

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Tom Ramler-Olson, AICP, City Planner

Date: May 13, 2021
Planning Commission Meeting May 20, 2021

Re: 369 Salem Church Road – CUP
WSB Project No. 017960-000

GENERAL INFORMATION

Applicant: Tim Johnson, LIVIT Site + Structure

Property Owner: Sharon and Jim Adams

Project Location: 369 Salem Church Rd - PID 380370005010

Existing Land Use / Zoning: Detached Single-Family; Zoned Residential District, R-1 within Shoreland Overlay

Surrounding Land Use Zoning

North:	Sunfish Lake
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:	04-13-2021
60 Days:	06-12-2021
Extension Letter Mailed:	N/A
120 Days:	08-11-2021

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Tim Johnson, LIVIT Site + Structure (“applicant”), has applied on behalf of the Sharon and Jim Adams (“property owner”) for a conditional use permit to add a security gate to the property located at 369 Salem Church Road (“subject property”).

The gate will be automatic, its material wrought iron, and its width 18 feet. Holding up the gate on both sides are 6-foot-tall stone columns. Stone walls will continue from the top of

each column and slope down to be 3 feet in height. The total width of this feature is designed to be 40 feet.

Conditional use permit requests require a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council.

2. General Zoning Review

Security gates are a conditional use and must comply with standards found in Section 1218.01.D.1.b. Those standards are provided along with what is proposed in *italic*:

- (1) The gate is located within the buildable area of the lot and meets structure setback requirements.

The gate is proposed to be located the required minimum 25 feet from the side property line and over 100 feet from the front property line.

- (2) The gate is no higher than six (6) feet and no wider than twenty-four (24) feet including all support structures or aesthetic features.

The gate and the supporting columns are the tallest elements standing at 6 feet in height. The width of the gate is 18 feet.

- (3) The gate design and materials are consistent with subsection 1218.01.B items 1-6 of this Section and are reflective of the style/ architectural integrity of the residence. Gates may not be constructed of more than fifty (50) percent solid matter.

The gate design complies with standards found in Section 1218.01.B. The gate itself is wrought iron and designed so as not to be constructed of more than 50 percent solid matter. The supporting columns and walls are a stone material similar to an exterior material used on the principal structure.

- (4) Gates must comply with subsection 1218.01.B item 9 (landscaping) of this Section, unless otherwise waived by the City Council.

The Applicant provided a description of the proposed landscaping around the proposed walls and columns supporting the security gate, which says the following:

The goal would be to plant similar plantings that would be at the entry of the home. These would include Hydrangea, Boxwood, mixed perennials, and 1-2 ornamental trees. Our goal is to soften the entry columns and stone features and help this area tie into the homes landscaping. Mulch or rock will be placed around the entry area to also fit in with the house landscaping.

- (5) Provision for emergency vehicle access to the property shall be arranged with and subject to the approval of the City Council and police, fire, and ambulance providers.

The Applicant has spoken with emergency service providers to incorporate the preferred feature for emergency access. A condition of approval will be that those emergency service providers review and approve building plans prior to issuance of a building permit.

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 1218 FENCING / SCREENING; Subsection 01; Paragraph D.1.b describes location and design standards that security gates must comply with.

SECTION 1218 FENCING / SCREENING; Subsection 01; Paragraph D.3 lists additional criteria by which to evaluate conditional use permits for security gates.

4. 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 (Section 1204.02.F). 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 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.

The guided land use of the subject property as those surrounding is rural residential. The proposed use will be consistent with said guided land use.

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

As shown above with the evaluation of the proposal against location and design standards found in Section 1218.01.D.1.b, the proposed use is anticipated to comply with the applicable performance standards, as well those provisions related to noise, refuse, and light.

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 will have no impact on the demand on parks, schools, and streets. It will have a marginal impact on utilities to operate the automatic gate. It will also have little impact on emergency services, provided that those services have the ability to access the property in the case of emergencies.

Additional Shoreland Overlay evaluation criteria (Section 1243.07) - 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 the required 25 feet from the side property line and more than 100 feet from the front property line. It will be obscured further with landscaping. There is enough distance and vegetation between the gate's location and the surrounding homes.

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

Not applicable.

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.

Not applicable.

CUP evaluation criteria specifically for security gates (Section 1218.01.D.3) - Standards for evaluating fence or gate conditional use and interim use permits are as follows:

1. The fence or gate placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.

The gate location is more than 100 feet from Salem Church Rd, the nearest public right-of-way, and is located the minimum setback distance from the nearest side yard. Therefore, it will not create a safety hazard to, from, or on a public street.

2. The fence or gate placement, height or design does not create a safety problem or negatively affect adjoining properties or uses.

The gate will not create a safety problem or negatively affect adjoining properties or uses as it is located completely on the subject property, and the Applicant will be required that emergency access is granted to emergency service providers.

3. The fence or gate does not negatively impact views of abutting properties or serve to distract from the open natural setting of the community.

The gate will not negatively impact the views of abutting properties or distract from the natural surroundings as it will be located an adequate distance from neighboring homes and be landscaped to soften its appearance.

4. The provisions of Section 1204.2.F of this Ordinance are considered and satisfactorily met.

Staff has reviewed the proposal against criteria for a conditional use permit and deem those criteria satisfactorily met.

RECOMMENDATION

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

Findings of Fact:

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

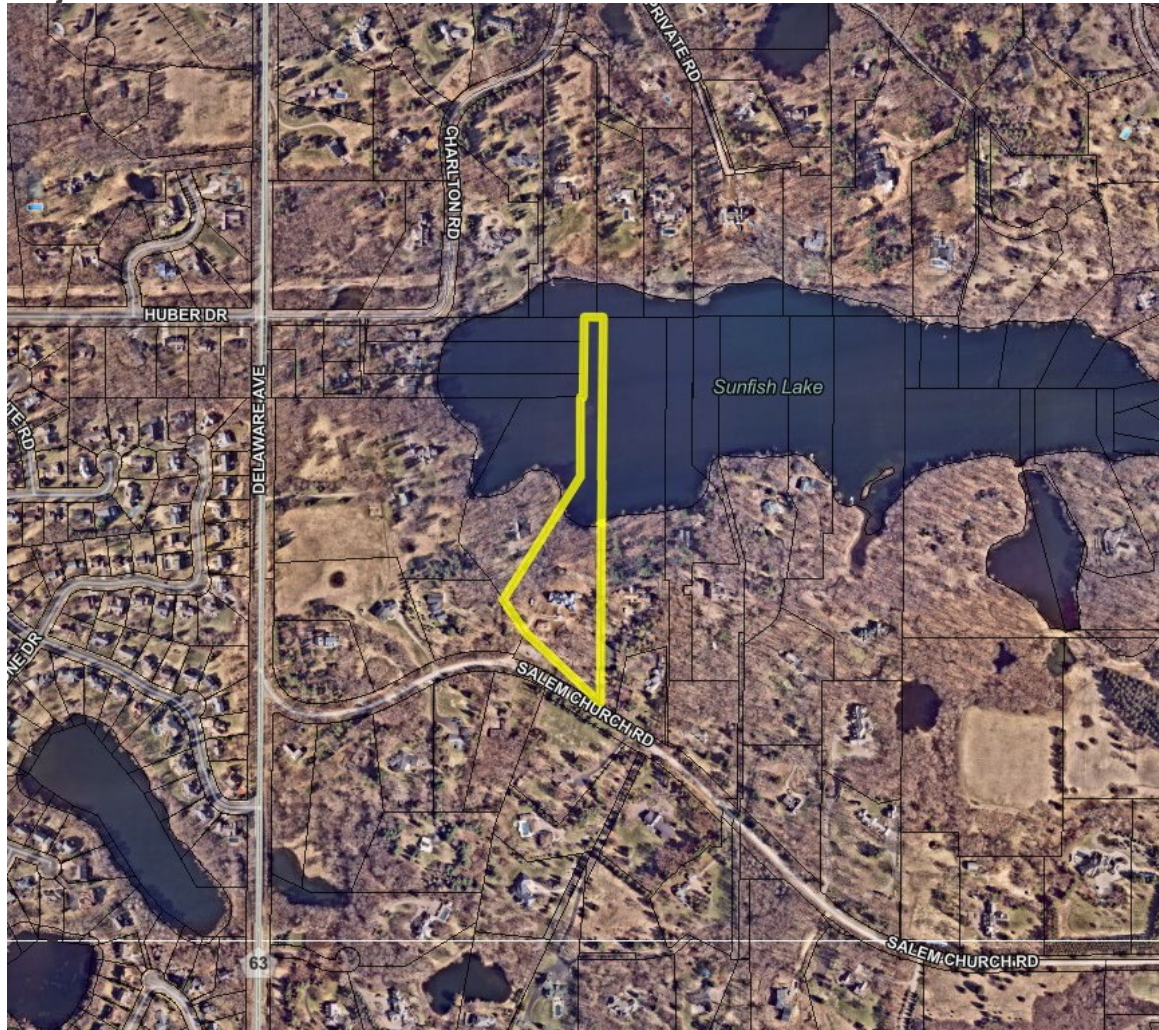
369 SALEM CHURCH ROAD
SUNFISH LAKE, MN 55118
2. The planning report dated May 13, 2021 prepared by WSB is incorporated herein by reference.
3. The Applicant submitted an application for a conditional use permit for a security gate.
4. Requests for conditional use permits require Planning Commission review and City Council approval.
5. The Sunfish Lake Planning Commission reviewed the Applicant's request for conditional use permit approval at the May 20, 2021 Planning Commission meeting.
6. Upon review of the planning report and application information, the Planning Commission found that the proposed conditional use meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet standards listed in Section 1218.01.D.1.b and conditional use criteria listed in Section 1204.02.F.
 - b. The proposed gate addresses Ordinance requirements pertaining to setbacks, design, and screening.
 - c. The development meets other applicable Zoning Ordinance criteria.

Conditions of Approval:

1. Construction shall occur in substantial conformance with the plans presented at the May 20, 2021 Planning Commission meeting.
2. The Applicant must obtain approval of building plans from emergency service providers prior to issuance of a building permit.
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 conditional use permit 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 conditional use permit 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 request, the applicant agrees to all conditions.

Subject Site



CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Tim Johnson, LIVIT Site + Structure, on behalf of owner, Sharon and Jim Adams

Request: The applicant requests City approval of a conditional use permit to construct a security gate at the entry drive of 369 Salem Church

Planning Commission Meeting Date: May 20, 2021

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:

369 SALEM CHURCH ROAD
SUNFISH LAKE, MN 55118
2. The planning report dated May 13, 2021 prepared by WSB is incorporated herein by reference.
3. The Applicant submitted an application for a conditional use permit request for a security gate.
4. Requests for conditional use permits require Planning Commission review and City Council approval.
5. The Sunfish Lake Planning Commission reviewed the Applicant's request for conditional use permit approval at the May 20, 2021 Planning Commission meeting.
6. Upon review of the planning report and application information, the Planning Commission found that the proposed conditional use meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet standards listed in Section 1218.01.D.1.b and conditional use criteria listed in Section 1204.02.F.
 - b. The proposed gate addresses Ordinance requirements pertaining to setbacks, design, 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 requested major site and building plan and conditional use permit subject to the following conditions:

1. Construction shall occur in substantial conformance with the plans presented at the May 20, 2021 Planning Commission meeting.
2. The Applicant must obtain approval of building plans from emergency service providers prior to issuance of a building permit.
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 conditional use permit 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 conditional use permit 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 request, the applicant agrees to all conditions.

Adopted by the Sunfish Lake Planning Commission this 20th day of May 2021.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

CONTACT:

JOHN KRAEMER
JOHN KRAEMER & SONS
4906 Lincoln Drive
Edina, MN 55436
Phone: 952.935.9100
Email: john@jkandsons.com

COUNTY/CITY:

DAKOTA
COUNTY
CITY OF
SUNFISH LAKE

REVISIONS:

DATE	REVISION
12-10-2018	PRELIMINARY ISSUE
12-21-2018	ADD TITLE/SEPTIC
01-28-2019	FIELD TOPO/BNDRY
05-24-2019	REVISE CONTACT
05-28-2019	REV CONT' + SEPTIC
07-15-2019	PROPOSED IMPROVE. AND GRADING
07-19-2019	TREE INFO
07-29-2019	REV WALL ELEV.
07-29-2019	ENG PLAN REFS
04-13-2021	EOF SWALE ADD ADD GATES, CALCS

CERTIFICATION:

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Daniel L. Thurmes
Daniel L. Thurmes, Registration Number: 25718
Date: 01-28-2019

PROJECT LOCATION:

369
SALEM CHURCH ROAD
PID#38-03700-05-010
PID#38-03100-28-030

Suite #200
1970 Northwestern Ave
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

CORNERSTONE
LAND SURVEYING, INC.

BOUNDARY/TOPGRAPHIC
SURVEY

LEGAL DESCRIPTION:

The following Legal Description is as shown on DCA Title as agent for Old Republic National Title Insurance Company Title Commitment No. 18-120074 R-, dated December 11, 2018.

All that part of the South Half of the Northwest Quarter (S1/2 NW1/4) of Section Thirty-one (31) Township Twenty-eight (28), Range Twenty-two (22), and Lot Five (5) of AUDITOR'S SUBDIVISION NO. 26, described as follows to wit:

Commencing at the point of intersection of the center of the Salem Church Road and the east line of Lot Five (5), thence North 60 degrees West along the center line of the New Salem Church Road 437.3 feet to the center of a road, thence North 25 degrees 30 minutes East along the center of said road 125.4 feet, thence along the center of the old Sunfish Lake Road North 34 degrees 08 minutes West, 120 feet to the southeasterly line of property conveyed to Richard T. and Katherine K. Angell; thence North 31 degrees 39 minutes East 575 feet, more or less, to the intersection with the west line of the East 100 feet of said Lot Five (5), thence North to the south line of the north ten acres of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of said Section Thirty-one (31), thence East 12 Feet, thence north to the North line of said Lot Five (5), thence east 88 feet to the Northeast corner of said Lot Five (5), thence south to the place of beginning, except the East 9 feet of said Lot Five (5), all according to the Government Survey thereof and according to the plat thereof now on file and of record in the Office of the Register of Deeds within and for said county and state.

PARCEL AREA:

PARCEL AREA TO OHW = 191,246 SQ. FT. = 4.39 ACRES
PARCEL TOTAL = 272,668 SQ. FT. = 6.25 ACRES

TITLE NOTES:

- The following exception appear on DCA Title as agent for Old Republic National Title Insurance Company Title Commitment No. 18-120074 R-, dated December 11, 2018.
- Subject to Dakota County Road Right of Way Map No. 29. Shown graphically.
- Subject to Right of Way of County Road No. 18, also known as Salem Church Road. Shown Graphically per Item 3 above.
- Subject to easement agreement per Book 54 Misc., Page 61. Shown graphically.
- Subject to maintenance Agreement in regards to easement per Doc. No. 2655922. Shown graphically.

BENCHMARKS

ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE MNDOT GEODETIC WEBSITE. SURVEY DISK 1918 K WITH AN ELEVATION OF 931.83 WAS USED TO ESTABLISH VERTICAL CONTROL FOR THIS SURVEY (NAVD 88)

SURVEY NOTES:

- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE DAKOTA COUNTY SURVEYORS OFFICE. BEARINGS ARE DIFFERENT THAN SHOWN ON THE RECORDED PLAT AND DEEDS. ALL INTERIOR ANGLES MATCH THE RECORDED PLAT/DEED ANGLES.
- NO UNDERGROUND UTILITIES WERE RESEARCHED OR LOCATED FOR THIS SURVEY SKETCH.
- THERE MAY SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- THE BOUNDARY SURVEY IS BASED ON THE LEGAL DESCRIPTION PROVIDED IN THE AFOREMENTIONED TITLE COMMITMENT. DAKOTA COUNTY LISTS THIS PROPERTY AS TWO INDIVIDUAL PARCELS, BUT THE TITLE COMMITMENT HAS JUST ONE LEGAL DESCRIPTION WHICH COVERS BOTH COUNTY PARCELS.
- CONTOURS BASED ON FIELD SURVEY JANUARY 2019.
- DRAINFIELDS AND SEPTIC TANKS ARE SHOWN IN APPROXIMATE POSITIONS AS MARKED IN THE FIELD AND BASED UPON SKETCHES PROVIDED BY THE SEPTIC CONTRACTOR AND ELEVATION HOMES.

FLOOD INFORMATION:

THIS PROPERTY LIES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON NON-PRINTED FEMA FLOOD INSURANCE RATE MAP NUMBER 27037C0105E HAVING AN EFFECTIVE DATE OF 12/02/2011.

ZONING:

ZONING: SINGLE FAMILY RESIDENTIAL
SETBACKS:
STREET: 100 FT.
SIDEYARD: 50 FT.
REAR: 50 FT.
OHW: 200 FT.

EXISTING IMPROVEMENT AREAS:

HOUSE	4375 (IN SQ. FT)
GARAGE	494
SHED	325
DRIVE	6407
APRON/CONC WALKS	678
PAVER PATIOS/PATH	1547
WALLS	432
SPA	44
DECK	314
PRIVATE DRIVE	551
TOTAL	15167
%COVERAGE TO OHW	7.93%

PROPOSED ELEVATIONS:

MAIN FLOOR	= 960.5
GARAGE FLOOR	= 960.0
REAR PATIO	= 960.0
LOOKOUT	= 952.98
LOWEST FLOOR	= 949.9
THEATER FLOOR	= 948.9
TOP FOUNDATION	= 960.31

*ALL ELEVATIONS AND CONTOURS AS WELL AS BUILDING DIMENSIONS FROM ALEXANDER DESIGN GROUP PER PLANS RECEIVED ON JULY 8, 2019.

** SITE PLAN ELEMENTS AND SPOT ELEVATIONS FROM LIVIT SITE + STRUCTURE DATED JULY 8 - 15, 2018.

***CONTRACTORS ARE TO VERIFY ALL ELEVATIONS AND DIMENSIONS WITH APPROVED CONSTRUCTION DOCUMENTS PRIOR TO BEGINNING CONSTRUCTION. ALERT CORNERSTONE TO ANY DISCREPANCIES BEFORE EXCAVATION AND CONSTRUCTION.

PROPOSED IMPROVEMENT AREAS:

PARCEL TO OHW	= 191,246 SQ. FT. = 4.39 ACRES
HOUSE	5185 (IN SQ. FT)
SHED	325
DRIVE	7406
POOL DECK/PATIO	1859
LOWER PATIO	613
WALLS	1235
GATES	43
TOTAL	16666
%COVERAGE TO OHW	8.71%

Please refer to
"Site Plan Detail"
drawing





651.755.4513

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proprietary information which
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Any unauthorized duplication
or use is strictly prohibited.

PROPOSED LANDSCAPE PLAN FOR THE

ADAM RESIDENCE

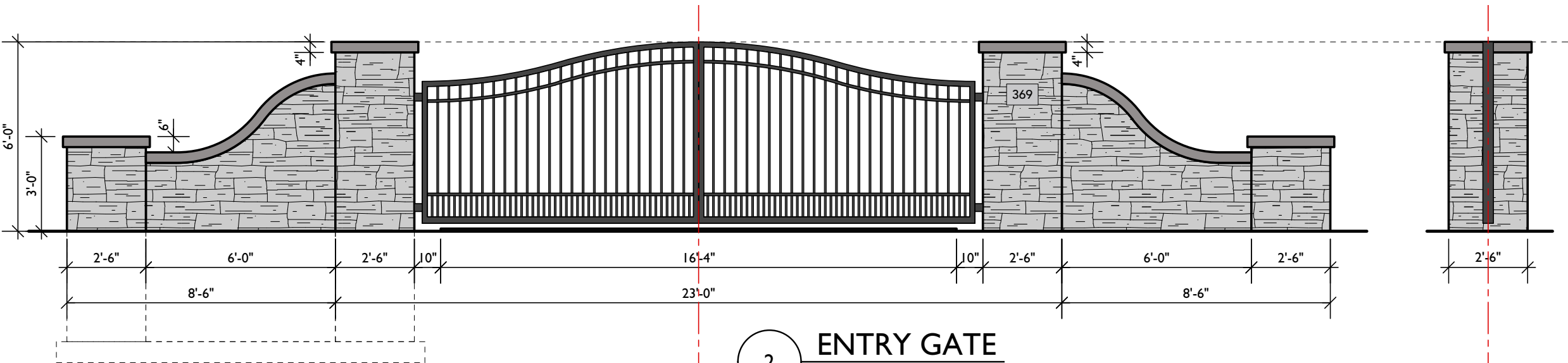
369 SALEM CHURCH RD.
SUNFISH LAKE, MN 55118

ISSUE/REVISIONS

ISSUE:	DATE:
LANDSCAPE	07.15.19
UPDATES	
LANDSCAPE	06.22.20
UPDATES	
N/W WALL &	08.28.20
STAIRS REV.	
N/W WALL &	08.28.20
STAIRS REV.	
N/W WALL &	10.27.20
STAIRS REV.	
ENTRY GATE	03.11.21
ENTRY GATE	03.20.21
REV.	

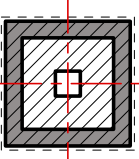
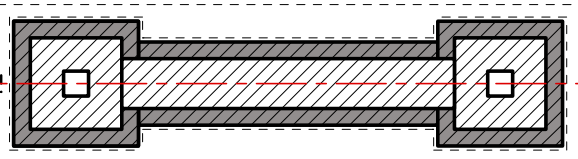
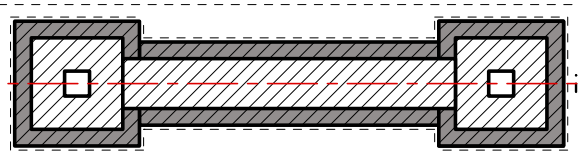
ENTRY GATE

L3



2

ENTRY GATE



3

PLAN VIEW