

Planning Memorandum

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

From: Lori Johnson, City Planner

Date: February 8, 2022

Re: 2150 Charlton Road – Major Site Plan Review and Conditional Use Permit
WSB Project No. 19248-000

GENERAL INFORMATION

Applicant:	Ryan Slipka, Southview Design		
Property Owner:	Erik and Cathy Weis		
Project Location:	2150 Charlton Road		
Existing Land Use / Zoning:	R-1 Single Family, Shoreland Overlay District		
Surrounding Land Use / Zoning:	North:	R-1 within the Shoreland Overlay District	
	East:	R-1 within the Shoreland Overlay District	
	South:	R-1 within the Shoreland Overlay District (south of lake)	
	West:	R-1 within the Shoreland Overlay District	
Code Sections	1241 of the Zoning Ordinance (R-1) 1243 of the Zoning Ordinance (Shoreland Overlay)		
Comprehensive Plan:	The City of Sunfish Lake Comprehensive Plan guides this property for Rural Residential land use.		
Attachments:	Location Map Existing Survey Proposed Site Plan Site Photos (5) Engineer's Memo Resolution Public Comment		
Deadline for Agency Action:	Application Complete Date:	12-10-2021	
	60 Days:	02-07-2022	
	City Council:	02-08-2022	
	Extension Letter Mailed:	01-10-2022	
	120 Days:	03-11-2022	

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Ryan Slipka of Southview Design has applied on behalf of Erik and Cathy Weis (property owners) for a major site plan review to add a walkway to the lake and a small seating area in the rear yard of the property located at 2150 Charlton Road (constructed in 2019).

According to the Ordinance the City Planner shall have the authority to require the project to be processed as a major site plan if it is determined that significant issues are generated which require policy direction or cause area-wide concern. It was determined by the City Planner that this project requires major site plan approval. Given the complexity of the project, the proximity to Sunfish Lake and the visibility of the project, the major site plan approval process was selected.

Site Plan Review requests require a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council. The Planning Commission held a public hearing on January 20, 2022 for this project. The details of that meeting are provided later in this report.

The attached plan indicates the location of the proposed walkway (150 square feet) and the proposed seating area (176 square feet) on the top of the slope in the rear yard. The walkway to the lake is proposed on a steep slope and consists of monolithic stair units separated by compacted gravel areas. Rocks are also used in the design surrounding the walkway to control erosion on the slope. The only clearing to occur will be surrounding the walkway itself and fescue grass will be planted to re-establish the area surrounding the walkway.

There is a 176 square foot round stone patio (seating area) that will be installed on the flat part of the rear yard immediately adjacent to where the steep slope starts down to the lake. Please see the pictures attached to this staff report.

Staff (City Planner, City Engineer, City Forester) met on site with the applicant to review the plans and review the area in person. After some discussion, and after a couple of different plan iterations, the plan presented for this application has been determined to be the best alternative for the path to the lake as it disrupts the least amount of land possible and provides every effort to control the grade and erosion issues.

This site is located within the Shoreland Overlay District. The Shoreland Overlay District requires a conditional use permit for accessory structures of 18 inches or less located in the yard adjacent to the lake. Patios are specifically called out in this section of the ordinance as needing approval of a conditional use permit. The patio will be less than 18 inches in height and is relatively small. The patio is not located on the steep slope adjacent to Sunfish Lake. Due to the location of the patio, it should not be visible to properties on either side of this site due to heavy vegetation.

The Shoreland Overlay District also allows the stone path to the lake provided the following requirements are met:

- The stones cannot exceed four feet in width.
- The landing near the lake cannot exceed 32 square feet.
- There can be no canopies or roofs over the path.

- The path should be located in the most visually inconspicuous portion of the lot as viewed from the lake.
- The path can be constructed of stone provided they are designed and installed in a manner that ensures control of soil erosion.

A condition has been added to the findings of fact that the stones installed on the path cannot exceed four feet in width. There is no landing adjacent to the lake as the path will lead directly to a dock. There is no roof or canopy proposed over the path. The location of the path has been determined to be the most visually conspicuous and it is in the preferred location that saves existing vegetation and ensures control of soil erosion.

As noted on the plans, the work to install the path to the lake and the patio will be done by hand/small equipment rather than by large equipment. There must also be no disturbance below the DNR OHWL without a DNR permit.

Docks are also allowed in the Shoreland Overlay District. They must not be permanently affixed to the shore or lake bottom. They shall not be greater than four feet in width or larger than 200 square feet in area. They shall not extend more than 50 feet from the lake shore.

The proposed dock is 230 square feet, which is 30 feet larger than what is allowed. A condition of approval has been added to the findings of fact that the dock be reduced to 200 square feet in size. Furthermore, parts of the dock are greater than four feet in width, so a condition has also been added that requires the dock to meet this requirement. The dock only extends 30 feet into the lake.

No significant tree removal is proposed with this plan.

When the site visit was conducted it appeared as though the homeowner had mowed areas within the shoreland impact zone on site adjacent to the lake. A friendly reminder has been added to the conditions of approval that reiterates the need to preserve the native vegetation in this area.

After speaking with the applicant it was determined that the survey contours were provided using LIDAR which can be off by as much as four feet at times due to vegetation and conditions when the aerial was shot. A condition has been added to the major site plan approval that requires the patio and other improvements to be staked out in the field by the surveyor and reviewed and approved by city staff prior to the start of any construction.

2. 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 plan. 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 this Ordinance.
- 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.

3. Conditional Use Permit 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 conditional use. This review shall include, but is not limited to the following:

- A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- B. No commercial or home occupation activities are conducted on the property.
- C. The building has an evident re-use or function related to the principal use.
- 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.
- 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.

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.
- 2. The visibility of structures and other facilities as viewed from public waters is limited.
- 3. The site is adequate for water supply and on-site sewage treatment.
- 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 watercrafts.

The information provided in this staff report and on the proposed plans indicate that all above criteria have been met for major site plan approval, conditional use permits and shoreland considerations.

NOTE: These plans and report have been sent to the DNR representative as required by the Shoreland Overlay District requirements.

One public comment was received in support of this application and is attached to this staff report.

UPDATES

The Planning Commission reviewed this item at their January 20, 2022 Planning Commission meeting where a public hearing was also held. No one was present from the public at the public hearing. The representative of the homeowners, Robert Latham from Southview Design, spoke on their behalf and explained the project. The Planning Commission voted unanimously to approve the conditional use permit and major site plan review.

Since the Planning Commission meeting, Mr. Latham has approached staff with a planting plan that is different than what was presented at the Planning Commission meeting. The City Engineer, the City Forester and the City Planner met with Mr. Latham and a member of his staff to review the plan. It was concluded that the planting plan was substantially different than what was presented to the Planning Commission but the walkway, dock and patio remain unchanged. All agreed that an amendment to the major site plan review would be required to ensure the public and the Planning Commission have an opportunity to review the new plan. Mr. Latham has been given the application and information for that process.

Given the changes that have been proposed, a condition has been added to the resolution of approval which indicates that the approval granted is only for the walkway, dock and patio and that it does not include the planting plan. It also states that a major site plan review amendment is required to obtain approval for the planting plan.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends approval of the site plan and conditional use permit subject to the following findings of fact and conditions of approval:

Findings of Fact:

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

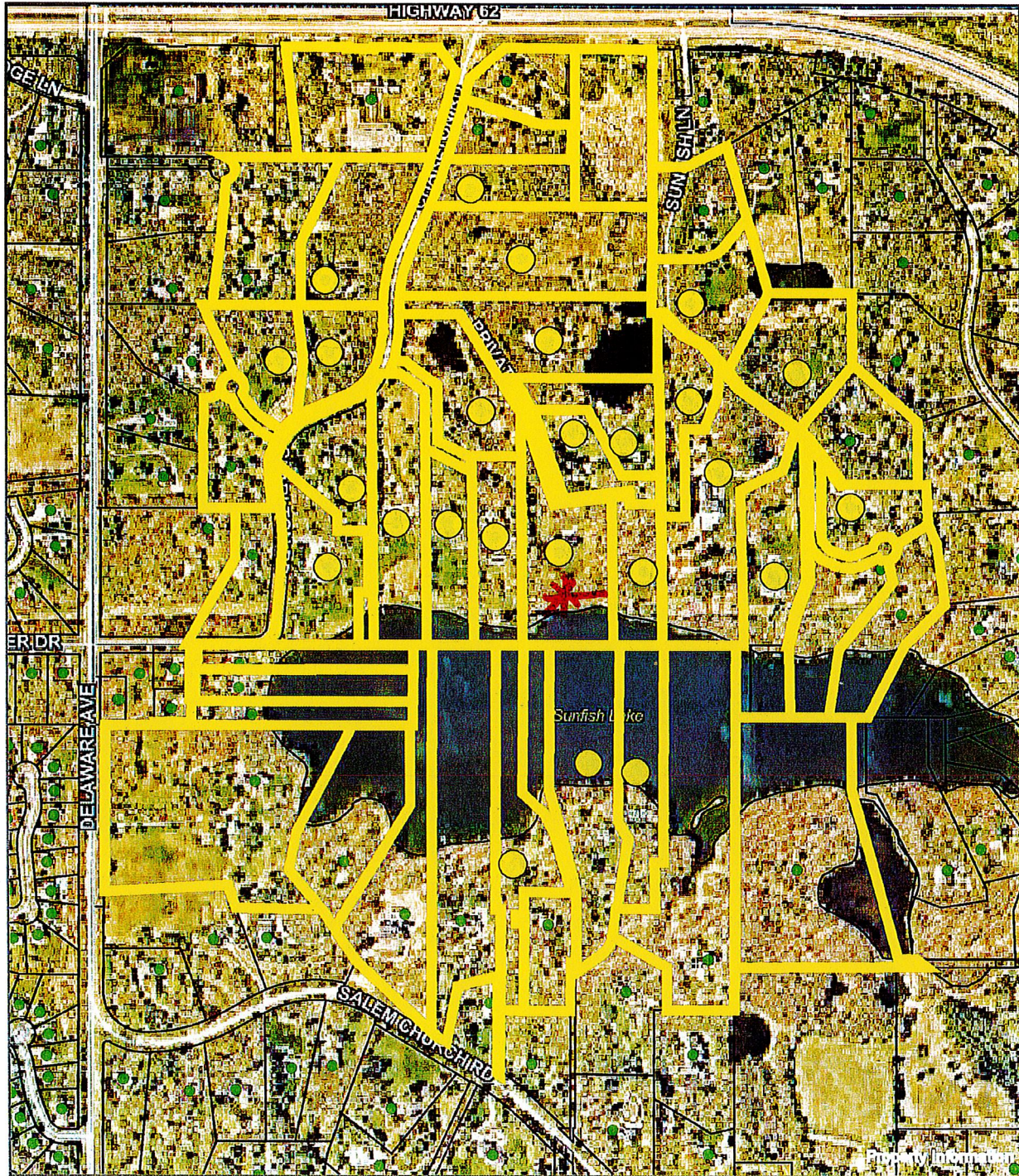
2150 CHARLTON ROAD,
SUNFISH LAKE, MN 55118
2. The planning report dated January 20, 2022 prepared by WSB is incorporated herein by reference.
3. The Applicant submitted applications for a major site plan review and a conditional use permit for a walkway to the lake and patio in the rear yard of the property.

4. Requests for major site plan approval and conditional use permits require Planning Commission review and City Council approval.
5. Upon review of the planning report and application information, the Planning Commission found that the proposed site plan meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet R-1 District and Shoreland Overlay District requirements.
 - b. The proposal addresses Ordinance requirements pertaining to grading, drainage and stormwater management, and screening.
 - c. The development meets other applicable Zoning Ordinance criteria.

Conditions of Approval:

1. Construction of the walkway, dock and patio shall occur in substantial conformance with the plans presented at the January 20, 2022 Planning Commission meeting. The resolution of approval does not apply to the landscape plan shown on the plans presented at the Planning Commission meeting. A major site plan review amendment must be processed to review the plantings associated with this project.
2. The applicant must comply with all requirements described in the Engineer Memo dated January 10, 2022.
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.
9. The patio and other improvements to be staked out in the field by the surveyor and reviewed and approved by city staff prior to the start of any construction.
10. The applicant is made aware as part of this process that the area within the Shoreland Impact Zone cannot be mowed or maintained and must remain in its natural state.
11. The stones installed on the path cannot exceed four feet in width.
12. The dock must not be permanently affixed to the shore or lake bottom.
13. The dock must be reduced to 200 square feet in size and no part of the dock shall be wider than four feet.

notification map



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed.
This is not a legal document and should not be substituted for a title search, appraisal, survey, or
for zoning verification.

Map Scale
1 inch = 600 feet
1/3/2022

* 2150 Charlton Road











Memorandum

To: Lori Johnson, City Planner

From: Jeff Sandberg, PE – City Engineer

Date: January 10, 2022

Re: 2150 Charlton Road – Lake Access Plan
City of Sunfish Lake, MN
WSB Project #019248

Project Background

The Applicant is proposing to construct a pedestrian access to the lake. The home was built in 2019, and the steep grades to the lake at this property creates accessibility issues to a future dock that the homeowner would like to utilize. Comments are based on the submittal received from the applicant on December 14, 2021.

General Notes

Staff has met on-site a number of times with the homeowner's landscape designer. In the creation of the plan, it was stressed that no work could be completed below the DNR Ordinary High Water Level (OHWL) without a DNR permit. Additionally, the first 16.5' from the OHWL is protected and work within that zone should be minimized. There is also a critical Shoreland Zone with protections to minimize disturbance/ improvements within that area. Through a number of iterations of the plan, the applicant has satisfied all of staff's concerns.

The plan will consist of a straight stone stairway through the 16.5' protected zone – with no permanent landing at the lake (it is assumed that the dock will be placed at the bottom of the stairs). Additionally, intermittent gravel pathways and short sections of stairs will slightly meander through the critical Shoreland Zone through the steep grades. Natural stones/ boulders will be placed to hold the grade back (in lieu of retaining walls). The area will be planted with low-maintenance native vegetation which has been reviewed and approved by staff.

A firepit area is proposed above the slope to the lake in a flat area that has a maintained lawn at present. The limited firepit area of size and location as shown on the plan is supported by staff.

Grading, Erosion Control and Restoration

1. The applicant must provide an erosion control/ staging plan for staff approval prior to any work being initiated. Staff must conduct an inspection of the erosion controls prior to any work being initiated.
2. There shall be no large equipment in the critical Shoreland Zone and no mass grading. All work shall be by hand placement/ small equipment.

Conclusion and Recommendations

Based upon our review of the engineering, stormwater management and site grading for the proposed improvements, we have determined that the proposed plan dated December 16, 2021 meets the requirements for improvements within the critical Shoreland Zone. Staff appreciates the applicant's cooperation in the adjustments that have been made to their plan to meet city requirements and still provide them the ability to access the lake and enjoy their property.

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Ryan Slipka, Southview Design, on behalf of Erik and Cathy Weis

Request: The applicant requests City approval of a major site plan to construct a walkway to the lake and a small seating area in the rear yard of the property.

Planning Commission Meeting Date: January 20, 2022

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 location of the subject property is as follows:

2150 CHARLTON ROAD,
SUNFISH LAKE, MN 55118
2. The planning report dated July 20, 2022 prepared by WSB is incorporated herein by reference.
3. The Applicant submitted applications for a major site plan review and a conditional use permit for a walkway to the lake and patio in the rear yard of the property.
4. Requests for major site plan approval and conditional use permits require Planning Commission review and City Council approval.
5. Upon review of the planning report and application information, the Planning Commission found that the proposed site plan meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet R-1 District and Shoreland Overlay District requirements.
 - b. The proposal addresses Ordinance requirements pertaining to grading, drainage and stormwater management, and screening.
 - c. The development meets other applicable Zoning Ordinance criteria.

Recommendation:

1. Construction shall occur in substantial conformance with the plans presented at the January 20, 2022 Planning Commission meeting.

2. The applicant must comply with all requirements described in the Engineer Memo dated January 10, 2022.
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.
9. The patio and other improvements to be staked out in the field by the surveyor and reviewed and approved by city staff prior to the start of any construction.
10. The applicant is made aware as part of this process that the area within the Shoreland Impact Zone cannot be mowed or maintained and must remain in its natural state.
11. The stones installed on the path cannot exceed four feet in width.
12. The dock must not be permanently affixed to the shore or lake bottom.
13. The dock must be reduced to 200 square feet in size and no part of the dock shall be wider than four feet. Adopted by the Sunfish Lake Planning Commission this 20th day of January 2022.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

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

RESOLUTION NO. 22-XX

**RESOLUTION APPROVING MAJOR SITE PLAN REVIEW AND A CONDITIONAL
USE PERMIT TO CONSTRUCT A WALKWAY TO THE LAKE AND A SMALL
SEATING AREA IN THE REAR YARD OF THE PROPERTY AT 2150 CHARLTON
ROAD, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Ryan Slipka, on behalf of Erik and Cathy Weis, submitted an application for major site plan review and a conditional use permit to allow for the construction of a walkway to the lake and a small seating area in the rear yard of the property located at 2150 Charlton Road, legally described as:

Lot 4, Block 1, Baird Estates

WHEREAS, a request for major site plan review and a conditional use permit requires Planning Commission review and City Council approval; and

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated January 20, 2022 prepared by WSB; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their January 20, 2022 meeting and reviewed the site plan and conditional use permit application, along with the referenced staff report; 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 conditional use permit on a vote of 5-0 vote; and

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

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

2150 CHARLTON ROAD,
SUNFISH LAKE, MN 55118
2. The planning report dated July 20, 2022 prepared by WSB is incorporated herein by reference.
3. The applicant submitted applications for a major site plan review and a conditional use permit for a walkway to the lake and patio in the rear yard of the property.

4. Requests for major site plan approval and conditional use permits require Planning Commission review and City Council approval.
5. Upon review of the planning report and application information, the Planning Commission found that the proposed site plan meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet R-1 District and Shoreland Overlay District requirements.
 - b. The proposal addresses Ordinance requirements pertaining to grading, drainage and stormwater management, and screening.
 - c. The development meets other applicable Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for major site plan approval and conditional use permit at their meeting on February 8, 2022 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 plan review and conditional use permit for 2150 Charlton Road with the following conditions:

1. Construction of the walkway, dock and patio shall occur in substantial conformance with the plans presented at the January 20, 2022 Planning Commission meeting. The resolution of approval does not apply to the landscape plan shown on the plans presented at the Planning Commission meeting. A major site plan review amendment must be processed to review the plantings associated with this project.
2. The applicant must comply with all requirements described in the Engineer Memo dated January 10, 2022.
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.
9. The patio and other improvements to be staked out in the field by the surveyor and reviewed and approved by city staff prior to the start of any construction.

10. The applicant is made aware as part of this process that the area within the Shoreland Impact Zone cannot be mowed or maintained and must remain in its natural state.
11. The stones installed on the path cannot exceed four feet in width.
12. The dock must not be permanently affixed to the shore or lake bottom.
13. The dock must be reduced to 200 square feet in size and no part of the dock shall be wider than four feet.

This resolution is adopted by the City Council of the City of Sunfish Lake this 8th day of February 2022.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

I state and affirm that I agree with and accept the terms and conditions of the foregoing reviews of the major site and building plan and conditional use permit. I acknowledge that violation of any of these terms and conditions will be cause to revoke my approval. Additionally, violation of any of these terms and conditions subjects me to the sanctions of Sunfish Lake Ordinance 1210 to include, but not be limited to, misdemeanor charges.

Dated: _____

Name:

Lori Johnson

From: John Johansson <John.Johansson@transwestern.com>
Sent: Thursday, January 6, 2022 11:32 AM
To: Lori Johnson
Cc: John Johansson
Subject: 2150 Charlton Road -- site plan review



EXTERNAL EMAIL

Lori,
I received your notice regarding the Major Site Plan review for 2150 Charlton Road.
I live nearby at 1 Sunfish Lane.

Upon review of the plans, it appears to me to be a well designed plan. Most of these lots along the lake endure steep slopes – and I would encourage the City to accommodate efforts by homeowners to provide safe and permanent solutions which provide access, while allowing homeowners to enjoy and utilize lake views and access.

Please register my comments in support of this plan.
Thank you.
JJJ

John J. Johansson
Managing Director of Retail Services

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