

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Lori Johnson, City Planner

Date: June 13, 2022

Re: 15 Sunnyside Lane – Major Site Plan Review and CUP
WSB Project No. 020057-000

GENERAL INFORMATION

Applicant: Jeff Lindgren

Property Owner: Howard and Julie Punch

Project Location: 15 Sunnyside Lane – PID 384260001051

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

Surrounding Land Use / Zoning:

North:	Residential; 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 (2040) Comprehensive Plan guides this property for Rural Residential land use.

Deadline for Agency Action:

Application Date:	04-12-2022
60 Days:	06-11-2022
Extension Letter Mailed:	04-27-2022
120 Days:	08-10-2022

Attachments:

- Location Map
- Surveys (3)
- Site Development Plans (2)
- Landscape Plans (3)
- Architectural Plans (2)
- Renderings (3)
- Engineer's Report

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Jeff Lindgren, Jalin Design (applicant), has applied on behalf of Howard and Julie Punch (property owners) for a major site and building plan review and conditional use permit (CUP) to facilitate the construction of a 5,200+ square foot single-family home and a rear yard pool at the property known as 15 Sunnyside Lane. They are also hoping to create a walkway to the lake on the adjacent property to the west, which they also own.

New structures require the review and approval of a major site and building plan. Because this property is within the Shoreland Overlay District, accessory structures such as pools, require a conditional use permit. A conditional use permit is also required because the walkway to the lake is on an adjacent property owned by the applicant but there are currently no principal structures on that property. The Sunfish Lake zoning ordinance allows an accessory structure (walkway to the lake) on a vacant lot with the issuance of a conditional use permit under the following zoning ordinance section:

SECTION 1217.02 TIME OF CONSTRUCTION:

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, except by approval of a conditional use permit.

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.

2. General Zoning Review—New Home

The site in question is currently vacant but the property owner demolished the existing home on the property in 2021 in order to construct a new home on the property. The property owner went through the proper procedures and permit process for the demolition.

Setbacks: The new home and pool that are proposed either meet (front yard) or greatly exceed all required site setbacks. The required front yard setback is 100 feet, and the required side and rear yard setbacks are 50 feet. The setback from OWHL is 200 feet.

Impervious Surface and Building Coverage: The total impervious surface coverage for the lot on which the home and pool are located and the lot on which the walkway is located is 6%. The impervious surface on the home lot is 12.8%. The total impervious surface coverage allowed is 30% and this plan meets this requirement.

The total building coverage allowed on the lot cannot be greater than 10% per ordinance requirements. The building coverage on the home lot is 3% which meets ordinance requirements.

Accesses: The new home will have two accesses located on Sunnyside Lane, which lead to a half-circular drive in the front yard of the property. Two entrance monuments are located adjacent to the entrances to the property. The monuments will be located on the south side of the north driveway and the north side of the south driveway. There is also a driveway that leads to the north side of the home and the rear of the lot.

Size: The home that is being constructed is 5,380 square feet including the sunroom and the front porch. The front yard of the property is the east side of the site, and the rear yard of the property is the north side of the site. The setbacks are provided in the table below.

Pool: The pool, the pool deck and rear patio are 3,823 square feet and are located in the rear yard of the property. A fire table and seating will be provided on the pool deck and rear patio.

Exterior Elevations and Height: The exterior home elevations indicate that hardie siding and stucco will be the primary materials used on the home. Cedar shingles and stone are also used and along with decorative window trim and shutters. The exterior elevations meet the requirements of the zoning ordinance. The overall height of the structure is 28.5 feet from the average ground level prior to construction. The height requirement in the zoning ordinance is 30 feet and this home meets the ordinance requirement.

Tree Preservation: A total of 96 trees will be removed on site, with 29 of them being ash trees and 5 of them being dead trees. The proposed number of replacement trees is 70 and the City Forester has reviewed and is in agreement with this plan.

Landscaping: The 70 replacement trees have been spread out around the lot, and some three River Birch Clumps have been located on top of the berm surrounding the southern biofiltration pond for screening purposes. The 70 replacement trees are accented by ornamental trees, shrubs and grasses.

Lighting: The lighting plan provides locations of outdoor fixtures as well as foot candle measurements at the property line. The City of Sunfish Lake requires foot candle readings at the property line to be less than 1 foot candle. The foot candle readings at the property lines are 0.0 which means the ordinance requirements are being met.

Construction Parking: In order to keep construction vehicles from blocking traffic on Sunnyside Lane, a temporary construction vehicle parking area will be utilized on the north side of the site and will be removed when the construction vehicles are no longer needed on site.

Engineering: The City Engineer has reviewed the plans for this site and has submitted a memo with regard to the plans for the home and for the walkway. This memo is attached to this report and a condition has been added which states all items in City Engineer's memo must be resolved prior to work beginning on site.

DNR Approval. Minnesota DNR area Hydrologist Taylor Huinker was notified of the proposed request. The Hydrologist did not offer any further comments or express concerns.

3. General Zoning Review—Walkway to the Lake

The applicant has also requested the approval of a conditional use permit for a walkway to the lake on the adjacent property, which is owned by the same property owner. There is currently a worn path down to the lake in the same area that the steps are proposed. The new walkway is located as such to ensure the least amount of tree removal and cause the least amount of disturbance as possible. The steps will include stepping stones interspersed with gravel. A railing is provided along the walkway and the walkway is surrounded by boulder outcroppings to help ensure stability of the area. The work to be done will occur on a steep slope and the applicant will need to ensure that all work being done creates the minimum disturbance to the slope adjacent to the lake.

A dock is also proposed on the lake. Docks are 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 applicant and property owner must first check with the Minnesota DNR to determine if a dock permit is required. If a permit is required the dock must meet all requirements of both the City of Sunfish Lake and the DNR.

The proposed dock is 200 square feet in size and will extend 20 feet into the lake. The are parts of the dock that exceed four feet in width so the dock size will need to be amended to meet this requirement.

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 according to the criteria below:

- 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.

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.

No public comments have been received as of the date of the staff report publication.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends approval of the major site and building plan review for a new home and a conditional use permit for the pool and walkway to the lake subject to the following findings of fact and conditions of approval:

Findings of Fact:

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

15 Sunnyside Lane

SUNFISH LAKE, MN 55077

2. The planning report dated June 16, 2022, prepared by WSB is incorporated herein by reference.
3. The Applicant submitted applications for a major site and building plan review and a CUP request.
4. Requests for major site and building plan review and CUP require Planning Commission review and City Council approval.
5. Notices for public hearings regarding requests on lots within the Shoreland Overlay district must be sent to the Department of Natural Resources.
6. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan and CUP approval at the June 16, 2022 Planning Commission meeting.
7. Upon review of the planning report and application information, the Planning Commission found that the proposed site and building plan and CUP meet Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:

Major Site and Building Plans:

- a. The proposed improvements meet R-1 and Shoreland Overlay District requirements and standards.
- b. The proposed development addresses Ordinance requirements pertaining to grading, drainage and stormwater management, landscaping, and screening.
- c. The proposed home meets Ordinance requirements pertaining to building size, and material use.
- d. The development meets other applicable Zoning Ordinance criteria.

Conditions of Approval:

1. Construction of the home, pool, walkway and dock shall occur in substantial conformance with the plans recommended for approval at the June 16, 2022 City Council meeting.
2. The landscape plan shall be implemented in substantial conformance with the plans recommended for approval by the Planning Commission on June 16, 2022.
3. The applicant must comply with all requirements described in the City Engineer's Memo dated May 31, 2022.
4. The applicant must obtain all other permits as may be required.
5. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
6. 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.

7. 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.
8. 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.
9. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.
10. The 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.
11. The size of the dock must be reduced in order to ensure that all parts of the dock do not exceed four feet in width.
12. The applicant and property owner must first check with the Minnesota DNR to determine if a dock permit is required. If a permit is required, the permit must be obtained and the dock must meet all requirements of both the City of Sunfish Lake and the DNR.