



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

TRANSMITTAL

DATE: May 31, 2018		
TO: Sunfish Lake Mayor and City Council Catherine Iago Tim Kuntz Don Sterna, Eric Eckman, Jeff Sandberg Mike Andrejka Jim Naves Ron Wasmund Dave Dreelan		NUMBER OF PAGES INCLUDING COVER:
FROM: Ryan Gritman		
QUANTITY:	MATERIAL/DESCRIPTION: Sunfish Lake June 5, 2018 City Council Meeting: Agenda Item 6a	DATED:
SENT VIA: ☐ Fax ☒ Mail ☒ Email ☐ Delivery		
REMARKS: Agenda Items: 6a. Planner's Report Please let me know if you have any questions or need additional information. Thank you.		
CITY/PROJECT NAME: Sunfish Lake - General		
JOB NUMBER: 211.02		



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MEMORANDUM

TO: Sunfish Lake Mayor and City Council
FROM: Ryan Gritman
DATE: May 31, 2018
RE: Sunfish Lake – Planning Update for June City Council Meeting
NAC FILE: 211.02 - General

**6/5/18 CC
Mtg.
Agenda Item
6a**

May Planning Commission Meeting

2570 Delaware Avenue – Major Site Plan Review and Variances. The owners of this property have applied for a major site plan review and two variances for a home addition. The setbacks are necessary because the addition encroaches into the 200-foot shoreland setback and the 50-foot side yard setback. A public hearing was held on May 16, 2018 to hear public comment from neighboring properties. A second public hearing will be held on June 5, 2018 at 6:00pm to hear additional public comment since the newspaper notice did not get published in time. Staff has not received any negative comments or concerns about the project from the public.

Staff will have further updates after the final recommendation and findings of fact by the Planning Commission at their Special Meeting scheduled for June 5, 2018 at 6:00pm. Staff is recommending approval of the project.

Additional Planning Updates

340 Salem Church Road – Bee Keeping Permit. The applicants at this address have applied for a bee keeping permit for their property located across the private driveway from their home. The bee keeping equipment is already onsite, so this permit is being processed retroactively.

The applicants reside at 320 Salem Church Road but are proposing to put the bee keeping equipment at 320 Salem Church Road, a vacant lot that does not abut their home. Bee keeping equipment is allowed as accessory use, since the vacant lot has not principal use, an accessory use would not be allowed.

The City Forester has visited this site and believes that the location that the equipment is currently at is better than any onsite alternatives. In the past, the City Council has approved equipment locations on vacant abutting parcels, but never a detached parcel. Per the Zoning

Ordinance requirements, all abutting property owners were notified of the bee keeping permit. Staff did not receive any comments or concerns from any residents. Staff is looking for a recommendation and final decision from the City Council.

8 Wood Duck Pass – Septic System Variance. After extensive research with the Sunfish Lake zoning ordinance, Dakota County, and the City's Septic Inspector; staff has determined that a variance is not required for a septic system setback from a wetland. The applicants are still seeking an encroachment agreement to locate the septic system in the cul-de-sac of Wood Duck Pass. Staff is seeking a recommendation from the City Council if they would like to proceed with an encroachment agreement.

420 Salem Church Road – Minor Review. Staff recently completed a minor review for a home addition at this address. Staff has approved the application and expects that construction will begin soon.

c: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna and Eric Eckman, City Engineers
Mike Andrejka, Building Official
Jim Nayer, City Forester
Ron Wasmund, Septic System Inspector
Dave Dreelan, Fire Chief

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Jeremy Segal

Request: The applicants request City approval of major site and building plan and variance to construct a home addition at 2570 Delaware Avenue.

Planning Commission Meeting Date: May 16, 2018; June 5, 2018

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:

2570 DELAWARE AVENUE, SUNFISH LAKE, MN 55118
2. The planning report dated May 9, 2018 prepared by Northwest Associated Consultants, Inc. and the engineering report dated April 23, 2018 and April 25, 2018 prepared by WSB Associates are incorporated herein by reference.
3. The home addition will be over 1,000 square feet in area, which requires Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan approval at the May 16, 2018 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 with the exception of the variances applied for. The following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

- a. The subject property and proposed development meet R-1 and Shoreland Overlay District setbacks (with the exception of the two variances), building coverage and impervious surface standards.
- b. The proposed development addresses Ordinance requirements pertaining to drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.

- c. The proposed home meets Ordinance requirements pertaining to building size, height, and material use (with the exception of the roof material which the applicant is seeking City Council approval).
- d. The proposed home meets other applicable Zoning Ordinance criteria.

Variance Request:

- A. Practical difficulties result from unique topographic and lot configuration conditions on the subject parcel. The parcel slopes steeply from the existing home down to Hornbeam Lake, and the applicants have sited the home addition in a position to take advantage of existing level areas in an effort to reduce the need for additional excavation; fill or grading of the site; and to minimize impact on natural vegetation that would result from siting the home addition in a different location.
- B. The applicants propose to use the parcel in a reasonable manner. They are proposing a permitted single family residential use; and wish to construct a home addition that will result in a similar in size to other homes in the area. Locating the home addition on a level area will reduce the need for grading and tree removal on the site. The applicants are proposing heavy duty erosion control along the Lake side of the home as well as around trees and along the driveway.
- C. The applicants' request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance by proposing a home addition which, with the exception of the shoreland and side yard setbacks, meets design and performance requirements of the City.
- D. Given approval of the two variances, the home is not anticipated to impact the character of the locality. The proposed home is typical in size relative to other homes in the immediate area. In addition, the single-story design reduces the overall visual impact from the Lake and neighboring properties. Further, the home addition has been sited to maintain as many significant trees as possible and to reduce the need for significant grading, fill or excavation on the site.

Recommendation:

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

Approved, subject to the following conditions:

1. The applicants adhere to the City Engineer's recommendations for construction as addressed in his reports dated April 23, 2018 and April 25, 2018 (Exhibit O) and address any follow-up recommendations from the City Engineer.
2. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
3. Upon installation, any lights which cast light on residential property or over public water shall not exceed one-foot candle (meter reading) as measured from said property or edge of water abutting the property in question. All ground mounted lighting shall be aimed away from the Lake and neighboring property.
4. The applicants shall contact planning staff to arrange pre-construction 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.
5. The applicants shall adhere to any and all recommendations by the City Fire Chief related to driveway access and fire code regulations.
6. The applicants shall adhere to all recommendations for erosion control.
7. The City Council approves the metal roof material and color.
8. The applicants adhere to the recommendation by the City Forester to replace the trees at a ratio of 1 to 1.5. The applicants shall work with the Forester to determine the species of trees to be planted.

Adopted by the Sunfish Lake Planning Commission this 5th day of June 2018.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A SHORELAND SETBACK VARIANCE, A SIDE YARD
VARIANCE, AND MAJOR SITE AND BUILDING PLANS FOR THE PROPERTY
LOCATED AT 2570 DELAWARE AVENUE, SUNFISH LAKE, DAKOTA COUNTY,
MINNESOTA.**

WHEREAS, Jeremy Segal submitted an application for a shoreland setback variance, side yard setback variance, and a major site and building plan review to permit construction of a home addition on the property located at 2570 Delaware Avenue, legally described as:

N 50 feet of S 300 feet of E 670 feet and N 150 feet of S 450 feet of E 915 feet of
W 50A of S ½ of SW 1/4

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated May 9, 2018 prepared by Northwest Associated Consultants and engineering report dated April 23, 2018 and April 25, 2018 prepared by WSB & Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their May 16, 2018 meeting and reviewed the variance and site and building plan applications, along with the referenced staff reports, and to hear public testimony from neighboring property owners; and

WHEREAS, the Sunfish Lake Planning Commission held a Special Meeting to continue the public hearing on June 5, 2018 to hear public testimony from interested property owners; 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 two variances and major site and building plans to allow construction of the applicant's proposed home addition, whereby the following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

1. The subject property and proposed development meet R-1 and Shoreland Overlay District setbacks (with the exception of the two variances), building coverage and impervious surface standards.
2. The proposed development addresses Ordinance requirements pertaining to drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.

3. The proposed home meets Ordinance requirements pertaining to building size, height, and material use (with the exception of the roof material which the applicant is seeking City Council approval).
4. The proposed home meets other applicable Zoning Ordinance criteria.

Variance Request:

1. Practical difficulties result from unique topographic and lot configuration conditions on the subject parcel. The parcel slopes steeply from the existing home down to Hornbeam Lake, and the applicants have sited the home addition in a position to take advantage of existing level areas in an effort to reduce the need for additional excavation; fill or grading of the site; and to minimize impact on natural vegetation that would result from siting the home addition in a different location.
2. The applicants propose to use the parcel in a reasonable manner. They are proposing a permitted single family residential use; and wish to construct a home addition that will result in a similar in size to other homes in the area. Locating the home addition on a level area will reduce the need for grading and tree removal on the site. The applicants are proposing heavy duty erosion control along the Lake side of the home as well as around trees and along the driveway.
3. The applicants' request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance by proposing a home addition which, with the exception of the shoreland and side yard setbacks, meets design and performance requirements of the City.
4. Given approval of the two variances, the home is not anticipated to impact the character of the locality. The proposed home is typical in size relative to other homes in the immediate area. In addition, the single-story design reduces the overall visual impact from the Lake and neighboring properties. Further, the home addition has been sited to maintain as many significant trees as possible and to reduce the need for significant grading, fill or excavation on the site.

WHEREAS, the Sunfish Lake City Council considered the application for two setback variances, and major site and building plan review at their meeting on June 5, 2018 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 plans and the two setback variance requests dated April 24, 2018 for 2570 Delaware Avenue with the following conditions:

1. The applicants adhere to the City Engineer's recommendations for construction as addressed in his reports dated April 23, 2018 and April 25, 2018 and address any follow-up recommendations from the City Engineer.

2. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
3. Upon installation, any lights which cast light on residential property or over public water shall not exceed one-foot candle (meter reading) as measured from said property or edge of water abutting the property in question. All ground mounted lighting shall be aimed away from the Lake and neighboring property.
4. The applicants shall contact planning staff to arrange pre-construction 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.
5. The applicants shall adhere to any and all recommendations by the City Fire Chief related to driveway access and fire code regulations.
6. The applicants shall adhere to all recommendations for erosion control.
7. The City Council approves the metal roof material and color.
8. The applicants adhere to the recommendation by the City Forester to replace the trees at a ratio of 1 to 1.5. The applicants shall work with the Forester to determine the species of trees to be planted.

This resolution is adopted by the City Council of the City of Sunfish Lake this 5th day of June 2018.

Attest:

Richard Williams, Mayor

Catherine Iago, City Clerk

320 / 340 Salem Church Road. Bee Keeping Permit

