

Planning Memorandum

To: Sunfish Lake Mayor Dan O'Leary and City Council Members

From: Lori Johnson, City Planner

Date: April 5, 2022

Re: 2150 Charlton Road – Major Site Plan Review Amendment
WSB Project No. 19248-000

GENERAL INFORMATION

Applicant: Ryan Slipka and Robert Latham, Southview Design

Property Owner: Erik and Cathy Weis

Project Location: 2150 Charlton Road

Existing Zoning: R-1 Single Family, Shoreland Overlay District

Surrounding Land Use / Zoning:

North:	R-1 within the Shoreland Overlay District
East:	R-1 within the Shoreland Overlay District
South:	R-1 within the Shoreland Overlay District (south of lake)
West:	R-1 within the Shoreland Overlay District

Code Sections: 1241 of the Zoning Ordinance (R-1)
1243 of the Zoning Ordinance (Shoreland Overlay)

Comprehensive Plan: The City of Sunfish Lake Comprehensive Plan guides this property for Rural Residential land use.

Attachments:

- Location Map
- Existing Survey
- Proposed Site Plan—approved on February 8, 2022
- Site Photos (5)
- Engineer's Memo
- Public Comment
- Proposed New Landscape Plan
- DNR Dock Handout
- New Public Comment
- Resolution

Deadline for Agency Action:

Application Complete Date:	02-17-2022
60 Days:	04-18-2022
City Council:	04-05-2022
Extension Letter Mailed:	NA
120 Days:	NA

CONSIDERATIONS RELATED TO THE REQUEST

On January 20, 2022, the Planning Commission reviewed and recommended approval of a major site plan review and conditional use permit for a walkway to the lake and a small seating area in the rear yard of the property located at 2150 Charlton Road. After the Planning Commission meeting, the applicant approached staff with a new proposed planting plan for the site. The decision was made to move forward with the original plan to approve the walkway, dock and seating area, and do an amendment to the major site plan approval if the homeowner wanted to pursue changes to the landscape plan. The City Council approved the plan for the walkway, dock and seating area at their meeting on February 8, 2022, but added a condition which clarified that the approval was for these three elements of the plan only, and that the landscape plan that was presented that evening was not approved. The applicant submitted an application for an amendment to the landscape plan and the application was deemed complete on February 17, 2022.

The new landscape plan for the site is attached to this report for your information. When compared to the previous landscape plan, it is clear that the new plan disturbs less of an area than the original proposed plan. As with the original plan, all plantings will be done by hand and there will be no large equipment in the shoreland impact zone.

The plantings being proposed will help to maintain the natural look of the slope. The plant list includes conifers (juniper), ground cover ornamental grass, perennials and shrubs (dogwood and sumac).

The information from the previous staff report is provided for you below in *Italics* for cross reference purposes. The City Forester and City Engineer were consulted on this plan and all staff are in agreement that this amendment should be recommended for approval.

NOTE: At the City Council meeting on February 8th, two conditions were added to the resolution of approval by the City Council. One condition referenced that a dock permit needs to be obtained/approved by the DNR for the dock. The DNR was contacted and no permit is required for the dock that is being proposed. Please see the attached reference sheet from the DNR regarding dock permits.

Also, a condition was added that required the applicant to inquire about a permit for the walkway and the need for handrails along the walkway. The Building Official determined that no permit or handrail is needed for these improvements.

The Planning Commission voted unanimously to approve the amended land use plan. Commissioner Driano questioned if the dock size had been amended to meet ordinance requirements, and the dock is now appropriately sized.

1. Overview.

Ryan Slipka of Southview Design has applied on behalf of Erik and Cathy Weis (property owners) for a major site plan review to add a walkway to the lake and a small seating area in the rear yard of the property located at 2150 Charlton Road (constructed in 2019).

According to the Ordinance the City Planner shall have the authority to require the project to be processed as a major site plan if it is determined that significant issues are generated which require policy direction or cause area-wide concern. It was determined by the City Planner that this project requires major site plan approval. Given the complexity of the project, the proximity to Sunfish Lake and the visibility of the project, the major site plan approval process was selected.

Site Plan Review requests require a public hearing, and review and recommendation by the Planning Commission, followed by review and consideration by the City Council.

The attached plan indicates the location of the proposed walkway (150 square feet) and the proposed seating area (176 square feet) on the top of the slope in the rear yard. The walkway to the lake is proposed on a steep slope and consists of monolithic stair units separated by compacted gravel areas. Rocks are also used in the design surrounding the walkway to control erosion on the slope. The only clearing to occur will be surrounding the walkway itself and fescue grass will be planted to re-establish the area surrounding the walkway.

There is a 176 square foot round stone patio (seating area) that will be installed on the flat part of the rear yard immediately adjacent to where the steep slope starts down to the lake. Please see the pictures attached to this staff report.

Staff (City Planner, City Engineer, City Forester) met on site with the applicant to review the plans and review the area in person. After some discussion, and after a couple of different plan iterations, the plan presented for this application has been determined to be the best alternative for the path to the lake as it disrupts the least amount of land possible and provides every effort to control the grade and erosion issues.

This site is located within the Shoreland Overlay District. The Shoreland Overlay District requires a conditional use permit for accessory structures of 18 inches or less located in the yard adjacent to the lake. Patios are specifically called out in this section of the ordinance as needing approval of a conditional use permit. The patio will be less than 18 inches in height and is relatively small. The patio is not located on the steep slope adjacent to Sunfish Lake. Due to the location of the patio, it should not be visible to properties on either side of this site due to heavy vegetation.

The Shoreland Overlay District also allows the stone path to the lake provided the following requirements are met:

- The stones cannot exceed four feet in width.*
- The landing near the lake cannot exceed 32 square feet.*
- There can be no canopies or roofs over the path.*
- The path should be located in the most visually conspicuous portion of the lot as viewed from the lake.*
- The path can be constructed of stone provided they are designed and installed in a manner that ensures control of soil erosion.*

A condition has been added to the findings of fact that the stones installed on the path cannot exceed four feet in width. There is no landing adjacent to the lake as the path will lead directly to a dock. There is no roof or canopy proposed over the path. The location of the path has been determined to be the most visually conspicuous and it is in the preferred location that saves existing vegetation and ensures control of soil erosion.

As noted on the plans, the work to install the path to the lake and the patio will be done by hand/small equipment rather than by large equipment. There must also be no disturbance below the DNR OHWL without a DNR permit.

Docks are also 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 proposed dock is 230 square feet, which is 30 feet larger than what is allowed. A condition of approval has been added to the findings of fact that the dock be reduced to 200 square feet in size. Furthermore, parts of the dock are greater than four feet in width, so a condition has also been added that requires the dock to meet this requirement. The dock only extends 30 feet into the lake.

No significant tree removal is proposed with this plan.

When the site visit was conducted it appeared as though the homeowner had mowed areas within the shoreland impact zone on site adjacent to the lake. A friendly reminder has been added to the conditions of approval that reiterates the need to preserve the native vegetation in this area.

After speaking with the applicant it was determined that the survey contours were provided using LIDAR which can be off by as much as four feet at times due to vegetation and conditions when the aerial was shot. A condition has been added to the major site plan approval that requires the patio and other 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.

2. 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 plan. This review shall include, but is not limited to the following:

- 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.*

3. 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.

NOTE: These plans and report have been sent to the DNR representative as required by the Shoreland Overlay District requirements.

One public comment was received in support of this application and is attached to this staff report.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends approval of the site plan subject to the following findings of fact and conditions of approval:

Findings of Fact:

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

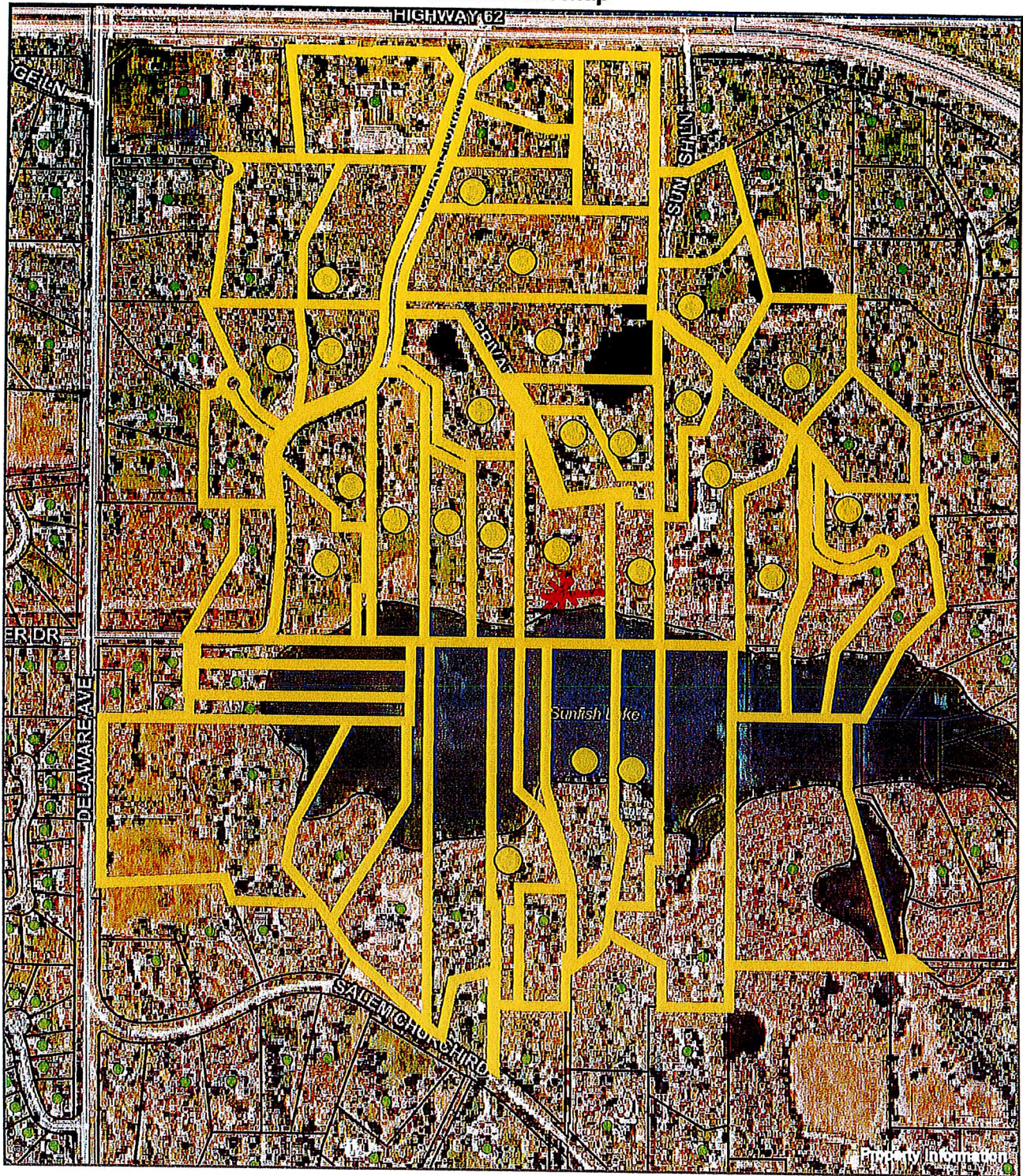
2150 CHARLTON ROAD,
SUNFISH LAKE, MN 55118
2. The planning report dated January 20, 2022 prepared by WSB is incorporated herein by reference.
3. The planning report dated March 17, 2022 prepared by WSB is incorporated herein by reference.
4. The Applicant submitted an application for a major site plan review amendment to amend the landscape plan for a previously approved major site plan.
5. Requests for major site plan approval amendments require Planning Commission review and City Council approval.
6. Upon review of the planning report and application information, the Planning Commission found that the proposed major site plan amendment meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet R-1 District and Shoreland Overlay District requirements.
 - b. The proposal addresses Ordinance requirements pertaining to grading, drainage and stormwater management, and screening.
 - c. The development meets other applicable Zoning Ordinance criteria.

Conditions of Approval:

1. Construction of the walkway, dock and seating area shall occur in substantial conformance with the plans approved at the February 8, 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 March 17, 2022 and approved by the City Council on April 5, 2022.
3. The applicant must comply with all requirements described in the Engineer Memo dated January 10, 2022 and attached to the original staff report to the Planning Commission and City Council on January 20 and February 8, 2022 respectively.
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 applicant is made aware as part of this process that the area within the Shoreland Impact Zone cannot be mowed or maintained and must remain in its natural state.
12. Erosion controls shall be in place and inspected and approved by City staff prior to any soil disturbance.
13. The stones installed on the path cannot exceed four feet in width.
14. The dock must not be permanently affixed to the shore or lake bottom.
15. The dock must be reduced to 200 square feet in size and no part of the dock shall be wider than four feet.

notification map



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed.
This is not a legal document and should not be substituted for a title search, appraisal, survey, or
for zoning verification.

Map Scale
1 inch = 600 feet
1/3/2022

* 2150 Charlton Road

2150 CHARLTON ROAD
SUNFISH LAKE, MINNESOTA

LEGAL DESCRIPTION PER DAKOTA COUNTY TAX DATA AS PROVIDED BY THE OWNERS:
S&W 4, Block 1 and Center A, B, C and E, SAID ESTATES,
SUNFISH LAKE, MINNESOTA.

TITLE NOTES:
This information was provided for the preparation of this survey.

CONTACT:
DOUGLAS AND NANCY REEDON
2150 CHARLTON ROAD
SUNFISH LAKE, MN 55118

COUNTY: CITY:
DAKOTA COUNTY
CITY OF SUNFISH LAKE

REVISIONS:
DATE
10-27-2018
11-15-2018
03-12-2019
03-27-2019
05-11-2019
08-01-2019

CERTIFICATION:
I hereby certify that this plan was prepared by me or under my direct supervision, that I am a duly Licensed Professional Surveyor in the State of Minnesota.
Date: 11-21-2018
Surveyor's License Registration Number: 79715

PROJECT LOCATION:
3843
ZENITH AVENUE S.
PID#0802824210022

CORNERSTONE
LAND SURVEYING, INC.
3500 WISCONSIN
SUNFISH LAKE, MN 55118
PHONE 612.725.8899
FAX 612.725.8899
WWW.CORNERSTONE-SURVEYING.COM

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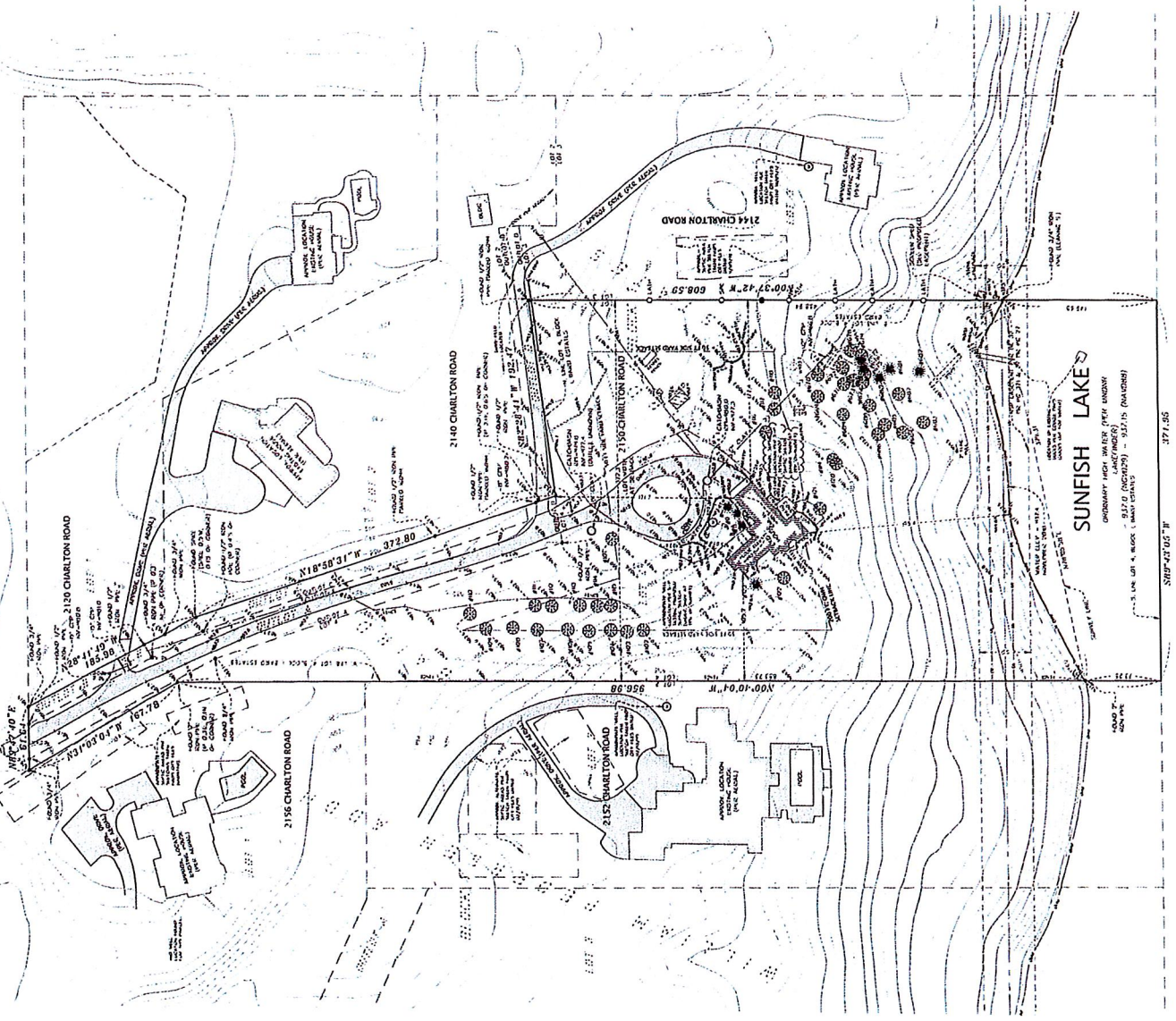
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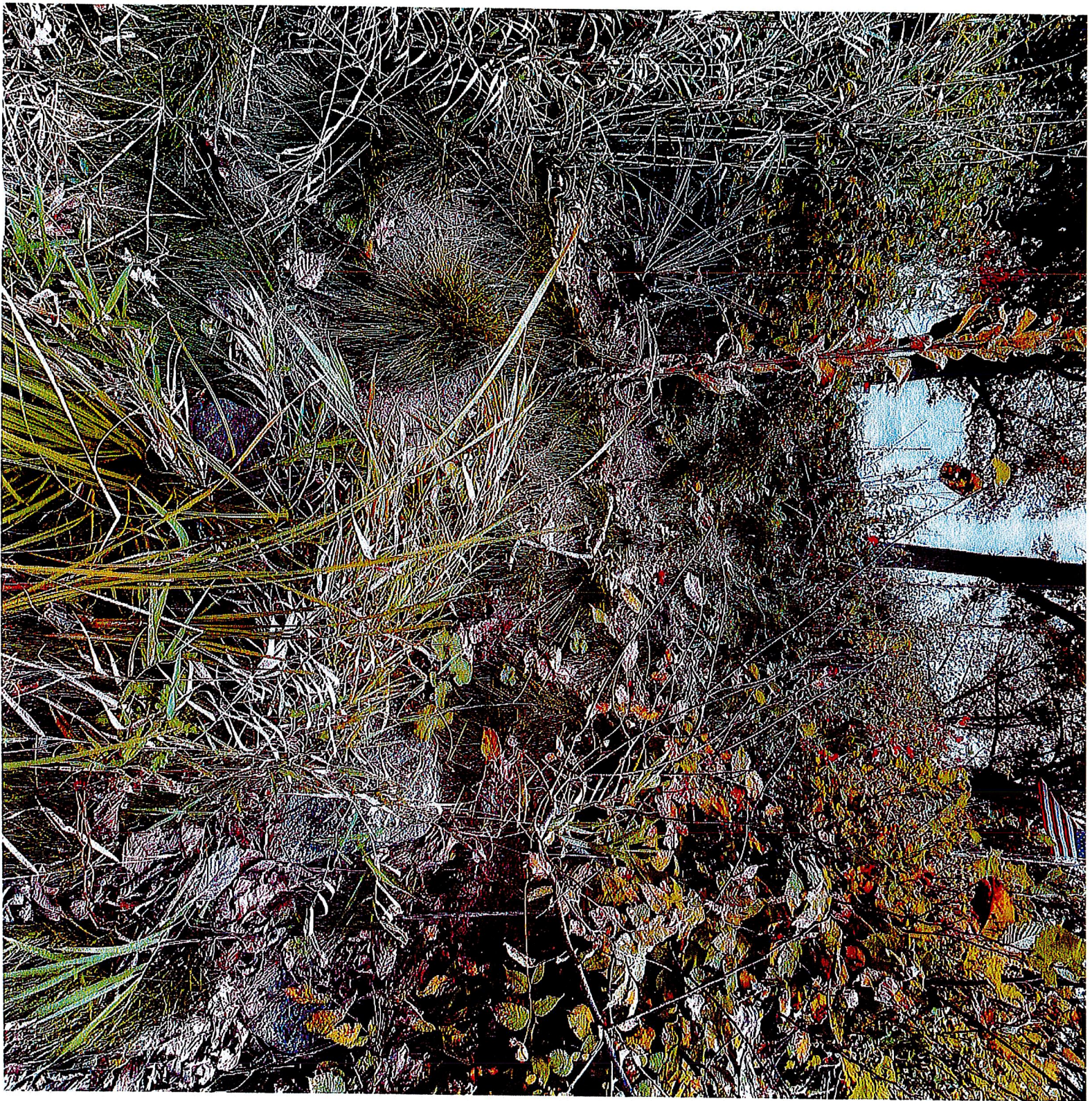
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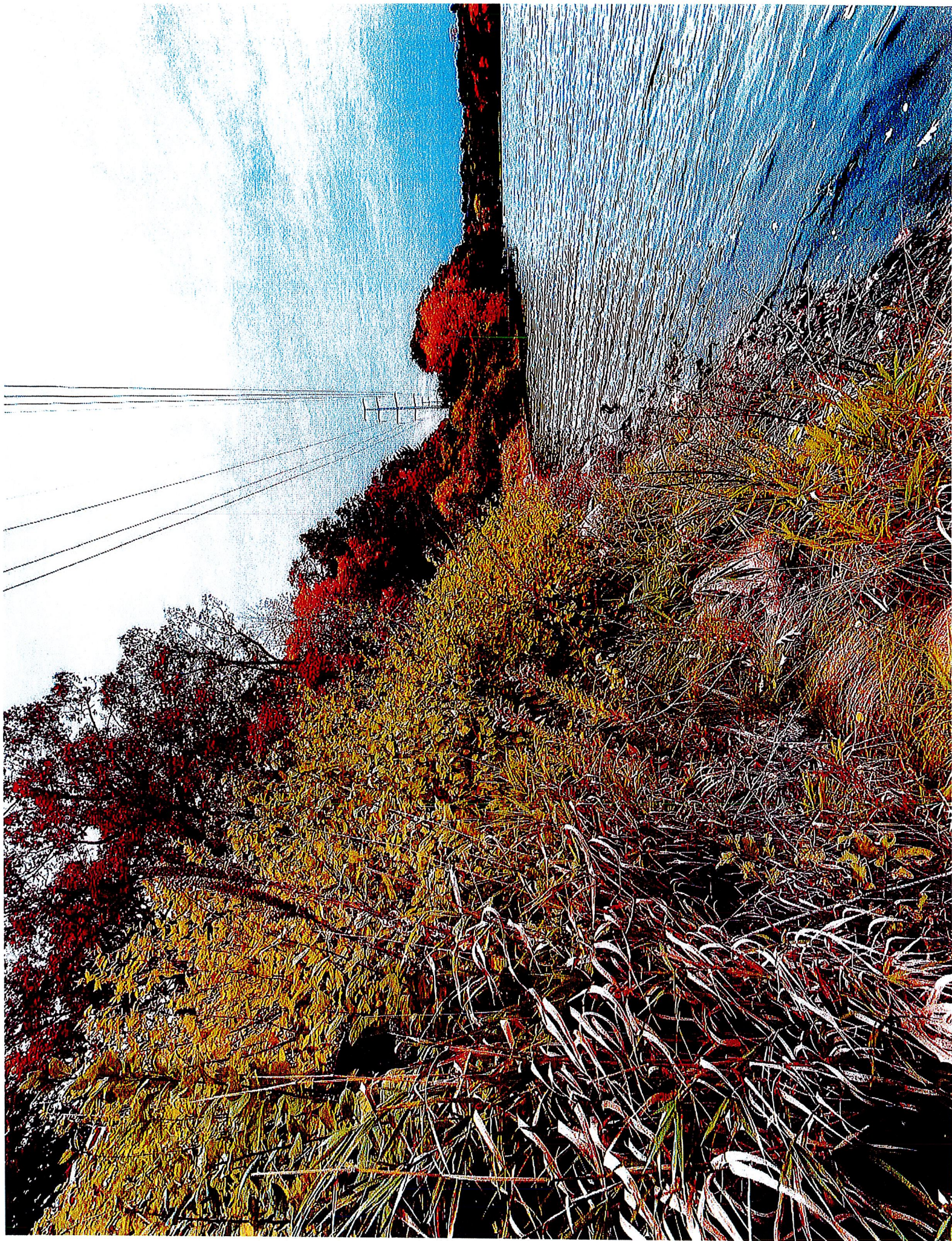
EXISTING IMPROVEMENT AREAS:
HOUSE - 30'00\"/>

TREE INVENTORY INFO:

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Memorandum

To: Lori Johnson, City Planner

From: Jeff Sandberg, PE – City Engineer

Date: January 10, 2022

Re: 2150 Charlton Road – Lake Access Plan
City of Sunfish Lake, MN
WSB Project #019248

Project Background

The Applicant is proposing to construct a pedestrian access to the lake. The home was built in 2019, and the steep grades to the lake at this property creates accessibility issues to a future dock that the homeowner would like to utilize. Comments are based on the submittal received from the applicant on December 14, 2021.

General Notes

Staff has met on-site a number of times with the homeowner's landscape designer. In the creation of the plan, it was stressed that no work could be completed below the DNR Ordinary High Water Level (OHWL) without a DNR permit. Additionally, the first 16.5' from the OHWL is protected and work within that zone should be minimized. There is also a critical Shoreland Zone with protections to minimize disturbance/ improvements within that area. Through a number of iterations of the plan, the applicant has satisfied all of staff's concerns.

The plan will consist of a straight stone stairway through the 16.5' protected zone – with no permanent landing at the lake (it is assumed that the dock will be placed at the bottom of the stairs). Additionally, intermittent gravel pathways and short sections of stairs will slightly meander through the critical Shoreland Zone through the steep grades. Natural stones/ boulders will be placed to hold the grade back (in lieu of retaining walls). The area will be planted with low-maintenance native vegetation which has been reviewed and approved by staff.

A firepit area is proposed above the slope to the lake in a flat area that has a maintained lawn at present. The limited firepit area of size and location as shown on the plan is supported by staff.

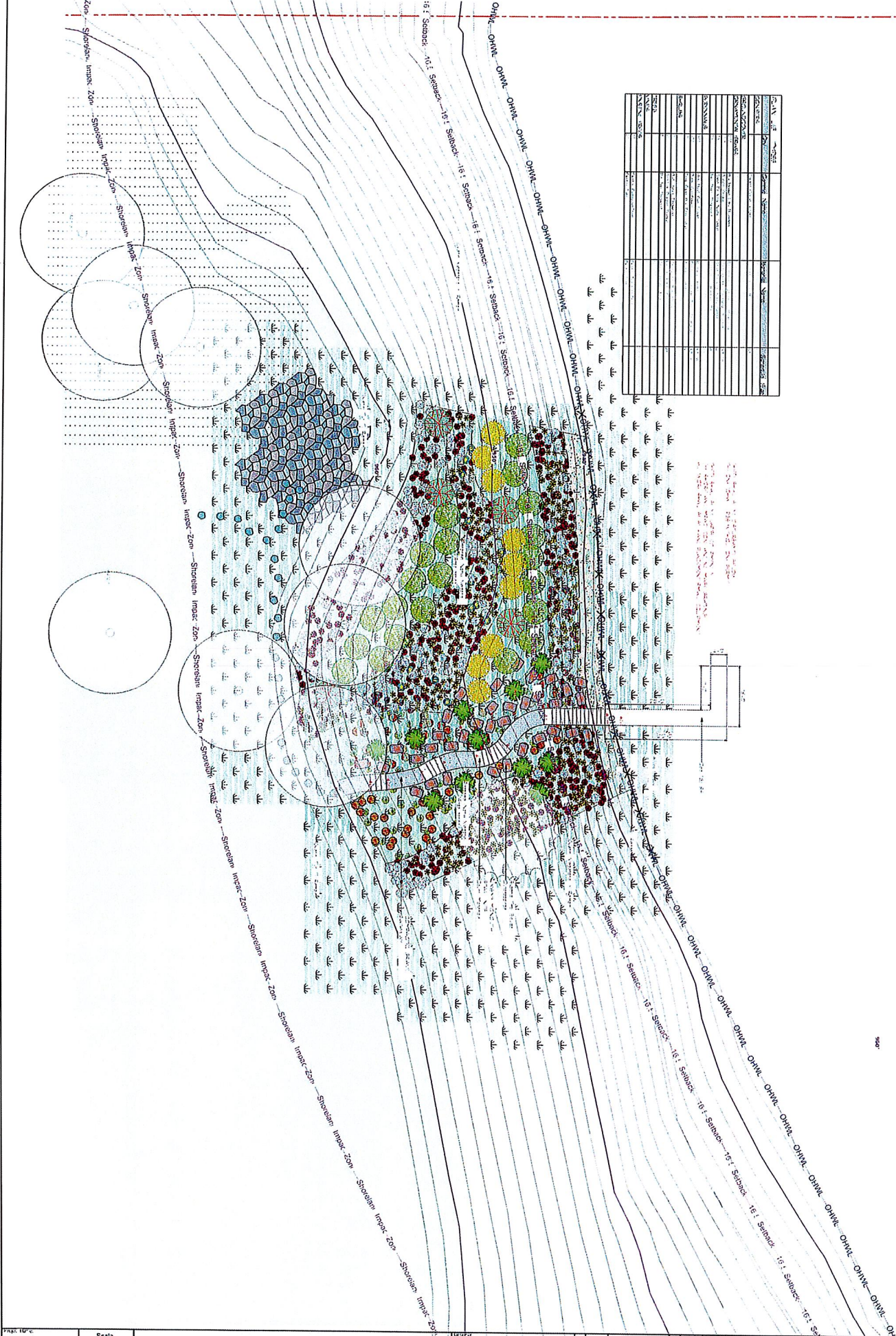
Grading, Erosion Control and Restoration

1. The applicant must provide an erosion control/ staging plan for staff approval prior to any work being initiated. Staff must conduct an inspection of the erosion controls prior to any work being initiated.
2. There shall be no large equipment in the critical Shoreland Zone and no mass grading. All work shall be by hand placement/ small equipment.

Conclusion and Recommendations

Based upon our review of the engineering, stormwater management and site grading for the proposed improvements, we have determined that the proposed plan dated December 16, 2021 meets the requirements for improvements within the critical Shoreland Zone. Staff appreciates the applicant's cooperation in the adjustments that have been made to their plan to meet city requirements and still provide them the ability to access the lake and enjoy their property.

New Plan

[illegible]

Docks and Access in Public Waters



Do I need a permit for my dock?*

No permit is needed to install, construct, or reconstruct your dock on shoreline property you own if you comply with the following:

- A dock is a narrow platform or structure extending toward the water from the shoreline. A dock may provide access to moored watercraft or deeper water for swimming, fishing, and other recreation.
- The structure, other than a watercraft lift or watercraft canopy, is **not more than 8 feet wide** and is not combined with other similar structures so as to create a larger structure.
- The dock is no longer than needed to achieve its intended use, including reaching navigable water depth.
- The structure is not a hazard to navigation, health, or safety.
- The structure will allow the free flow of water beneath it.
- The structure is not used or intended as a marina.
- The structure is consistent with the guidelines of the local unit of government.
- Docks placed on rock-filled cribs are located only on waters where the bed is predominantly bedrock.

Restrictions on docks and other structures

You may not place a dock or other structure in public waters if the structure:

- obstructs navigation or creates a hazard;
- is detrimental to fish or wildlife habitat or is placed in a posted fish spawning area;
- is intended to be used for human habitation;
- includes walls, a roof, or sewage facilities; or
- is located on property you do not own or have rights to use.

If you have questions concerning the contents of this brochure, contact your DNR Area Hydrologist. See contact information on reverse side.

*Based on Minnesota Rules, Chapter 6115.0210 and 6115.0211.

What you should know about docks and other water access structures

Docks and watercraft lifts are commonly used access structures on Minnesota lakes and rivers. If you own waterfront property, a temporary structure that provides access to a lake or river is preferred to a permanent structure. Permanent structures are more likely to sustain ice damage, and a snow-covered structure over the ice poses a hazard to recreational vehicle users.



The blue box to the left lists installation guidelines for docks and access structures like boat lifts. These guidelines are intended to minimize impacts on water resources and shoreline habitat. If you follow these guidelines, no permit is needed from the Department of Natural Resources (DNR). Local units of government may have additional dock rules related to public safety and other local issues and should be contacted.

A shoreline owner may request a permit to install a dock wider than 8 feet. The permit applicant must show a specific need and show that the wider dock represents the minimal impact solution to that need. Docks serving single-family homes or residential planned unit developments generally will not need a dock wider than 8 feet. Public docks and mooring structures that are otherwise not serving as a marina may need to be a wider structure and will be reviewed individually. Docks that have no permit and that exceed the 8-foot-wide limit are subject to enforcement action, including a citation, an order to remove the dock, and fines for both the landowner and the dock installer.

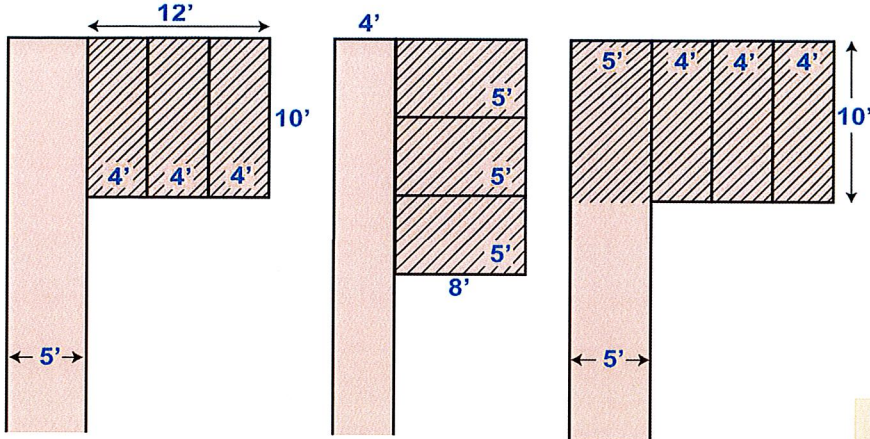
Design and locate your dock and boat lift to avoid interfering with your neighbor's use of the water. Docks and boat lifts should be placed so that mooring and maneuvering of watercraft can normally be confined within the property lines if they were extended into the water.

General Permit 2008-0401

A general permit was issued in 2008 to allow a modest platform at the lake end of a dock under certain conditions. This general permit allows a single, temporary platform up to 120 square feet measured separately from the access dock, or 170 square feet including the area of the adjacent access dock, if the following conditions exist: the access dock must be 5 feet or less in width and the dock must be on a lake with a shoreland classification of General Development or Recreational Development. See typical dock configurations on the next page. Refer to General Permit 2008-0401 at: http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/docks.html for more details.

Docks and Access in Public Waters

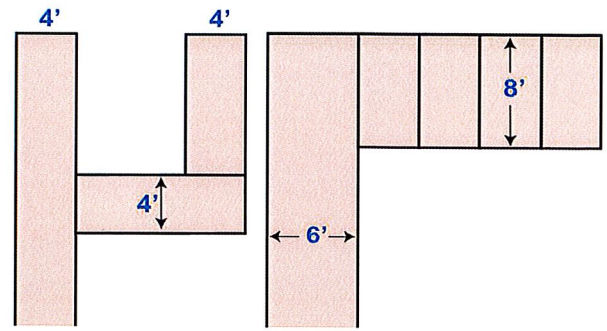
Authorized by General Permit 2008-0401



Platform area (not including walkway)
up to 120 square feet.

Platform area
(including walkway)
up to 170 square feet.

No Permit Required



No area of the dock is wider than 8 feet.

If buying, selling or moving a dock from one body of water to another, owners should make sure all zebra mussels, vegetation or other invasive species are removed and let dry for a minimum of 3 weeks before placing in another water. When using a business to place or remove your dock, make sure that they have a valid Lake Service Provider permit and the staff have an aquatic invasive species training certificate. For more information see: mndnr.gov/invasives

Purpose of the dock rules

Intensive shoreland development causes deterioration of a lake's ecosystem. Dock installations and their associated uses are factors in this deterioration. Studies of lakes in the Midwest show that docks and boat lifts may shade out important aquatic plants and eliminate critical habitat where fish spawn, feed, grow, and find shelter from predators. Shoreline views may also suffer when large dock systems are installed. Also, there is a growing concern about the private use of the water surface if docks and associated structures extend too far, cover too much surface area, or span the entire owned frontage. The proliferation of dock configurations and dimensions is a concern to the DNR, lake associations, anglers, lakehome owners, and others. Finding the appropriate balance between reasonable access and resource protection requires collaboration by all interests.

Another issue of concern is any attempt to control access to a lake bed or water surface. Even when land ownership extends into the lake bed, all who own land abutting the water or gain legal access have the right to use the entire surface of the water. For this reason, a dock configuration should never close off part of the lake to other users.

If the dock is designed and used for access to navigable water depth, a DNR permit will rarely be needed. A dock does not need a permit if it is no more than 8 feet wide, is designed to simply meet the need of reaching navigable depths, and follows the other guidelines on the front of this brochure.



The removal or destruction of aquatic plants is a regulated activity under the DNR Aquatic Plant Management Program. If your shoreline plans include removal of aquatic vegetation, please contact a regional DNR Fisheries office because a permit may be required. Removal of native plants may provide open space for invasive species to take hold.

DNR Contact Information



DNR Ecological and Water Resources
website and a listing of Area Hydrologists:
mndnr.gov/contact/ewr.html
DNR Ecological and Water Resources
500 Lafayette Road, Box 32
St. Paul, MN 55155
(651) 259-5100

For information about aquatic plant management permits:
mndnr.gov/eco/apm

DNR Information Center

Twin Cities: (651) 296-6157
Minnesota toll free: 1-888-646-6367
Telecommunication device for the deaf (TDD): (651) 296-5484
TDD toll free: 1-800-657-3929

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available regardless of race, color, national origin, sex, sexual orientation, marital status, status with regard to public assistance, age, or disability. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

This information is available in an alternative format on request.

Lori Johnson

From: John Johansson <John.Johansson@transwestern.com>
Sent: Saturday, March 12, 2022 5:03 PM
To: Lori Johnson
Cc: John Johansson
Subject: 2150 Charlton Road - updated walkway and planting plan.

EXTERNAL EMAIL

Lori –

I received the updated notice regarding 2150 Charlton Road.

I live at 1 Sunfish Lane, two properties to the east of the subject property.

The updated walkway and planting plan for 2150 Charlton Road looks beautiful.

As stated previously, I believe these lots have very unique, and sometimes challenging aspects. These lots require special attention – typically costly attention.

This applicant should be commended for their efforts and attention to detail.

It will be an attractive upgrade.

Thank you.

JJJ

John J. Johansson

Managing Director of Retail Services

TRANSWESTERN

7601 France Avenue South

Suite 525

Edina, Minnesota 55435

Direct: 612.359.1680

Cell phone: 612.817.2302

john.johansson@transwestern.com

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

RESOLUTION NO. 22-XX

**RESOLUTION APPROVING A MAJOR SITE PLAN REVIEW AMENDMENT FOR A
LANDSCAPE PLAN RELATING TO THE APPROVED PLANS FOR A WALKWAY
TO THE LAKE, A DOCK AND A SEATING AREA AT 2150 CHARLTON ROAD,
SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Ryan Slipka and Robert Latham, on behalf of Erik and Cathy Weis, submitted an application for a major site plan review amendment to amend the landscape plan for a previously approved major site plan at the property located at 2150 Charlton Road, legally described as:

Lot 4, Block 1, Baird Estates

WHEREAS, a request for a major site plan review amendment requires Planning Commission review and City Council approval; and

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated January 20, 2022, March 17, 2022 and April 5, 2022 prepared by WSB; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their March 17, 2022 meeting and reviewed the major site plan review amendment, along with the referenced staff report; 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 review amendment on a vote of 4-0 vote; and

WHEREAS, the following findings support the Planning Commission recommendation for approval:

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

2150 CHARLTON ROAD,
SUNFISH LAKE, MN 55118
2. The planning report dated July 20, 2022 prepared by WSB is incorporated herein by reference.
3. The planning report dated March 17, 2022 prepared by WSB is incorporated herein by reference.
4. The applicant submitted applications for a major site plan review amendment to amend the landscape plan for a previously approved major site plan.

5. Requests for major site plan review amendments require Planning Commission review and City Council approval.
6. Upon review of the planning report and application information, the Planning Commission found that the proposed site plan meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The proposed improvements meet R-1 District and Shoreland Overlay District requirements.
 - b. The proposal addresses Ordinance requirements pertaining to grading, drainage and stormwater management, and screening.
 - c. The development meets other applicable Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for a major site plan review amendment at their meeting on April 5, 2022 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 review amendment for 2150 Charlton Road with the following conditions:

1. Construction of the walkway, dock and seating area shall occur in substantial conformance with the plans approved at the February 8, 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 March 17, 2022 and approved by the City Council on April 5, 2022.
3. The applicant must comply with all requirements described in the Engineer Memo dated January 10, 2022 and attached to the original staff report to the Planning Commission and City Council on January 20 and February 8, 2022 respectively.
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 applicant is made aware as part of this process that the area within the Shoreland Impact Zone cannot be mowed or maintained and must remain in its natural state.
12. Erosion controls shall be in place and inspected and approved by City staff prior to any soil disturbance.
13. The stones installed on the path cannot exceed four feet in width.
14. The dock must not be permanently affixed to the shore or lake bottom.
15. The dock must be reduced to 200 square feet in size and no part of the dock shall be wider than four feet.

This resolution is adopted by the City Council of the City of Sunfish Lake this 5th day of April 2022.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk