



MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Alan Brixius/Michelle Barness

DATE: March 27, 2013

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

NAC FILE: 211.02 - General

4/2/13 CC Mtg.
**Agenda
Item
6a**

March 2013 Planning Commission Meeting

There were no new planning and development applications for review at the March 20, 2013 Planning Commission meeting. The meeting was held in order to discuss the following topics:

Solid Wall Fences. Solid wall fences are currently prohibited by City ordinance, but may be allowed if a variance is approved. Recent efforts on behalf of applicants pursuing a variance to build a solid wall fence on their property demonstrated that it is difficult to meet the variance criteria to allow for a deviation from the City's architectural standards. No matter what other reasons may be offered for a solid fence request, "practical difficulties" cannot be demonstrated to justify a variance approval.

At its December 19, 2012 meeting the Planning Commission discussed the issue and directed planning staff to review solid wall fence and fence design ordinances in surrounding communities in the Metro Area, acknowledging that solid wall fences might be allowed in the community with specific conditions. Planning staff reviewed relevant ordinances in the communities of Inver Grove Heights, Mendota Heights, Buffalo, Albertville, New Hope and Monticello, and synthesized common conditions for addressing solid wall fences in a memo drafted for review and discussion by the Planning Commission at its March 20, 2013 meeting.

The solid wall fence parameters presented to the Planning Commission were designed to address key solid wall fence issues derived from the study of precedent fencing ordinances. Key solid wall fence issues include the degree of fence openness or solid matter, the aesthetic and structural perception of solid wall fences, and the location of solid wall fences related to setbacks, road rights-of-way, and sensitive areas. The solid wall fencing parameters were further considered by discussing their application to existing Sunfish Lake properties and recent development projects.

Upon consideration of the solid wall fence parameters, the Planning Commission advised that solid wall fence height was of particular concern, given the potential visual and perceptual impact on the surrounding environment and neighbors. The Planning Commission requested that an ordinance amendment for allowing solid wall fences of a specific height (2 ½ - 3 feet) be drafted, and suggested that solid wall fences be held to all other existing fences standards with regards to location and design. Planning staff will bring the draft solid wall fence ordinance amendment before the Planning Commission at their next meeting on April 17, 2013.

Tree Harvesting Guidelines. Recent concerns have arisen in Sunfish Lake regarding tree harvesting activities on private property. A situation arose at 6 Acorn Drive in which a contractor was hired 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. The City currently provides minimal guidance on the manner in which trees may be harvested on either developed or undeveloped land.

At the March 5, 2013 City Council meeting, the Council indicated that they would like the Planning Commission to discuss the creation of tree harvesting guidelines which could be provided to property owners intent on either removing trees from their land, or hiring a contractor to remove trees from their land. The intention of these guidelines was to address the manner in which tree removal operations should proceed, including making suggestions regarding the duration of tree removal operations, the appropriate use and handling of tree removal vehicles and machinery, and providing tree harvesting resources.

At the March 20, 2013 Planning Commission meeting, the situation at 6 Acorn Drive was discussed, as was the potential for providing woodland management and tree removal guidelines for the community. Planning staff presented the Commission with a draft set of tree removal guidelines for review, along with two articles the City Forester provided on wild land management.

Planning Commission reviewed the draft guidelines from the City Planner, and were further engaged in a discussion regarding wild land management by the City Forester. The discussion of tree removal and woodland management at 6 Acorn Drive became a focal point of the conversation. Commissioners emphasized concerns expressed by the neighbors of 6 Acorn Drive, including the concern that tree removal was very extensive, the concern that there was no way for neighbors or the City to verify that the correct trees were removed from the property, and the concern that the tree removal was instigated by a third party and carried out by a contractor, which made it very difficult for neighbors to contact the property owner to express concerns over tree removal activities.

While Commissioners generally supported the draft tree removal guidelines and acknowledged the need to better establish a course for woodland management on private properties, they were concerned that guidelines wouldn't be entirely effective in addressing all of the concerns of the community regarding tree harvesting activities.

They suggested that tree removal guidelines and more information pertaining to woodland management be provided to the community via the website or quarterly newsletter, but were interested in exploring additional measures.

Commissioners agreed that while an ordinance amendment to create additional tree removal regulations didn't seem necessary, they would like some venue by which the City and neighbors could be more involved in, or at a minimum aware of, tree harvesting activities on private properties. Commissioners presented the recently established "Lake Access Permission Slip" as a positive example of how the City might provide an official document for addressing potential issues of concern in the community.

The Planning Commission suggested that the planner look into the creation of a tree harvesting permission slip or application, to be accessed in the "permit and forms" section of the City website. The application would ask that property owners describe intended tree harvesting activities on their land, as long as the activities fall outside of the reach of current City Ordinance pertaining to the removal of significant trees. The application could be reviewed by the City Forester, who would then have the chance to discuss tree removal operations and woodland management intentions with the property owner prior to these activities proceeding. The application would not otherwise come with a set of regulations, though written tree removal guidelines and woodland management information could be presented to property owners as a part of the application process.

The submission of this form would be separate from a minor or major site and building plan review examining the removal of six or more significant trees from a property. Should a land owner undergo a site and building plan review, they will not also be required to fill out the tree harvesting permission form. The tree harvesting application form would allow the City to keep a record of tree harvesting operations, in addition to providing the City an opportunity to establish best tree removal and woodland management procedures with property owners prior to these operations proceeding. Hopefully this would help prevent future situations such as that that arose as a result of tree harvesting activities at 6 Acorn Drive.

Planning staff will create a draft of the recommended tree harvesting application for review by the Planning Commission and City Council. In addition, planning staff and the City Forester will continue to work together in creating and sharing tree harvesting and woodland management guidelines with the community.

Planning and Development Applications

393 Salem Church Road Major Site and Building Plan. Tim and Kristin Schacker are requesting approval of major site and building plans for the property located at 393 Salem Church Road. The applicants are proposing to remove the existing home on their property in order to construct a new home at a different location on the site. The parcel is zoned R-1, Single Family Residential and falls within the Shoreland Overlay District.

In addition to a new home and attached garage, a courtyard, terrace, and screened porch are being proposed. The location of the new home at a higher elevation on the site will require the removal of several trees, an extension of the existing driveway, and the location of new septic drain fields. The new home is larger, but is anticipated to meet R-1 setback and performance standards. The applicants make an effort in their site design to protect and restore portions of the landscape in natural type vegetation, which reduces the overall building impact on the site. In addition, Shoreland Overlay District impervious surface standards will be met.

Planning staff are currently reviewing the site and building plan application materials, and will produce a planning report and recommendation on the application for review by the Planning Commission. The project will be considered by the Planning Commission at their April 17, 2013 meeting, and Planning Commission findings and recommendations will be brought before the City Council at their May 7, 2013 meeting.

2030 Charlton Road Administrative Permit. Mike and Mag Hovey submitted an administrative permit application in order to be able to raise chickens on their property located at 2030 Charlton Road. Section 1225.01.E of the Zoning Ordinance allows for the keeping of chickens on residential property subject to the review and approval of an Administrative Permit by the City Forester. Administrative Permits do not require Planning Commission or City Council approval, only verification by City staff that the proposed project is in compliance with the requirements of the Zoning Ordinance.

The City Forester met with the Hoveys to view their site and discuss the request, and provided a written report with his recommendation for approval of the request with specific conditions. In addition, planning staff sent out property notices regarding the request and provided a comment period for submission of any feedback from adjacent neighbors. No feedback was received from neighbors, and the permit was approved for a period of one year based on conditions provided by the City Forester. The Planning Commission, City Council and City staff have received copies of the Hovey administrative permit report for reference.

Other Inquiries

2154 Charlton Road. Planning staff corresponded with representatives of 2154 Charlton Road (property owned by John and Shannon Nelson) and 2158 Charlton Road (property owned by Michael and Joanne Silverman) regarding a minor subdivision. The owners of 2158 Charlton Road would like to subdivide a small area of their land currently containing an easement used by 2154 Charlton Road to the east, which would be combined with the 2154 Charlton Road parcel. Planning staff contacted the City Attorney to confirm that the request could proceed as a minor subdivision given the fact that one property is platted and the other defined by metes and bounds. After careful analysis of the Subdivision Ordinance, Planning staff and the City Attorney came to the conclusion that a minor subdivision to divide land from one lot and combine it with the adjacent lot can proceed despite the fact that one parcel is platted and the other unplatted. Planning staff contacted Dakota County to confirm that the lot combination could be recorded with the County given the stated facts, and received confirmation. An

application for a minor subdivision at the subject properties is anticipated in the next few months.

April 2013 Planning Commission Meeting

Planning staff will bring forward a draft tree harvesting application and solid wall fence ordinance amendment for review and discussion by the Planning Commission at their April 17, 2013 meeting. In addition, the Planning Commission will review the 393 Salem Church Road Major Site and Building Plan.

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