



PLANNING REPORT - Major Site and Building Plan Review and CUP

TO: Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: June 11, 2014

RE: Sunfish Lake – 50 Sunnyside Lane – Site and Building Plan Review & CUP

FILE: 211.01 – 14.04

7/1/14 CC
Mtg.
**Agenda
Item
6a**

Application Accepted: May 14, 2014
Planning Commission Date: June 18, 2014
Tentative City Council Review: July 1, 2014
60-day Review: July 13, 2014

BACKGROUND

Michael and Melissa Prueher are requesting approval of major site and building plans and a conditional use permit (CUPs) to allow construction of a chicken coop at 50 Sunnyside Lane. The property is located within the R-1 Single Family Residential District. The proposed coop would be the second accessory structure on the site in addition to an existing carriage house, which requires approval of a CUP. According to Section 1208.02 accessory structures requiring a CUP also require a major site and building plan review. The major plan review and CUP requires review and approval by both the Planning Commission and the City Council.

APPROVALS REQUIRED	
Major Site and Building Plan Review	To permit the construction of a chicken coop at 50 Sunnyside Lane.
Conditional Use Permit	To permit a chicken coop as a second accessory structure on the subject property.

Attached for reference:

Exhibit A: SunShed Garden Building/Coop Specifications
Exhibit B: Site Plan
Exhibit C: City Engineer Report

ISSUES ANALYSIS

Major Site and Building Plan Review

The property at 50 Sunnyside Lane is zoned R-1, Single Family. The following table illustrates the application of the R-1 District requirements to the property with the addition of the chicken coop.

R-1 District Standards	Required	Proposed	Compliant
Buildable lot area above OHWM*	2.5 acres	No Change	Yes
Front setback (west to public street)	100 feet	No Change	Yes
Side setback (north & south)	50 feet	No Change	Yes
Rear setback (east)	50 feet	No Change	Yes
Front accessory setback (west to public street)	100 feet	Exceeds 100 feet	Yes
Side accessory setback	25 feet	Exceeds 25 feet	Yes
Rear accessory setback	25 feet	Exceeds 25 feet	Yes
Maximum building coverage	10%	10%	Yes
Building height limitation (height above average existing grade)	30 feet	No Change	Yes

Building Size and Height. The proposed chicken coop is 96 square feet in area (approximately 8 feet by 12 feet) and does not exceed 10 feet in height. The building is in conformance with accessory structure size and height requirements.

Building Materials. The City requires that buildings in all zoning districts maintain a high standard of architectural and aesthetic compatibility with surrounding properties. The coop is a garden shed constructed of red cedar siding and shingles. These are allowed materials.

Placement and Design of Roads, Driveways, and Parking Areas. Parking and drives will not be impacted by the proposed project.

Lighting. No additional lighting is proposed with the chicken coop.

Grading and Drainage. Grading, drainage, stormwater management, and erosion control issues are subject to City Engineer review and approval. The City Engineer has reviewed the proposed project and submitted a report recommending approval, finding that it will have negligible land impacts. As described in his report (Exhibit C) he is requesting that the homeowners take care to disturb as minimal an area as possible in erecting the chicken coop, and restore any disturbed turf areas immediately following completion.

Landscaping/Fencing/Screening. The chicken coop is located centrally in the rear yard of the subject property. The project will not require the removal of trees, and no additional plantings are proposed. Existing tree coverage on the parcel will contribute to screening the small accessory structure.

Site and Building Plan Evaluation Criteria. As described in Section 1208.04 of the City Zoning Ordinance, the Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision, shall evaluate the effects of the proposed site and building plans. This review shall include, but is not limited to, the following:

- A. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
- B. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
- C. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.
- D. Whether the proposed improvements will not materially adversely affect any natural resources in the community, except when there is no feasible and prudent alternative to the proposed location of the improvements. For purposes of this clause, "natural resources" shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, historical, scenic and aesthetic resources.
- E. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- F. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of the Zoning Ordinance.

The coop is located to meet site setback standards, and to minimize impacts to site grading, drainage, and vegetation. The coop is not anticipated to negatively impact nearby natural areas or views from surrounding properties. The design of the coop is in accordance with accessory structure size and height requirements, and general building material requirements. The coop is of an attractive design that maintains a high standard of aesthetic compatibility with surrounding properties.

Conditional Use Permit – To Permit an Additional Accessory Structure

Section 1217.01 of the Zoning Ordinance states that no permit shall be issued for the construction of more than one accessory building and/or structure, except by conditional use permit. A conditional use permit may be granted provided that:

- A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- B. No commercial or home occupation activities are conducted on the property.
- C. The building has an evident re-use or function related to the principal use.
- D. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.
- E. The provisions of Section 1204.02.F. of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.

Section 1204.02.F: The Planning Commission and City Council shall consider possible adverse effects of the proposed 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.

The applicants would like to raise chickens in order to obtain fresh eggs and associated products for use in their home. The chicken coop is a garden shed, which is an allowed R-1 District accessory use. Chicken keeping is also an allowed use with approval of an administrative permit by the City Forester. Planning and forestry staff have reviewed the chicken keeping request and are recommending approval of a one year permit (with option for renewal), based on some simple conditions pertaining to the size of the flock, coop, and chicken run, and maintenance of the condition of the chicken area, etc. Staff finds that the proposed project is able to conform to performance standards for chicken keeping and accessory structures, and is not anticipated to impact site utilities or easements, community infrastructure, natural systems, or adjacent properties.

SUMMARY AND RECOMMENDATION

Based on the preceding report, planning staff recommends approval of the major site plans and CUP for the requested accessory structure subject to the following conditions:

1. The applicants adhere to the City Engineer recommendation that care be taken to disturb as minimal an area as possible in erecting the chicken coop, and that any disturbed turf areas be restored immediately following completion of the project.
2. Construction activities shall adhere to all erosion control and stormwater management criteria provided in Sections 1216.04 of the Zoning Ordinance.
3. The applicants adhere to all recommendations from the City Forester pertaining to the care of the chicken flock and maintenance of chicken keeping areas (including the chicken coop) on the subject property. These recommendations are detailed in the administrative permit for chicken keeping at 50 Sunnyside Lane dated June 10, 2014.

c: Sunfish Lake Mayor and City Council
Cathy Iago, City Clerk
David Neameyer, City Building Official
Don Sterna, City Engineer
Jim Naves, City Forester
Tim Kuntz, City Attorney
Michael and Melissa Prueher, Applicants

8'x12' SunShed Garden Building

Item#SSGS812

Escape to the tranquility of your very own garden getaway.

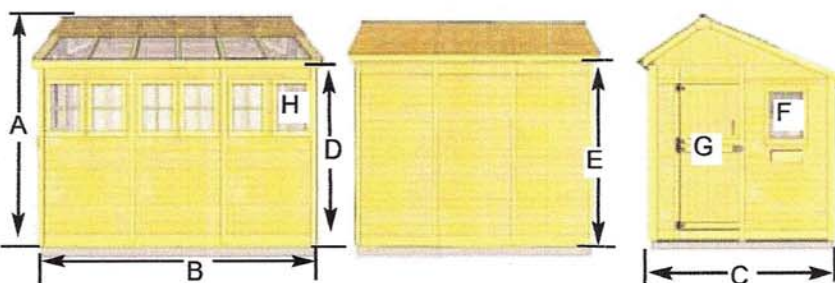


The SunShed Kit Includes:

- 8 Functional Windows with Screens)
- 31" Wide Functional Dutch Door
- "L" Shaped Full Wall Cedar Workbench
- Polygal Polycarbonate Roof Windows - 6mm Thick
- Western Red Cedar Construction
- 5 Flower Boxes
- Exterior Cladding - Proprietary Cedar Lap Siding
- Cedar Roof with Shingles Already Attached
- Panelized For Quick Assembly
- Hardware Included (screws and nails).

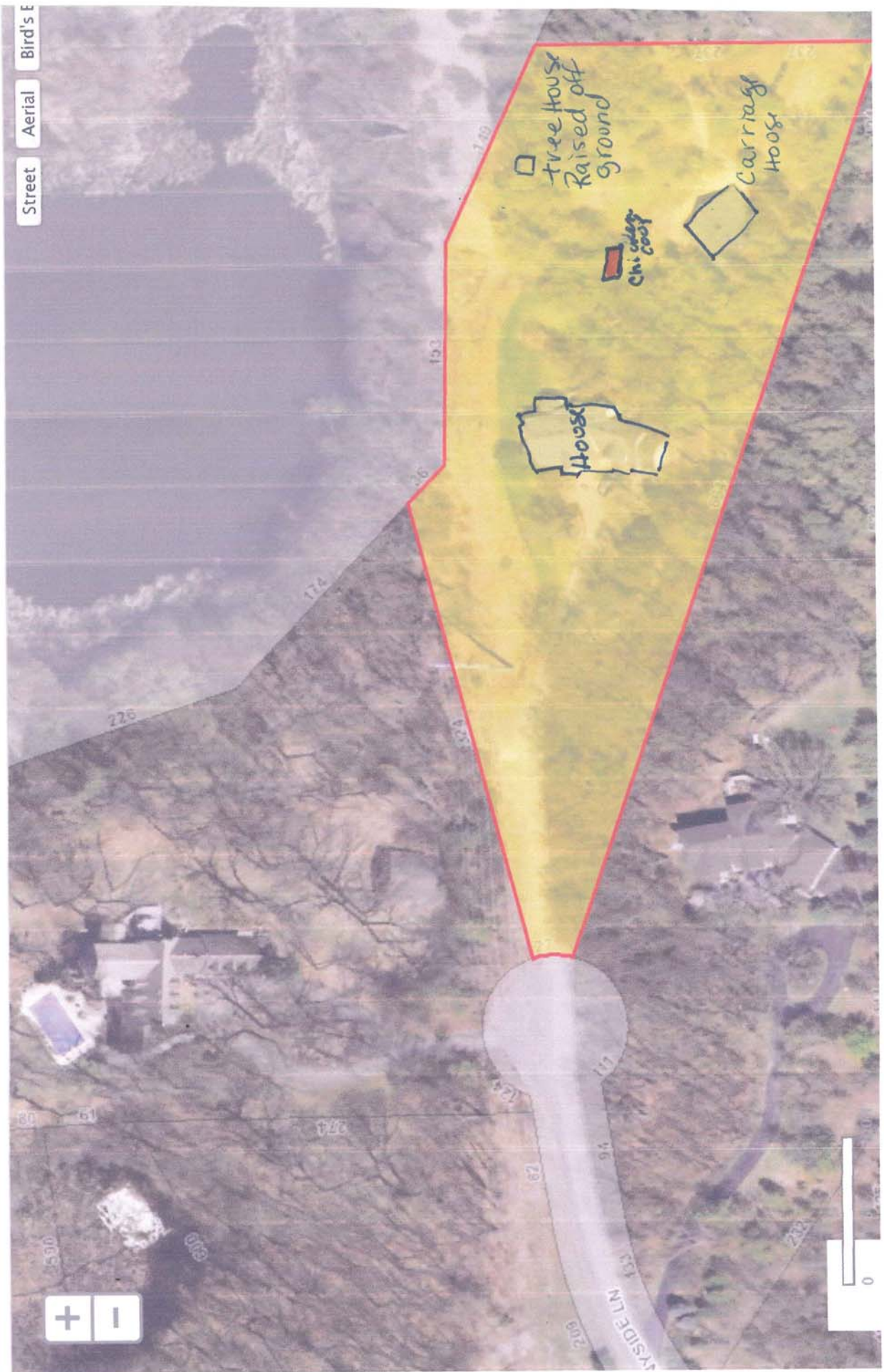
Specifications:

- A: Outside Height = 112"
 B: Outside Wall Depth = 138"
 C: Outside Wall Width = 98"
 D: Short Wall Height = 72"
 E: Tall Wall Height = 83"
 F: Window Opening = 18"w x 23"h
 G: Door Dimensions = 31"w x 72"h
 H: Window Opening = 14"w x 21"h



Shipping Pkg. Size: 52"w x 52"h x 88"l
 Shipping Weight: = 1600 lbs

Property Information Search





Memorandum

To: *Michelle Barness, City Planner
Northwest Associated Consultants*

From: *Don Sterna, PE, City Engineer
WSB & Associates, Inc.*

Date: *June 6, 2014*

Re: *50 Sunnyside Lane
Application for site/building plan review and conditional use permit
City of Sunfish Lake, MN
WSB Project No. 1011-99*

Background

The property owners at the above listed address have submitted an application for a site/building plan review and conditional use permit for an 8-foot by 12-foot sunshed garden building to be used as a chicken coop.

Proposed Building

The proposed building is in compliance with City height requirements. The proposed building is outside of any platted easements and appears to be located in an area that will require negligible land impacts.

Drainage

The plans submitted do not indicate drainage conditions. The footprint of proposed building is small and no changes in existing drainage patterns or runoff are anticipated. It appears all construction and equipment necessary for the site will be minor so no disturbance to turf areas is anticipated and therefore no erosion control measures should be necessary. The builder should take care to disturb as minimal area as possible and restore any disturbed turf areas as quickly as possible.

Conclusion and Recommendations

Based upon our review of the proposed site plan for the proposed addition appear to be consistent with the City's requirements. We approve these plans as it relates to the grading, drainage and city height requirements.

Please contact me if you have any questions.

CITY OF *Sunfish Lake* MINNESOTA

Planning Commission Findings of Fact & Recommendation (Approval)

Applicant's Name: Michael and Melissa Prueher

Request: The applicants request City approval of major site and building plans and a conditional use permit to allow construction of a chicken coop at 50 Sunnyside Lane. The conditional use permit requested is to allow construction of the chicken coop as a second accessory structure on the property. A major plan review is required when an accessory structure requires approval of a conditional use permit.

Planning Commission Meeting Date: June 18, 2014

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:

50 SUNNYSIDE LANE, SUNFISH LAKE, MINNESOTA 55118
2. The Planning Report dated June 11, 2014 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The City Engineer report dated June 6, 2014 is incorporated herein by reference.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan and conditional use permit approval on June 18, 2014. The Planning Commission recommended approval of a conditional use permit to allow a chicken coop as a second accessory structure and major site and building plans to allow the construction of the chicken coop at 50 Sunnyside Lane, subject to certain conditions as set forth in the Planning Report.
5. Upon review of the planning report and application information the Planning Commission found that the proposed site and building plans and conditional use permit requests meet Ordinance requirements. The following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

1. With the proposed chicken coop the lot will continue to meet R-1 District lot area, width, setback and building coverage requirements.

2. With the proposed structure the site will continue to meet Ordinance requirements pertaining to drive and parking area design, lighting design, site grading, drainage and stormwater management, landscaping, screening, and septic system location.
3. The proposed project meets all other Zoning Ordinance criteria.

Conditional Use Permit:

1. There is a demonstrated need and potential for continued use of the chicken coop. It will house chickens for the supply of eggs and associated products to the residents of the subject property. The chicken coop will meet yard setback and locational requirements.
2. The garden shed/chicken coop's design is attractive, and is not anticipated to negatively impact views or property values on adjacent properties. Installation of the chicken coop will not require the removal of any site vegetation, and existing tree coverage remaining on the subject property will provide a degree of natural screening around the chicken coop. Neighbors were provided the opportunity to comment on the coop and the applicants request to keep chickens on their property in a related review of an administrative permit for chicken keeping; no comments were received.
3. The City Engineer reviewed the request for the chicken coop structure and recommend approval, finding that the project is able to adhere to grading, drainage, stormwater management, and erosion control criteria.
4. The project satisfies the criteria for a conditional use permit provided in Section 1204.02.F of the Zoning Ordinance.
5. The proposed project meets all conditions for major site and building plan approval.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's major site and building plans and a conditional use permit to allow the installation of a chicken coop on their property.

Approved, subject to the following conditions:

1. The applicants adhere to the City Engineer recommendation that care be taken to disturb as minimal an area as possible in erecting the chicken coop, and that any disturbed turf areas be restored immediately following completion of the project.

2. Construction activities shall adhere to all erosion control and stormwater management criteria provided in Section 1216.04 of the Zoning Ordinance.
3. The applicants adhere to all recommendations from the City Forester pertaining to the care of the chicken flock and maintenance of chicken keeping areas (including the chicken coop) on the subject property. These recommendations are detailed in the administrative permit for chicken keeping at 50 Sunnyside Lane dated June 10, 2014.

Adopted by the Sunfish Lake Planning Commission this 18th day of June 2014.

City of Sunfish Lake

By: _____
Andrea McCue
Planning Commission Chair

ATTEST:

Catherine Iago, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW
CONSTRUCTION OF A CHICKEN COOP AS A SECOND ACCESSORY STRUCTURE
AND MAJOR SITE AND BUILDING PLANS FOR THE CONSTRUCTION OF THE
CHICKEN COOP FOR THE PROPERTY LOCATED AT 50 SUNNYSIDE LANE,
LEGALLY DESCRIBED AS LOT 2, BLOCK 1, KNUTSON ADDITION NO 2, DAKOTA
COUNTY, MINNESOTA.**

WHEREAS, Michael and Melissa Prueher submitted an application for a conditional use permit to allow a chicken coop as a second accessory structure and major site and building plans for the chicken coop, for the property located at 50 Sunnyside Lane, legally described as:

Lot 2, Block 1, Knutson Addition No 2, 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 June 11, 2014, prepared by Northwest Associated Consultants, and an engineer's report dated June 6, 2014; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their June 18, 2014 meeting and reviewed the major site and building application and the requested conditional use permit, along with the planning report dated June 11, 2014; and

WHEREAS, upon hearing the staff presentations and providing the opportunity for public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the major site and building plans to construct a chicken coop and the conditional use permit to allow construction of the coop as a second accessory structure, whereby the following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

1. With the proposed chicken coop the lot will continue to meet R-1 District lot area, width, setback and building coverage requirements.
2. With the proposed structure the site will continue to meet Ordinance requirements pertaining to drive and parking area design, lighting design, site grading, drainage and stormwater management, landscaping, screening and septic systems.
3. The proposed project meets all other Zoning Ordinance criteria.

Conditional Use Permit:

1. There is a demonstrated need and potential for continued use of the chicken coop. It will house chickens for the supply of eggs and associated products to the residents of the subject property. The chicken coop will meet yard setback and locational requirements.
2. The garden shed/chicken coop's design is attractive, and is not anticipated to negatively impact views or property values on adjacent properties. Installation of the chicken coop will not require the removal of any site vegetation, and existing tree coverage remaining on the subject property will provide a degree of natural screening around the chicken coop. Neighbors were provided the opportunity to comment on the coop and the applicants request to keep chickens on their property in a related review of an administrative permit for chicken keeping; no comments were received.
3. The City Engineer reviewed the request for the chicken coop structure and recommend approval, finding that the project is able to adhere to grading, drainage, stormwater management, and erosion control criteria.
4. The project satisfies the criteria for a conditional use permit provided in Section 1204.02.F of the Zoning Ordinance.
5. The proposed project meets all conditions for major site and building plan approval.

WHEREAS, the Sunfish Lake City Council considered the application for major site and building plan review and a conditional use permit at their meeting on July 1, 2014 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 review and conditional use permit requests dated May 12, 2014, for the property legally described as Lot 2, Block 1, Knutson Addition No. 2, Dakota County, MN, with the following conditions:

1. The applicants adhere to the City Engineer recommendation that care be taken to disturb as minimal an area as possible in erecting the chicken coop, and that any disturbed turf areas be restored immediately following completion of the project.
2. Construction activities shall adhere to all erosion control and stormwater management criteria provided in Section 1216.04 of the Zoning Ordinance.
3. The applicants adhere to all recommendations from the City Forester pertaining to the care of the chicken flock and maintenance of chicken keeping areas (including the chicken coop) on the subject property. These recommendations are detailed in the administrative permit for chicken keeping at 50 Sunnyside Lane dated June 10, 2014.

This resolution is adopted by the City Council of the City of Sunfish Lake this 1st day of July 2014.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk