



MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Michelle Barness

DATE: October 1, 2014

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

NAC FILE: 211.02 - General

10/7/14 CC Mtg.
Agenda
Item
6d

September 2014 Planning Commission Meeting

329 Salem Church Road - Major Site and Building Plan Review and Conditional Use Permit. The Planning Commission reviewed an application from Thomas Hall and Julie Kunkel for major site and building plan and conditional use permit approval to allow construction of a garage expansion on the property located at 329 Salem Church Road. The garage addition will result in a detached accessory structure exceeding 1,000 square feet in area which is only permitted via approval of a conditional use permit (CUP). When an accessory structure requires CUP approval a major site and building plan review is also required.

The Planning Commission moved to approve the request based on findings of fact that have been provided to the City Council for consideration. A draft Council resolution reflecting the PC findings has also been provided. We request Council action on the development application for 329 Salem Church Road.

45 Salem Church Road – Major Site and Building Plan Review and Conditional Use Permit. The Planning Commission reviewed a request from Linda and Mark Casagrande for major site and building plan and conditional use permit approval to allow construction of a new home and driveway on the undeveloped lot at 45 Salem Church Road. The lot is legally non-conforming as pertains to net lot area, and a conditional use permit must be approved to allow development of the substandard size lot for a single family residence.

The Planning Commission moved to approve the request based on findings of fact that have been provided to the City Council for consideration. A draft Council resolution reflecting the PC findings has also been provided. We request Council action on the development application for 45 Salem Church Road.

Planning and Zoning Assistance

In September, planning staff provided ongoing technical assistance for planning and zoning items at the following locations:

- 2165 Charlton Road (Pool construction requirements)
- 2566 Delaware Avenue (Approval conditions; pre-construction site inspection)
- 1 Grieve Glen Lane (Accessory structure – sport court)
- 1 Grieve Glen Lane (Detached garage)
- Lot 2, Block 1, Windy Hill (Potential land transfer, subdivision and CUP)
- 45 Salem Church Road (New home and driveway)
- 116 Salem Church Road (Lot area analysis)
- 315 Salem Church Road (Chicken keeping conformance follow-up)
- 329 Salem Church Road (Garage expansion and CUP)
- 393 Salem Church Road (Project completion; escrow agreement)
- 1 Sunfish Lane (Upkeep or redevelopment of legally non-conforming uses)

October 2014 Planning Commission Meeting

No new planning and development applications were submitted by the September 15, 2014 deadline for review. The October 15, 2014 Planning Commission meeting has been cancelled due to a lack of agenda items.

cc: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna and Tom Voll, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector



MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Michelle Barness, City Planner

DATE: October 1, 2014

RE: Sunfish Lake – Review of Chicken Keeping Setbacks

FILE: 211.02

BACKGROUND

At the August 5, 2014 City Council meeting Council discussed the issue of chicken keeping regulation and review in Sunfish Lake. At the conclusion of this discussion the Council decided against lessening the permit requirements or procedures for chicken keeping as currently regulated by the City Zoning Code. In addition, the Council requested that planning and forestry staff review locational standards for chicken keeping in other communities, to be presented to the City for consideration in making a determination as to whether such standards should apply in Sunfish Lake. Currently the City has no specific locational requirements for the keeping of chickens on residential properties, which has resulted in some controversy as to where these uses should be allowed. In recent requests from residents to keep chickens on their property neighbors have raised concerns about a lack of required chicken setbacks and the potential for negative impacts to nearby properties.

The following is a brief summary of locational standards for chicken keeping required by communities similar in size and character to Sunfish Lake. A staff recommendation regarding which setback requirements may work in the Sunfish Lake community follows. This memorandum is meant to stimulate a discussion as to whether chicken keeping locational standards would work within Sunfish Lake. If the City finds that locational standards for chicken keeping areas is necessary planning staff can present a draft ordinance amendment of these regulations at a future Council meeting. If the City decides against implementing further locational standards no further action is necessary.

ANALYSIS

The following is a list of precedent locational standards for chicken keeping required by the communities of Woodland, Gem Lake, Deephaven, and Minnetonka, Minnesota:

Woodland:

- Chicken coops and runs must be setback 12 ft. from the principal structure.
- Chicken coops and runs must be setback 50 ft. from a well head.
- Chicken coops and runs must be setback 50 ft. from principal structures on adjacent lots.
- Chicken coops and runs must be setback 30 ft. from the property line.
- Chicken coops and runs must be setback 25 ft. from a wetland, pond or basin.
- Chicken coops and runs are not allowed in the front yard or in easement areas.
- Chicken coops and runs shall not be visible from a lake.

Gem Lake:

- Chicken coops may be located in the rear yard only.
- Chicken coops must be at least 50 ft. from adjacent structures.

Deeplaven:

- Animal structures may not be within 300 ft. of an adjoining property.

Minnetonka:

- Chicken may not be kept in the front yard.
- The chicken coop may not be located closer to the boundary line of an adjacent property than to the principal structure on the animal owner's property, and not less than 10 ft. from the lot line.

CONCLUSION / RECOMMENDATION

In review of a recent administrative permit for chicken keeping the City heard from neighbors who were concerned about the proximity of proposed chicken keeping areas to shared property lines. Without more specific guidelines from the City regarding appropriate setbacks for chicken keeping operations, making a determination as to where to allow chickens on private property when neighbors have raised concerns is a difficult process. Planning and forestry staff has reviewed the precedent locational standards for chicken keeping provided in this report and would recommend that the City consider implementing a setback standard to avoid future complications in reviewing such requests.

Staff would recommend that the City create a standard stating that chicken coops and runs may not be located closer to the boundary line of an adjacent property than to the principal structure on the animal owner's property, as is currently required in Minnetonka, Minnesota. This requirement would prevent the placing of chickens closer to neighbors than to the animal owner's own home.

In addition, the City may consider requiring a minimal setback to guarantee that when homes are unusually near property lines a minimum chicken keeping setback will still be maintained. Precedent communities have implemented minimum chicken keeping setbacks between 10 and 300 feet from property lines. It is up to the City to make a determination as to what minimum setback for chicken keeping would be appropriate in Sunfish Lake. For some perspective, the City currently requires detached accessory uses to maintain a minimum 25 foot setback from lot lines. For example, a detached garage up to 16 feet in height can be located only 25 feet from lot lines. The impacts of a garage, with parking surfaces, car lights, vehicle noise and the visibility of the garage structure may vary from the impact of animal keeping operations, which will typically not include as large a structure but may involve some animal noise. However, if the City feels that the degree of potential impact from chicken keeping areas is generally comparable to other accessory uses on residential properties a similar minimum setback may worth considering.

Planning staff requests that the City make a determination as to whether locational standards for chicken keeping areas should be required in Sunfish Lake. If so, staff asks that the City make a recommendation as to the type of locational standard to implement. Should the City decide in favor of implementing additional standards staff will reflect the requested changes in a draft ordinance amendment which will be brought before the Council at a future meeting.

- c. Cathy Iago, City Clerk
Tim Kuntz, City Attorney
Mike Andrejka, Building Inspector
Don Sterna, City Engineer
Jim Naves, City Forester