

CITY OF *Sunfish Lake* MINNESOTA

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

Applicant's Name: Jeffery and Jennifer Vierzba

Request: The applicants request City approval of major site and plan and conditional use permit to construct a swimming pool, sport court, and patio area at 2431 Angell Road.

Planning Commission Meeting Date: September 18, 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:

2431 ANGELL ROAD
SUNFISH LAKE, MN 55118
2. The planning report dated September 12, 2019 prepared by Northwest Associated Consultants, Inc. and the engineering reports dated August 26, 2019 prepared by WSB Associates are incorporated herein by reference.
3. The hard surfacing will increase by over 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 plan approval at the September 18, 2019 Planning Commission meeting.
5. Upon review of the planning report and application information the Planning Commission found that the proposed site 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 setbacks, and impervious surface standards.
- b. The proposed development addresses Ordinance requirements pertaining to lighting design, grading, drainage, stormwater management, landscaping, and screening.

- c. The proposed home meets Ordinance requirements pertaining to swimming pool requirements, sport court requirements, and material use.
- d. The proposed home meets other applicable Zoning Ordinance criteria.

Conditional Use Permit Request:

- e. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- f. The swimming pool and sport court have an evident re-use or function related to the principal use.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's major site and building plans and conditional use permit.

Approved, subject to the following conditions:

Major Site Plan.

1. The applicants produce update plans that satisfy the Engineer's request in his report dated August 26, 2019.
2. The applicants adhere to the City Engineer's recommendations for construction and address any follow-up recommendations from the City Engineer.
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 firepit ring must be three (3) feet in diameter or less in accordance with State Statutes.

Conditional Use Permit.

1. No lighting, temporary or permanent, be installed on or around the sport court.
2. No chain link fencing may be installed around the sport court unless a separate conditional use permit is obtained to allow for a chain link fence.
3. The pool area may only be lit with safety lighting, no overhead lights allowed that are not connected to the existing home. Any lights attached to the existing home must be cast downward.

Adopted by the Sunfish Lake Planning Commission this 12th day of September 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 A MAJOR SITE PLAN AND CONDITIONAL USE
PERMIT FOR THE PROPERTY LOCATED AT 2431 ANGELL ROAD, SUNFISH
LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Jeffery Vierzba and Jennifer Vierzba have submitted an application for a major site plan review and conditional use permit to permit construction of a swimming pool, sport court and patio area on the property located at 2431 Angell Road, legally described as:

Sunfish Heights, Lot 12

With PID 387325000120

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated September 12, 2019 prepared by Northwest Associated Consultants and engineering report dated August 26, 2019; September 16, 2019 (1 of 2); and September 16, 2019 (2 of 2); prepared by WSB & Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their September 18, 2019 meeting and reviewed the major site plan application and 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 major site plan and conditional use permit to allow construction of the applicant's proposed swimming pool, sport court, and patio area on a vote of 5 to 0, whereby 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 setbacks, and impervious surface standards.
- b. The proposed development addresses Ordinance requirements pertaining to lighting design, grading, drainage, stormwater management, landscaping, and screening.

- c. The proposed home meets Ordinance requirements pertaining to swimming pool requirements, sport court requirements, and material use.
- d. The proposed home meets other applicable Zoning Ordinance criteria.

Conditional Use Permit Request:

- e. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- f. The swimming pool and sport court have an evident re-use or function related to the principal use.

WHEREAS, the Sunfish Lake City Council considered the application for a conditional use permit at their meeting on October 1, 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 plan and the conditional use permit request dated September 13, 2019 for a swimming pool, sport court, and patio area with the following conditions:

1. The applicants produce update plans that satisfy the Engineer's request in his report dated August 26, 2019.
2. The applicants adhere to the City Engineer's recommendations for construction and address any follow-up recommendations from the City Engineer.
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 firepit ring must be three (3) feet in diameter or less in accordance with State Statutes.

Conditional Use Permit.

1. No lighting, temporary or permanent, be installed on or around the sport court.
2. No chain link fencing may be installed around the sport court unless a separate conditional use permit is obtained to allow for a chain link fence.
3. The pool area may only be lit with safety lighting, no overhead lights allowed that are not connected to the existing home. Any lights attached to the existing home must be cast downward.

This resolution is adopted by the City Council of the City of Sunfish Lake this 1st day of October 2019.

Dan 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



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 Gritman
DATE: September 25, 2019
RE: Sunfish Lake – Planning Update for October City Council Meeting
NAC FILE: 211.02 - General

**10/1/19 CC
Mtg.
Agenda Item
6a**

September Planning Commission Meeting

2431 Angell Road – Major Site Plan and Conditional Use Permit. At the September Planning Commission meeting, the Planning Commission voted 5-0 recommending approval of a major site and building plan and conditional use permit for a new swimming pool, sport court, and patio area. The approval is conditioned on the recommendations made in the Planner's Report.

Additional Planning Updates

Demolition Permits – Ordinance Update. Staff is working on the requested changes related to the demolition ordinance update. Staff is expecting to setup a meeting with other staff members to discuss changes and procedures with this ordinance. Staff expects that the ordinance will be ready at the November City Council Meeting.

Building Height Calculations and Applicant Checklist. Staff is currently working on researching building height calculations. Staff is expecting that any ordinance amendments related to building height will be reviewed by the Planning Commission in November or December. At the same time, Staff is working to review the applicant checklist and prepare any zoning ordinance amendments.

357 Salem Church Road – Major Site Plan Review and Conditional Use Permit – Amendment. The owners of this property received approval of a major site and building plan and conditional use permit for a home addition and swimming pool in April of this year. Since that time, a septic tank was discovered near the project area that was previously unknown. The applicants are taking steps to remove the septic tank and make some changes to their site plan as a result. The result of the changes creates a reduction of 900 square feet of hard

surface and the preservation of additional trees. The City Staff has reviewed the update site plan and is satisfied that changes meet the City's requirements for Engineering and Zoning.

245 Salem Church Road – Approval Extension. The owners of this vacant lot were granted approval of a Major Site and Building Plan in August of 2018. Recently, Staff granted an extension on their approval until May 2020. Since the extension was granted, the property has been sold to new owners who intend to do a different project. Staff anticipates that an application for a new home will be reviewed in a few months. The approved site and building plan will expire in May 2020. No formal action is needed by the City Council.

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

- DRAFT –
SUNFISH LAKE PLANNING COMMISSION MEETING – SEPTEMBER 18, 2019
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Chair: Tom Hendrickson
Commissioners: Ginny Beckett, Shannon Nelson, Jeannine Naves and Dominick Driano
City Planner: Ryan Grittmann
City Clerk: Cathy Iago

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Driano moved to adopt the agenda, seconded by Commissioner Nelson and carried (5-0)

3. APPROVE MINUTES AUGUST 21, 2019: Chair Hendrickson asked if there were any additions or corrections to the August 21, 2019 Planning Commission minutes.

Commissioner Driano referred to the following grammatical errors:

Page 3: Delete repetitive wording “the applicant” in paragraph 12.
Page 3: Change the word “retried: to “required” in paragraph 13.
Page 3: Change the word “questions” to “question” in paragraph 14.
Page 4: Change the word “mater” to “matter in paragraph 13.

Clerk Iago noted the changes and suggested that Commissioners could email any grammatical errors to her prior to the meeting so she could make the corrections and present a revised version for their adoption at the meeting.

Chair Hendrickson asked if there were any further corrections and there was no response.

Commissioner Driano moved to approve the August 21, 2019 Planning Commission minutes as corrected, seconded by Commissioner Naves and carried. (5-0)

4. PUBLIC HEARING: A. Major Site and Building Plan Review and Conditional Use Permit, 2431 Angell Road, Jeffrey and Jennifer Vierzba: Chair Hendrickson opened the public hearing for the purposes of discussion of the Major Site and Building Plan Review and Conditional Use Permit for property located at 2431 Angelle Road. He asked the Planner to present his report.

Planner Grittmann referred to his report dated September 12, 2019 and explained that the applicants are requesting approval of a Major Site and Building Plan Review and a Conditional Use Permit to allow construction of a swimming pool, sport court, and patio on the property at 2431 Angell Road. He stated that the major site plan review is required for impervious surface alterations exceeding 1,000 sq. ft. in area; he noted that the swimming pool is considered as part of the impervious surface calculation. He further explained that the Zoning Code only allows one (1) accessory structure on the property and that the Conditional Use Permit is required to permit the additional accessory structure. He advised that the property currently has a detached garage/storage structure on the site. He further explained that the Zoning Code does not limit the number of accessory structures on a property, however, when a person seeks two or more structures on their property a Conditional Use Permit is required. He commented that the swimming pool is considered an accessory structure and that it is not out of the ordinary for a property to house two or three accessory structures. He pointed out that although there is not a limit to the number outlined in the Zoning Code, Council has the authority to limit the number of accessory structures.

The Planner stated that one (1) significant tree would be removed as part of the construction process and the applicant proposes to plant three (3) trees for replacement. He explained that the City Forester had reviewed and approved the plan. He further advised that notices were sent to neighboring properties within 1,000 feet of the subject property. He advised that

he received a request from one (1) neighbor for a copy of the site plan but had not received any further comments.

Planner Grittmann explained that the two items for review this evening include the Major Site and Building Plan Review and the Conditional Use Permit. He explained that the Zoning Code outlines evaluation criteria for each of these applications. He referred to the criteria for the Major Site and Building Plan Review and stated that staff had no concerns with the compatibility of the sport court or swimming pool in the community. He further noted that the proposed improvements would not adversely affect any natural resources in the community and would be reused by future owners of the property.

The Planner stated that there was a condition included that no lighting, not even temporary lighting, would be allowed on the sports court and noted that lighting is also prohibited as part of the Zoning Code regulations. He explained that the Sports Court could only be used by the property owner or their guests.

Planner Grittmann stated that the City Engineer had submitted a letter dated August 26, 2019, which outlined several items that required further information from the applicant and recommended denial of the request. He noted that the applicant had provided the information to the City Engineer and referred to the Engineer's memorandum dated September 16, 2019 that now recommended approval of the plan.

Staff recommends approval of the Major Site and Building Plan Review and Conditional Use Permit with the 10 conditions as listed in the Planner's report dated September 12, 2019.

Chair Hendrickson asked if the Commissioners had any questions or comments and there was no response. He opened the meeting for comments from the public.

Jeff Vierzba, 2431 Angell Road, asked how long it would be before he could make application for a building permit and start the project.

Planner Grittmann explained that after the Planning Commission makes a recommendation the application would be presented to Council for review at their October meeting. He advised that if Council approves the request, Mr. Vierzba could make application for a building permit. He commented that normally the Building Inspector quotes a two-week time frame for review of the permit, however, since this is not a home construction, it could be approved in less than two weeks. He indicated that the project most likely could begin in the middle of October.

Chair Hendrickson asked if there were any further comments from the public and, hearing no response, closed the public hearing. He asked if there were any further comments from the Commission.

Chair Hendrickson noted the primary location of the septic system was shown on the plan and asked if the applicant had knowledge of a secondary location for the septic system.

Mr. Vierzba stated he was unsure of a secondary location but the existing septic system is only six (6) years old.

Commissioner Nelson asked if two separate recommendations would be required.

Planner Grittmann stated that the Commission could make a recommendation either for both or each individual request.

Commissioner Beckett moved to recommend approval of the Major Site and Building Plan Review and Conditional Use Permit for property located at 2431 Angell Road, subject to the ten (10) conditions as listed in the Planner's report dated September 12, 2019, seconded by Commissioner Naves and carried. (5-0)

5. Discuss 2020 Planning Commission Meeting Schedule: Planner Grittmann referred to the proposed 2020 Planning Commission meeting schedule attached to his memorandum dated September 11, 2019. He explained that the 2020 schedule must be approved by December, 2019 and that he would prefer to do so early in the event the Commission does not schedule another meeting prior to end of the year.

Commissioner Beckett stated she would not be available for the March meeting and Commissioner Driano stated he would be absent for the January meeting.

There was discussion as to whether or not the dates would be affected by the upcoming Presidential Primary and Precinct Caucuses. Chair Hendrickson researched the dates for those events and found both would be held on a Tuesday and should not impact the meeting dates.

Planner Gritman explained that there are no applications for the October meeting and he was unsure if there would be any items for November or December.

Chair Hendrickson asked if there were any further comments and there was no response.

Commissioner Nelson moved to adopt Resolution No. 19-01-PC titled, RESOLUTION SETTING THE DATES OF THE REGULAR PLANNING COMMISSION MEETINGS FOR THE YEAR 2020, seconded by Chair Hendrickson and carried. (5-0)

OTHER/NEW BUSINESS: Chair Hendrickson asked if there were any other items for discussion.

Commissioner Driano asked if the Commission would be involved in determining the process for calculating the building height as discussed at the last meeting.

Chair Hendrickson explained that Council directed staff to research this item and a few other issues that have been raised. He stated that after staff completes their research, the Commission would review the information and make a recommendation to Council.

Commissioner Beckett asked if the regulation would be more definitive and Chair Hendrickson responded yes.

Commissioner Driano asked if the issue regarding the trash containers had been resolved or if the property owner had made application for a Conditional Use Permit. He further asked what would happen if the deadline set by Council for the application submission was not met by the property owner.

Planner Gritman stated that he sent a letter to the property owner to advise them of the Council decision, however, he had not received a request for an application and that the deadline for submission had passed. He advised that this matter would be handled by the City Attorney.

Chair Hendrickson asked if there were any further questions or comments and there was no response.

ADJOURN: Commissioner Driano moved to adjourn the meeting at 7:30 p.m., seconded by Commissioner Nelson and carried. (5-0)

Respectfully submitted,

Catherine Iago, City Clerk