

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

RESOLUTION NO. 22-XX

**RESOLUTION APPROVING A MAJOR SITE PLAN AND BUILDING REVIEW AND
A CONDITIONAL USE PERMIT FOR THE PROPERTY AT 15 SUNNYSIDE LANE,
SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Jeff Lindgren, on behalf of Howard and Julie Punch, submitted an application for the approval of a major site plan and building review and a conditional use permit for the property at 15 Sunnyside Lane, Sunfish Lake, Dakota County, Minnesota, legally described as:

PT OF LOT 4 BLK 1 LYING S'LY OF LINE COM NW COR S'LY ON W'LY LINE OF
SAID LOT 4 117.64 FT TO BEG OF LINE N 86D42M20S E TO E LINE SAID LOT 4 &
LINE THERE TERM AND ALL OF LOT 5 BLK 1, KNUTSON ADDITION

AND

LOT 3 BLK 1 & UND 1/3 INT IN OUTLOT A, KNUTSON ADDITION

WHEREAS, a request for major site and building plan review and conditional use permit requires Planning Commission review and City Council approval; and

WHEREAS, City staff reviewed the application and outlined their review comments in planning reports dated June 16, 2022 and July 12, 2022, prepared by WSB; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their June 16, 2022 meeting and reviewed the major site and building plan review and conditional use permit applications, 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 minor site plan review and conditional use permits on a vote of 3-0 vote; and

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

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

15 Sunnyside Lane
SUNFISH LAKE, MN 55077

2. The planning reports dated June 16, 2022, and July 12, 2022 and 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.

Conditional Use Permit:

- 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 accessory structure has a function related to the principal use.
- d. The accessory structure 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.

Shoreland Overlay District:

- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- b. The visibility of structures and other facilities as viewed from public waters is limited.
- c. The site is adequate for water supply and on-site sewage treatment.
- d. 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.

WHEREAS, the Sunfish Lake City Council considered the application for major site plan approval and conditional use permit at their meeting on July 12, 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 and building review and a conditional use permit for 15 Sunnyside Lane with the following conditions:

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 Planning Commission meeting and the July 12, 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 and the July 12, 2022 City Council meeting.
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.

This resolution is adopted by the City Council of the City of Sunfish Lake this 12th day of July, 2022.

Dan O'Leary, Mayor

Attest:

Catherine Iago, City Clerk