

Planning Memorandum

To: Sunfish Lake City Council

From: Ryan Krzos, AICP, City Planner

Date: June 30, 2020
City Council Meeting July 7, 2020

Re: 39 Windy Hill Road – Major Site Plan Review and CUP
WSB Project No. 14912-000

GENERAL INFORMATION

Applicant:	Joe Crowley, Streeter Homes		
Property Owner:	Amanda Henke		
Project Location:	39 Windy Hill Road, PID# 38-73202-01-030		
Existing Land Use / Zoning:	Undeveloped; Zoned Single-Family Residential District, R-1 with Shoreland Overlay		
Surrounding Land Use Zoning	North:	Residential and Sunfish Lake; Zoned Single-Family Residential District, R-1 with Shoreland Overlay	
	East:	Residential; Zoned Single-Family Residential District, R-1 with Shoreland Overlay	
	South:	Residential; Zoned Single-Family Residential District, R-1 with Shoreland Overlay	
	West:	Residential; Zoned Single-Family Residential District, R-1 with Shoreland Overlay	
Comprehensive Plan:	The City of Sunfish Lake (2008) Comprehensive Plan guides this property for Rural Residential land use.		
Deadline for Agency Action:	Application Date:	03-10-2020	
	Additional Information Requested:	05-26-2020	
	Additional Information Received:	05-12-2020	
	60 Days:	07-11-2020	
	Extension Letter Mailed:	N/A	
	120 Days:	09-09-2020	

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Joe Crowley, Streeter Homes (the applicant), has applied on behalf of the property owner, for a major site plan review and conditional use permits to facilitate the development of a single-family residence on the property located at 39 Windy Hill Road.

New structures require the review and approval of a major site and building plan. Additionally, the subject site is considered a non-conforming lot as it lacks the requisite 2.5 acres in net buildable area and 150-foot minimum lot width at the Ordinary High-Water Mark. The Zoning Ordinance states that legal, non-conforming, vacant, or redeveloped substandard sized lots of record may be developed for single family detached uses upon approval of a conditional use permit. Additionally, the project includes a proposed eight-foot by 18-foot patio in the area between the building and the lakeshore. Low-profile structures including patios require the approval of a conditional use permit, if proposed between the principal building and the lakeshore within the Shoreland Overlay District.

Site and Building Plan Review, and conditional use requests require a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council. At their June 17th meeting, the Planning Commission held a public hearing, and approved a motion on a 5-0 vote recommending approval of the site and building plan request and conditional use permits. Draft minutes from that meeting are attached to this memorandum.

2. General Zoning Review

The proposed structure would be located in the central portion of the subject site. The grade changes significantly from Windy Hill Road to the lakeshore with the steeper portions closer to the lake edge. Grading of the site is proposed to accommodate the residence, which includes a lower level walkout design oriented towards the lake. Stormwater management facilities are proposed along the driveway and to the northwest of the building. The City engineer has reviewed the stormwater management, erosion control, and site grading plan and found that said plans conform to ordinance requirements.

Below is a summary table of the dimensional requirements for lots and structures in the R-1 and Shoreland Overlay District. The existing lot would not comply with the 2.5-acre net buildable area requirement as well as the lot width requirement as measured at the Ordinary High Water Mark (OHWM). The Ordinance allows the development of vacant lots not meeting the Zoning Ordinance size requirements through the issuance of a Conditional Use Permit. The project would comply with all other applicable requirements.

	R-1 Minimum Requirement	Shoreland Overlay Requirement	Proposed
Net Buildable Lot Area	2.5 acres	2.5 acres	2.96 ac gross (existing) Less than 1 ac buildable*
Lot Width at Building Setback	200 feet	200 feet	268 feet
Lot Width at OHWM		150 feet	93.6 feet*
Minimum Building Setback: Front	100 feet		228 feet
Minimum Building Setback: Side	50 feet		North: 54 ft. South: 50 ft.
Minimum Building Setback: Rear	50 feet		256 feet
Building setback from OHWM		200 feet	256 feet
Maximum Building Height	30 feet or 2.5 Stories		29'- 8" 2 Stories
Maximum Building Area	10% of lot area		1.8%
Lot Coverage		30% maximum	6.76%
Septic setback from OHWM		150 feet	429 feet

The proposed structure is designed in a traditional residential form with a pitched roof. Exterior materials consist of dark-colored fiber cement siding and with light trim and asphalt roof shingles. These materials are consistent with the surrounding residential context and are allowed by the Zoning Ordinance.

Vehicular access to the site is provided via a driveway from Windy Hill Road to a proposed attached garage. The driveway area will be graded such that slopes do not exceed 12%.

The applicant has provided an existing tree inventory as well as a landscaping plan. Plans include the removal of 67 trees in the area of the proposed building, driveway and septic area. The landscaping depicts 38 new trees within the site to include Norway Spruce, Eastern White Pine, and Quaking Aspen. Several plantings of native perennial and grasses are proposed within the stormwater facilities. The City Forester has reviewed the proposed plans and tree inventory.

An existing line of evergreen trees would provide screening of the structure for the residence to the south. New evergreen plantings noted above would provide screening to the adjoining residence to the north.

Well and septic locations are identified on the development plans in the area to the southeast of the proposed residence. Staff anticipates that these sites are adequate. No comment on the plans were provided by the City's septic inspector.

3. Ordinance Authority

SECTION 1204.02 CONDITIONAL USE PERMIT PROCEDURES provides the process for review of a conditional use permit which requires public notice and notification, a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council.

SECTION 1208.03.B. MAJOR SITE PLAN APPROVAL PROCEDURES provides the process for review of a major site and building plan which requires public notice and notification, a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council.

SECTION 1215.02 NON-CONFORMING BUILDINGS STRUCTURE USES AND LOTS PROVISIONS. L. Legal Non-Conforming Lots states; Legal, non-conforming, vacant, or redeveloped substandard sized lots of record may be developed for single family detached uses upon approval of a conditional use permit, provided that:

- a. The lot in question was legally established in accordance with Ordinance requirements existing at the time of its creation and is a separate, distinct tax parcel.
- b. The lot in question is similar in size and characteristics to and not highly divergent from other lots immediately abutting or in the adjacent area.
- c. The lot in question has frontage on a public or private street.
- d. Public health concerns (potable water and sanitary sewer) can be adequately addressed.
- e. The setback and yard requirements as determined by the City Council to be either:
 - (1) those established as part of the applicable Zoning District; or

- (2) those measurements which are common to immediately abutting properties and can be achieved while simultaneously resulting in development which complies with the character and quality of the immediate area and the objectives of the City's Comprehensive Plan and Zoning Ordinance.

f. The lot in question and related potential development is evaluated based upon criteria outlined in Section 1204, Subd. 2.F. (Conditional Use Criteria) and is found to be acceptable per these standards.

Staff Comment: The lot in question was legally established in accordance with Ordinance requirements existing at the time of its creation; is similar in size and characteristics to neighboring lots; has frontage on a private street; can be provided with water and sanitary sewage treatment; can accommodate setback and yard requirements of the R-1 Zoning District; and as noted in section 5 below is consistent the conditional use standards.

SECTION 1243.03 SHORELAND OVERLAY DISTRICT GENERAL PROVISIONS. C. provides the Accessory Structure Requirements within the Shoreland District. Specifically stating; for each buildable parcel meeting minimum lot standards or legal non-conforming lot in the City having lake frontage and containing a principal building, one (1) accessory structure may be allowed between the principal building and the building setback line from the Ordinary High Water Mark as provided for below:

1. An allowable accessory structure with a height of eighteen (18) inches or less, such as fountains, wading or fish pools, swimming pools, patios, surfaced play areas, and the like and associated landscape features such as retaining walls may be allowed as a conditional use and consistent with the following:

- a. The accessory structures are located a minimum of twenty-five (25) feet from all lot lines, six (6) feet or more from any other on-site structure (excluding low-profile features).
- b. The accessory structures are not limited to a percentage of yard area, but are required to be in conformance with the thirty (30) percent over all impervious surface requirement for lots and shall not exceed one thousand (1,000) square feet, except as herein provided by the Ordinance.
- c. Screening of low-profile accessory structures from neighboring properties and the lake shall be completed wherever possible and may be required by the City Council.

Staff Comment: The request includes an 8-foot by 18-foot (144 square foot) patio between the structure and the shoreline. The patio would comply with the setback requirement noted above, would not exceed 1,000 square feet, and would not conflict with the 30% impervious area requirement. The patio would be screened from view from neighboring properties and the lake through a combination of existing and proposed plantings, and topographical changes.

4. Site Plan Review Criteria

The Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision on major projects, shall evaluate the effects of the proposed site and building plans. This review shall include, but is not limited to the following, with staff's comments provided in *italics*:

A. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.

The project proposes the construction of a detached single-family structure. The architectural design and placement of the structure is compatible with surrounding

residences. The improvements comply with the applicable setback, yard, building height and lot coverage requirements.

B. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.

The placement of the structure is proposed in the central portion of the site, roughly 250 feet from the lakeshore. Five existing White Pine trees to the south of the proposed home site are to be preserved for screening and aesthetic purposes. Additional plantings will also screen the residence from surrounding property. Vegetation in the area between the shoreline and the building site will remain, with the exception of the area containing a stormwater facility; however native perennials and grasses would be planted in this area. A tree inventory of this site was submitted and reviewed by the City Forester.

C. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.

The proposed building will be finished with dark-colored fiber cement siding and with light trim and will have an asphalt roof. These materials are allowable by section 1219.03 of the Zoning Ordinance.

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.

The project is not expected to adversely impact any of the above noted natural resources.

E. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.

The proposed residence is a traditional residential style with regard to architecture. The building complies with the applicable building height, exterior material, and setback requirements. Accordingly, the appearance is not likely to have an adverse effect on adjacent properties.

F. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of this Ordinance.

Drainage plans were reviewed by the City Engineer. The proposed improvements would comply with requirements regarding engineering, stormwater management and site grading.

G. Whether the proposed site and improvements are consistent with the purposes of this Ordinance and the Property Owner Reference & Development Guide Manual, as established by City Council resolution.

The proposed improvements comply with the general provisions of the R-1 District, Shoreland Overlay District, and other applicable design and performance standards.

5. Conditional Use Criteria

The Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision on conditional use permits, shall evaluate the effects of the proposed conditional use. This review shall include, but is not limited to the following, with staff's comments provided in *italics*:

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

The Comprehensive Plan guides the site for Rural Residential land use. The proposed single-family detached dwelling and related improvements are consistent with the types of land uses envisioned by this future land use category.

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

Surrounding properties are developed with similarly situated detached single-family residences, which are guided to remain rural residential.

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

The proposed use is anticipated to comply with the applicable performance standards contained in the Zoning Ordinance including provisions related to noise, refuse, and light.

The subject lot complies with the requirements of Section 1215.02(L) relating to the development of vacant nonconforming lots. The lot in question was legally established in accordance with Ordinance requirements existing at the time of its creation; is similar in size and characteristics to neighboring lots; has frontage on a private street; can be provided with water and sanitary sewage treatment; can accommodate setback and yard requirements of the R-1 Zoning District; and is consistent with this and the other conditional use standards.

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

The proposed use is consistent and compatible with neighboring single-family residential land uses.

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

The use is not anticipated to have negative impacts on surrounding property values.

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

The proposed use will not produce traffic in excess of the capability of the public and private roadways serving the site.

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

The proposed use is anticipated to marginally increase demand on parks, schools, streets, utilities, and City services. These facilities and services have capacity to serve this increased demand.

Additional Shoreland Overlay evaluation criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site shall be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The City Engineer has reviewed the stormwater management and site grading plan and is recommending approval.

2. The visibility of structures and other facilities as viewed from public waters is limited.

The proposed structure is set back more than 250 feet from the lakeshore. Much of the vegetation in the shoreland area will be maintained save for the area where the stormwater facility is to be located, limiting the visibility of the structure from the lake.

3. The site is adequate for water supply and on-site sewage treatment.

Well and septic locations are identified on the development plans in the area to the southeast of the proposed residence. Staff anticipates that these sites are adequate. No comment on the plans were provided by the City's septic inspector.

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

The proposed detached single-family use is not likely to generate watercraft incompatible with Sunfish Lake.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff and the Planning Commission recommend conditional approval of the site and building plan and conditional use permits subject to the following findings of fact and conditions of approval:

Findings of Fact:

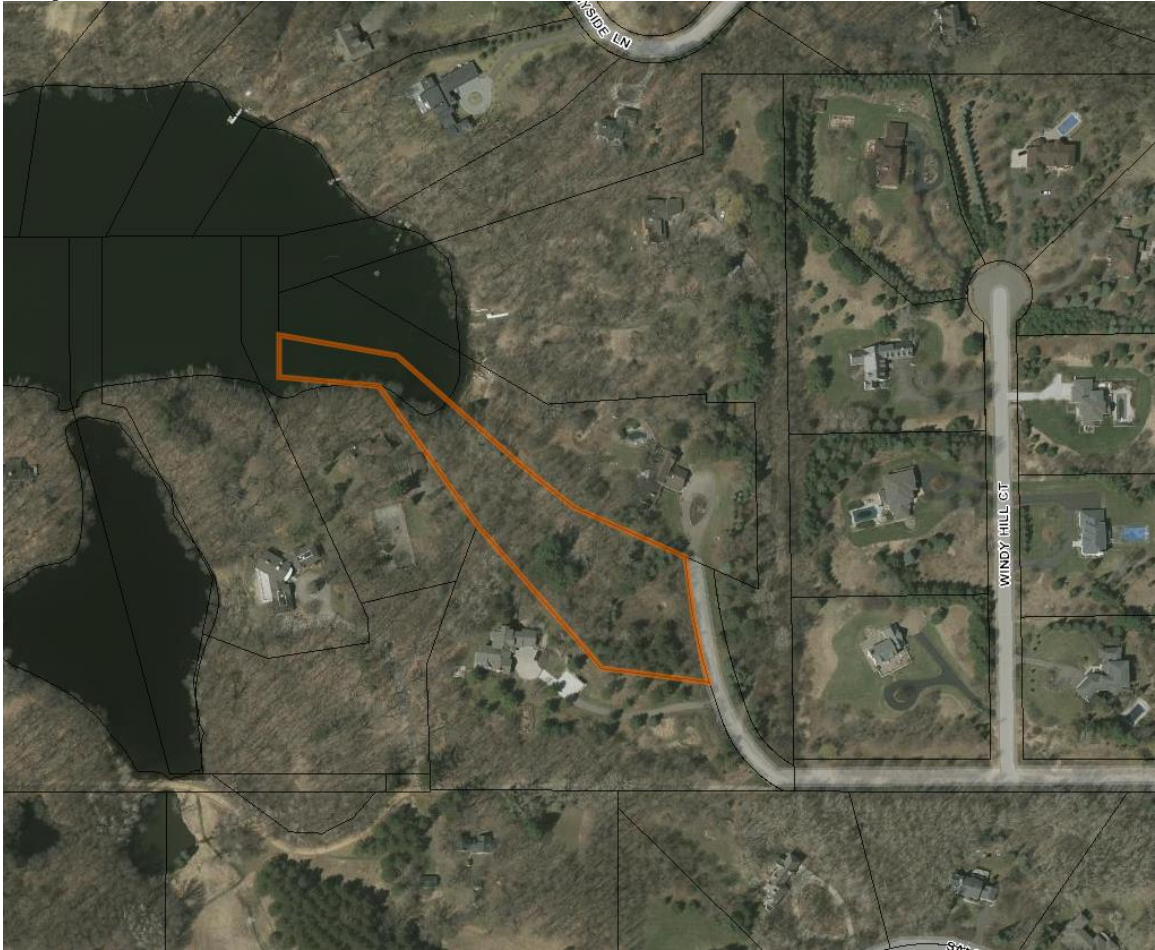
1. The address of the subject property is as follows:

39 WINDY HILL ROAD SUNFISH LAKE, MN 55077
2. The planning report dated June 9, 2020 prepared by WSB is incorporated herein by reference.
3. Requests for major site and building plan review and conditional use permits require Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan and conditional use permit approval at the June 17, 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 and proposed conditional uses meet Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The subject lot complies with the criteria listed in Section 1215.02(L) of the City Code as it relates to development of vacant legal non-conforming lots.
 - b. The proposed improvements meet R-1 and Shoreland Overlay District requirements and standards.
 - c. The proposed development addresses Ordinance requirements pertaining to grading, drainage and stormwater management, landscaping, and screening.
 - d. The development meets other applicable Zoning Ordinance criteria.

Conditions of Approval:

1. Construction shall occur in substantial conformance with the plans presented at the June 17, 2020 Planning Commission meeting.
2. Compliance with the City Engineer's report dated May 12, 2020.
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.

Subject Site



Memorandum

To: Ryan Krzos, AICP – City Planner

From: Jeff Sandberg, PE – City Engineer
Brandon Movall, EIT – Graduate Engineer
Kendra Fallon, EIT – Graduate Engineer

Date: May 12, 2020

Re: Major Site and Building Plan Review, Resubmittal 05/11/20
39 Windy Hill Rd
City of Sunfish Lake, MN
WSB Project No. 014912-000

Project Background

The Applicant is proposing to construct a new house along with the necessary grading and stormwater improvements on a currently undeveloped parcel of land. The following review is only for the engineering, stormwater management, and site grading issues. The building compliance will be handled by the City planners and building inspectors.

The following requirements and comments need to be addressed as the project moves forward:

Stormwater Management

1. An as-built of the critical pond elevations and dimensions will be required upon completion.
2. Soil borings were not taken in the proposed location of infiltration basin 2. Without soil borings the applicant assumes the risk of finding soils unsuitable for infiltration during construction which would require redesigning the basin.

Site Grading

1. Staff has requested that disturbance and site grading on the lake side of the home be minimized to the extent possible. The infiltration basin size has been reduced to an acceptable extent.

Erosion Control and Restoration

1. Staff has no additional erosion control comments at this time. Erosion control may be revised in the field per staff direction in order to accommodate for unforeseen circumstances.

Site Access

1. The applicant has been advised that they are responsible for any damage caused to the public streets as a result of the proposed construction.

Conclusion and Recommendations

Based upon our review of the engineering, stormwater management and site grading for 39 Windy Hill Rd, we have determined that the proposed site and grading plans dated May 11, 2020 are in accordance with City requirements and recommend approval from an engineering standpoint for this project.

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

RESOLUTION NO. 20-XX

**RESOLUTION APPROVING A MAJOR SITE AND BUILDING PLAN AND
CONDITIONAL USE PERMITS FOR THE PROPERTY LOCATED AT 1 SUNFISH
LANE, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Joe Crowley, on behalf of Amanda Henke, submitted an application for a major site and building plan review and conditional use permits to permit construction of a new home on the property located at 39 Windy Hill Road, legally described as:

Lot 3, Block 1, Sunfish Acres Replat No 2, Dakota County, Minnesota

With PID 38.73202.01.030

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated June 9, 2020 prepared by WSB and engineering reports prepared by WSB dated May 12, 2020; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their June 17, 2020 meeting and reviewed the major site and building plan application and conditional use permit applications, 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 permits on a vote of 5-0; and

WHEREAS, the following findings support the Planning Commission recommendation for approval:

1. The address of the subject property is as follows:

39 WINDY HILL ROAD
SUNFISH LAKE, MN 55077

2. The planning report dated June 9, 2020 prepared by WSB is incorporated herein by reference.
3. Requests for major site and building plan review and conditional use permits require Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan and conditional use permits approval at the June 17, 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 and proposed conditional uses meet Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The subject lot complies with the criteria listed in Section 1215.02(L) of the City Code as it relates to development of vacant legal non-conforming lots.
 - b. The proposed improvements meet R-1 and Shoreland Overlay District requirements and standards.
 - c. The proposed development addresses Ordinance requirements pertaining to grading, drainage and stormwater management, landscaping, and screening.
 - d. The development 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 permits at their meeting on July 7, 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 approves the major site and building plan request and the conditional use permit requests for 39 Windy Hill Road with the following conditions:

1. Construction shall occur in substantial conformance with the plans presented at the June 17, 2020 Planning Commission meeting.
2. Compliance with the City Engineer's report dated May 12, 2020.
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 7th day of July 2020.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

- DRAFT -
SUNFISH LAKE PLANNING COMMISSION MEETING – JUNE 17, 2020
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Chair: Tom Hendrickson
Commissioners: Ginny Beckett, Shannon Nelson, Dominick Driano and Jeannine Naves
City Planner: Ryan Krzos
City Clerk: Cathy Iago

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 Beckett and carried (5-0)

3. APPROVE MINUTES APRIL 15, 2020: Chair Hendrickson asked if there were any additions or corrections to the April 15, 2020 Planning Commission Minutes and there was no response.

Commissioner Naves moved to approve the April 15, 2020 Planning Commission minutes as presented, seconded by Commissioner Driano and carried. (5-0)

4. PUBLIC HEARING: A. Major Site and Building Plan Review and Conditional Use Permits, 38 Windy Hill Road, Henke Property:

Chair Hendrickson opened the Public Hearing to discuss the Major Site and Building Plan Review and Conditional Use Permits for property located at 39 Windy Hill Road. He asked the Planner to review the request.

Planner Krzos explained that the applicant, Joe Crowley, Streeter Homes, applied on behalf of the property owner for a Major Site and Building Plan review and Conditional Use Permits to facilitate the development of a single-family residence on a vacant, legal non-conforming lot at 39 Windy Hill Road. He stated that the subject site is considered non-conforming as it lacks the required 2.5 acres in net buildable area and a 150-foot minimum lot width at the Ordinary High-Water Mark (OHWM). He noted that the City Zoning Ordinance states that legal, non-conforming, vacant or redeveloped substandard size lots of record may be developed for single family detached uses upon approval of a Conditional Use Permit (CUP).

The Planner reviewed the dimensional requirements for lots and structures in the R-1 and Shoreland Overlay District on page 2 of his report dated June 9, 2020. He stated that the existing lot does not comply with the 2.5-acre net buildable area as well as the lot with requirement measured at the OHWM. He explained that the Ordinance was constructed to allow the development of vacant lots not meeting the Zoning Ordinance size requirements through issuance of a CUP.

He advised that the project does comply with all other applicable requirements and meets other setback requirements for maximum building height and area, lot coverage, and building setbacks from the front, side and rear. He further advised that the Septic setback from the OHWM was sufficient. He displayed the building elevations attached to his report and explained that the exterior building materials of fiber cement siding and trim are allowed in the Ordinance.

The Planner stated that a tree inventory was provided by the applicant and that the Landscape Plan shows sixty-seven (67) trees to be removed and thirty-eight (38) trees to be replaced that include Norway Spruce, Eastern White Pine, and Quaking Aspen. He further noted that several planting of native perennial and grasses are proposed within the stormwater facilities. He noted that the site is heavily wooded and that there would be significant screening near the driveway and garage location. He further advised that the applicant had agreed to provide additional trees to screen the property to the north if necessary.

Planner Krzos stated that the City Forester has reviewed the proposed plans and tree inventory and recommended approval.

The Planner showed the proposed driveway location from Windy Hills Road and noted that this is a private road and that easements are in place to accommodate access to the property.

Planner Krzos stated that the Well and Septic locations are identified on the development plans and staff anticipates that these sites are adequate; he advised that no comment on the plans were provided by the City's Septic Inspector.

The Planner referred to page 3 of his report and reviewed the Site-Plan criteria for approval of non-conforming buildings structure uses and lot provisions. He advised that the proposed application meets the high-quality building material requirements, that the plan would have no adverse effect on adjacent parcels or natural resources, and that the building and elevations would fit with surrounding properties.

Planner Krzos stated that the City Engineer had reviewed the application and found that it complies with grading and drainage and stormwater management requirements and that he recommended approval of the request.

The Planner advised that no structure is allowed to be located between the building and the lakeshore without approval of Conditional Use Permit. He explained that the request includes an 8-ft by 18-ft. patio between the structure and the shoreline. He stated that the patio complies with the setback requirements, does not exceed 1,000 sq. ft. and meets the 30-percent impervious area requirement. He stated that the patio would be screened from view from neighboring properties and the lake through a combination of existing and proposed plantings and topographical changes. He noted that the proposed patio would meet the criteria requirements for approval.

Planner Krzos reviewed the Shoreland Overlay District criteria for approval of a Conditional Use Permit and advised that the proposed application meets soil erosion control, and stormwater management requirements and would have no negative impact on the viewshed from the lake since most trees between the disturbed area and lakeshore will remain in place.

Staff recommends approval of the requests for a Major Site and Building Plan review and Conditional Use Permits for the property at 39 Windy Hill Road based on the Findings of Fact and conditions of approval as listed in the Planner's report dated June 9, 2020. Planner Krzos offered to respond to questions.

Chair Hendrickson asked if the Commission had any questions>

Commissioner Driano asked the Planner to display the Ordinary High-Water Mark (OHWM) on the proposed plan.

Planner Krzos showed the location of the OHWM locate 250 ft. from the proposed building.

Chair Hendrickson noted that the survey dated October 1, 2019 shows the OHWM approximately 6-inches behind the 937.3 elevation.

Commissioner Driano asked if the building setback would be within the requirements and the Planner responded yes.

Commissioner Driano asked where the patio is located and the Planner responded that it is between the proposed home and the retention pond.

Chair Hendrickson asked the width of the patio from the home.

Planner Krzos responded that the proposed patio is 8-ft. by 18. Ft.

Chair Hendrickson asked if there were any further questions from the Commission and, hearing none, opened the meeting for comments from the public. He asked that anyone wishing to speak provide their name and address or business title for the record.

Joe Crowley of Streeter Homes thanked staff for their presentation and stated that the property owner is excited to begin building her home in Sunfish Lake.

Amanda Henke, property owner, stated she is excited to become part of the community. She explained that she grew up in a

similar small community and she thanked staff for a thorough report.

Matt Byers, PLAAD, LLC, thanked staff for their presentation and the Commission for their review.

Planner Krzos explained that staff was contacted by a resident who expressed concern relating to the parking of construction vehicles and equipment during the project. He stated that he advised this person any complaints regarding construction parking would be handled on a case-by-case basis. He further explained that because the driveway is located on a private easement, the property owner would be responsible to monitor the parking situation. He advised that he discussed this matter with Joe Crowley, the builder, and advised him not to obstruct traffic in this area. He noted that Mr. Crowley advised it was his intent to keep the construction equipment within the site as much as possible.

Bonnie Holub, 9 Salem Lane, stated she is a neighbor to the property. She referred to the proposed drawing of the home and asked if the horizontal stripes shown on the porch columns would be colored and, if so, what color is proposed.

Matt Byers explained that the home design is based on a traditional Norwegian style of home and that the columns contain a design that is produced on a lathe; he advised that the stripe would not be colored, only carved into the wood column.

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

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

Commissioner Driano welcomed Ms. Henke to the City and asked if she had a chance to meet any of her neighbors.

Ms. Henke stated she had met Ann O'Hagan on several occasions and considered her to be a close friend. She explained she had not met any other neighbors yet.

Commissioner Driano noted that there is a "cut-out" at the end of Windy Hill Road that is used by the Fire Department for a turn-around, however, he was not suggesting this area be used to park construction equipment.

Chair Hendricksen reminded Mr. Crowley that parking and clean up of dirt on the road would most likely be an issue for neighbors in the area.

Mr. Crowley stated he would reach out to neighbors to discuss their concerns once construction begins.

Chair Hendrickson asked if there were any further comments or questions and there was no response.

Commission Driano moved to recommend approval of the Major Site and Building Plan review and Conditional Use Permits for property located at 39 Windy Hill Road, based on the Findings of Fact and Conditions as listed in the Planner's report dated June 9, 2020, seconded by Commissioner Nelson and carried. (5-0)

Commissioner Driano asked when the applicant plans to begin construction.

Mr. Crowley stated that construction could potentially begin near the end of July, pending formal approval of the application.

OTHER/NEW BUSINESS: Chair Hendrickson asked if there would be a meeting scheduled in July and the Planner responded yes.

Commissioner Driano asked if staff had done any further investigation with the churches in town relating to the sign ordinance update.

Planner Krzos explained that the sign ordinance was placed on hold by Council until such time as a public meeting could be held in person. He noted that Mayor O'Leary directed staff to process any sign applications received if the application met all the requirements of the proposed sign ordinance amendments that also included verbiage relating to upgrading non-compliant signage. He stated that he had contact all four (4) of the churches to discuss the Mayor's directive, however, he had not heard from any of the churches regarding new signage applications.

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

ADJOURN: Commissioner Nelson moved to adjourn the meeting at 7:35 p.m., seconded by Commissioner Beckett and carried. (5-0)

Respectfully submitted,

Catherine Iago, City Clerk