existing home, which will minimize building impacts on the surrounding environment.
- c. The proposed home will meet Shoreland District setback requirements from the lake, adjacent property lines, and the public street. The parcel will continue to meet all lot area, lot width, and impervious surface coverage requirements.
- d. The proposed home is larger than the existing home, however all size expansion occurs to the west, away from the lake. The proposed home will otherwise meet all R-1 building size and height requirements.
- c. The proposed home meets all other Zoning Ordinance criteria.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's major site and building plans to allow for the construction of a new home and attached garage at 2250 Delaware Avenue.

Approved, subject to the following conditions:

- 1. The applicant shall provide a revised site plan, for review by the City Forester, which includes the following:
 - a. Improved tree preservation measures (specifically, some manner of robust fencing), to protect mature oak and maple trees in the vicinity of construction which are not intended for removal. The robust fencing must establish a minimum 20 foot protected buffer around the trees.
 - b. Corrected identification of trees species on the property (both those designated for preservation and removal).
- 2. The applicant shall maintain and protect in an undisturbed state, all existing natural and undisturbed areas within the shoreland impact zone, both during and after the completion of construction on the site.
- 3. The applicant shall provide a revised landscape plan which incorporates an area of shrubs and perennials to the east of the driveway, in the direction of the lake, to provide improved screening for the parking area.

4. The applicant shall provide revised building plans demonstrating that the excess garage area shown in current building plans will be incorporated as a portion of the principal structure, bringing the total area of the attached garage down to 1,250 square feet or less, per the requirements of the zoning ordinance.
5. The applicant shall provide proof that upon completion of installation of lights, all lights or combination of lights which cast any light on residential property or over public water do not exceed one foot candle (meter reading) as measured from the edge of water abutting the subject property, and from adjacent property lines. This may be demonstrated by providing evidence of at which distance out from proposed light fixtures meter readings will fall below the required one foot candle measurement.
6. The applicant shall review all comments made by the City Engineer in the report dated February 11, 2013, and adhere to all his recommendations pertaining to site grading, erosion control and protection of the sanitary sewer and well, including:
 - a. Revise grading plan to reconcile how proposed contours will be graded around the northeast side of the building adjacent to the driveway and how the final contours will tie into the proposed wall.
 - b. Retaining walls 4 feet in height or taller will need to be designed and signed by a registered professional engineer in the State of Minnesota. Submit any structural retaining wall design and final wall plans to the City Engineer's office for review prior to the issuing of a building permit.
 - c. Place either silt fence or orange construction fence around the proposed primary and secondary drain fields, septic tank area, and existing and proposed wells to prevent destruction and/or soil compaction of these areas during construction.
 - d. Removal of existing septic drain field and tanks shall be in accordance with the MPCA requirements which require the top to be removed, tanks pumped, and the bottom concrete flushed, and filled with sand to allow drainage to migrate through the old septic tank.
 - e. Proposed, temporary stockpile locations need to be moved to sites that are within 50 feet of a driving surface.
 - f. Construct and maintain a rock construction entrance of approximately 50 feet in length and 50- to 20-feet wide at a point where the contractor is leaving the paved surface and entering an exposed dirt area to minimize tracking of material off the project site.

- g. If an existing well adjacent to the old house is abandoned, the applicant will need to abandon the well in accordance with Minnesota State Rules and Regulations and have the work completed by a contractor that is certified in well abandoning procedures. A copy of any well abandonment certification needs to be provided to the City engineer and planner's office for their files.
- 7. The applicant must comply with the recommendations of the City Septic Systems Specialist pertaining to the removal of existing septic areas and installation of the proposed primary and secondary septic areas.
- 8. The applicants must comply with City Code demolition requirements, including completing a building permit application and submitting it along with a completed *Dakota County Intent to Perform Demolition* form to the Dakota County Environmental Services Division, as described in the "General Permit Form" provided on the Sunfish Lake website. All requirements associated with these permits must be complied with.

Adopted by the Sunfish Lake Planning Commission this 20th day of February 2013.

City of Sunfish Lake

By: _____
Arnulf Svendsen
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING MAJOR SITE AND BUILDING PLANS
FOR A NEW HOME AND ATTACHED GARAGE AT 2250 DELAWARE AVENUE,
LEGALLY DESCRIBED AS LOT 1, BLOCK 1, ANGELL ACRES.**

WHEREAS, Moser Homes, Inc. submitted an application for a major site and building plan review for a new home and attached garage on the property located at 2250 Delaware Avenue, legally described as:

Lot 1, Block 1, Angell Acres, Dakota County, MN

WHEREAS, the property is zoned R-1 Single Family Residential and Shoreland Overlay District, and the single family use is a permitted use in the R-1 District; and

WHEREAS, City staff reviewed the application and judged it to be complete and outlined their review comments in a planning report dated February 13, 2013, prepared by Northwest Associated Consultants, and an engineer's report dated February 11, 2013; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their February 20, 2013 meeting and reviewed the major site and building plan application, along with the planning report dated February 13, 2013; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the major site and building plans, whereby the following findings support the Planning Commission recommendation to approve the major site and building plans:

1. The property is zoned R-1 Single Family Residential District and Shoreland Overlay District, and single family use is a permitted use in the R-1 District.
2. The proposed home will be located in the approximate location of the existing home, which will minimize building impacts on the surrounding environment.
3. The proposed home will meet Shoreland District setback requirements from the lake, adjacent property lines, and the public street. The parcel will continue to meet all lot area, lot width, and impervious surface coverage requirements.
4. The proposed home is larger than the existing home, however all size expansion occurs to the west, away from the lake. The proposed home will otherwise meet all R-1 building size and height requirements.

5. The proposed home meets all other Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for major site and building plan review at their meeting on March 5, 2013 and agrees with the findings of the Planning Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the major site and building plan request dated January 21, 2013 for the property legally described as Lot 1, Block 1, Angell Acres with the following conditions:

1. The applicant shall provide a revised site plan, for review by the City Forester, which includes the following:
 - a. Improved tree preservation measures (specifically, some manner of robust fencing), to protect mature oak and maple trees in the vicinity of construction which are not intended for removal. The robust fencing must establish a minimum 20 foot protected buffer around the trees.
 - b. Corrected identification of trees species on the property (both those designated for preservation and removal).
2. The applicant shall maintain and protect in an undisturbed state, all existing natural and undisturbed areas within the shoreland impact zone, both during and after the completion of construction on the site.
3. The applicant shall provide a revised landscape plan which incorporates an area of shrubs and perennials to the east of the driveway, in the direction of the lake, to provide improved screening for the parking area.
4. The applicant shall provide revised building plans demonstrating that the excess garage area shown in current building plans will be incorporated as a portion of the principal structure, bringing the total area of the attached garage down to 1,250 square feet or less, per the requirements of the zoning ordinance.
5. The applicant shall provide proof that upon completion of installation of lights, all lights or combination of lights which cast any light on residential property or over public water do not exceed one foot candle (meter reading) as measured from the edge of water abutting the subject property, and from adjacent property lines. This may be demonstrated by providing evidence of at which distance out from proposed light fixtures meter readings will fall below the required one foot candle measurement.
6. The applicant shall review all comments made by the City Engineer in the report dated February 11, 2013, and adhere to all his recommendations pertaining to site grading, erosion control and protection of the sanitary sewer and well, including:

- a. Revise grading plan to reconcile how proposed contours will be graded around the northeast side of the building adjacent to the driveway and how the final contours will tie into the proposed wall.
 - b. Retaining walls 4 feet in height or taller will need to be designed and signed by a registered professional engineer in the State of Minnesota. Submit any structural retaining wall design and final wall plans to the City Engineer's office for review prior to the issuing of a building permit.
 - c. Place either silt fence or orange construction fence around the proposed primary and secondary drain fields, septic tank area, and existing and proposed wells to prevent destruction and/or soil compaction of these areas during construction.
 - d. Removal of existing septic drain field and tanks shall be in accordance with the MPCA requirements which require the top to be removed, tanks pumped, and the bottom concrete flushed, and filled with sand to allow drainage to migrate through the old septic tank.
 - e. Proposed, temporary stockpile locations need to be moved to sites that are within 50 feet of a driving surface.
 - f. Construct and maintain a rock construction entrance of approximately 50 feet in length and 50- to 20-feet wide at a point where the contractor is leaving the paved surface and entering an exposed dirt area to minimize tracking of material off the project site.
 - g. If an existing well adjacent to the old house is abandoned, the applicant will need to abandon the well in accordance with Minnesota State Rules and Regulations and have the work completed by a contractor that is certified in well abandoning procedures. A copy of any well abandonment certification needs to be provided to the City engineer and planner's office for their files.
7. The applicant must comply with any recommendations of the City Septic Systems Specialist pertaining to the removal of existing septic areas and installation of the proposed primary and secondary septic areas.
8. The applicants must comply with City Code demolition requirements, including completing a building permit application and submitting it along with a completed Dakota County Intent to Perform Demolition form to the Dakota County Environmental Services Division, as described in the "General Permit Form" provided on the Sunfish Lake website. All requirements associated with these permits must be complied with.

This resolution is adopted by the City Council of the City of Sunfish Lake this 5th day of March 2013.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk