

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A MAJOR SITE AND BUILDING PLAN AND
CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED AT 357 SALEM
CHURCH ROAD, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Ozzie and Shannon Nelson have submitted an application for a major site and building plan review and conditional use permit to permit construction of a home addition and swimming pool on the property located at 357 Salem Church Road, legally described as:

See Attached Exhibit A

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated March 13, 2019 prepared by Northwest Associated Consultants and engineering reports dated February 28, 2019 and March 7, 2019 prepared by WSB & Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their March 20, 2019 meeting and reviewed the major site and building plan application and conditional use permit application, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the major site and building plan and conditional use permit to allow construction of the applicant's proposed home addition and swimming pool on a vote of 3-0, whereby the following findings support the Planning Commission recommendation for approval:

- a. The subject property and proposed development meet R-1 and Shoreland Overlay District setbacks, 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 addition 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.

WHEREAS, the Sunfish Lake City Council considered the application for a major site and building plan and conditional use permit at their meeting on April 2, 2019 and agrees with the findings of the Planning Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the major site and building plan and the conditional use permit request dated February 11, 2019 for 357 Salem Church Road with the following conditions:

Major Site and Building Plans:

1. The applicants adhere to the City Engineer's recommendations for construction as addressed in his reports dated February 28, 2019 and March 7, 2019 and address any follow-up recommendations from the City Engineer.
2. The applicants must obtain a permit from the City's Septic Specialist for the installation of the proposed new septic system.
3. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
4. 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.
5. The applicants shall plant eight (8) trees to replace the four (4) mature trees that are scheduled to be removed, the applicants shall submit a landscaping plan for review and approval by the City Council.
6. A 200-foot "natural area" be maintained in the shoreland setback area once the project is complete.
7. 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.
8. The applicants shall adhere to all recommendations for erosion control.
9. The septic area shall be enclosed and separated from the rest of the job site with silt fencing.

10. The stock pile area in the septic area be enclosed with a separate silt fence and / or erosion wattles.
11. The City Council approves the metal roof material and color.

Conditional Use Permit:

1. No overhead lighting shall be used around the pool area. Only underwater lighting shall light the pool as necessary for safety.

This resolution is adopted by the City Council of the City of Sunfish Lake this 2nd day of April 2019.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

The East Nine (9) feet of Lot Five (5), Auditor's Subdivision No. 26; also Lot Four (4) Auditor's Subdivision No. 26; also the West Twenty (20) feet of Lot Three (3), Auditor's Subdivision 26 lying South of a line Two Hundred Thirty Five and 55/100 (235.55) feet North of and parallel to the East-West 1/4 line of the Northwest 1/4 of said Section 31, Township 28, Range 22, all according to the recorded plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota; EXCEPTING THEREFROM a tract of land described as follows: a part of Lot 4, and the West 20.0 feet of Lot 3, Auditor's Subdivision No. 26, Dakota County, Minnesota, described as follows: Beginning at a point in the East line of said West 20.0 feet of Lot 3, 35.59 feet South of the North line of the SE 1/4 of the NW 1/4 of Section 31, Township 28, Range 22, Dakota County, Minnesota; thence South along the East line of said West 20.0 feet of Lot 3, 452.35 feet to the centerline of Salem Church Road; thence North 58 degrees, 08 minutes West along the centerline of Salem Church Road, 253.47 feet; thence North 10 degrees, 39 minutes, 40 seconds East along the centerline of a 10 foot wide driveway, 278.59 feet; thence North 74 degrees, 43 minutes East, 169.75 feet to the point of beginning; All of the above subject to the rights of the public in Salem Church Road, subject, however, to easements of record, and to any change in the size of said real estate caused by the vacating, opening, widening, relocating, narrowing or grading of any street or alley.

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Ozzie and Shannon Nelson

Request: The applicants request City approval of major site and building plan to construct a home addition at 357 Salem Church Road and add a third accessory structure (swimming pool).

Planning Commission Meeting Date: March 20, 2019

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:

357 SALEM CHURCH ROAD
SUNFISH LAKE, MN 55118

2. The planning report dated March 13, 2019 prepared by Northwest Associated Consultants, Inc. and the engineering reports dated February 28, 2019 and March 7, 2019 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 March 20, 2019 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:

Major Site and Building Plans:

- a. The subject property and proposed development meet R-1 and Shoreland Overlay District setbacks, 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 addition 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.

Conditional Use Permit.

The applicants are requesting conditional use permit approval in order to construct a third accessory structure on the property; specifically, a swimming pool. Staff has reviewed the request against Section 1204.01 of the Sunfish Lake Zoning Ordinance:

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.

Based on the review of the above requirements, the Planning Commission finds the project to be in compliance with these requirements.

Recommendation:

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

Approved, subject to the following conditions:

Major Site Plan and Building Review:

1. The applicants adhere to the City Engineer's recommendations for construction as addressed in his reports dated February 28, 2019 and March 7, 2019 (Exhibit H) and address any follow-up recommendations from the City Engineer.
2. The applicants must obtain a permit from the City's Septic Specialist for the installation of the proposed new septic system.
3. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
4. 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.
5. The applicants shall plant eight (8) trees to replace the four (4) mature trees that are scheduled to be removed, the applicants shall submit a landscaping plan for review and approval by the City Council.
6. A 200-foot "natural area" be maintained in the shoreland setback area once the project is complete.
7. 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.
8. The applicants shall adhere to all recommendations for erosion control.
9. The septic area shall be enclosed and separated from the rest of the job site with silt fencing.
10. The stock pile area in the septic area be enclosed with a separate silt fence and / or erosion wattles.

Conditional Use Permit:

1. No overhead lighting shall be used around the pool area. Only underwater lighting shall light the pool as necessary for safety.

Adopted by the Sunfish Lake Planning Commission this 20th day of March 2019.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

DRAFT

and easements and/or servitudes:
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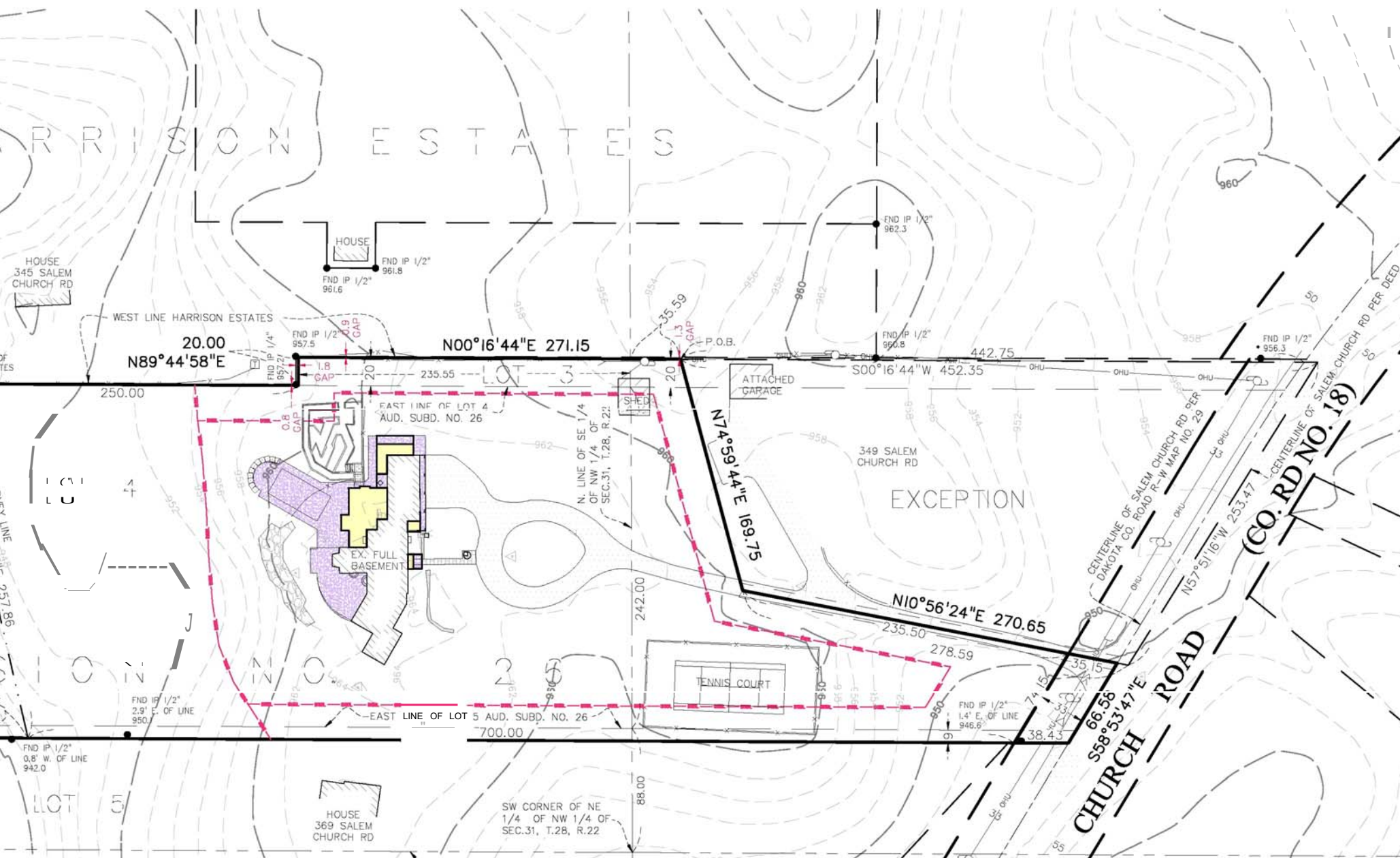
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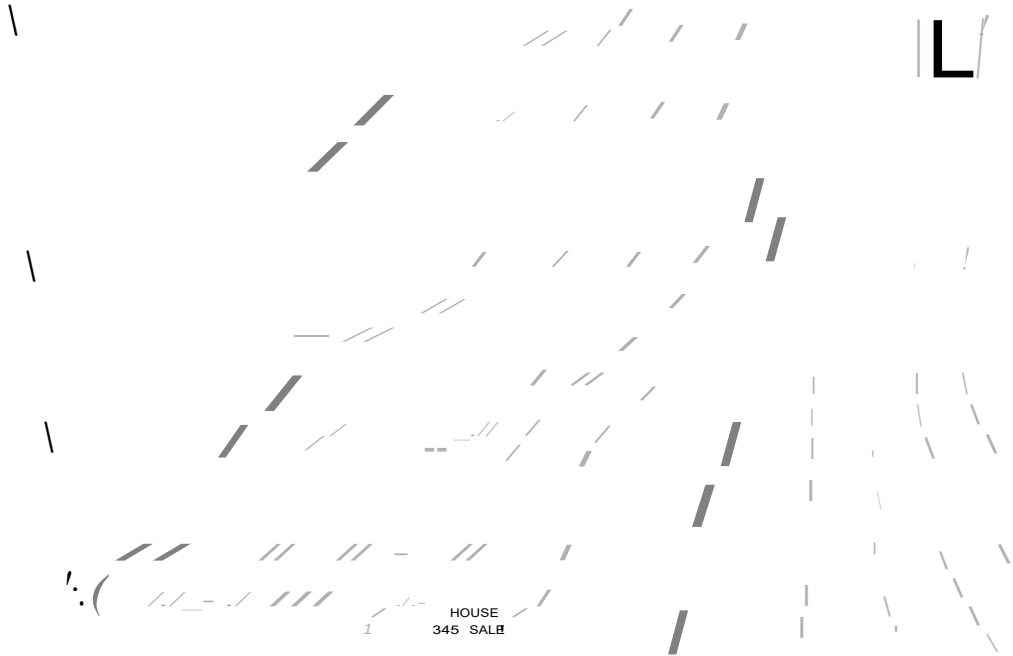
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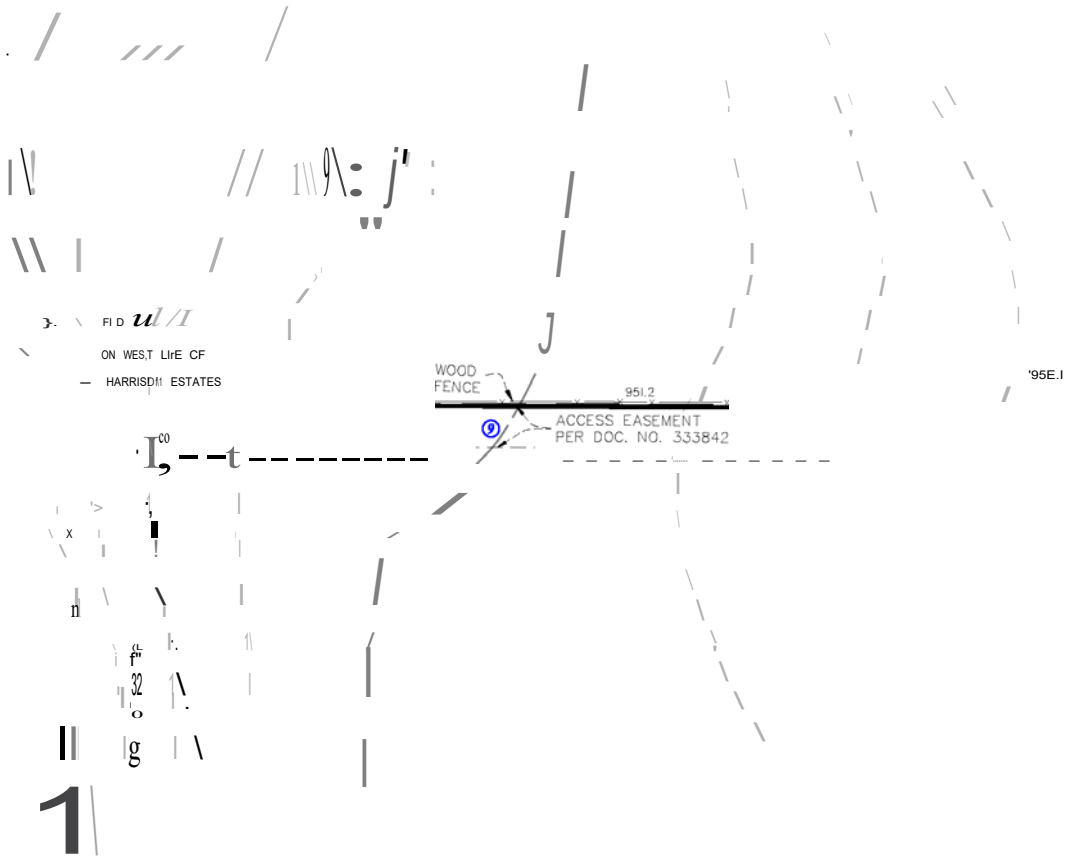
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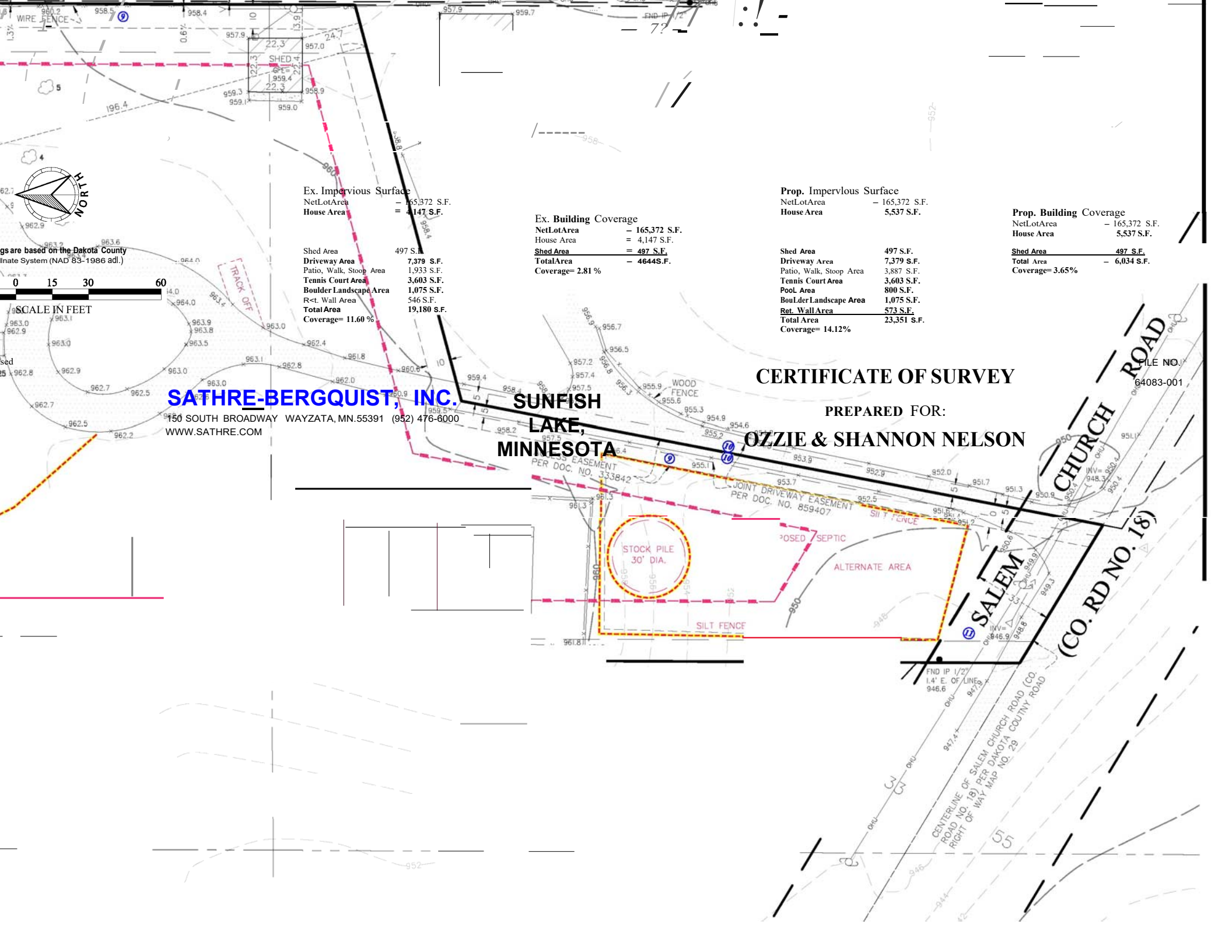
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SUNFISH LAKE

WATERLOCATED ON NOVEMBER 16, 2015
WATER ELEVATION=937.5 (NAVD88)
ORDINARY HIGH WATER=937.2 (NAVD88)





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inate System (NAD 83-1986 adl.)

0 15 30 60
SCALE IN FEET

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

Ex. Impervious Surface
NetLotArea = 165,372 S.F.
House Area = 4,147 S.F.

Shed Area 497 S.F.
Driveway Area 7,379 S.F.
Patio, Walk, Stoop Area 1,933 S.F.
Tennis Court Area 3,603 S.F.
Boulder Landscape Area 1,075 S.F.
Ret. Wall Area 546 S.F.
Total Area 19,180 S.F.
Coverage= 11.60 %

Ex. Building Coverage
NetLotArea = 165,372 S.F.
House Area = 4,147 S.F.
Shed Area = 497 S.F.
Total Area = 4644S.F.
Coverage= 2.81 %

Prop. Impervious Surface
NetLotArea = 165,372 S.F.
House Area = 5,537 S.F.

Shed Area 497 S.F.
Driveway Area 7,379 S.F.
Patio, Walk, Stoop Area 3,887 S.F.
Tennis Court Area 3,603 S.F.
Pool Area 800 S.F.
Boulder Landscape Area 1,075 S.F.
Ret. Wall Area 573 S.F.
Total Area 23,351 S.F.
Coverage= 14.12%

Prop. Building Coverage
NetLotArea = 165,372 S.F.
House Area = 5,537 S.F.

Shed Area 497 S.F.
Total Area = 6,034 S.F.
Coverage= 3.65%

CERTIFICATE OF SURVEY

PREPARED FOR:

OZZIE & SHANNON NELSON

**SUNFISH
LAKE,
MINNESOTA**

FILE NO. 64083-001

SALEM
(CO. RD NO. 18)

CENTERLINE OF SALEM CHURCH ROAD (CO. RD NO. 18) PER DAKOTA COUNTY ROAD NO. 29
RIGHT OF WAY MAP NO. 29