



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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PLANNING REPORT - Major Site and Building Plan Review

TO: Sunfish Lake Planning Commission
Sunfish Lake City Council

FROM: Michelle Barness

DATE: August 12, 2015

RE: Sunfish Lake – 100 Salem Church Road – Site and Building Plan
Review

FILE: 211.01 – 15.04

9/1/15 CC Mtg.
**Agenda
Item
6a**

Application Accepted:	July 20, 2015
Planning Commission Date:	August 19, 2015
Tentative City Council Review:	September 1, 2015
60-day Review:	September 18, 2015

BACKGROUND

Rhett and Shayna McSweeney are requesting approval of a Major Site and Building Plan Review to allow the construction of a pool and pool terrace upon their property located at 100 Salem Church Road. The subject property is subject to the R-1, Single Family Residential District standards of the Zoning Ordinance.

The applicants are proposing a pool approximately 1,056 square feet in area, a concrete pool deck area, retaining walls and landscaping. The project will require re-grading the area and removing several trees. Site alterations exceeding 1,000 square feet in area require a major site and building plan review by staff and review and approval from the Planning Commission and City Council.

APPROVALS REQUIRED	
Major Site and Building Plan Review	To permit the construction of a pool and pool terrace area at 100 Salem Church Road.

Attached for reference:

Exhibit A: Certificate of Survey - Existing Conditions
Exhibit B: Certificate of Survey – Grading and Drainage - Proposed
Exhibit C: Site Plan
Exhibit D: City Engineer Memorandum (dated August 7, 2015)

ANALYSIS

The subject property is zoned R-1, Single Family Residential. The following table illustrates how the project is able to meet applicable district requirements.

R-1 District Standards	Required	Proposed	Compliant
Front Accessory Setback (north)	100 feet	Exceeds requirement	Yes
Rear & Side Accessory Setbacks (south, east, west)	25 feet	Exceeds requirement	Yes

Architectural Design / Building Materials. There are no structures proposed with the current project.

Placement and Design of Roads, Driveways, and Parking Areas. There are no impacts to drive or parking areas with the current project.

Accessory Structures. Swimming pools are a permitted accessory use in the R-1 District provided they are located below ground and are constructed with a protective safety feature. The proposed pool is below ground, and the pool will have an automatic cover for safety. The pool is located on the property to meet accessory structure setback requirements.

Accessory uses in the R-1 District are required to meet a 100 foot front setback, and 25 foot rear and side setbacks. The proposed structure adheres to setback requirements. Further, accessory uses must be screened from abutting properties and public ways. The pool terrace is setback a minimum of 500 feet from structures on neighboring properties, and will be screened by existing tree coverage on the property.

Lighting. Zoning Ordinance Section 1241.04.F (R-1 District Accessory Uses) prohibits the lighting of private recreational facilities. Exterior lighting on residential properties is allowed as necessary for safety purposes only, provided the impact on surrounding properties is minimized and it is in compliance with Section 1216.06 of the Zoning Ordinance. The applicants are proposing no safety lighting at this time.

Grading and Drainage and Erosion Control. The home and proposed pool terrace area are located on a relatively level area of the subject property, however land immediately south of the project area transitions to steep downhill slopes. As a result, some degree of re-grading is required and retaining walls are necessary to provide a level surface for the pool. One long retaining wall is positioned at the south end of the pool and two additional retaining walls are proposed in yard areas south of the existing home. The applicant has provided engineered retaining wall plans for review and approval by the City Engineer.

Silt fence is proposed on downslope sides of the project area, and a rock construction entrance is shown on the plans to reduce sediment movement from the site.

The applicant has submitted stormwater calculations illustrating existing and proposed water runoff conditions. They are proposing to add a raingarden west of the pool terrace which will capture water runoff from the pool terrace surface and treat pool water.

Grading, drainage, and erosion control are subject to review and approval by the City Engineer. The City Engineer has provided his comments on the project in the report dated August 7, 2015 (see Exhibit D). He is not recommending approval of the project until the applicant can provide revised grading, drainage and erosion control plans addressing the following:

- 1) Revise drainage and stormwater management plans to address stormwater calculation extent, rainfall amount, infiltration rate, high water elevation, and soil suitability issues.
- 2) The extent of the subject property's septic system must be illustrated on site plans.
- 3) Slopes steeper than or equal to 3 to 1 horizontal to vertical shall be treated with erosion control blankets.
- 4) A temporary soil stockpile location(s) needs to be provided at locations that are within 50 feet of a driving surface. The stockpiles need to be protected to prevent sediment loss.
- 5) A plan for erosion control and restoration following final grading needs to be submitted.

The applicants provided revised plans to the City Engineer for review on August 12, 2015. The plans appear to respond to the stormwater and erosion control requirements the City Engineer identified in his August 7, 2015 report. The City Engineer is currently reviewing these revised plans, and any new engineering findings will be discussed with the Planning Commission at the August 19, 2015 Commission meeting.

Site Access. The City Engineer has stated that since there is a shared driveway, the existing condition of the driveway must be documented prior to construction in case any damage occurs to avoid future issues with the shared users. In addition, the Contractor must adhere to axle load 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.

Landscaping / Tree Preservation. The submitted site plan illustrates trees in and immediately adjacent to the pool construction area. The size and species of 8 trees proposed to be removed has been shown. In addition, tree protection fencing has been

shown around several trees to be saved. The City Engineer has asked that the applicant indicate the type of protection for these trees (i.e. silt fence, snow fence, etc.).

The site plan illustrates proposed landscape plantings, including a combination of spreading evergreens, deciduous shrubs, and perennials. No replacement trees are being proposed. None of the landscaping is provided for screening purposes, as the 6 acre property has a substantial amount of existing tree coverage which will serve as natural screening for the pool accessory use; the existing "tree line" is identified on project plans. Instead, the landscaping is being provided as an aesthetic improvement and as a ground restoration measure for the project. Because the proposed landscaping is not required for screening, it does not need to adhere to Ordinance size and design requirements for screening plantings. Nonetheless, proposed plantings appear to be of adequate size and are composed of suitable plant species.

The City Forester has had the opportunity to review the tree removal/protection and landscaping plans and has no comments at this time.

A raingarden is proposed west of the pool to treat runoff from the pool terrace area. A detail of the soil profile of the raingarden has been provided, however raingarden plantings are not specified. The applicant shall provide a description of proposed raingarden plantings for review and approval by the City Engineer.

Well and Septic Systems. According to the submitted site plan a well is located on the north side of the existing home, and does not appear to be impacted by the proposed project. A septic system is indicated on the east side of the property, approximately 130 feet from the pool terrace. The City Engineer has requested that the extent of the septic fields be shown on a revised plan for verification that the septic system will not be impacted by pool construction.

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 proposed pool accessory area is comparable in size and quality to similar projects on other properties in the community. Given the existence of existing tree screening on the subject property, the pool area is not anticipated to be overly visible to surrounding properties or public ways. Although the pool terrace will create new hard surface on the site, the applicant is providing a raingarden to treat all new runoff, and landscaping is being provided to help restore the site after construction. Nonetheless, the City is requesting additional information on stormwater management, tree protection, and erosion control measures to be able to verify that the site natural areas can be protected from sediment movement, water runoff or destruction during construction and after. Staff would recommend approval of the project based on the above approval criteria, contingent on the applicant providing revised plans providing the additional planting, drainage, tree protection, and erosion control information requested by City staff.

SUMMARY AND RECOMMENDATION

The applicants are requesting approval of Major Site and Building Plans to allow the construction of a pool terrace area at 100 Salem Church Road. Based on the preceding review, City staff recommends approval of the major site and building plans based on finding that the project is able to meet performance standards within the Sunfish Lake Zoning Ordinance. Approval is contingent on the applicant addressing the following:

- 1) Provide revised plans or technical information responding to the City Engineer's comments in his report dated August 7, 2015 (Exhibit D), prior to consideration of the project at the Planning Commission meeting, including:
 - a. Revise drainage and stormwater management plans to address stormwater calculation extent, rainfall amount, infiltration rate, high water elevation, and soil suitability issues raised.
 - b. The extent of the subject property's septic system must be illustrated on site plans.
 - c. Slopes steeper than or equal to 3 to 1 horizontal to vertical shall be treated with erosion control blankets.

- d. A temporary soil stockpile location(s) needs to be provided at locations that are within 50 feet of a driving surface. The stockpiles need to be protected to prevent sediment loss.
 - e. A plan for erosion control and restoration following final grading needs to be submitted.
 - f. The existing condition of the driveway must be documented prior to construction in case any damage occurs.
 - g. The Contractor must adhere to axel load 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.
 - h. Indicate the type of tree protection proposed (i.e. silt fence, snow fence, etc.).
 - i. Retaining wall design is subject to review and approval of the City Engineer.
- 2) Lighting of the recreational facility is prohibited, with the exception of safety type lighting. Although safety lighting is not proposed at this time, any future installation of said lighting is subject to review and approval of the City, and must be in accordance with lighting requirements provided in the Zoning Ordinance.
 - 3) The applicants provide a planting plan for the proposed raingarden.
 - 4) The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
 - 5) 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: Cathy Iago, City Clerk
Mike Andrejka, City Building Official
Don Sterna and Eric Eckman, City Engineer
Jim Nayer, City Forester
Tim Kuntz, City Attorney
Ron Wasmund, City Septic Inspector
Rhett and Shayna McSweeney, Property Owners
Damon Roth, Tier One Landscape, Applicant

Drw. No. 150551 TB

Lot	City	Subdivision	Comments	Survey Date
1	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
2	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
3	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
4	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
5	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
6	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
7	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
8	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
9	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
10	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
11	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
12	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
13	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
14	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
15	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
16	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
17	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
18	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
19	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11
20	St. Louis	St. Louis	Survey of the SE 1/4 of Section 16, T. 28, R. 22	11/11/11

There are no neighboring structures within 350' for the current or proposed structures. Pool water will be treated in the rain water garden area and soak into soil.

TIER ONE
landscape



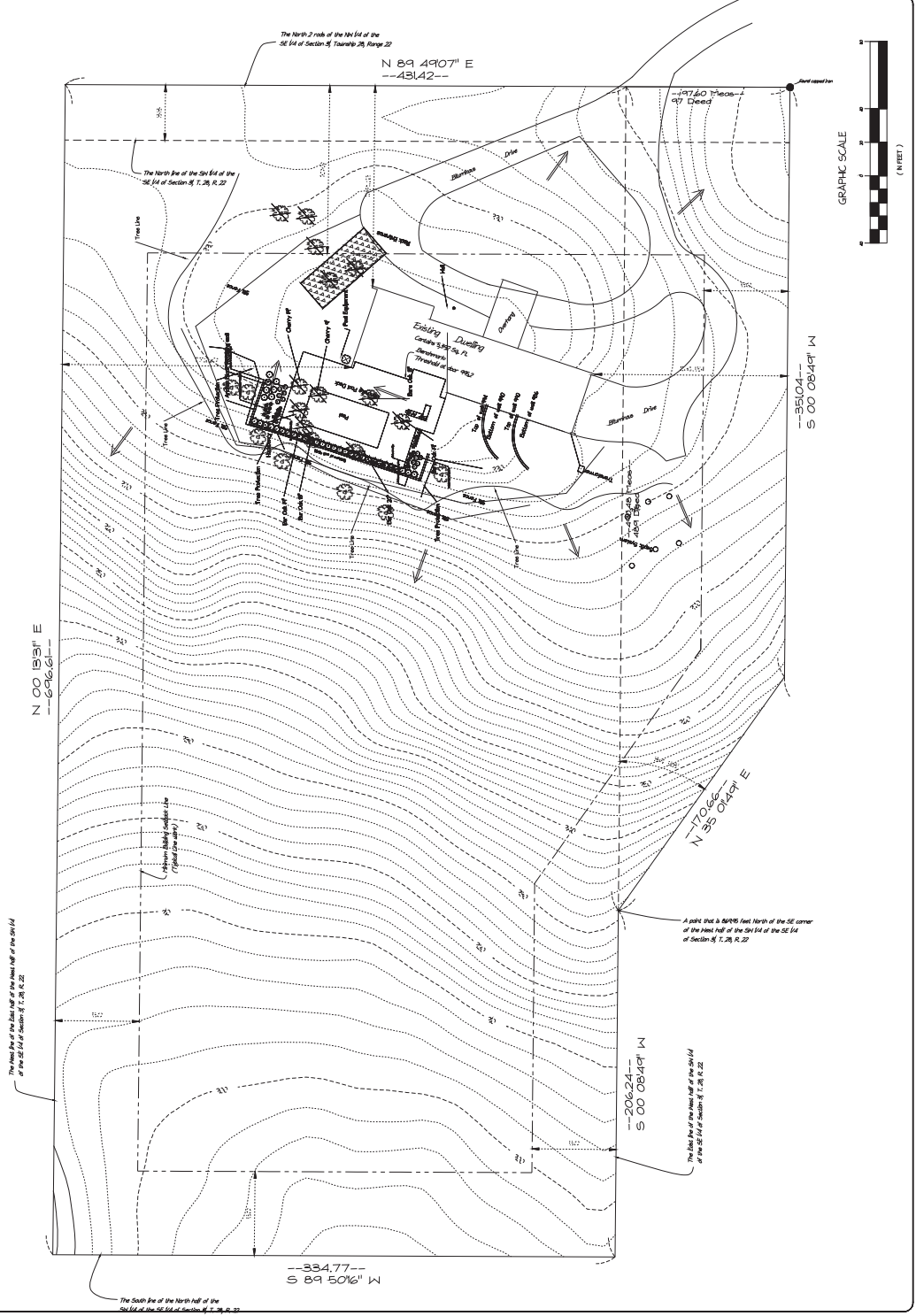
NO.	DATE	DESCRIPTION
1	11/11/11	Survey of the SE 1/4 of Section 16, T. 28, R. 22
2	11/11/11	Survey of the SE 1/4 of Section 16, T. 28, R. 22
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Midwestern Pool & Spas
Project

Sharon & Brent
Midwestern
100 N. Main Street
St. Louis, MO 63101

NO.	DATE	DESCRIPTION
1	11/11/11	Survey of the SE 1/4 of Section 16, T. 28, R. 22
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19	11/11/11	Survey of the SE 1/4 of Section 16, T. 28, R. 22
20	11/11/11	Survey of the SE 1/4 of Section 16, T. 28, R. 22



Memorandum

To: *Michelle Barness*
Northwest Associated Consultants

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

Date: *August 07, 2015*

Re: *Site and Building Plan Review*
100 Salem Church Road
City of Sunfish Lake, MN
WSB Project No. 2182-140

Project Background

The applicant is proposing a construction of a pool, retaining walls and terrace along with the necessary grading and storm water improvements. The following review is only for the engineering, storm water management, and site grading issues. The building compliance will be handled by the City planners and Building inspectors.

In accordance with the Site Plan Building Permit Application Procedures Checklist the following items need to be provided:

- The location of the existing septic system must be shown on the plans.
- The location of any existing wells on site must be shown on the plans.
- Pre and post impervious calculations need to be provided for the entire site and shown on the plans.

Stormwater Management

The following requirements and comments need to be addressed.

- Applicant shall submit an updated HydroCAD model that includes rainfall amounts of 2.8" for the 2 year and 6.0" for the 100-year storm events. The current model uses 2.75" for the 10 year storm event and 5.9" for the 100 year storm event. Upon receipt of the updated model, the proposed peak runoff rates can be compared to existing runoff rates and determined if acceptable.
- Applicant shall also modify the HydroCAD model to reflect an infiltration rate of no more than 0.45 inches per hour. Soil survey data indicates that the entire property is hydrologic group B soils and according to the MPCA Stormwater Manual a design infiltration rate of 0.3 – 0.45 is acceptable. The current model shows a infiltration rate of 0.8 inches per hour. Upon receipt of the updated results, water quality requirements will be evaluated.
- The current model shows a high water elevation of 990.5 feet and this appears to meet the 3 foot minimum freeboard requirement for the existing dwelling. However, this will need to be confirmed upon receipt of the updated HydroCAD model.
- Applicant shall submit an updated site plan that depicts areas of disturbed soils and submit a soil report containing information on the suitability of the soils for infiltration.

Site Grading

The following requirements and comments need to be addressed.

- There are several trees that on the plan indicating that they are to be saved. The type of protection for these trees must be indicated on the plans (i.e. silt fence, snow fence, etc.).
- The size and species of trees to be removed should be shown on the plans.
- Any slopes steeper than or equal to 3 to 1 horizontal to vertical will require erosion control blankets.
- The builder/applicant must provide retaining wall plans for review for any walls that are 4-feet in height or taller. These need to be designed and signed by a registered professional engineer in the State of Minnesota.

Erosion Control

Potential temporary stockpile location(s) need to be at locations that are within 50 feet of a driving surface for the Sunfish Lake building ordinances. The stockpiles will also need to be protected to prevent sediment loss (i.e. silt fence). A construction entrance is not shown on the plans. The applicant will need to construct and maintain the rock construction entrance of approximately 50 feet in length and 20-feet wide at a point where the contractor is entering the paved surface and leaving an exposed dirt area to minimize tracking of material off the project site.

A plan for erosion control and restoration following final grading needs to be submitted.

Site Access

Since there is a shared driveway, the existing condition of the driveway must be documented prior to construction in case any damage occurs to avoid future issues with the shared users. The Contractor must adhere to axle load 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.

Conclusion and Recommendations

Based upon our review of the proposed site and grading plan for 100 Salem Church Road, the proposed site and grading plans appear to be consistent with the City's requirements, with the exception of the above-noted items in this memorandum. The stormwater information needs to be updated as indicated above. Therefore, we hereby find the proposed plans not to be in accordance with City requirements and recommend denial from an engineering standpoint for this project until these items are addressed. We are requesting a new set of plans addressing these comments and drainage calculations be resubmitted to our office prior to approval. The retaining wall information must be submitted prior to final issuing of the building permit on the project.

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Shayna and Rhett McSweeney

Request: The applicants request City approval of **major site and building plans** for a pool and pool terrace area at 100 Salem Church Road.

Planning Commission Meeting Date: August 19, 2015

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:

100 SALEM CHURCH ROAD, SUNFISH LAKE, MN 55118
2. The project includes a new pool approximately 1,056 square feet in area, a concrete pool deck area, retaining walls and landscaping improvements.
3. The planning report dated August 12, 2015 prepared by Northwest Associated Consultants, Inc. and the engineering report dated August 18, 2015 prepared by WSB Associates are incorporated herein by reference.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan approval at the August 19, 2015 Planning Commission meeting.
5. Upon review of the planning report and application information the Planning Commission found that the proposed site and building plan request meets Ordinance requirements. The following findings support the Planning Commission recommendation for approval:
 - a. Swimming pools are a permitted accessory use in the R-1 District. Further, the pool meets accessory setback and locational standards, and adheres to specific design requirements for pool uses.
 - b. The pool terrace meets Ordinance requirements pertaining to lighting design, grading, drainage and stormwater management, landscaping, and screening.

- c. The proposed pool project is compatible with development on surrounding properties and is not anticipated to adversely impact natural areas.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's major site and building plans.

Approved, subject to the following conditions:

1. Lighting of the recreational facility is prohibited, with the exception of safety type lighting. Although safety lighting is not proposed at this time, any future installation of said lighting is subject to review and approval of the City, and must be in accordance with lighting requirements provided in the Zoning Ordinance.
2. The applicants provide a planting and maintenance plan for the proposed raingarden.
3. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
4. The applicants adhere to the City Engineer's final recommendations for plan revisions (from the report dated August 18, 2015), prior to consideration of the application at the September 1, 2015 City Council meeting, and meet construction related engineer requirements once construction begins.
5. 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 19th day of August 2015.

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 MAJOR SITE AND BUILDING PLANS TO PERMIT
CONSTRUCTION OF A POOL AND POOL TERRACE AREA AT THE PROPERTY
LOCATED AT 100 SALEM CHURCH ROAD, SUNFISH LAKE, DAKOTA COUNTY,
MINNESOTA.**

WHEREAS, Rhett and Shayna McSweeney submitted an application for a major site and building plan review to permit construction of a pool and pool terrace area at the property located at 100 Salem Church Road, legally described as:

E 1/2 OF W 1/2 OF S 2 RDS OF NW 1/4 OF SE ¼ & E 1/2 OF N 1/2 OF W 1/2 OF SW 1/4 OF SE 1/4 & COM 869.5 FT N OF SE COR W 1/2 N 34D 53M E 170.66 FT N 349 FT TO N LINE S 2 RDS OF NW 1/4 OF SE 1/4 W 97 FT S 489 FT TO BEG

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated August 12, 2015 prepared by Northwest Associated Consultants and engineering reports dated August 7, 2015 and August 18, 2015 prepared by WSB Associates; and

WHEREAS, the Sunfish Lake Planning Commission reviewed the major site and building plan application at their August 19, 2015 meeting, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations and applicant testimony, the Planning Commission recommended to the City Council approval of the major site and building plans, whereby the following findings support the Planning Commission recommendation for approval:

1. Swimming pools are a permitted accessory use in the R-1 District. Further, the pool meets accessory setback and locational standards, and adheres to specific design requirements for pool uses.
2. The pool terrace meets Ordinance requirements pertaining to lighting design, grading, drainage and stormwater management, landscaping, and screening.
3. The proposed pool project is compatible with development on surrounding properties and is not anticipated to adversely impact natural areas.

WHEREAS, the Sunfish Lake City Council considered the application for major site plan approval for a new pool at their meeting on September 1, 2015 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 plans dated 8/11/15 (last revision) for 100 Salem Church Road with the following conditions:

1. Lighting of the recreational facility is prohibited, with the exception of safety type lighting. Although safety lighting is not proposed at this time, any future installation of said lighting is subject to review and approval of the City, and must be in accordance with lighting requirements provided in the Zoning Ordinance.
2. The applicants provide a planting and maintenance plan for the proposed raingarden.
3. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
4. The applicants address final recommendations from the City Engineer as detailed in his report dated August 18, 2015 prior to building permit issuance, and meet construction related engineer requirements once construction begins.
5. 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 1st day of September 2015.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk