



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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PLANNING REPORT - Major Site and Building Plan Review and CUP

TO: Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: September 10, 2014

RE: Sunfish Lake – 329 Salem Church Road – Site and Building Plan Review
and CUP

FILE: 211.01 – 14.11

Application Accepted: August 18, 2014
Planning Commission Date: September 17, 2014
Tentative City Council Review: October 7, 2014
60-day Review: October 17, 2014

10/7/14 CC
Mtg.
**Agenda
Item
6a**

BACKGROUND

Thomas Hall and Julie Kunkel are requesting approval of a Major Site and Building Plan Review and Conditional Use Permit (CUP) to allow the construction of a garage addition on their property located at 329 Salem Church Road. The existing detached garage is 895 square feet in area, and they would like to add an additional 282 square feet of storage space for lawn maintenance equipment and vehicles, increasing the size of the garage to 1,177 square feet in area. Conditional Use Permit (CUP) approval is required to allow a detached accessory structure exceeding 1,000 square feet in area. When an accessory structure requires a CUP, major site and building plan review is also required. Both a major site and building plan review and CUP require review and recommendation by the Planning Commission and final approval by the City Council.

APPROVALS REQUIRED	
Major Site and Building Plan Review	To permit the construction of a detached garage addition.
Conditional Use Permit	To allow a detached accessory building to exceed 1,000 square feet in area.

Attached for reference:

Exhibit A: Site Survey
Exhibit B: Site Plan and Grading Plan
Exhibit C: Garage Expansion Elevation and Layout
Exhibit D: City Engineer Comments

ISSUES ANALYSIS

Major Site and Building Plan Review

The property at 329 Salem Church Road is zoned R-1, Single Family Residential and Shoreland Overlay District. The following table illustrates the application of zoning district requirements to the property with the proposed garage expansion.

R-1 District Standards	Required	Proposed	Compliant
Front Accessory Setback (south)	100 feet	Exceeds requirement	Yes
Side Accessory Setback (west & east)	25 feet	Exceeds requirement (west)/ 19 feet (east)	Yes*
Rear Setback (north)	25 feet	Exceeds requirement	Yes
Maximum Building Coverage	10%	1.95%	Yes
Accessory Building Height Limitation	16 feet	15 feet 10 inches	Yes
Shoreland District Standards	Required	Proposed	Compliant
Maximum lot coverage by impervious surface	30%	9%	Yes

*Section 1217.01 states that accessory buildings may encroach into the required side yard setback within the rear yard of the lot as long as encroachment does not occur over easements. The proposed garage expansion is within the rear yard, and will not encroach on easements, in which case the reduced setback of 19 feet is conforming.

Accessory Building Height. According to the Ordinance, no detached accessory building shall exceed 16 feet in height. The proposed garage expansion will be 15 feet 10 inches in height, which meets Ordinance standards.

Building Materials. The garage expansion will be composed of cedar sidewall shakes and cedar shingles to match the existing detached garage, which are approved building materials. The overhead doors and trim will also match the existing garage. The expansion will be constructed on a concrete floor and footings.

The City Building Inspector has reviewed the plan set and has no comments regarding this application at this time. A more thorough Building Code review will be conducted with the building permit application. The building plans were also reviewed against the Sunfish Lake Design Guidelines, and were found to successfully meet the standards set forth therein.

Accessory Buildings, Structures, and Uses. The applicants have an existing 3-stall garage with a 9 foot storage room off of the end. The store room is three steps lower than the main vehicle area in the garage, and aside from a small man door does not provide access for lawn equipment and vehicles to the space. As a result, lawn equipment is currently being stored in the third garage stall, which the applicants would like to use for storage of a family vehicle for their son. They are requesting to expand the storage space 12 feet 9 inches to the east to provide space from maintenance equipment and to be able to construct larger doors to drive equipment in.

The existing detached garage is 895 square feet in area, and the proposed garage expansion of 282 square feet (12 feet 9 inches x 22 feet) will result in a final garage 1,177 square feet in area. Section 1217.01.C. requires approval of a conditional use permit (CUP) to allow a detached accessory building exceeding 1,000 square feet, which the applicants are currently requesting. A more thorough review of CUP approval criteria will be provided further on in the report.

Detached accessory structures on non-lake frontage lots (as is the case here) are required to maintain a 100 foot front setback and 25 foot side and rear setbacks. The proposed garage expansion will maintain all setbacks save the side setback to the east, where a 19 foot setback will exist. This is not a non-conforming condition according to Section 1217.01.E., which states that “accessory buildings, structures, and uses may encroach into the required rear and side yard setbacks within the rear yard of a lot, except, however, that no such encroachment may occur on a required or existing easement.” The garage expansion is located in the rear yard and will not intrude on easements. As such the side yard setback of 19 feet shall be considered a conforming condition, and will not impact the City’s current decision with regards to the requested major site and building plan review and CUP.

Accessory buildings are required to be screened from neighboring properties and the design and positioning of any such building shall minimize the impact upon abutting properties. The proposed garage expansion is anticipated to have minimal impact on surrounding neighbors. The expansion is 205 feet away from the house to the northeast, and 170 feet away from the house to the southeast. Also, the expansion will be screened from neighboring properties by existing vegetative screening along the east lot line, and the applicants have proposed the addition of a viburnum shrub hedge around the northeast and southeast sides of the expansion to make any visibility to the garage even less.

The applicants have discussed the garage expansion with neighbors who have indicated their support for the project as it is proposed.

Placement and Design of Roads, Driveways, and Parking Areas. The garage expansion will occur primarily over an existing drive and will not require an increase in drive surface. The existing drive does not maintain the required 25 foot setback from adjacent property lines, however this is an existing non-conforming condition which will not be increased and as such may be allowed to continue in its current state.

Lighting. No lighting will be changed or added as a result of the proposed garage addition.

Grading, Drainage and Erosion Control. The garage expansion will be built where there is already bituminous and will be at the same elevation as existing bituminous, so there is no need for grading of the surrounding area. Eighty percent of the new addition will be built on the existing bituminous, with only 49 square feet of the expansion occurring beyond the existing hard surface. With the 49 square feet increase in impervious surface, the site will contain approximately 9% impervious surface, which meets Ordinance standards. Drainage is not anticipated to change because the addition of hard surface is minimal and grade will not be impacted. Silt fence is proposed around the northeast and southeast edge of the project area to protect against any silt runoff created during disturbance of the ground during construction of the footings for the expansion.

The City Engineer has reviewed the site and building plans and is recommending approval, contingent on the applicants addressing a few conditions pertaining to site disturbance and restoration, the timing of silt fence installation, and site access as outlined in his report (Exhibit D).

Landscaping/Fencing/Screening. No fencing or retaining walls are proposed with the garage expansion. The expansion will result in the removal on one scrub tree in the four foot wide area off the north edge of the bituminous where the addition will extend off of the existing bituminous. The addition as proposed east of the garage will avoid removal of several large oaks on the site, which would have occurred should the expansion have been proposed to the west of the garage instead. The applicants will plant a screening hedge of Arrowwood Viburnum shrubs at 3 feet high in 5 gallon containers, spaced 6 feet apart. The plantings are anticipated to be 8 to 15 feet tall and are an attractive landscaping species.

Septic System. The proposed garage expansion will not impact an existing drainfield area in the west portion of the site.

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:

1. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
2. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
3. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.

4. 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.
5. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
6. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of the Zoning Ordinance.

Staff Comment: The applicants are proposing to expand an existing detached garage. Garages are an allowed accessory use in the R-1 District. The garage expansion will adhere to Ordinance performance standards pertaining to setbacks, building coverage, impervious surface, building materials, grading and drainage, parking, and landscaping. The design of the expansion conforms to the existing detached garage and is similar in quality to garage structures found on nearby properties.

The garage is located primarily over existing hard surface to avoid the addition of impervious surface and the need for grading. Drainage on the site is not anticipated to be impacted with the minimal addition of 49 square feet of hard surface in areas not already within existing bituminous. Silt fence will be provided to contain any potential soil movement occurring during the course of construction of the garage footings. The garage expansion is otherwise anticipated to have minimal impact on natural areas on the site and on nearby properties, and should not impact views to adjacent neighbors given the existence of existing and proposed vegetative screening.

Conditional Use Permit

Section 1217.04 Conditional Use Criteria to Permit an Accessory Structure Exceeding 1,000 Square Feet in Area.

1. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
2. No commercial or home occupation activities are conducted on the property.
3. The building has an evident re-use or function related to the principal use.
4. Accessory building shall be maintained in a manner that is compatible with the residential uses and does not present a hazard to public health, safety general welfare.
5. 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. Conditional Use Permit Criteria.

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.

Staff Comment: The site is guided for single family development in the Sunfish Lake Comprehensive Plan, and a detached garage is a permitted single family accessory use. The garage expansion meets Zoning Ordinance performance criteria and is of quality design compatible with existing site structures and the surrounding community. The applicants have indicated that there is a need for additional storage space for lawn maintenance equipment and vehicles, which are currently stored in a third garage stall. The applicants would like to have use of the garage stall for family vehicles, and feel increased storage space with an access door to move lawn vehicles in and out is necessary for maintenance of their property. The storage space off of the garage will be kept in good condition over time with the remainder of the garage.

SUMMARY AND RECOMMENDATION

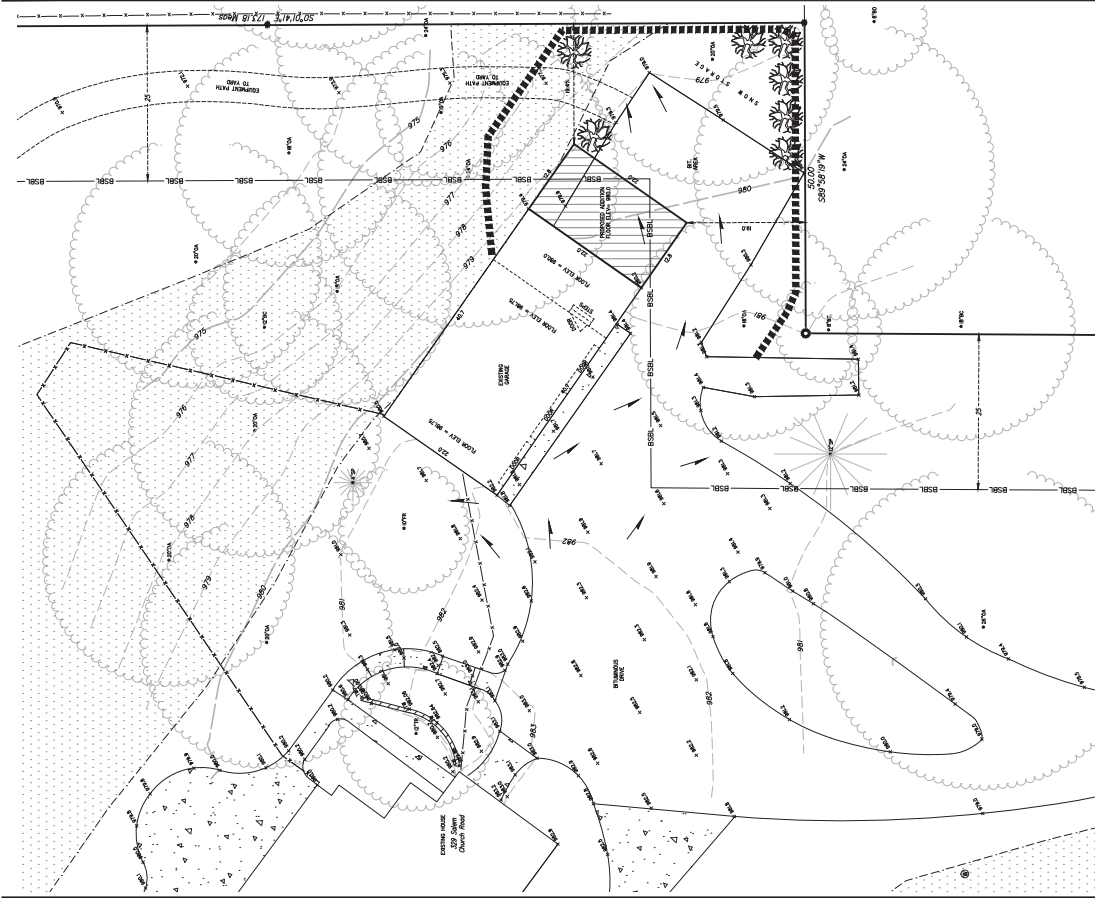
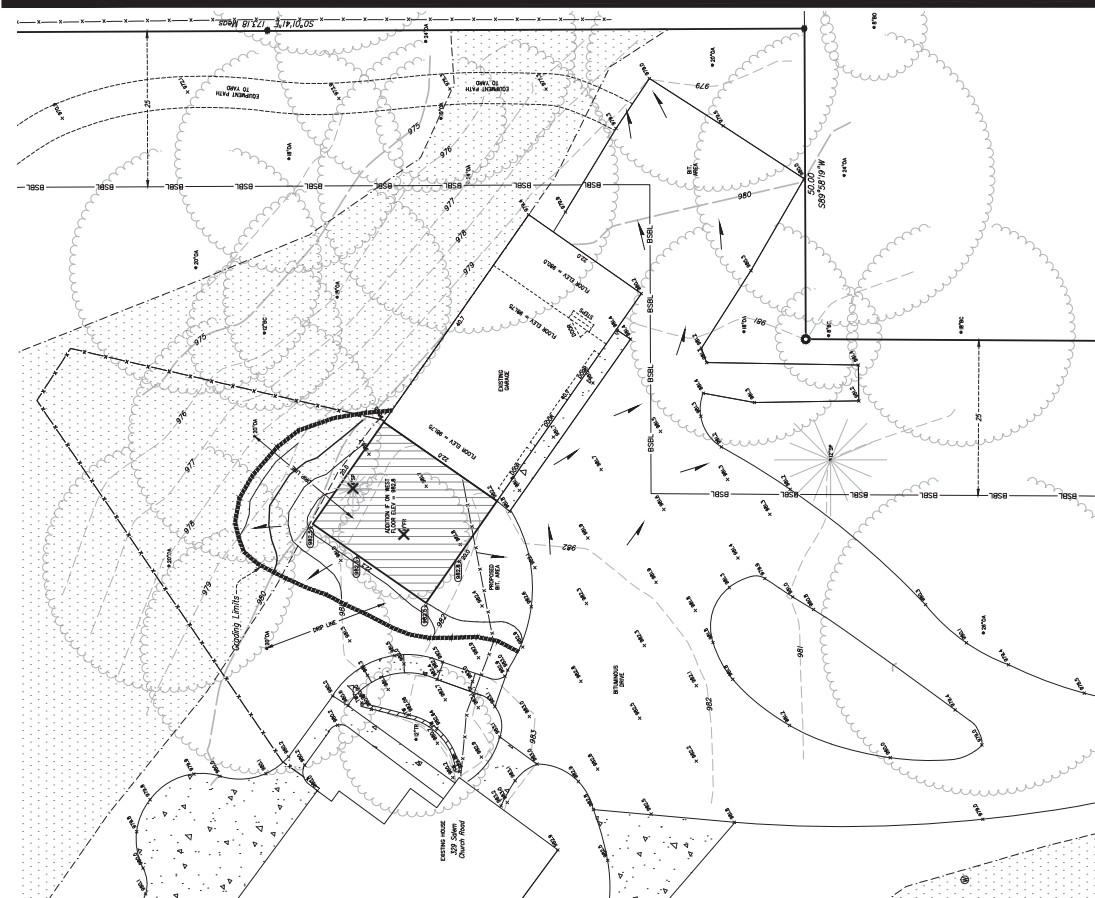
The applicants are requesting approval of Major Site and Building Plans and a conditional use permit to allow the construction of detached garage expansion at 329 Salem Church Road.

Planning staff recommends approval of both the Major Site and Building Plans and conditional use permit based on finding that the proposal meets setback, building coverage, and impervious surface standards, conditional use permit criteria for allowing a detached accessory building to exceed 1,000 square feet, and is of high quality design in conformance with Sunfish Lake performance standards. This recommendation would be conditioned upon the applicants addressing the following:

1. Construction shall not occur within the drip line of trees to be preserved in the area of the garage expansion, or within 50 feet of trees, whatever distance is greater. In addition, tree protection measures must include marking trees to be saved with a red flag so as to clearly differentiate them from trees to be removed.
2. The applicants shall review all comments made by the City Engineer in Exhibit D, and adhere to his recommendations pertaining to site disturbance and restoration, silt fence installation, and site access.

3. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

c: Sunfish Lake Mayor and City Council
Cathy Iago, City Clerk
Mike Andrejka, City Building Official
Ron Wasmund, City Septic System Inspector
Don Sterna, City Engineer
Jim Naves, City Forester
Tim Kuntz, City Attorney
Jennie Skancke, DNR (email)
Thomas Hall and Julie Kunkel, Applicants
Paul McGinley, Loucks Associates



Project Name:
329 Salem Church Road
Sunfish Lake, Minnesota

Owner/Developer:
Thomas R Hall &
Julie T Kunkel
329 Salem Church Road
Sunfish Lake, MN 55118

Professional Services:
FORGUS ASSOCIATES
Professional Engineer
7201 Lake County Road 100, Suite 200
Sunfish Lake, MN 55118
Phone: (763) 434-1000
Fax: (763) 434-1001
www.forgusassociates.com

Professional Engineer:
Paul M. Kelly
License No. 16299
Total Experience: 27 Years
City/County: PMA / SFM
Project Title: PMA
Project No.: 14-002
Project Name: 329 Salem Church Road

Professional Engineer:
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Project Title:

Boundary Survey,
Site Plan & Grading Plan

Project No.: 14-002

Project Name:

Sheet 2 of 2



— DENOTES DIRECTION OF DRAINAGE
— DENOTES PROPOSED SPOT ELEVATION

EXHIBIT B

REQUESTED ADDITION

IMPACTS OF ADDITION ON WEST



— DENOTES DIRECTION OF DRAINAGE
— DENOTES PROPOSED SPOT ELEVATION

REQUESTED ADDITION

IMPACTS OF ADDITION ON WEST



Memorandum

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

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

Date: *September 9, 2014*

Re: *329 Salem Church Road
Application for Review for Garage Addition
City of Sunfish Lake, MN
WSB Project No. 01629-370*

Background

The property owners at the above listed address have submitted an application a for a variance, CUP, and major plan review for a garage expansion for the home located at 329 Salem Church Road. The addition will occur over an existing paved driveway, and will minimally impact site impervious area (only adding 49 square feet of new impervious surface), grading, drainage, or vegetation.

Proposed Addition

The proposed garage addition does not extend above the existing roof line which has already been reviewed for compliance with City height requirements.

Drainage

The plans submitted do not indicate drainage conditions. The footprint of proposed garage addition is small and within the existing impervious area, therefore 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 only minor erosion control measures should be necessary. The silt fence shown on the plans must be installed prior to construction and removed afterward with the site restored to existing vegetative conditions. The builder should take care to disturb as minimal area as possible and restore any disturbed turf areas as quickly as possible.

Site Access

Salem Church Road is a seven (7) ton per axle roadway which is posted for spring load limits at five (5) tons per axle. The Contractor must adhere to these limits when delivering material to the site. Any damage to the roadway and City right-of-way shall be repaired to the City's satisfaction by the applicant prior to the issuance of a certificate of occupancy.

The access to the property will be through a private shared driveway. The condition of the shared driveway pavement should be video recorded prior to construction so that in the event any construction

329 Salem Church Rd

September 9, 2014

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traffic causes damage, it can be verified. Permission/notification should be acquired from the adjacent property owners who use this driveway for property access.

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: Thomas Hall and Julie Kunkel

Request: The applicants request City approval of major site and building plans and a conditional use permit to be able to construct a detached garage addition resulting in an accessory garage structure exceeding 1,000 square feet in area, on their property located at 329 Salem Church Road.

Planning Commission Meeting Date: September 17, 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:

329 SALEM CHURCH ROAD, SUNFISH LAKE, MN 55118
2. The Planning Report dated September 10, 2014 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The City Engineer report dated September 9, 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 September 17, 2014. The Planning Commission recommended approval of major site and building plans to allow the construction of a detached garage expansion, and a conditional use permit to allow the final size of the finished detached garage to exceed 1,000 square feet in area, based on conditions set forth in the referenced planning and engineering reports.
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 request meet Ordinance requirements. The following findings support the Planning Commission recommendation for approval:

A. Major Site and Building Plans:

1. The applicants are proposing a detached garage expansion. Garages are an allowed accessory use in the R-1 District.
2. The garage expansion will adhere to Ordinance performance standards pertaining to setbacks, building coverage, impervious surface, building materials and design, grading and drainage, parking, and landscaping.
3. The design of the garage expansion conforms to the existing detached garage and is similar in quality to garage structures found on nearby properties.
4. The garage expansion will have minimal impact on natural areas on the site and on nearby properties.
5. The garage expansion will not significantly impact views to adjacent neighbors given the existence of existing and proposed vegetative screening.

B. Conditional Use Permit to Allow an Accessory Garage Exceeding 1,000 Square Feet in Area:

1. The site is guided for single family residential development, and detached garages are an allowed single family accessory use.
2. The garage expansion meets Zoning Ordinance performance criteria and is of quality design compatible with existing site structures and the surrounding community.
3. The applicants have indicated that there is a need for additional storage space for lawn maintenance equipment and vehicles necessary for maintaining their property.
4. The project satisfies the criteria for a conditional use permit provided in Section 1204.02.F of the Zoning Ordinance.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's major site and building plans and conditional use permit to allow for the construction of a detached garage expansion on their property.

Approved, subject to the following conditions:

1. The applicant provide information as to intended tree protection measures for trees in the vicinity of the garage expansion where it occurs on undeveloped ground prior to consideration of the project by the City Council.
2. The applicants shall review all comments made by the City Engineer in his report dated September 9, 2014, and adhere to his recommendations pertaining to site disturbance and restoration, silt fence installation, and site access.
3. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

Adopted by the Sunfish Lake Planning Commission this 17th day of September 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 A
DETACHED GARAGE TO EXCEED 1,000 SQUARE FEET IN AREA AND MAJOR
SITE AND BUILDING PLANS FOR THE CONSTRUCTION OF A GARAGE
EXPANSION FOR THE PROPERTY LOCATED AT 329 SALEM CHURCH ROAD,
LEGALLY DESCRIBED AS LOT 2, BLOCK 1, LINDEKE ADDITION, DAKOTA
COUNTY, MINNESOTA.**

WHEREAS, Thomas Hall and Julie Kunkel submitted an application for a conditional use permit for a detached garage exceeding 1,000 square feet in area and major site and building plans for a detached garage expansion for the property located at 329 Salem Church Road, legally described as:

Lot 2, Block 1, Lindeke Addition, 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 September 10, 2014, prepared by Northwest Associated Consultants, and an engineer's report dated September 9, 2014; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their September 17, 2014 meeting and reviewed the major site and building application and the requested conditional use permit along with the planning report dated September 10, 2014; 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 to construct a detached garage expansion and a conditional use permit to allow the final detached garage to exceed 1,000 square feet in area, whereby the following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

1. The applicants are proposing a detached garage expansion. Garages are an allowed accessory use in the R-1 District.
2. The garage expansion will adhere to Ordinance performance standards pertaining to setbacks, building coverage, impervious surface, building materials and design, grading and drainage, parking, and landscaping.
3. The design of the garage expansion conforms to the existing detached garage and is similar in quality to garage structures found on nearby properties.

4. The garage expansion will have minimal impact on natural areas on the site and on nearby properties.
5. The garage expansion will not significantly impact views to adjacent neighbors given the existence of existing and proposed vegetative screening.

Conditional Use Permit:

1. The site is guided for single family residential development, and detached garages are an allowed single family accessory use.
2. The garage expansion meets Zoning Ordinance performance criteria and is of quality design compatible with existing site structures and the surrounding community.
3. The applicants have indicated that there is a need for additional storage space for lawn maintenance equipment and vehicles necessary for maintaining their property.
4. The project satisfies the criteria for a conditional use permit provided in Section 1204.02.F of the Zoning Ordinance.

WHEREAS, the Sunfish Lake City Council considered the application for major site and building plan review and conditional use permit at their meeting on October 7, 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 August 18, 2014, for the property legally described as Lot 2, Block 1, Lindeke Addition, Dakota County, MN, with the following conditions:

1. The roots of trees in the vicinity of the garage expansion (where it occurs off of existing hard surface) be cleanly cut by an arborist or qualified individual to avoid permanent damage to trees root systems and tree health from potential root compaction.
2. The applicants shall review all comments made by the City Engineer in his report dated September 9, 2014, and adhere to his recommendations pertaining to site disturbance and restoration, silt fence installation, and site access.
3. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

This resolution is adopted by the City Council of the City of Sunfish Lake this 7th day of October 2014.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk