

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

RESOLUTION NO. _____

**RESOLUTION APPROVING AN AMENDMENT TO A MAJOR SITE AND BUILDING
PLAN TO PERMIT THE REPLACEMENT OF AN EXISTING RETAINING WALL
AND TWO SETS OF LAKESIDE STAIRS AT THE PROPERTY LOCATED AT 2
SUNFISH LANE, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Linval Joseph has submitted an application for an amendment to a major site and building plan review to permit the replacement of an existing retaining wall and two sets of lakeside stairs at the property located at 2 Sunfish Lane, legally described as:

See Exhibit A attached hereto

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated April 8, 2020 prepared by WSB; and

WHEREAS, the Sunfish Lake Planning Commission reviewed the amendment to the major site and building plan application at their April 15, 2020 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 plan amendment, whereby the following findings support the Planning Commission recommendation for approval:

1. The subject property and proposed development meet R-1 and Shoreland Overlay District setbacks, building coverage and impervious surface standards.
2. The proposed development addresses Ordinance requirements pertaining to lighting design, grading, drainage and stormwater management, landscaping, and screening.
3. The development meets other applicable Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for an amendment to the major site plan approval for the construction of a new home at their meeting on May 5, 2020 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 adopts the Findings of Fact submitted by the Planning Commission and hereby approves the major site plans dated March 26, 2020 (last revision) for 2 Sunfish Lane with the following conditions:

1. Construction shall occur in substantial conformance with the plans presented at the April 15, 2020 Planning Commission meeting.
2. The conditions of the Site and Building and Conditional Use Permit approvals granted December 4, 2018 shall remain in effect.
3. The applicant must obtain all other permits as may be required.
4. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
5. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
6. All conditions of the site plan review must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
7. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
8. By undertaking the activities approved by the requests, the applicant agrees to all conditions.

This resolution is adopted by the City Council of the City of Sunfish Lake this 5th day of May 2020.

Daniel O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

EXHIBIT A

Real property in the City of Sunfish Lake, County of Dakota, State of Minnesota legally described as follows:

That part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 31, Township 28 North, Range 22 West, that part of Lot 1, Auditor's Subdivision No. 41, and that part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 28 North, Range 22 West, Dakota County, Minnesota, which lies east of the east boundary of the plat of ARCADIA and the northerly production of that portion of said east boundary which is shown to have a bearing of South 18 degrees 19 minutes 07 seconds West on the recorded plat thereof, which lies east of the east boundary of LINDEKE ADDITION, which lies west of the west boundary of KNUTSON ADDITION, which lies north of the westerly production of the south line of Lot 2, Block 1, KNUTSON ADDITION, and which lies south of the northwesterly production of the northerly boundary of OUTLOT A, KNUTSON ADDITION said northerly boundary is shown to have a bearing of North 39 degrees 17 minutes 33 seconds West on the recorded plat thereof, all according to the recorded plats thereof on file in the Office of the County Recorder, Dakota County, Minnesota.

Together with an easement for access and underground utilities over those parts of Lot 2 and OUTLOT A, Block 1, KNUTSON ADDITION presently in use for road and utility purposes described as follows:

That part of OUTLOT A and Lot 2, Block 1, KNUTSON ADDITION according to the recorded plat thereof on file in the Office of the County Recorder, Dakota County, Minnesota described as follows:

Commencing at the most northerly corner of said OUTLOT A; thence South 0 degrees 47 minutes 21 seconds East (bearing assumed) along the west line of said OUTLOT A 110.0 feet to the point of beginning of the easement to be described; thence South 8 degrees 01 minutes 22 seconds East 262.09 feet; thence South 29 degrees 43 minutes 09 seconds East 100.78 feet; thence South 67 degrees 57 minutes 46 seconds West 87.72 feet to a point on the westerly line of said Lot 2; thence northerly along the westerly lines of said Lot 2 and said OUTLOT A to the point of beginning.

Also together with an easement for roadway and underground utility purposes over that part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, that part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and that part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 30, Township 28 North, Range 22 West, Dakota County, Minnesota and over that part of Lot 2, Block 1, ARCADIA and Lot 1, Block 1, KNUTSON ADDITION, and OUTLOT A, KNUTSON ADDITION, according to the recorded plats thereof on file in the Office of the County Recorder, Dakota County, Minnesota, described as follows:

A strip of land which is 35.00 feet in width from its point of beginning to the hereinafter described point A, and 20.00 feet in width from said point A to its termination.

Commencing at the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 30; thence westerly along the north line of said Northeast Quarter of the Southwest

Quarter 209.85 feet to the point of beginning of the easement to be described; thence southeasterly, deflecting to left 93 degrees 46 minutes 01 seconds a distance of 330.0 feet to point A; thence continuing on the last described course 176.42 feet; thence southerly and southwesterly 158.61 feet along a tangential curve, concave to the west, central angle 19 degrees 45 minutes 20 seconds, radius 460.0 feet; thence southwesterly and tangent to last said curve 221.73 feet; thence southerly 118.84 feet along a tangential curve, concave to the east, central angle 16 degrees 31 minutes 34 seconds, radius 412.00 feet; thence southerly tangent to last said curve 223.90 feet; thence southerly and southeasterly 118.14 feet along a tangential curve concave to the northeast, central angle 56 degrees 24 minutes 25 seconds, radius 120.00 feet; thence southeasterly tangent to last said curve 81.42 feet; thence southeasterly 73.87 feet along a tangential curve concave to the southwest, central angle 15 degrees 06 minutes 56 seconds, radius 280.00 feet; thence southeasterly tangent to last said curve 149.70 feet to a point hereinafter referred to as Point B; thence southeasterly deflecting to the left 4 degrees 24 minutes 15 seconds 341.19 feet to the point of intersection with a line hereinafter referred to as Line A, and there terminating.

Line A

Line A is a portion of the easterly boundary of Lot 2, and the northerly extension thereof, Block 1, ARCADIA which is shown to have a bearing of South 18 degrees 19 minutes 07 seconds West on the recorded plat thereof.

Together with a strip of land which is 20.00 feet in width and centered on the following described Line B.

Line B

Commencing at the aforescribed point B; thence southeasterly 341.19 feet to aforesaid point of intersection with Line A, which is the point of beginning of Line B to be described; thence continuing southeasterly on last said line 107.00 feet; thence southeasterly deflecting to the right 5 degrees, 23 minutes 34 seconds 45.00 feet; thence southeasterly deflecting to the right 5 degrees 09 minutes 41 seconds 129.35 feet to terminate on the westerly production of that portion of the north boundary of said Lot 1, Block 1, KNUTSON ADDITION which is shown to have a bearing South 89 degrees 14 minutes 27 seconds West on the recorded plat thereof. The sidelines of said strip are to be prolonged or shortened so as to terminate on said westerly production of the north line of Lot 1, Block 1, KNUTSON ADDITION.

Together with a permanent road easement upon Segment 1 and Segment 2, described as follows:

(Segment 1) A strip of land which is 20.00 feet in width, the easterly line of which is the following described Line C.

Line C

Commencing at the aforescribed point B; thence southeasterly 341.19 feet to the aforesaid point of intersection with Line A; thence continuing southeasterly on last said line 15.10 feet to

the point of beginning of Line C to be described; thence southeasterly deflecting to the right 27 degrees, 21 minutes 10 seconds 136.44 feet thence southeasterly deflecting to the right 5 degrees 40 minutes 50 seconds 6.65 feet to terminate on the west line of said OUTLOT A. The sidelines of said strip are to be prolonged or shortened so as to terminate on the west line of said OUTLOT A.

(Segment 2) That part of OUTLOT A and Lot 2, Block 1, KNUTSON ADDITION according to the recorded plat thereof on file in the Office of the County Recorder, Dakota County, Minnesota described as follows:

Commencing at the most northerly corner of said OUTLOT A; thence South 0 degrees 47 minutes 21 seconds East (bearing assumed) along the west line of said OUTLOT A 97.12 feet to the point of beginning of the easement to be described; thence South 13 degrees 50 minutes 02 seconds East 73.73 feet; thence South 9 degrees 01 minutes 48 seconds East 234.76 feet; thence South 29 degrees 43 minutes 09 seconds East 65.04 feet; thence South 67 degrees 57 minutes 46 seconds West 87.72 feet to a point on the westerly line of said Lot 2; thence northerly along the westerly lines of said Lot 2 and said OUTLOT A to the point of beginning.

Planning Memorandum

To: Honorable Mayor and City Council Members

From: Hannah Rybak, Interim City Planner

Date: April 29, 2020
City Council Meeting May 5, 2020

Re: 2 Sunfish Lane – Major Site Plan Amendment Review
WSB Project No. 12638-000

PLANNING COMMISSION REVIEW

At their April 15th regular meeting, the Planning Commission voted 5-0 to recommend approval of the requested amendment to the major site and building plan review. The recommendation of approval included the following eight (8) conditions:

1. Construction shall occur in substantial conformance with the plans presented at the April 15, 2020 Planning Commission meeting.
2. The conditions of the Site and Building and Conditional Use Permit approvals granted October 2, 2018 shall remain in effect.
3. The applicant must obtain all other permits as may be required.
4. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
5. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
6. All conditions of the site plan review must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
7. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
8. By undertaking the activities approved by the requests, the applicant agrees to all conditions.

ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

At the Planning Commission meeting, there was discussion on the lighting proposed with the steps and the materials proposed for the retaining wall. The Commission requested that the Applicant provide details on those items, to be included in the City Council packet.

Below is an image of the path light that was approved for use on the property with the original site and building plan review in 2018. These lights will be installed, for safety, along the steps. This fixture has the lamp up in the top of the fixture and illuminates down in the rectangular opening of the fixture.



The image below is of the retaining wall that was constructed last fall around the hot tub area for this project. The proposed retaining wall replacement will be constructed of the same materials.



CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Linval Joseph

Request: The applicants request City approval of an amendment to a major site and building plan approval at 2 Sunfish Lane.

Planning Commission Meeting Date: April 15, 2020

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:

2 SUNFISH LANE
SUNFISH LAKE, MN 55118
2. The planning report dated April 8, 2020 prepared by WSB is incorporated herein by reference.
3. A request for an amended site and building plan review may be applied for and administered in a manner similar to that required for a new site and building plan approval, which requires Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for an amended major site and building plan approval at the April 15, 2020 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. The subject property and proposed development meet R-1 and Shoreland Overlay District accessory structure requirements, and impervious surface standards.

- b. The proposed development addresses Ordinance requirements pertaining to lighting design, grading, drainage and stormwater management, landscaping, and screening.
- c. The development meets other applicable Zoning Ordinance criteria.

Recommendation:

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

Approved, subject to the following conditions:

1. Construction shall occur in substantial conformance with the plans presented at the April 15, 2020 Planning Commission meeting.
2. The conditions of the Site and Building and Conditional Use Permit approvals granted October 2, 2018 shall remain in effect.
3. The applicant must obtain all other permits as may be required.
4. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
5. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
6. All conditions of the site plan review must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
7. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
8. By undertaking the activities approved by the requests, the applicant agrees to all conditions.

Adopted by the Sunfish Lake Planning Commission this 15th day of April 2020.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

DRAFT

- DRAFT –
SUNFISH LAKE PLANNING COMMISSION MEETING – APRIL 15, 2020
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Virtual Meeting Attendants:

Chair: Tom Hendrickson
Commissioners: Ginny Beckett, Shannon Nelson, Jeannine Naves and Dominick Driano
Interim City Planner: Hannah Rybak
City Clerk: Cathy Iago
City Engineer: Jeff Sandberg

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Driano moved to adopt the agenda as presented, seconded by Commissioner Naves and carried (5-0)

3. APPROVE MINUTES FEBRUARY 19, 2020: Chair Hendrickson asked if there were any additions or corrections to the February 19, 2020 Planning Commission Minutes and there was no response.

Chair Hendrickson moved to approve the February 19, 2020 Planning Commission minutes as presented, seconded by Commissioner Nelson and carried. (5-0)

4. PUBLIC HEARING: A. Consider Amendment to a Major Site and Building Plan Review, 2 Sunfish Lane: Chair Hendrickson opened the public hearing for the purpose of discussing the application for an amendment to a Major Site and Building Plan Review for property located at 2 Sunfish Lane. He introduced Interim Planner Hannah Rybak and asked that she review the proposed application.

Planner Rybak referred to the report from Planner Ryan Krzos dated April 8, 2020 and explained that the applicant, Tim Johnson, LIVIT Site & Structure, LLC, had submitted an application on behalf of the property owner to amend the previously approved site and building plan. She stated that the original plan was approved in December, 2018 and the applicant now proposes an amendment for replacement of existing stairs and a retaining wall between the lakeshore and the residential building. She noted that the stairs and retaining wall are both old and are becoming unusable and need replacements. She explained that the proposed stair would be built in the same location of the existing wooden stairs and she displayed a photo of the proposed stone steps and a potential handrail that would be installed at a later date. She also displayed photos of the existing retaining wall.

Engineer Sandberg explained that the photos shown by Interim Planner Rybak were of the existing retaining walls. He stated that the applicant proposes to install a boulder retaining wall. He apologized that sample pictures of a boulder wall were not available.

Planner Rybak referred to the Site Plan Review Criteria listed in the report and explained that the proposed improvements are compatible and in harmony with the existing structure in the surrounding community. She noted that the proposed stairs and retaining wall would be located in the same area and would not negatively impact existing trees, drainage or natural resources. She further advised that the proposed stairs and retaining wall meet the performance standards and would be an improvement to the site. She stated that the proposed lighting also meets the zoning ordinance standards.

The Planner stated that staff recommends approval of the request with the eight (8) conditions as listed in the Planning report dated April 8, 2020. She explained that the previous conditions of approval would also remain in effect, the applicant must obtain all necessary permits as required and construction must be in conformance with the approved site plan.

Robert Riesberg, 343 Salem Church Road, asked if there are photos of the proposed retaining wall.

Engineer Sandberg attempted to find the photos and apologized for the fact that they were not included with the report. He noted that they are the standard type boulders used for retaining walls.

Commissioner Beckett asked if the proposed lighting would be directed downward.

Planner Rybak explained that the proposed lighting would be directed downward and would not exceed the one (1) candle foot at the property line or lakeshore as required in the City Code. She stated that the applicant had agreed to meet the lighting standards.

Engineer Sandberg advised he was unable to locate a photo of the boulder wall.

Mr. Riesberg pointed out that for property submission, the City should have required the applicant to submit a photo of the boulder wall and also images of the proposed lighting.

Chair Hendrickson questioned if the lighting plan was submitted when the application was previously approved.

Applicant Tim Johnson responded that a diagram and photo of the proposed lighting was submitted and approved with the previous application. He explained that the lights are a dark color and a modern style that would be located on the stairs and illumination would be directed downward. He noted that on the first leg of the stairs from the lake there are over 44 risers.

Mr. Riesberg stated that if the lighting plan was already approved there is no need for further discussion.

Mr. Johnson explained that the retaining wall material was also previously approved.

Chair Hendrickson asked if the retaining wall would be only one level.

Mr. Johnson responded yes and explained that it is constructed with one-course granite boulders. He pointed out that the retaining wall should not be visible from any adjacent properties or from the lake as it is located half-way up the hillside and approximately 30 to 40 ft. from the shoreline.

Chair Hendrickson asked if there were any further questions from the public and hearing no response, closed the public hearing.

Chair Hendrickson asked if there were any questions or comments from the Commission.

Commissioner Driano asked if the lighting and retaining wall were approved in the previous plan.

Chair Hendrickson responded yes and asked if there were any further questions from the Commissioners. There was no response.

Commissioner Naves moved to recommend approval of the application for an amended Major Site and Building Plan for property located at 2 Sunfish Lane, based on the findings of fact and subject to the conditions as listed in the Planner's report dated April 8, 2020, seconded by Commissioner Driano and carried. (5-0)

Engineer Sandberg asked the applicant to send staff photo of the proposed lighting and retaining wall materials prior to the Council review on May 5, 2020.

Mr. Johnson agreed to send the information and asked if the previous lighting plan would work for the site.

Engineer Sandberg responded that the previous lighting plan would still be valid, but asked that Mr. Johnson also include a copy of the plan when he sent the other information.

Commissioner Driano asked Mr. Johnson if he had a projected completion date for the site.

Mr. Johnson explained that he is only an exterior contractor and that it is his opinion the outdoor areas are near completion,

but the residential portion of the site still needs work. He commented that he would most likely begin this project in May once approval was secured.

OTHER/NEW BUSINESS: Chair Hendrickson asked if the Planner anticipates there would be a Planning meeting in May.

Planner Rybak explained that there was one application that is pending at this time and she was unsure if the submission would be complete in order to place it on the May agenda.

Chair Hendrickson asked if there was any further business and there was no response.

ADJOURN: Commissioner Beckett moved to adjourn the meeting at 7:20 p.m., seconded by Commissioner Nelson and carried. (5-0)

Respectfully submitted,

Catherine Iago, City Clerk



Memorandum

To: Sunfish Lake Mayor Dan O'Leary and City Council Members

From: Hannah Rybak
Interim City Planner

Date: April 29, 2020

Re: Sunfish Lake – Planning Update for May City Council Meeting
WSB Project No. 015255-000

April Planning Commission Meeting

2 Sunfish Lane

The Planning Commission reviewed the request for an amendment to the major site and building plan review at their April meeting. The amendment was requested to allow for the replacement of two lakeside stairways and a retaining wall. The Planning Commission voted 5-0 to recommend conditional approval of the request.

Additional Planning Updates

39 Windy Hill Road

Staff reviewed an updated plan submittal for a major site and building plan review and conditional use permit (due to non-conforming existing lot). The updated submittal did not meet engineering requirements. Staff is working with the Applicant on completion of the necessary materials to place on a future Planning Commission agenda.

118 Salem Church Road

Staff approved a minor site and building plan review for a deck replacement at 118 Salem Church Road.

2150 Charlton Road

Staff reviewed a request for a building permit to construct a pool at 2150 Charlton Road. The building permit plans for the pool were consistent with the previously approved major site and building plan review. The plans also contained minor modifications to the landscaping plan: a slight reduction in the size of the driveway, for the purpose of saving additional significant trees, and the removal of an exterior staircase, as the property owners no longer deemed it necessary. Staff determined that because the modifications were reductions to the originally approved plans, as well as "in substantial conformance" with the approved plans, that an amended site and building plan review would not be necessary.

Cc: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Jeff Sandberg and Brandon Movall, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector
Dave Dreelan, Fire Chief