



## **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

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### **PLANNING REPORT - Major Site and Building Plan Review and Conditional Use Permit**

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

FROM: Ryan Grittman

DATE: September 12, 2019

RE: Sunfish Lake – 2431 Angell Road – Site and Building Plan Review and  
Conditional Use Permit

FILE: 211.01 – 19.08

|                                |                    |
|--------------------------------|--------------------|
| Application Accepted:          | August 12, 2019    |
| Planning Commission Date:      | September 18, 2019 |
| Tentative City Council Review: | October 1, 2019    |
| 60-day Review:                 | November 5, 2019   |

### **BACKGROUND**

Jeffery and Jennifer Vierzba are requesting approval of a Major Site Plan Review and a conditional use permit to allow the construction of a swimming pool, sport court, and patio area at 2431 Angell Road in the City of Sunfish Lake. A major site plan review is required for impervious surface alterations exceeding 1,000 square feet in area. In addition, the applicants are requesting a conditional use permit to exceed the accessory structure limit of one structure. The property is subject to the R-1, Single Family Residential District standards of the Zoning Ordinance.

A major site plan review requires review by the Planning Commission and final approval by the City Council. In addition, a conditional use permit is held to these same standards.

| <b>APPROVALS REQUIRED</b>                  |                                                                                 |
|--------------------------------------------|---------------------------------------------------------------------------------|
| <b>Major Site and Building Plan Review</b> | To permit the construction of a new swimming pool, sport court, and patio area. |
| <b>Conditional Use Permit</b>              | For construction of more than one accessory structure.                          |

Attached for reference:

Exhibit A: Landscaping Plan  
Exhibit B: Existing Conditions  
Exhibit C: Survey with Proposed Conditions  
Exhibit D: Grading Plan  
Exhibit E: Erosion Control Plan  
Exhibit F: Engineer Memos dated August 26, 2019

## ANALYSIS

### Major Site and Building Plan Review

The subject property is zoned R-1, Single Family Residential. The following table illustrates the application of district requirements to the property.

| R-1 District Standards                              | Required  | Proposed                                   | Compliant |
|-----------------------------------------------------|-----------|--------------------------------------------|-----------|
| Net Lot Area (excluding wet areas and steep slopes) | 2.5 acres | 2.65 acres approx.<br>(existing condition) | Yes       |
| Front Setback (west)                                | 100 feet  | > 100 feet                                 | Yes       |
| Side Setback (north)                                | 25 feet   | 29 feet                                    | Yes       |
| Side Setback (south)                                | 25 feet   | > 25 feet                                  | Yes       |
| Rear Setback (east)                                 | 25 feet   | > 25 feet                                  | Yes       |

**Lot Area.** The gross area of the platted parcel is 3.84 acres, however once steep slope and wet areas are factored in, the property is approximately 2.65 acres. The lot is a legal lot of record.

**Accessory Structures.** Currently, there is a shed that sits to the south of the existing home. The plans indicate that the shed will be left “as-is”. This is an existing condition and is allowed to remain on the property. All additional accessory structures require a conditional use permit (discussed later in this report).

**Placement and Design of Roads, Driveways, and Parking Areas.** The site currently has an existing driveway, parking area, and attached garage. No changes are proposed to this area.

**Lighting.** The applicants are not requesting any additional lighting as part of this project. The pool area will have a safety light as required in the building code, but no additional lighting is proposed. Sport courts are specifically prohibited from lighting under Section

1241.04-F. As a condition of approval, Staff is recommending that no lighting, temporary or permanent, be installed on or around the sport court.

**Grading, Drainage, and Erosion Control.** In the Engineer's memo dated August 26, 2019, there are still outstanding Engineering issues that need to be addressed. As of the date on this report, Staff has not received revised plans. The City Council has directed staff and the Planning Commission to table action on projects that they consider incomplete. If the applicant can submit revised plans for review, the Planning Commission can review the plans and determine a course of action.

**Landscaping / Tree Preservation.** The applicants are proposing to remove on existing significant tree to accommodate the swimming pool. The landscaping plan calls for the replacement of this tree with three new trees as well as numerous shrubs and plantings.

**Screening.** The property is well screened from houses to the east and south by tree coverage. The swimming pool and sport court will have minimal visibility from the house to the north.

**Fences.** The site plan does not show any fences or retaining walls over 4 feet in height. No engineered plans will be required for the proposed retaining walls on the landscaping plan.

**Pool Safety.** Section 1241.04-D requires swimming pools to have a protective safety feature. The applicants are proposing a safety cover to meet this requirement.

**Neighbor Notifications.** All neighbors within 1,000 feet of the subject property were notified of the project. The City heard from a neighbor who requested a site plan, but had no questions or comments regarding the project.

**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 accessory structures appear to meet the site and building plan review criteria with the exception of the outstanding Engineering items. The site has been designed to minimize impacts on the existing property and surrounding properties. The attractive design of the home and site adds value to both the property and neighborhood.

This is a sensitive building site due to its proximity to an existing ponding area and steep topography. Sediment, stormwater, and other construction debris can easily be transported down slopes into nearby waterways. Therefore, it is essential that construction be sensitive to erosion prevention, the protection of natural systems, and stormwater treatment.

### **Conditional Use Permit.**

The applicants are requesting conditional use permit approval in order to construct a swimming pool, sport court, and patio area. Section 1204.02-F of the Sunfish Lake Zoning Ordinance outlines the requirements for all conditional use permits in the City:

- 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

Staff Comment: The Comprehensive Plan supports the general welfare of residents as well as supporting high development standards for projects such as this. The project is consistent with the Comprehensive Plan goals and objectives.

- 2. The proposed use's compatibility with present and future uses of the area.

Staff Comment: The present and future land use of this property and abutting properties is single-family residential. There are no plans for redevelopment or rezoning of the area. The proposed use is compatible with current and future land uses.

- 3. The proposed use's conformity with all performance standards contained herein.

Staff Comment: In the report above, the use fits the performance standards of the Zoning Ordinance.

4. The proposed use's effect on the area in which it is proposed.

Staff Comment: The proposed use is not expected to have a negative effect on the area.

5. The proposed use's impact upon property values in the area in which it is developed.

Staff Comment: The proposed use is expected to increase the value of the subject property and the properties in the area.

6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

Staff Comment: The use is not expected to increase traffic in the area.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Staff Comment: The use is not expected to have an impact on any of these.

#### **Accessory Structure Conditional Use Permit – Swimming Pool**

By code, a second accessory structure is allowed by conditional use permit. Section 1217.03 of the Sunfish Lake Zoning Ordinance regulates accessory structure conditional use permit criteria. In addition to the criteria above, the conditional use permit must satisfy the following conditions:

- A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.

Staff Comment: A swimming pool will have a continued use for the current property owner and future property owners.

- B. No commercial or home occupation activities are conducted on the property.

Staff Comment: No activities such as this are proposed.

- C. The building has an evident re-use or function related to the principal use.

Staff Comment: The swimming pool will function as an accessory use to the principal structure (home) on the property.

- D. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.

Staff Comment: The applicants are proposing a cover for the swimming pool for safety purposes.

- E. The provisions of Section 1204.02.F. of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.

Staff Comment: This is discussed in the section above; Staff feels that this requirement has been met.

### **Accessory Structure Conditional Use Permit – Sport Court**

In addition to the swimming pool, the applicants are also requesting a sport court as a third accessory structure. Sport courts are a permitted accessory use in the R-1 Single Family District. It should be noted that there's no limit on the number of accessory structures one property can have. However, two or more accessory structures are permitted by conditional use permit. The following is an analysis of the conditional use permit request for a sport court:

- A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.

Staff Comment: The sport court will have a continued use as a sport court for the current property owner and future property owners.

- B. No commercial or home occupation activities are conducted on the property.

Staff Comment: With regard to the sport court, this is not expected to be an issue.

- C. The building has an evident re-use or function related to the principal use.

Staff Comment: The sport court is expected to function as an accessory use to the principal structure. Current and future property owners can expect the sport court to be reused as a sport court.

- D. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.

Staff Comment: The proposed sport court is expected to be compatible with adjacent residential uses in the area.

- E. The provisions of Section 1204.02.F. of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.

Staff Comment: This is discussed earlier in the report.

## **SUMMARY AND RECOMMENDATION**

The applicants are requesting approval of a Major Site Plans and a conditional use permit to allow the construction of a swimming pool, sport court, and patio area. In review of the proposed project, Staff feels that the project is consistent with applicable ordinances and the comprehensive plan with the exception of the outstanding engineering items. Staff is recommending at this time that the project be tabled to the Planning Commission Meeting in October to allow time for updated plans and review of said plans. However, if the Planning Commission is comfortable that the applicant can produce revised plans in time for staff review and City Council approval, the following recommendations for conditions of approval can be considered:

### **Major Site Plan.**

1. The applicants produce update plans that satisfy the Engineer's request in his report dated August 26, 2019.
2. The applicants adhere to the City Engineer's recommendations for construction and address any follow-up recommendations from the City Engineer.
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 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.
6. The applicants shall adhere to all recommendations for erosion control.
7. The firepit ring must be three (3) feet in diameter or less in accordance with State Statutes.

### **Conditional Use Permit.**

1. No lighting, temporary or permanent, be installed on or around the sport court.
2. No chain link fencing may be installed around the sport court unless a separate conditional use permit is obtained to allow for a chain link fence.
3. The pool area may only be lit with safety lighting, no overhead lights allowed that are not connected to the existing home. Any lights attached to the existing home must be cast downward.

c: Cathy Iago, City Clerk  
Mike Andrejka, City Building Official  
Jeff Sandberg and Brandon Movall, City Engineers  
Jim Naves, City Forester  
Tim Kuntz, City Attorney  
Ron Wasmund, City Septic Inspector  
Dave Dreelan, Fire Chief  
Jennie Skancke, Minnesota DNR area Hydrologist  
Jeffery and Jennifer Vierzba, Property Owner  
Pat Henry - Prestige Pools, Applicants



# CITY OF *Sunfish Lake* MINNESOTA

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

**Applicant's Name:** Jeffery and Jennifer Vierzba

**Request:** The applicants request City approval of major site and plan and conditional use permit to construct a swimming pool, sport court, and patio area at 2431 Angell Road.

**Planning Commission Meeting Date:** September 18, 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:  
  
2431 ANGELL ROAD  
SUNFISH LAKE, MN 55118
2. The planning report dated September 12, 2019 prepared by Northwest Associated Consultants, Inc. and the engineering reports dated August 26, 2019 prepared by WSB Associates are incorporated herein by reference.
3. The hard surfacing will increase by 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 plan approval at the September 18, 2019 Planning Commission meeting.
5. Upon review of the planning report and application information the Planning Commission found that the proposed site 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 District setbacks, and impervious surface standards.
- b. The proposed development addresses Ordinance requirements pertaining to lighting design, grading, drainage, stormwater management, landscaping, and screening.

- c. The proposed home meets Ordinance requirements pertaining to swimming pool requirements, sport court requirements, and material use.
- d. The proposed home meets other applicable Zoning Ordinance criteria.

**Conditional Use Permit Request:**

- e. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- f. The swimming pool and sport court have an evident re-use or function related to the principal use.

**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.**

1. The applicants produce update plans that satisfy the Engineer's request in his report dated August 26, 2019.
2. The applicants adhere to the City Engineer's recommendations for construction and address any follow-up recommendations from the City Engineer.
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 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.

6. The applicants shall adhere to all recommendations for erosion control.
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**Conditional Use Permit.**

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3. The pool area may only be lit with safety lighting, no overhead lights allowed that are not connected to the existing home. Any lights attached to the existing home must be cast downward.

**Adopted by the Sunfish Lake Planning Commission this 12<sup>th</sup> day of September 2019.**

**City of Sunfish Lake**

By: \_\_\_\_\_  
Tom Hendrickson  
Planning Commission Chair

ATTEST

\_\_\_\_\_  
Catherine Iago, City Clerk