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PLANNING REPORT – Minor Subdivision and Conditional Use Permit

TO: City of Sunfish Lake Mayor and City Council
City of Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: December 10, 2014

RE: Sunfish Lake – Bancroft/Riley, Lot 2, Block 1, Windy Hill; Minor
Subdivision and Conditional Use Permit

FILE: 211.01 – 14.16

1/6/15 CC Mtg.
Agenda
Item
6c

Application Accepted:	November 17, 2014
Planning Commission Date:	December 17, 2014
Tentative City Council Review:	January 6, 2015
60-day Review:	January 16, 2015

BACKGROUND

Dick and Deborah Bancroft and Jon Riley have submitted an application for a minor subdivision and conditional use permit (CUP) for Lot 2, Block 1, Windy Hill. The property is located within the R-1 Single Family Residential and Shoreland Overlay zoning districts. Dick and Deborah Bancroft currently own the subject property and several adjacent lots. They are requesting a minor subdivision for a lot split and combination to add a small area of land to Lot 2, Block 1, Windy Hill from their adjacent parcels. The requested subdivision will increase the net lot area of the subject parcel making it more buildable. In addition, Jon Riley, the potential purchaser of Lot 2, Block 1, Windy Hill, is requesting a CUP to be able to develop the subdivided subject parcel which will be substandard in regards to required net lot area.

A minor subdivision requires City Council approval, and a CUP requires review and approval by both the Planning Commission and City Council. The applicant has provided a set of minor subdivision and CUP plans for consideration. Approval of the CUP for the subdivided subject property will be contingent on minor subdivision approval.

APPROVALS REQUIRED	
Minor Subdivision	To permit a lot split and combination which divides portions of 90 and 100 Windy Hill Road, and combines portions thereof to Lot 2, Block 1, Windy Hill.
Conditional Use Permit	To allow future development of Lot 2, Block 1, Windy Hill, which is substandard in regards to required net lot area.

Attached for reference:

Exhibit A – Project narrative

Exhibit B – Minor subdivision plans (Sheet 1 and 2)

Exhibit C – Conditional use permit plans (Sheets C1-1, C2-1, and C2-2)

Exhibit D – City Engineer report

MINOR SUBDIVISION

Background:

Dick and Deborah Bancroft are requesting City Council approval of a Minor Subdivision impacting three adjacent parcels of land that they own: 1) Lot 2, Block 1, Windy Hill, 2) 100 Windy Hill Road, and 3) 90 Windy Hill Road. The applicants are proposing to divide .29 acres from 100 Windy Hill Road and .23 acres from 90 Windy Hill Road to be combined with Lot 2, Block 1, Windy Hill. The later parcel is currently substandard with regards to required net lot area. The Zoning Ordinance requires lots to be a minimum of 2.5 net acres excluding wetlands, easements, and steep slopes. Lot 2, Block 1, Windy Hill is currently 2.58 gross acres and only .59 net acres. The requested minor subdivision will improve the buildability of the parcel by increasing it in area to 3.08 gross acres and .70 net acres. The resulting area of land combined with Lot 2, Block 1, Windy Hill will be a crescent shape of land extending south of the existing boundary of the parcel. The land addition in this area will improve the buildability of the lot by providing more flexibility in regards to the application of building setbacks and future house pad location.

Section 1302.01.A of the Subdivision Ordinance states that in the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created the application may be reviewed as a Minor Subdivision. Further, Section 1302.04 of the Subdivision Ordinance allows approval of the minor subdivision by the City Council (rather than following the preliminary/final plat procedure which would also require review by public hearing), if the application relates to a boundary adjustment and provided that the application complies with applicable provisions of the Ordinance.

Subdivision Ordinance Analysis:

Lot Requirements. Subdivided lots are required to meet lot and setback provisions outlined in the Zoning Ordinance. The following table displays the applicable lot area, width, setback, and impervious surface requirements for both applicable zoning districts, in addition to indicating the subdivision's compliance with those standards. The application of setbacks is based on a proposed house pad location provided with the submitted plans.

R-1 District Standards	Required/ Allowed	Proposed	Compliant
Rear Setback (west)	50 feet	Est. 150 feet	Yes
Building Coverage	10%	5.5%	Yes
Shoreland Overlay District Standards	Required	Proposed	Compliant
Buildable lot area above OHWM*	2.5 acres	.59 acres pre- subdivision/ .70 acres post subdivision	No**
Frontage on improved public street/private road	200 feet	Est. 255 feet	Yes
Lot width at building setback line	200 feet	Est. 270 feet	Yes
Lot width at OHWM of abutting water body	150 feet	N/A (not a lake front lot)	N/A
Building setback from OHWM	200 feet	N/A (not a lake front lot)	N/A
Building setback from property line located adjacent to street	100 feet	Est. 125 feet from driveway easement/ Est. 190 feet from lot line	Yes
Surface building side yard setback	50 feet	50 – 150 feet	Yes
Impervious Surface Coverage	30%	15.6%	Yes

*OHWM (Ordinary High Water Mark)

**The existing and subdivided lot will be substandard for required net lot area. As provided in Section 1215.02.L. of the Zoning Ordinance, the applicant is requesting approval of a conditional use permit (CUP) to be able to develop the substandard sized lot, which will be addressed further in this report.

Subdivision Design Standards. Section 1307.04 of the Subdivision Ordinance outlines the provisions which must be met with regards to lot formation. The following outlines these provisions and the proposed subdivision's compliance with the required design criteria:

Lot Area: The minimum lot area, width and depth shall not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.

Comment: Lots in the Shoreland Overlay District are required to have a net lot area of at least 2.5 acres. The proposed subdivision will result in the subject parcel having a net lot area of .70 acres (excluding slopes of 12% or greater, wetland or drainage areas, and road right of ways), as opposed to .59 net acres as is currently provided. The new lot area will not meet Ordinance standards, but the parcel is an existing lot of record which is being increased in size to make it more buildable, as opposed to increasing a non-conforming condition. Section 1215.02.H. of the Zoning Ordinance states that "a lawful non-conforming use of a building, structure, or parcel of land may be changed to lessen the non-conformity."

Lot Frontage: Every lot must have the minimum frontage on a City approved public street as required in the City Zoning Ordinance or onto a City approved private drive.

Comment: The parcel is and will continue to be in conformance with this requirement if a subdivision is approved.

Access: Each lot shall directly access a public street or shall have a private drive access approved by the City under Section 1307.04.D or the Interim Use Permit provisions as specified in Section 1241 of the City Zoning Ordinance.

Comment: Access to the subject property is via Windy Hill Road that lies within a 33 foot wide private access easement running east from the southeast corner of the lot. The easement currently serves 100, 55 and 75 Windy Hill Road, and several homes east of the site. In addition, a driveway easement connecting to Windy Hill Road runs north-south through the site and will provide a driveway connection for a future home on the subject property. Access agreements with the shared driveway must be obtained with adjacent property owners.

Setback Lines: Setback or building lines shall be shown on all lots and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.

Comment: The Site Layout and Grading Plan demonstrates a proposed building pad on the subdivided subject property. The building pad is able to meet the required 50 foot side and rear and 100 foot front building setbacks.

Watercourses: Lots abutting a watercourse, wetland, ponding area, drainage way, channel, or stream shall have additional depth and width, as required to comply with the

approved drainage plan for the subdivision and to meet the provisions of the City Zoning Ordinance to assure building sites that are not subject to flood water inundation.

Comment: The applicants have provided a 16.5 foot wetland buffer along the edge of the delineated wetland on the west portion of the site, and the building pad location is more than 30 feet in elevation above the wetland's shoreline, meeting building elevation requirements.

Drainage: A development plan shall be submitted showing all lot grading and drainage provisions, subject to the recommendation of the City Engineer and approval by the City Council.

Comment: The City Engineer has reviewed the applicant's site layout, grading, erosion control, and stormwater plans, and has recommendations for minor revisions. Revised plans must be provided to the engineer for review and approval prior to consideration of the project at the City Council meeting.

Features: In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.

Comment: The entire site is wooded, and the proposed house pad will require the removal of several significant trees. The City Forester has had an opportunity to review the proposed subdivision and conditional use permit (CUP) and has no comments at this time. Any future site improvements which will impact the subdivided lot will need to meet all Ordinance requirements as pertains to tree removal, preservation and installation (as described in Section 1208.02, Section 1218.03, and Section 1243.04 of the Zoning Ordinance), which will be reviewed as part of a major site and building plan review for a new home on the parcel.

Minimum Building Elevation (lowest window or door open to the outside):

1. Minimum Building Elevation above the 100-Year Ordinary High Water Elevation: (3.0 feet is desired, 2.0 feet is required)
2. Minimum Building Elevation above the Natural Overland Overflow Elevation: (1.0 foot is desired, 0.5 feet is required)

Comment: The proposed building home pad is located more than 30 feet above the delineated wetland edge on the west portion of the site.

Driveway Culvert: A minimum culvert size of 15 inches shall be installed under any driveway requiring storm water runoff to pass through the driveway.

Comment: The site layout plan indicates the location of a culvert at the intersection of the site's driveway with the driveway easement running north-south through the parcel.

The culvert details are required to be reviewed in the course of a major plan review with future development, and must meet the described size requirement. In addition, the City Engineer has provided comments pertaining to culverts on the site in his report (Exhibit D), which must be addressed prior to consideration of the project by the City Council.

Sewage Disposal: All on-site sewer systems shall be in conformance with City, State and Federal requirements.

Comments: S & P Testing was hired by the applicants to perform soil testing and to lay out the areas for two feasible septic systems meeting Type 1 system design per Minnesota Rules Chapter 7080 for a typical 5 bedroom house. The location of potential primary and secondary septic areas are provided on the site layout plan. The City Septic Inspector was provided minor subdivision and conditional use permit plans for review and has no further comments. At the point that a home is proposed on the site, the applicants will need to work with the City Septic Inspector to attain the necessary septic permits for installation of new septic systems.

Storm Drainage: All subdivisions shall incorporate adequate provisions for stormwater runoff consistent with the provisions of Section 1216.04 of the Sunfish Lake Zoning Ordinance.

Comment: The applicants have provided grading and stormwater plans for review, incorporating a wetland buffer, an infiltration basin, and other stormwater management measures. The City Engineer has reviewed the plans and has recommendations for minor revisions. Revised plans must be provided to the engineer for review and approval prior to consideration of the project at the City Council meeting.

Erosion and Sediment Control: Subdivided lots are required to meet erosion control standards provided in Section 1307.11 of the Subdivision Ordinance.

Comment: The applicants have provided an erosion control plan incorporating silt fencing, a rock construction entrance, inlet protection, and other management measures. The City Engineer has reviewed these plans and has no further comments at this time.

Easements. According to Section 1307.10 of the Subdivision Ordinance, all easements shall be show on the Certificate of Survey in the case of a minor subdivision. Section 1307.10.A requires that easements of a minimum of 10 feet wide centered on rear and other lot lines be provided for drainage and for public and private utilities. Further, Section 1302.01.B.2 of the Minor Subdivision Ordinance requires that when a public drainage and utility easement would have been dedicated to the City incident to a full platting process, the landowners involved in the minor subdivision must grant the City, at no cost to the City, the public drainage and utility easements required.

The applicant has agreed to provide the required drainage and utility easements along subject property lot lines, and will provide legal descriptions of the easements to the City. The City Attorney will review the legal descriptions for the drainage and utility easements and will draft an easement document. As a condition of approval, and in the case that the minor subdivision and conditional use permit requests are approved and land transfer proceeds, the applicants will need to work with Dakota County to record and convey the easement documents (the applicant shall pay for the cost of recording the easements).

CONDITIONAL USE PERMIT

Background:

Should the City approve the requested minor subdivision Lot 2, Block 1, Windy Hill will provide 3.08 gross acres and .70 net acres of land area. It is currently 2.58 gross acres and .59 net acres. Ordinance requires a minimum 2.5 net acres of buildable land (excluding wetlands, easements, and steep slopes) for single family lots, and as such the parcel is substandard for net lot area. Section 1215.02.L. of the Zoning Ordinance permits development of legal, non-conforming lots of record for single family detached uses upon approval of a conditional use permit (CUP).

Jon Riley, who is contemplating purchasing the subdivided subject property, is requesting approval of a conditional use permit (CUP) to be able to develop the substandard sized parcel at a future date. He has no immediate plans to develop, but before purchasing the parcel would like to know that it is an approved buildable lot. The applicants have provided plans indicating the building pad location of a future home, septic and well systems, and grading, drainage, and storm water management on the site. Specific home plans have not been provided at this time. The City has the information necessary to determine that a home can be built on the site according to Ordinance standards for lot development, and at the point that the property owner would like to move ahead with development, approval of major site and building plans by the City will be required.

In discussions with the City Attorney, it has been determined that if the City makes a determination to approve the proposed conditional use permit (CUP) to develop the substandard size lot, the CUP approval may be granted for an extended timeline. Planning staff, the City Attorney, and the applicants discussed an appropriate timeline, and would recommend that a CUP approval be granted for up to 5 years. When the property owner comes forward with major site and building plans within that 5 year time frame, the CUP as approved would continue to apply as long as the future site plan places a house in the pad area, or very close thereto, as shown in the current application.

Conditional Use Permit Analysis:

According to Section 1215.02.L.1. legal, non-conforming substandard sized lots of record may be developed for single family detached uses upon approval of a conditional use permit, provided that:

a. The lot in question was legally established in accordance with Ordinance requirements existing at the time of its creation and is a separate, distinct tax parcel.

Comment: The existing lot was legally established in 1977. In discussions with the City Attorney, it was determined that the proposed minor subdivision to increase the area of the subject property can be considered a boundary line adjustment that will be reflected on a site survey and recorded with the County. Thus the lot will continue to meet the requirement for legal establishment.

b. The lot in question is similar in size and characteristics to and not highly divergent from other lots immediately abutting or in the adjacent area.

Comment: The subject property is similar in area to other lots on Sunfish Lake.

c. The lot in question has frontage on a public or private street.

Comment: The subject property has frontage on a private drive from Windy Hill Rd...

d. Public health concerns (potable water and sanitary sewer) can be adequately addressed.

Comment: The site plan indicates the location of both well and septic systems on the site. The septic systems were located according to the analysis of soil borings by licensed septic professionals and sized according to State Rules.

e. The setback and yard requirements can be achieved.

Comment: The proposed building pad location meets setback requirements for the R-1 and Shoreland Overlay districts.

f. The lot in question and related potential development is evaluated based upon criteria outlined in Section 1204, Subd. 2.F.:

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.

Comment: The subject property is guided for single family development in the 2008 Sunfish Lake Comprehensive Plan. Assuming review of future major site and building plans finds that a development on the site meets zoning requirements, a home on the parcel is anticipated to be compatible with surrounding development. Plans currently submitted for conditional use permit review appear to comply with general lot design and building standards. A development on the property is not otherwise anticipated to significantly impact public utilities, services, or roadways.

SUMMARY AND RECOMMENDATION

Minor Subdivision:

Planning staff recommends approval of the minor subdivision based on finding that the lot line adjustment will reduce the non-conformity of the subject parcel, and the resulting lot is able to adhere to Subdivision Ordinance lot design, access, and development requirements. This recommendation would be conditioned upon the following:

1. The applicant record the approved survey (demonstrating site conditions, new lot lines, and the legal description of the parcel) with Dakota County.
2. The applicant provide legal descriptions of drainage and utility easements to the City for review, and record and convey drainage and utility easement documents, as drawn up by the City Attorney, with Dakota County.

Conditional Use Permit:

Planning staff recommends approval of the conditional use permit to develop the substandard sized lot based on finding that the subject property meets the conditional use requirements of Section 1215.02.L. and Section 1204 of the Zoning Ordinance. Staff recommends that the City consider granting an extended timeframe for CUP approval, which is permitted according to Section 1204.06 of the Zoning Ordinance. Currently the City requires that development approved by CUP be initiated within a one

year timeframe. Staff recommends the City consider basing CUP approval on an extended timeframe of 3 to 5 years (with the applicant requesting a 5 year timeframe), through which point the property owner may present major site and building plans for development of the site to the City for review and approval under the approved CUP. This approval would be contingent on the following:

- 1) The requested minor subdivision is approved (lot design proposals for the CUP are based on the adjusted boundaries of the subject property given approval of the subdivision).
- 2) Proposals for future development of the site which depend on the current CUP approval must occur within the approved CUP timeframe. In addition, site and building plans submitted within the CUP timeframe must closely correspond to the house pad location and site plans as approved with the current CUP application. If the house pad location or site plans change substantially, a new CUP approval will be required.
- 3) The applicant revise minor subdivision and CUP plans as required by the City Engineer in his report (Exhibit D), and provide them to the City Engineer for review and approval prior to consideration of the application at the City Council meeting.

c: 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
Dick and Deborah Bancroft, Property Owners/Applicants
Jon Riley, Applicant

Minor Subdivision
and
Conditional Use Permit Requests

Dick and Deborah Bancroft and Jon Riley

100 Windy Hill Road

November 17, 2014

This request, by Dick and Deborah Bancroft as the landowners and by Jon Riley as purchaser of part of the property, involves three parcels that the Bancrofts own. These three parcels are:

1. West Parcel. PID No. 38-03800-06-011. This is the northwesterly parcel the Bancrofts own, which contains their residence at 100 Windy Hill Road and is approximately 13.2 acres in size. This is made up of Lots 5 and 6 of Auditor's Sub. No. 41. Lot 6 is a 33 foot wide strip (north-south) that extends east and abuts Lot 2, Block 1, Windy Hill immediately south of that Lot 2.
2. South Parcel. PID No. 38-03100-05-010. This is the southeast parcel of the land the Bancrofts own. It contains an older house and is approximately 12.7 acres in size.
3. Lot 2, Block 1, Windy Hill. PID No. 38-84300-01-020. This is the northeasterly parcel of the Bancroft's land. It is a 2.58 acre lot in Windy Hill which was platted as a single family lot in 1977.

This project arose as a result of the Bancrofts' interest in selling Lot 2, Block 1, Windy Hill to Jon Riley. That lot is a substandard, legally approved lot of record which, therefore, requires a CUP approval because it cannot meet the current buildable area code. Lot 2 consists predominantly of a wooded hilltop where a suitable homesite lies. This hill extends about 100 feet south of Lot 2 onto the 33 foot wide strip (Lot 6) that is part of the West Parcel above and then onto the South Parcel. The driveway into the Bancroft residence skirts around the south base of this hill. The Bancrofts and Mr. Riley concluded that it only made sense for this entire hill and its building site to be sold together. About a third of the building site on top of the hill would be unusable due to the south building setback if Lot 2 were sold separately. This existing condition is what precipitated the request for a Minor Subdivision. That request involves cutting out a crescent shaped parcel, containing the south part of the hill and its building site, out of the West and South Parcels listed above.

We have had numerous discussions with the City planner, Michelle Barnes, and City Attorney Tim Kuntz. We were advised that this subdivision was a very appropriate request since it would make a non-conforming parcel, Lot 2, better and more suitable as a

single family homesite. The south hillside is of no use to the parcels to the south (the West and South Parcels above) since much of it is a steep hillside, the buildable area on top of the hill is actually in Lot 2 and it is cut off from the land to the south by the main driveway to the Bancroft homestead. The buildable area in the Crescent shaped parcel is so small (only about a tenth of an acre) that its removal from the West and South Parcels will have no relevant effect on them.

We are, therefore, applying for a Minor Subdivision in order to cut the Crescent Parcel out of the West and South Parcels and attach it to Lot 2, Windy Hill. This will result in the same number of parcels (3) before and after the subdivision. Lot 2 along with the Crescent parcel will be put on one tax parcel and will contain a better, more suitable homesite. The West and South parcels will not be affected in terms of their suitability to build on or their number of potential buildable parcels in the future.

The second part of this application is to request a CUP to approve a building site on the new parcel comprised of Lot 2, Windy Hill and the Crescent parcel together.

This site for which the CUP is being requested is owned by Dick and Deborah Bancroft who live just west of the site at 100 Windy Hill Road. Mr. Jon Riley is contemplating purchasing the parcel from the Bancrofts. Mr. Riley's mother, Janet Riley, lives immediately north of the site at 75 Windy Hill Road. The parcel appeared to Mr. Riley to be a substandard, legally approved lot of record so Mr. Riley was concerned about it being able to be built on with a single family home. Before purchasing the parcel Mr. Riley decided to make sure it is an approved buildable lot so he is applying for a CUP to address that question.

Extensive discussions have taken place prior to this application with Michelle Barness, city consulting planner, and Tim Kuntz, city attorney, about the requirements and makeup of this application, given the fact that it is being applied for as due diligence and that a specific house is not anticipated at this time. This CUP, therefore, is showing a building pad not a specific house. It is understood that at such time as Mr. Riley, or a subsequent owner, wishes to build a specific house they would have to apply for Major Site and Building Plan approval. It has been recognized by Ms. Barness and Mr. Kuntz that if that future site plan places a house in the pad area, or very close thereto, as shown in the attached application, that a new CUP would not be required at that time (assuming it was still within the approved timeframe of the original CUP). As long as the future home placement was not substantially different, the current CUP would continue to apply.

As mentioned, Mr. Riley does not have an immediate plan to build on the parcel following its purchase. Upon discussion with Ms. Barness and Mr. Kuntz it was suggested that application be made for a CUP with a timeframe of 3 to 5 years. Mr. Riley is, therefore, requesting that the CUP be approved with a timeframe of 5 years on its validity. That would give Mr. Riley a period of time to design and build a home or sell

the lot and be able to assure a buyer that they would have time, within those 5 years, to build a home without applying for a new CUP.

Lot 2 was platted through the recording of Windy Hill on August 5, 1977. It was platted as a 2.58 acre lot, in total. Obviously the lot was a buildable lot at that time since the plat was reviewed and signed by the mayor and clerk of Sunfish Lake, as the result of a city council meeting held on June 27, 1977. Since that time ordinance requirements have been enacted in Sunfish Lake that, if required, would make the lot unbuildable. We have been assured, through our discussions with Ms. Barnes and Mr. Kuntz, that adding the Crescent parcel to Lot 2 (via the Minor Subdivision) will not jeopardize the current status of the building site (Lot 2) as a substandard, legally approved lot of record that would be allowed to be built upon once a CUP is approved.

The site consists of a large hill that rises approximately 46 feet from the wetland on its west border to the top of the hill in the center of the lot. The lot then drops off slightly (about 4 to 12 feet) to the existing shared driveway on the east side of the lot. The homes at 75 Windy Hill Road (north of the site) and 55 Windy Hill Road (northeast of the site) both share the existing bituminous driveway that runs north-south in the east part of the lot. The lot is completely wooded except for the driveways and a clearing at the top of the hill.

Access to the lot is via Windy Hill Road that lies within a 33 foot wide private access easement that runs east from the southeast corner of the lot. This easement serves the Bancroft home west of the site at 100 Windy Hill Road, as well as 55 and 75 Windy Hill Road and several homes east of the site. It then connects to the public portion of Windy Hill Road about 700 feet east of the site. There are driveway easements across the parcel that cover the driveway and its two forks serving the two homes to the north.

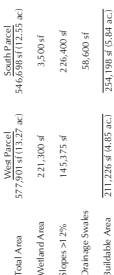
We have had the wetland edge delineated, on the west border of the site, by Kjolhaug Environmental Services. Their final report is included with this application. We have shown a 16.5 foot buffer along the delineated wetland edge as required.

We have shown on the attached Existing Conditions plan the various factors that are stipulated in current ordinances defining a buildable lot. We have shown the slopes on the property that are over 12 percent. We have shown the wetland on the west edge of the site and the driveway easements. The entire parcel, Lot 2 at 2.58 acres and the Crescent parcel at 0.50 acres make up the total parcel of 3.08 acres. After subtracting the slopes over 12 percent, the wetland and the driveway easements the remaining buildable area is 30,650 square feet or 0.70 acres. The currently required buildable area is 2.5 acres, hence the need for the CUP.

We have hired S & P Testing to perform soil testing and to lay out the areas for two feasible septic systems on site that would meet Type 1 system design per Minn. Rules Chapter 7080 for a typical 5 bedroom house. According to S & P the two septic sites have

to be in the flatter area of the site as shown on the attached plans. The house pad and driveway layout were then dictated by the septic locations.

We have provided plans showing potential grading, drainage, storm sewer, erosion control and water treatment aspects of the site. This design is done solely to show one potential manner in which a single family home could be built on the site. It is understood that if an actual house comes in for site and building plan approval, within the timeframe set in the approval of this CUP, that a new CUP will not be required if that submittal substantially conforms to the plans submitted here. The site plan and design that we have shown meet the building and septic setback requirements. The impervious surface area, at 15.6% is well below the 30% maximum allowed. The building coverage at 5.5% is below the 10% allowed as well. The Stormwater Management Plan is designed to meet the City of Sunfish Lake's stormwater management requirements.



Riley / Bancroft
CUP Request

Sunfish Lake, Minnesota
Owner/Developer:

Richard & Deborah Bancroft
100 Windy Hill Road
Sunfish Lake, MN 55077
APPLICANT:
Jon Riley (612)751-2558

Professional Services:



Planning ■ Civil Engineering ■ Land Surveying
Landscape Architecture ■ Environmental

7200 Herklock Lane • Suite 100

CADD Qualification:

NO (Items prepared by the Consultant for this project are not intended for other Consultant professional services to be used in any other project. These CACD files shall not be used in other projects, be additions to this project, or for completion of the project by others without written approval by the Consultant. The use of CACD files in other projects by the Consultant is prohibited. All transmission of confidential files for information and reference only. All transmission of confidential files, notes, additions, or deletions to these CACD files are made at the full risk of that party making such notes, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all representations, claims, and liabilities.

[illegible]

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under this law.

 PROFESSIONAL SIGNATURE

License No.	10/27/14	Date
Quality Control:	SFM	
Agent Lead	N/A	Quantity
Inspected By:	PJM	Weight (Lbs)

[illegible]

Existing Conditions & Buildable Areas

Project No.:

14-379

Sheet No.:

C1-1



SURVEY LEGEND

7. **WATER** SPOT ELEVATION _____
 8. **ELECTRIC** TRANSFORMER _____
 9. **TELEPHONE** PEDISTAL _____
 10. **SOIL** BORING _____
 11. **OA** _____
 12. **OK** _____
 13. **PI** _____
 14. **TR** TREE (SEA) _____
 15. **CL** _____
 16. **GL** _____
 17. **TE** _____
 18. **CH** CHAIN LINK FENCE _____
 19. **CON** CONCRETE _____
 20. **BT** BITUMINOUS _____
 21. **CON** CONTOUR _____
 22. **CTF** CONIFEROUS TREE _____
 23. **DD** DECIDUOUS TREE _____

DENOTES SLOPES GREATER THAN
 12% & LESS THAN 18%

LEGAL DESCRIPTION
Lot 2, Block 1,
WINDY HILL,
Dakota County, Minnesota

SURVEYOR:
Paul McGinley, Loucks Associates, Inc.,
7200 Hemlock Lane, Suite 300
Maple Grove, MN 55330

OWNER:
Deborah B & Richard H Bancroft Jr
100 Windsor Hill Road

APPLICANT:
Jon Riley Condor Corporation
2320 Lexington Avenue
Mendota Heights, MN 55120
651-452-2627

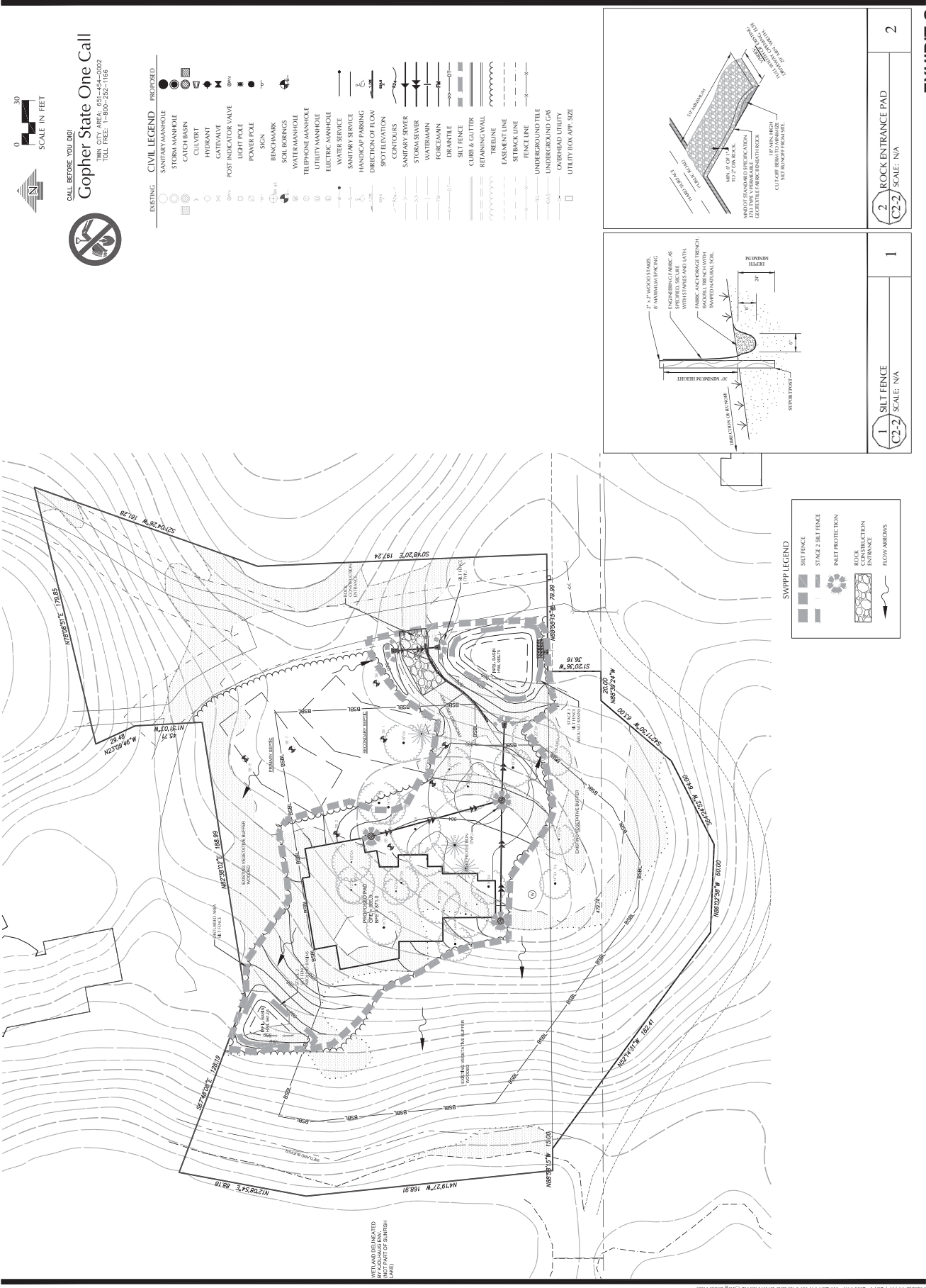
LEGAL DESCRIPTION:
Lot 2, Block 1, WINDY HILL, Dakota County, Minnesota.
38-84300-01 -020

BUILDABLE AREA:
 Total Parcel = 133,956 Sq. Ft. or 3.08 Acres
 Driveway Easements = 14,255 Sq. Ft. or 0.33 Acres
 Slopes >12% (Less Driveway Esm't) = 86,738 Sq. Ft. or 1.99 acres
 Wetland Area = 3,461 Sq. Ft. or 0.08 Acres
 Buildable Area = 29,502 Sq. Ft. or 0.68 Acres

IMPERVIOUS SURFACE:

Existing:	
Kennel =	129 Sq. Ft. or 0.10% of Lot
Driveway =	7,607 Sq. Ft. or 5.68% of Lot
Total =	7,736 Sq. Ft. = 5.78%

Significant Trees were located only at the top of the hill. The entire site is wooded.



0 30
SCALE IN FEET

CALL BEFORE YOU DIG!

Gopher State One Call
TWIN CITY AREA: 651-464-0022
TOLL FREE: 1-800-252-1166

EXISTING	CIVIL LEGEND	PROPOSED

ROCK ENTRANCE PAD
SCALE: N/A

SILT FENCE
SCALE: N/A

Memorandum

To: *Michelle Barness
Northwest Associated Consultants*

From: *Donald W. Sterna, PE
WSB & Associates, Inc.*

Date: *December 10, 2014*

Re: *Minor Subdivision and Conditional Use Permit (CUP)
Site and Building Plan Review
Lot 2, Block 1, Windy Hill
City of Sunfish Lake, MN
WSB Project No. 1011-99*

Project Background

The applicant is requesting a minor subdivision for a lot split and combination to add a small area of land to Lot 2, Block 1, Windy Hill from their adjacent parcels. The potential purchaser of Lot 2, Block 1, Windy Hill, is also requesting a CUP to be able to develop the subject parcel which is substandard in regards to required net lot area. The requested subdivision will increase the net lot area of the subject parcel making it more buildable, but will not bring it into conformance with requirements once steep slopes, wetlands and easements are factored in. The applicant has provided a set of minor subdivision and CUP plans for consideration.

The following review is only for the engineering, storm water management, and site grading issues. The building compliance and/or septic and well requirements will be handled by the City planners, and Building and Septic Inspectors.

Comments

- The conceptual stormwater management plan appears to be feasible. The stormwater plan will require additional information concerning the proposed pond outlets, downstream culvert at the existing driveway culverts to the southeast of the site.
- The subdivision platting documents should show the Sunfish Lake water surface elevation and date of survey along with the shoreline.
- The Minor Subdivision Existing Parcels plan sheets 1 of 2 and 2 of 2 must show the property lines of Lot 2, Block 1.
- The septic system on the northeast corner of the site may be draining to the north towards the existing residence. The location of the well on the property to the north should be verified for separation to the proposed septic field drainage.
- The contours on all plan sheets must be labeled.
- The grading plan should identify all flow paths, high water elevations of the wetland, and infiltration basin slopes.
- The drainage path from the southeast pond location must be shown how this flows downstream to its ultimate discharge point which is assumed to be the wetland to the west. Not enough information was shown on the plans to determine this.

- The existing culvert data at the driveways to the southeast of the site must be shown on the plans.
- At the time of construction the pipe capacity of these culverts should be analyzed and the results should be provided to the City for review.
- Building heights when the structure is approved must meet City requirements. Since no proposed or concept building plans were provided this criteria was not evaluated.
- Access agreements with the shared driveway must be obtained with adjacent property owners.
- Site grading may be difficult to achieve for the conceptual footprint of the structure. Given the limited information provided, the City does not guarantee the site layout is entirely approved as shown, but appears that it is feasible.

Conclusion and Recommendations

Based on our review of the proposed drainage calculations, site and grading plan for the proposed conceptual home the proposed plans appear to be consistent with the City's requirements, with the exception of the above listed items in this memorandum. Since these comments all appear to be correctable with minor plan adjustments and providing additional information, we recommend approval of the minor subdivision and conditional permit from an engineering standpoint with the understanding that the above listed items be submitted for review and approval prior to the next City Council meeting. It should be noted that this approval is not for the site as shown, but rather that it is feasible. Final plans and site review will be conducted with the building permit application for this property.

CITY OF Sunfish Lake MINNESOTA

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

Applicant's Name: Dick and Deborah Bancroft, and Jon Riley

Request: The applicants request City approval of a conditional use permit to allow single family development of the substandard sized lot located at Lot 2, Block 1, Windy Hill.

Planning Commission Meeting Date: December 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:

LOT 2, BLOCK 1, WINDY HILL, SUNFISH LAKE, MN 55118
2. The Planning Report dated December 10, 2014 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The City Engineer report dated December 10, 2014 is incorporated herein by reference.
4. The Sunfish Lake Planning Commission held a public hearing to review the applicant's request for conditional use permit approval on December 17, 2014. The Planning Commission recommended approval of a conditional use permit to allow development of a substandard sized lot as pertains to net lot area, based on conditions set forth in the referenced planning report.
5. Upon review of the planning report and application information the Planning Commission found that the proposed conditional use permit request meets Ordinance requirements. The following findings support the Planning Commission recommendation for approval:
 1. The subject property is guided for single family development in the 2008 Sunfish Lake Comprehensive Plan, and is surrounded by other single family land uses.

2. Development of the subject property is not anticipated to have a negative impact on property values. A new home on the property will be required to undergo a major site and building plan review with the City, which will provide the City the opportunity to conduct a thorough design review to verify conformance with standards.
3. A single family development on the subject property, with an on-site septic system and well, and given typical single family traffic generation, is not anticipated to significantly impact public services, utilities or facilities.
4. The existing lot was legally established in 1977. If approved, a proposed minor subdivision to increase the lot area of the subject property will be considered a boundary line adjustment, such that the lot will continue to meet the requirement for legal establishment.
5. The subject parcel is similar in area to other parcels on Sunfish Lake.
6. The subject parcel has frontage on a private drive from Windy Hill Road.
7. The applicants have identified opportunities for a septic system and well on the site.
8. The location of the home on the site meets setback requirements, and the project is able to adhere to lot and site design related performance standards.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's conditional use permit to allow single family development of the substandard sized lot located at Lot 2, Block 1, Windy Hill.

Approved, subject to the following conditions:

1. The requested minor subdivision is approved by the City Council (lot design proposals for the CUP are based on the adjusted boundaries of the subject property given approval of the subdivision).
2. Proposals for future development of the site which depend on the current CUP approval must occur within the approved CUP timeframe of five years. In addition, site and building plans submitted within the CUP timeframe must closely correspond to the house pad location and site plans as approved with the current CUP application. If the house pad location or site plans change substantially, a new CUP approval will be required.

3. The applicant revise minor subdivision and CUP plans as required by the City Engineer in his report (Exhibit D), and provide them to the City Engineer for review and approval prior to consideration of the application at the City Council meeting.

Adopted by the Sunfish Lake Planning Commission this 17th day of December 2014.

City of Sunfish Lake

By: _____
Andrea McCue
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk