



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: April 26, 2017
RE: Sunfish Lake – Planning Update for May City Council Meeting
NAC FILE: 211.02 - General

**5/2/17 CC
Mtg.
Agenda Item
6a**

April Planning Commission Meeting

The April Planning Commission meeting was cancelled due to a lack of agenda items.

Additional Planning Updates

55 Salem Church Road. Staff has prepared a code enforcement and CUP violation letter to the owners of this property. The letter addresses the various issues with the property and sets a deadline of May 31, 2017 to correct the violations. Council should review the letter and offer any recommendations or changes necessary.

Comprehensive Plan. Work continues on the Comprehensive Plan Update. At this point, the City Council should decide on a “Comprehensive Plan Task Force”. The task force will be responsible for identifying issues that are important to the City through workshops and/or open houses with the public.

The 2040 Work Program, put together by City staff, identifies the City Council as the body responsible in determining who the comprehensive planning “task force” should be – whether it’s the Planning Commission, the Planning Commission and City Council, or a newly formed group of City officials and/or other residents. The task force will be the primary contact group throughout the process who will initially discuss and review sections of the Comprehensive Plan.

c: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna and Eric Eckman, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector
Dave Dreelan, Fire Chief



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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

May 3, 2017

Jose & Irma Escoto
55 Salem Church Road
Sunfish Lake, MN 55118

RE: Sunfish Lake – Parking Violations at 55 Salem Church Road
FILE NO: 211.02 - General

Dear Jose and Irma Escoto:

It has come to the City's attention that there are several parking and storage violations at your property. It has been observed in recent weeks that your sport court is being used for parking and storage. Section 1223.01, Off-Street Parking of the Sunfish Lake Zoning Ordinance, states that all parking spaces must have a drive access to a public thoroughfare. Further, sport courts are only permitted as an accessory use for the enjoyment and convenience of the property owner and their guests under Section 1241.04.

The vehicles parked on the sport court need to be moved to your driveway or inside your garage as they are not allowed to be parked or stored on a sport court. In addition, all vehicles parked outside must have current registration and be operable per Section 603.08 and Section 603.09 of the City Code.

Further, there are other small miscellaneous items that are stored on your sport court. All miscellaneous items that are not directly related to the sport court need to be removed and stored inside per Section 1216.12 of the Sunfish Lake Zoning Ordinance.

In addition to the above-mentioned items, the foundation for a shed is currently being constructed on your property. The shed was approved under a conditional use permit on September 6, 2016. Condition number 3b of the approval included that trees be planted to act as screening before construction of the shed begins. However, the screening has not been completed before the construction of the shed. This is a violation of the terms of your conditional use permit.

We are asking that you complete the following tasks by May 31, 2017:

1. Remove all vehicles from your sport court and place them indoors, or on your driveway with property registration.

Jose and Irma Escoto
May 3, 2017
Page Two

2. Remove all items from your sport court that are not affiliated with the sport court, this includes items that are broken or unused.
3. Plant the required screening around the shed area and contact the City Forester for inspection.
4. Cease all construction on the shed until after inspection and approval of the screening by the City Forester.

If you have questions about this letter, please contact me at (763) 957-1100. If you have questions about the screening, please contact Jim Naves at (612) 803-9033.

Sincerely,

NORTHWEST ASSOCIATED CONSULTANTS, INC.



Ryan Grittman
City of Sunfish Lake, City Planner

cc: Dick Williams, Sunfish Lake Mayor (via email)
Cathy Iago, City Clerk (via email)
Tim Kuntz, City Attorney (via email)
Jim Naves, City Forester (via email)

Attachments:

- Section 603.08 – Parking and Storage
- Section 603.09 – Repair Service or Maintaining
- Section 1223 – Off-Street Parking
- Section 1241.04-F – Sport Court Accessory Use
- Section 1216.12 – Exterior Storage
- Conditional Use Permit Resolution to allow an additional accessory structure dated September 6, 2016

SUNFISH LAKE ZONING ORDINANCE

SECTION 1216.12 EXTERIOR STORAGE:

- A. General Prohibition: In all zoning districts, all materials and equipment except as specifically noted and as provided for in Sections 1241 and 1242 of this Ordinance shall be stored within a building or fully screened so as not to be visible from adjoining properties and local street rights-of-way, under the jurisdiction of the City of Sunfish Lake, except for the following:
 - 1. Side or Rear Yards (not including required setback area):
 - a. Clothes line pole and wires.
 - b. Not more than two (2) recreational vehicles and equipment (not including race cars) unless approved by the City through an interim use permit.
 - c. Wood piles for the burning supply of the property resident.
 - 2. Required Front Yards:
 - a. Off-street parking of passenger vehicles and non-commercial trucks not exceeding a gross weight of 12,000 pounds in residential areas (both on and off-street).
 - b. Travel trailers or motor homes limited to parking only and for a period not exceeding seventy-two (72) hours within a fifteen (15) day period.
 - c. All Yards. Construction and landscaping material currently and actively being utilized as part of a specific project being implemented on the site.

SECTION 1223.01 NUMBER OF SPACES:

- A. Dwellings. A minimum of two (2) off-street parking spaces shall be provided for each dwelling. Such space may be within a structure or in the open and shall have an access drive to a public thoroughfare.
- B. Churches. A minimum of one (1) parking space for every three (3) seats provided for the congregation shall be provided on the site.
- C. Other Uses. Other uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the City Council. Factors to be considered in such determination shall include (without limitation) size of buildings, type of use, and expected volume and turnover.
- D. Handicapped parking spaces shall be provided as applicable pursuant to MS 168.021, as may be amended.

SECTION 1241.04 ACCESSORY USES:

- F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests. The lighting, of either a temporary or permanent nature, of such facilities which includes tennis courts, swimming pools, sport activity areas, and the like shall be prohibited.

SUNFISH LAKE CITY CODE

SECTION 603.08 PARKING AND STORAGE:

No person shall park, keep, place, or store, or permit the parking or storage of a Junk Vehicle on a public street or alley, or on any private easement or on any private lands or premises which he owns, occupies, or controls unless the Junk Vehicle shall be within a building on such private premises.

SECTION 603.09 REPAIR, SERVICE OR MAINTAINING:

No person shall service, repair, replace parts or do maintenance work on a Junk Vehicle on a public street or alley, or on any private easement or on any private lands or premises unless the Junk Vehicle shall be within a building on such private premises. (Ord. 92-01, 4/8/92)

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

RESOLUTION NO. 16-17

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO PERMIT
CONSTRUCTION OF A SECOND ACCESSORY STRUCTURE FOR THE PROPERTY
LOCATED AT 55 SALEM CHURCH ROAD, SUNFISH LAKE, DAKOTA COUNTY,
MINNESOTA.**

WHEREAS, Jose “Luis” and Irma Escoto have submitted an application for a conditional use permit to permit construction of a second accessory structure at the property located at 55 Salem Church Road, legally described as:

PT OF NW 1/4 OF SW 1/4 & OF THE SW 1/4 OF NW 1/4 LYING NW OF ISH #494 &
N OF SALEM CHURCH RD EX PT TO MDOT PARCEL 323 (CONT 2.38 ACS)

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated July 12, 2016 and addendum report dated August 10, 2016 prepared by Northwest Associated Consultants and an engineering report dated June 21, 2016 and follow up report dated August 9, 2016; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their July 20, 2016 meeting and August 17, 2016 meeting and reviewed the conditional use permit application, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the conditional use permit request by a vote of 4-0 to allow construction of a second accessory structure, whereby the following findings support the Planning Commission recommendation for approval:

1. The subject property and proposed project meets setback requirements.
2. The proposed shed meets Ordinance requirements pertaining to building size, height, and material use.
3. The proposed shed meets other applicable Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for a conditional use permit at their meeting on September 6, 2016 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 conditional use permit request dated May 11, 2016 for a second accessory structure with the following conditions:

1. The applicants adhere to the City Engineer's recommendations for construction, as addressed in his reports dated June 21, 2016, and August 9, 2016 including:
 - a. The Contractor must adhere to axle load limits when delivering material to the site. Any damage to the roadways within the City and City right-of-way shall be repaired to the City's satisfaction by the applicant prior to final construction approval.
2. The applicants adhere to the City Planner's recommendations as addressed in his reports dated July 12, 2016 and August 10, 2016 including:
 - a. The applicants shall contact planning and engineering staff to arrange pre- 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.
 - b. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
3. The applicants adhere to the Planning Commission's recommendations for approval including:
 - a. The five numbered conditions as contained in the proposed "Planning Commission Findings of Fact & Recommendation" prepared by the City Planner.
 - b. In addition, that evergreen screening from adjacent neighbors and from Salem Church Road be provided in size, number and placement to be approved by the City Forester. Said evergreen screening will be planted by the applicant and inspected by the City Forester prior to commencement of any installment or construction of the shed.
 - c. Further, in addition, that the full completion of the project, subject to approval by the City Planner, must take place within one year of approval of the project by the City Council. If the project is not fully completed within that one-year period of time, any and all structures or their components are to be completely removed from the property within 90 days thereafter.
 - d. Finally, in addition, that the color of the shed and its shingles be compatible with and match as close as possible to the existing home.
4. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed projects.
5. The applicant adhere to the City Council's recommendations including:

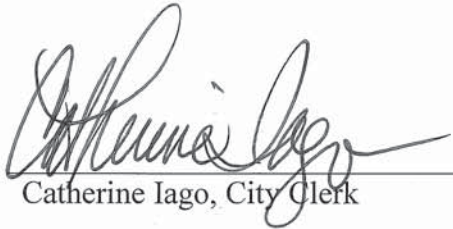
- a. That the structure be painted with the final color similar to the existing home within 30 days after completion of construction.
- b. That the evergreen trees to be installed be 6 ft. in height or taller.
- c. That the additional conditions be met within one year of completion of construction or the entire structure be removed.

This resolution is adopted by the City Council of the City of Sunfish Lake this 6th day of September 2016.



Molly Park, Mayor

Attest:



Catherine Iago, City Clerk