



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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TRANSMITTAL

DATE: August 28, 2019		
TO: Sunfish Lake Mayor and City Council Catherine Iago Tim Kuntz Jeff Sandberg, Brandon Movall Mike Andrejka Jim Naves Ron Wasmund Dave Dreelan		NUMBER OF PAGES INCLUDING COVER:
FROM: Ryan Grittman		
QUANTITY:	MATERIAL/DESCRIPTION: Sunfish Lake September 3, 2019 City Council Meeting: Agenda Items 6a	DATED:
SENT VIA: ☐ Email ☐ Mail ☒ Email ☒ Delivery		
REMARKS: Agenda Items: • 6a: Major Site and Building Plan – 369 Salem Church Road • 6b: Major Site and Building Plan Amendment – 2150 Charlton Road • 6c: Zoning Ordinance Amendment: Demolition Ordinance • 6d: Planning Update Memo • August 21, 2019 Planning Commission Minutes Please let me know if you have any questions or need additional information. Thank you.		
CITY/PROJECT NAME: Sunfish Lake - General		
JOB NUMBER: 211.02		

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

RESOLUTION NO. _____

**RESOLUTION APPROVING MAJOR SITE AND BUILDING PLANS TO PERMIT
CONSTRUCTION OF A NEW HOME AT THE PROPERTY LOCATED AT 369 SALEM
CHURCH ROAD, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, James and Sharon Adams submitted an application for a major site and building plan review to permit construction of a new home at the property located at 369 Salem Church Road, legally described as:

Exhibit A - Attached

With PID: 380370005010

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated August 14, 2019 prepared by Northwest Associated Consultants and engineering reports dated July 30, 2019 prepared by WSB Associates; and

WHEREAS, the Sunfish Lake Planning Commission reviewed the major site and building plan application at their August 21, 2019 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 plans, whereby the following findings support the Planning Commission recommendation for approval:

1. The subject property and proposed development meet R-1 District setback and shoreland setback requirements, and home footprint standards.
2. The proposed development addresses Ordinance requirements pertaining to drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.
3. The proposed home meets Ordinance requirements pertaining to building size, height, and material use.
4. The proposed home meets other applicable Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for major site plan approval for a new home at their meeting on September 3, 2019 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 plans dated July 2, 2019 (last revision) for a new home at 369 Salem Church Road with the following conditions:

1. The applicants adhere to any follow-up recommendations from the City Engineer.
2. The applicants must obtain a permit from the City's Septic Specialist for the installation of the proposed septic system. The applicants shall verify permit issuance prior to City Council consideration of the application.
3. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
4. Upon installation, any lights which cast light on residential property or over public water shall not exceed one-foot candle (meter reading) as measured from said property or edge of water abutting the property in question.
5. The applicants shall contact planning staff to arrange pre-construction and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.
6. The applicants shall adhere to all recommendations for erosion control.
7. The applicant shall verify that the highest gable is at an elevation of 988.85 feet.
8. The applicants are required to install safety fencing to protect both the existing and alternate septic system locations until construction is completed

This resolution is adopted by the City Council of the City of Sunfish Lake this 3rd day of September 2019.

Daniel O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:

Ryan Gritman
Northwest Associated Consultants, Inc.
4150 Olson Memorial Highway, Suite 320
Golden Valley, MN 55422

Exhibit A

All That part of the South Half of the Northwest Quarter (S 1/2 NW 1/4) 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), Auditor's Subdivision No. 26, which point is also the Southeast corner of said 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 (NW 1/4 NW 1/4) 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.

Together with all right, title and interest of said decedent under that certain Easement Agreement dated February 28, 1946, and recorded March 27, 1946, in Book 54 of Miscellaneous Records at page 61 in the Office of the Register of Deeds within and for said County and State, Dakota County, Minnesota.

Abstract
Property

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: James and Sharon Adams

Request: The applicants request City approval of major site and building plan to construct a new home at 369 Salem Church Road.

Planning Commission Meeting Date: August 21, 2019

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

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

369 SALEM CHURCH ROAD
SUNFISH LAKE, MN 55120

2. The planning report dated August 14, 2019 prepared by Northwest Associated Consultants, Inc. and the engineering report dated August 13, 2019 prepared by WSB Associates are incorporated herein by reference.
3. The home will be more than 1,000 square feet in area, which requires Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan approval at the August 21, 2019 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:

Major Site and Building Plans:

- a. The subject property and proposed development meet R-1 District setback and shoreland setback requirements, and home footprint standards.

- b. The proposed development addresses Ordinance requirements pertaining to drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.
- c. The proposed home meets Ordinance requirements pertaining to building size, height, and material use.
- d. The proposed home 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.

Approved, subject to the following conditions:

1. The applicants adhere to any follow-up recommendations from the City Engineer.
2. The applicants must obtain a permit from the City's Septic Specialist for the installation of the proposed septic system. The applicants shall verify permit issuance prior to City Council consideration of the application.
3. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
4. Upon installation, any lights which cast light on residential property or over public water shall not exceed one-foot candle (meter reading) as measured from said property or edge of water abutting the property in question.
5. The applicants shall contact planning staff to arrange pre-construction and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.
6. The applicants shall adhere to all recommendations for erosion control.
7. The applicant shall verify that the highest gable is at an elevation of 988.85 feet.

Adopted by the Sunfish Lake Planning Commission this 21st day of August 2019.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING AN AMENDMENT TO A MAJOR SITE AND BUILDING
PLANS TO PERMIT CONSTRUCTION OF A NEW HOME AT THE PROPERTY
LOCATED AT 2150 CHARLTON ROAD, SUNFISH LAKE, DAKOTA COUNTY,
MINNESOTA.**

WHEREAS, Charlton Road, LLC submitted an application for an amendment to a major site and building plan review to permit construction of a new home at the property located at 2150 Charlton Road, legally described as:

Lot 4, Block 1, Baird Estates

With PID 38.13300.01.040

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated August 14, 2019 prepared by Northwest Associated Consultants and engineering report dated August 14, 2019 prepared by WSB Associates; and

WHEREAS, the Sunfish Lake Planning Commission reviewed the amendment to the major site and building plan application at their August 21, 2019 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 drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.
3. The proposed home meets Ordinance requirements pertaining to building size and height.
4. The proposed home 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 September 3, 2019 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 plans dated August 21, 2019 (last revision) and the Engineering Plans Dated August 13, 2019 (revision F) for 2150 Charlton Road with the following conditions:

1. The applicants adhere to the City Engineer's recommendations for construction as addressed in his reports dated August 13, 2019.
2. The applicant shall adhere to any additional recommendations by the City Engineer.
3. The applicants shall adhere to all recommendations for erosion control.
4. The applicants shall adhere to any and all recommendations by the City Forrester for tree preservation, removal, and replacement.

This resolution is adopted by the City Council of the City of Sunfish Lake this 3rd day of September 2019.

Daniel O'Leary, Mayor

Attest:

Catherine Iago, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:

Ryan Gritman
Northwest Associated Consultants, Inc.
4150 Olson Memorial Highway, Suite 320
Golden Valley, MN 55422

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Charlton Road, LLC

Request: The applicants request City approval of an amendment to a major site and building plan at 2150 Charlton Road.

Planning Commission Meeting Date: August 21, 2019

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

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

2150 CHARLTON ROAD
SUNFISH LAKE, MN 55118
2. The planning report dated August 14, 2019 prepared by Northwest Associated Consultants, Inc. and the engineering reports dated August 13, 2019 prepared by WSB Associates are incorporated herein by reference.
3. The applicants are requesting changes to the grading, drainage, and building height calculation at 2150 Charlton Road.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for an amendment to the major site and building plan approval at the August 21, 2019 Planning Commission meeting.
5. Upon review of the planning report and application information the Planning Commission found that the proposed site and building plan amendment meets Ordinance requirements. The following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

- a. The subject property and proposed development meet R-1 and Shoreland Overlay District setbacks, building coverage and impervious surface standards.

- b. The proposed development addresses Ordinance requirements pertaining to drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.
- c. The proposed home meets Ordinance requirements pertaining to building size and height.
- d. The proposed home 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 plan amendment.

Approved, subject to the following conditions:

- 1. The applicants adhere to the City Engineer's recommendations for construction as addressed in his reports dated August 13, 2019.
- 2. The applicant shall adhere to any additional recommendations by the City Engineer.
- 3. The applicants shall adhere to all recommendations for erosion control.
- 4. The applicants shall adhere to any and all recommendations by the City Forrester for tree preservation, removal, and replacement.

Adopted by the Sunfish Lake Planning Commission this 19th day of June 2019.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

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

ORDINANCE NO. 2019-__

**AN ORDINANCE AMENDING CITY OF SUNFISH LAKE ZONING ORDINANCE
WITHIN THE CITY OF SUNFISH LAKE**

THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE ORDAINS:

Section One. Definitions. Chapter 1202.02 of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

Demolition: The Action or process of demolishing, destructing, knocking down, pulling down, tearing down, flattening, razing, leveling, bulldozing, or wrecking part of all of a structure.

Structure: See definition on "building".

Section Two. Amendment. Chapter 1208.10 Demolition Permit of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

A demolition permit shall be required when any structure or part of a structure is demolished in the City. The following requirements shall be met when a demolition is proposed.

- A. Exemption: The following scenarios are exempt from this section:
 - 1. Demolition of accessory structure under 200 square feet that are built on-slab.
 - 2. Demolition projects where a building permit has been formally approved for the reconstruction of a structure in approximately the same location as the demolition.
 - 3. The Demolition Permit shall be limited to 90 days from the date of issuance.
- B. Review: A demolition must receive minor review and approval by appropriate staff in accordance with this Section and any other applicable sections.
- C. Fees: The fees for a demolition permit shall be established in the Sunfish Lake Zoning Ordinance Section 1201.10 and the Sunfish Lake City Code Chapter 1004.
- D. Escrow: An escrow shall be collected in accordance with Sunfish Lake Zoning Ordinance Section 1201.10 and shall be settled once City Staff has determined that the project has been completed, and the area restored to the satisfaction of the City.

- E. Hours of Operation: The hours of operation shall be established in the Sunfish Lake City Code Chapter 902.
- F. Hazardous buildings. Nothing in the section shall prohibit the City or a property owner from complying with Minnesota Statutes Chapter 463 Hazardous or Substandard Buildings.

Section Three. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Sunfish Lake this ___ day of _____, 2019.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Sunfish Lake Mayor and City Council
FROM: Ryan Grittmann
DATE: August 28, 2019
RE: Sunfish Lake – Planning Update for August City Council Meeting
NAC FILE: 211.02 - General

9/3/19 CC
Mtg.
Agenda Items
6a – 6d

July Planning Commission Meeting

369 Salem Church Road – Major Site and Build Plan Review. At the August Planning Commission Meeting, the Planning Commission voted 4-0 recommending approval of a major site and building plan for 369 Salem Church Road. The approval includes the seven conditions in the Planner's Report dated August 14, 2019 and one additional condition that the applicants must install safety fencing to protect both the existing and alternate septic system locations until construction is completed.

2150 Charlton Road – Major Site and Building Plan Review Amendment. At the August Planning Commission Meeting, the Planning Commission voted 4-0 recommending approval of an amendment to a major site and building plan. The amendment was primarily based on the need for updated engineering plans to preserve additional trees on the site.

Zoning Ordinance Amendment – Demolition Permits. At the August Planning Commission Meeting, the Planning Commission voted 4-0 recommending approval of a zoning ordinance amendment. The approved draft is attached to this memo.

Building Height Discussion. At the August Planning Commission meeting, a discussion took place on building height calculations and the Design Guidelines. The method used in the past for building height calculations is to take the corners of the proposed home at existing grade and find an average. Staff has noted that this method is not documented anywhere in the zoning ordinance. The definition of building height is written as:

Building Height, Existing Grade: The height of a building measured from the average ground level prior to construction at any point on the perimeter at the building line to the top of the cornice of a flat or mansard roof and to the highest gable on a pitched or hipped roof.

Building Height, Finished Grade: The height of a building measured at the building line from the finished ground level after construction to the top of the cornice of a flat or mansard roof and to the highest gable on a pitched or hipped roof.

Section 1241.07 of the Sunfish Lake Zoning Ordinance which addresses lot coverage and building height states:

Building Height: No building structure shall exceed two and one-half (2½) stories or thirty (30) feet in existing grade height, whichever is the lesser in height, except as provided by Section 1219.02 of this Ordinance. The existing grade height of a building, as defined by Section 1202.02.B, must not exceed thirty (30) feet measured from the average existing ground level prior to construction of any point on the perimeter of the building line to the top of the cornice of a flat or mansard roof and to the highest gable of a pitched or hipped roof...

Section 1208.05-B-4 of the zoning ordinance which lists requirements for submitting a site and building plan shows that the calculations are to be taken from all “points” around the home. It’s not entirely clear what “point” is referring to, it could be assumed it’s referring to the corners of the home, but this is not clearly identified. It could be interpreted to mean something else such as certain elevation points.

1208.05-B-4: Building height calculations shall be indicated on site and building plans. The building height limitation shall be determined by taking the average existing grade of the structure and adding thirty (30) feet. The existing grade shall be determined by taking spot elevations at all points around the perimeter of the house and finding the average. The building height as measured on the elevation drawings shall be the distance between the top of foundation and peak of the roof which when added to the top of foundation elevation may not exceed the building height limitation as defined above.

Further, the Sunfish Lake Design Guidelines shows a calculation using the highest corner and the lowest corner and finding an average of the two (see attached exhibit A). Staff is seeking guidance from the City Council on moving forward with building height calculations, some options would be:

1. Update the Definitions section of the Sunfish Lake Zoning Ordinance to describe how building height is calculated.
2. Update the Sunfish Lake Design Guidelines to illustrate how building height is calculated.

Application Checklist. In parallel to the above item, staff would like to prepare a zoning ordinance update for the following items related to site and building plan applications:

1. Require applicants to meet with Staff prior to an application deadline. As of right now, this is technically optional, and Staff does not have enforcement when an applicant declines the meeting.
2. Reduce the number of paper copies required for submission from five to two and require an electronic submittal.
3. Mark existing septic and wells on the property.
4. Mark existing septic and wells on adjacent properties when they are within 50 feet of the property line.
5. Allow applicants to receive staff permission to submit their survey with a contour other than 2 feet if staff and the applicant feel it's appropriate.
6. Allow applicant to submit a tree inventory for all trees within 50 feet of the project area. Currently, the ordinance requires a full inventory. Staff has recently been requesting the 50-foot radius as a full survey is usually not necessary.
7. Require a narrative from applicants that explain the need for a variance or conditional use permit.
8. Require a stormwater management narrative.
9. Specify emergency overflow locations on engineering plans.
10. List all exterior building materials intended to be used.
11. Submit structural design calculations for retaining walls greater than three feet in height.
12. Narrative on how construction debris will be recycled.
13. Narrative that explains any high efficiency building materials that are intended to be used.

These changes will require a zoning ordinance amendment since we will be changing the checklist. The checklist is taken directly from Section 1208.05 of the zoning ordinance.

Additional Planning Updates

1 Sunfish Lane – Major Site and Build Plan Amendment. Staff is expecting an update to the major site and building plans for this address. The update will be for new engineering plans with the intent to save additional trees on the site.

2431 Angell Road. Staff is currently processing a major site plan and conditional use permit for this address. The plans are for a swimming pool, sport court, and patio area. The application is being processed as a major site plan since hard surfacing will increase by greater than 1,000 square feet.

Planning and Zoning Application Form. Staff has made some small changes to the Planning and Zoning Application Form. The changes are intended to help the Welcome Committee receive contact information for new residents. The form also notes that the information may be used for this purpose.

Property Owner Notification Letter and Return Address. Councilmember Hanson has notified me that she has received comments from property owners that they have not received their

property owner notice in the mail. In researching these complaints, Staff has found that these letters have been mailed and no error on Staff's part can be detected. However, Staff noted that the letters go out with a "Northwest Consultants" return address and letterhead. It's possible that the letters appear as junk mail to some residents and are discarded. With the Council's permission, staff could begin sending property owner notices using a Sunfish Lake return address and letterhead. Staff is seeking guidance from the Council if this is something that they'd like to see.

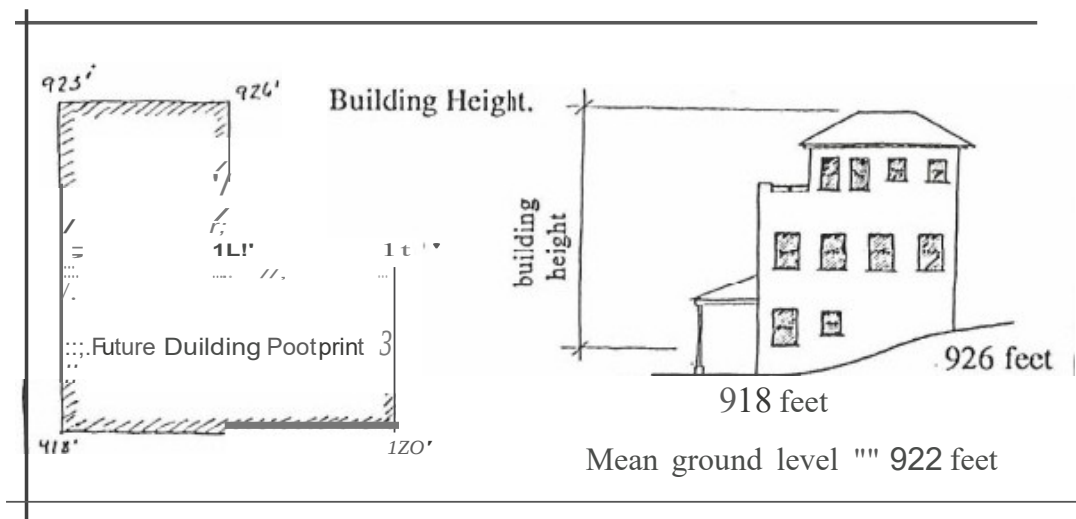
c: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Jeff Sandberg and Brandon Movall, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector
Dave Dreelan, Fire Chief

• REGULATION

BUILDING HEIGHT

• PROCESS

Submittal of a site survey/plan and review by the City Planner



• REQUIREMENTS

No building or structure shall exceed 2½ stories or 30 feet in height, whichever is lesser. Building height means the height of a building measured from the average existing ground level prior to construction at any point on the perimeter of the building line to the top of the cornice of a flat or mansard roof and to the highest gable on a pitched or hipped roof

(Height limitations do not apply to church spires, belfries, water towers, monuments, flag poles, or transmission towers)

