

Planning Memorandum

To: Mayor O'Leary and the Sunfish Lake City Council

From: Lori Johnson, City Planner

Date: June 6, 2024 (For June 11 meeting)

Re: 415 Salem Church Road – Major Site Plan Review
WSB Project No. 0236890-000
SFL No. 06-2024

GENERAL INFORMATION

Applicant: Ken Ronsberg, Performance Pool & Spa

Property Owner: Alexandra & Grant Fitzer

Project Location: 415 Salem Church Road – PID 381175001021

Acreage: 4.69 acres

Existing Land Use: Single-Family Residential

Zoning: Zoned R-1 within Shoreland Overlay District

Surrounding Land Use / Zoning: Surrounded by Single Family Homes/R-1 Zoning on East, North and South of parcel.
West – City of Mendota Heights.

Comprehensive Plan: The City of Sunfish Lake (2040) Comprehensive Plan guides this property for Rural Residential land use.

Deadline for Agency Action: Application Date: 03.04.2024
60 Days: 05.31.2024
Extension Letter Mailed: 04.29.2024
120 Days: 06.28.2024

Attachments: Location Map
Aerial
Pool Layout and Landscaping
Grading and Stormwater Management
Engineering Comments

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Ken Ronsberg of Performance Pool & Spa, on behalf of Alexandra and Grant Fitzer who are the property owners of 415 Salem Church Road, has made an application for a Major Site Plan and Building Review to allow for the approval to construct an 18 foot by 36 foot in-ground swimming pool. The pool will sit roughly 12 feet from the northeast corner of the existing residence. The pool will be rectangular in shape, with an approximately 1,402 square foot pool deck (made of concrete) surrounding the pool. The applicant will install erosion containment measures to prevent soil loss, such as silt fences and a soil stockpile just northwest of the pool deck.

The pool area will be bordered by a retaining wall with a height not to exceed 42 inches. The retaining wall will primarily run along the western border of the pool deck, separating the deck from the existing fenced vegetable garden. The wall extends south past the eastern side of the home to connect to the front yard by the existing driveway. A similar retaining wall will be installed opposite the western retaining wall to create a walking path connecting the driveway area to the side and rear of the home. Because the proposed pool and pool deck area is over 1,000 square feet in size, the zoning ordinance requires Major Site and Building Plan approval for the project.

2. General Zoning Review—In-Ground Swimming Pool Major Site Plan Review

Setbacks: The new pool and pool deck are set back from the front property line at a distance greater than what is required by the ordinance. The surrounding pool deck area exceeds the required setback from the rear lot line and both side lot line setbacks to meet the standards of both the R-1 and Shoreland Overlay Districts.

Impervious Surface and Building Coverage: The total proposed impervious surface coverage for the lot on which the home is to be located is 5%. 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 proposed building coverage on the home lot is 2%, which meets ordinance requirements.

Size: The pool that is being constructed is 2,029 square feet. The pool will measure 648 square feet and the surrounding pool deck and stairs will measure 1,381.

Tree Preservation/Landscaping: The Applicant has not indicated that any trees or shrubs shall be removed as a result of the proposed installation. However, the Landscape Plan does indicate that a planting bed shall be installed between the northeast corner of the home and the adjacent retaining wall. An Autumn Blaze Maple tree and additional plantings will be put at the northeast corner of the pool deck to screen part of the retaining wall and blend the land disturbance.

DNR Approval. The Minnesota DNR Area Hydrologist was notified of the proposed request.

Site Plan Review Criteria

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 minerals, 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 the zoning ordinance and the Property Owner Reference & Development Guide Manual, as established by City Council resolution.

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 and building plan approval and shoreland considerations.

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

Planning Commission

The Planning Commission reviewed this application on May 23, 2024. The Planning Commission unanimously voted to approve the item with no discussion.

RECOMMENDATION

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

Findings of Fact:

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

415 Salem Church Road
SUNFISH LAKE, MN 55118
2. The planning reports dated May 17, 2024, and June 6, 2024 prepared by WSB and presented to the Planning Commission and City Council are incorporated herein by reference.
3. The Applicant has submitted an application for a major site and building plan.
4. Requests for major site and building plan review 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 approval at the May 23, 2024 Planning Commission meeting.
7. Upon review of the planning report and application information, the Planning Commission and City Council found that the proposed site and building plans meet Ordinance requirements. The following findings support their recommendation for approval:

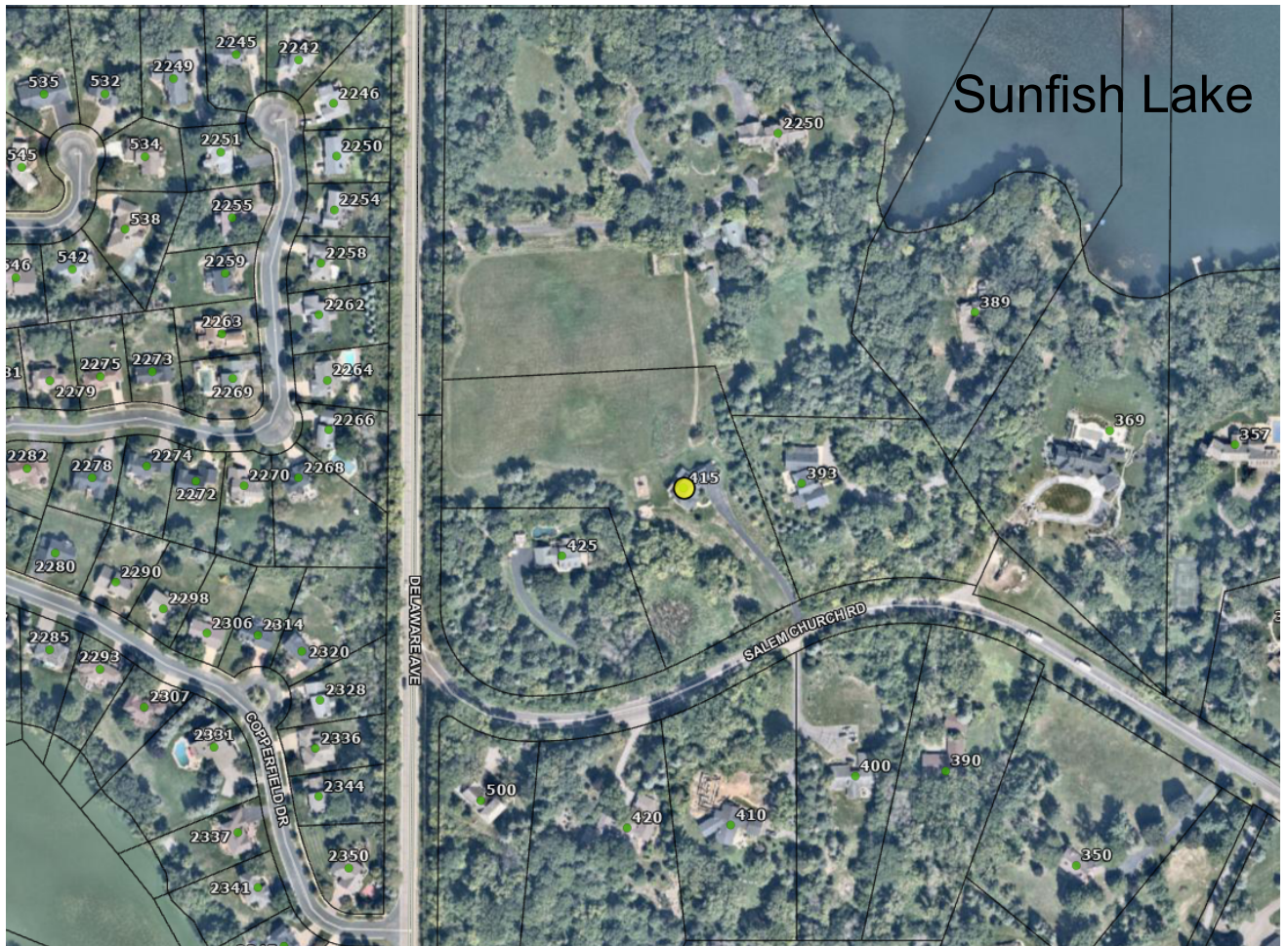
Major Site and Building Plans:

- 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 pool and all improvements shall occur in substantial conformance with the plans recommended for approval at the May 23, 2024, Planning Commission meeting and the June 11, 2024, City Council meeting.
2. The applicant must obtain all other permits as may be required.
3. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
4. 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.
5. 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.
6. 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.
7. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.
8. 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.
9. All erosion controls identified on the approved plan must be properly installed and inspected by City staff prior to the start of any construction.
10. If site disturbance exceeds one acre, the applicant agrees to apply for a NPDES permit through the MPCA and supply the city with the approved Storm Water Pollution Prevention Plan (SWPPP) and the approved MPCA NPDES permit.

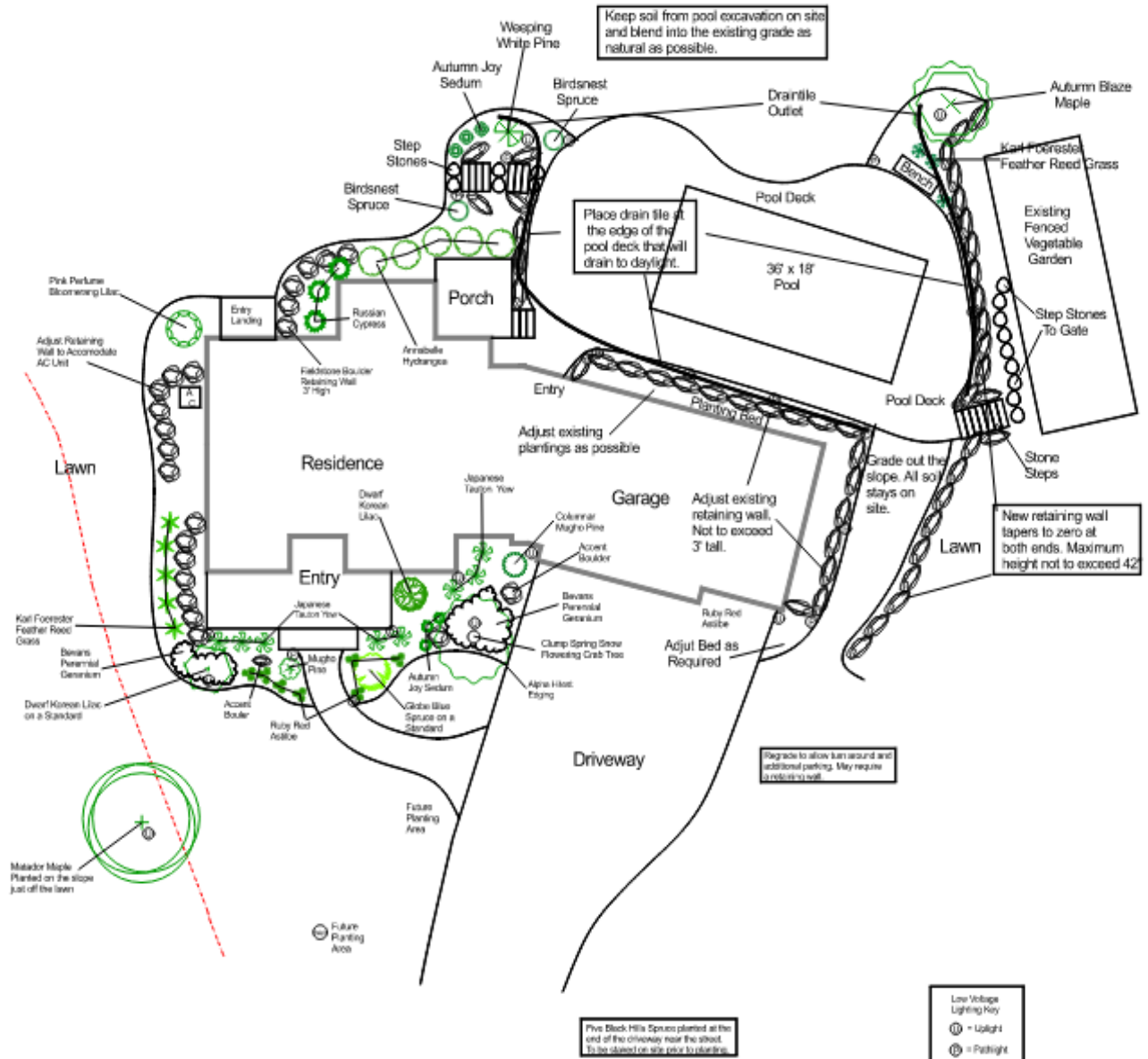
Location Map for 415 Salem Church Road

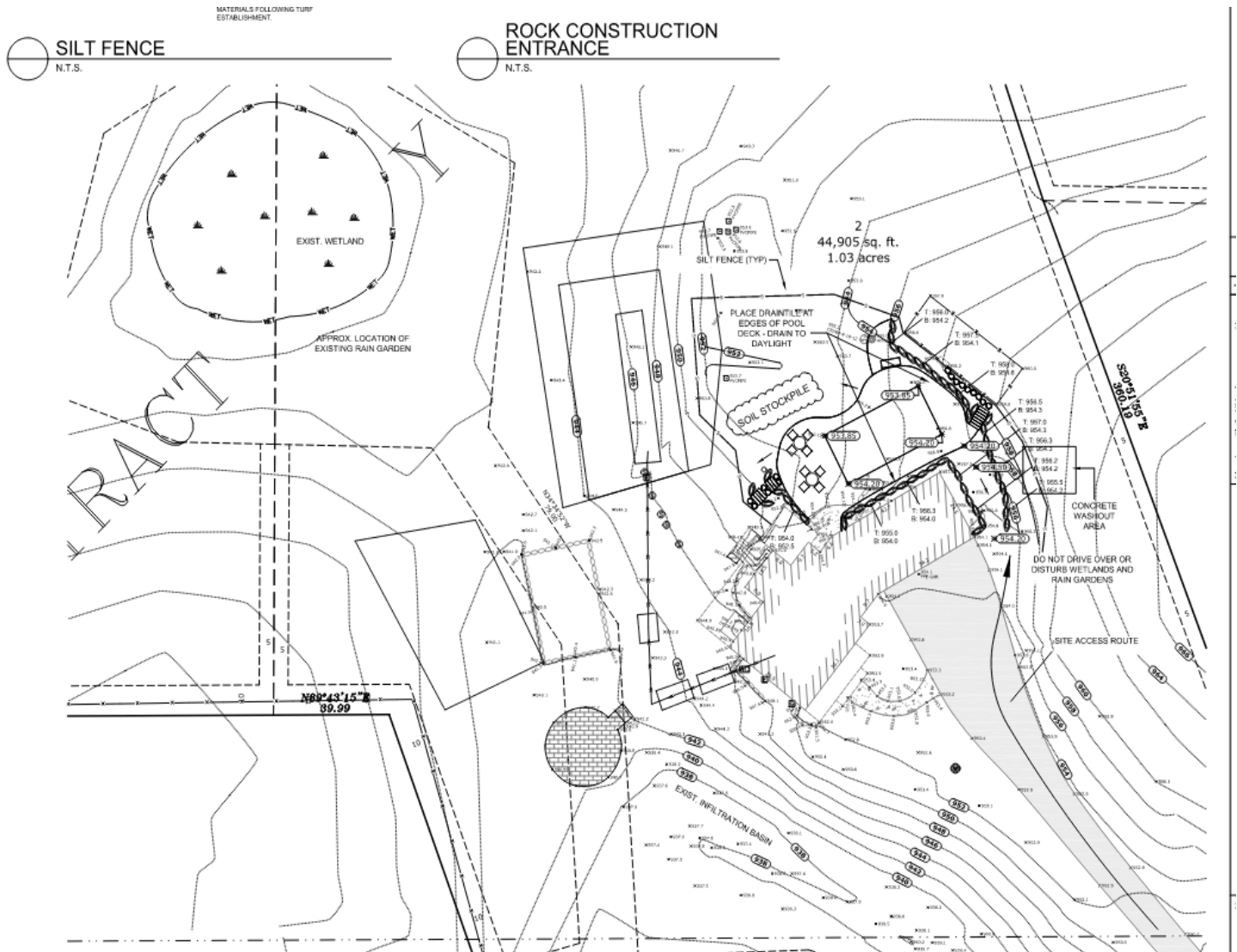


Aerial Map for 415 Salem Church Road



415 Salem Church Road - Pool Layout and Landscaping





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

RESOLUTION NO. 24-XX

**RESOLUTION APPROVING MAJOR SITE AND BUILDING PLAN REVIEW FOR
THE CONSTRUCTION OF A SWIMMING POOL AND DECK ON THE PROPERTY
AT 415 SALEM CHURCH ROAD, SUNFISH LAKE, DAKOTA COUNTY,
MINNESOTA.**

WHEREAS, Alexandra and Grant Fitzer, submitted an application for major site and building plan review for the construction of a swimming pool and deck at 415 Salem Church Road, legally described as:

That part of Lots 2 and 3, Block 1, Lying South of the North 256 Feet Thereof; in the plat of Angell Acres, in Dakota County Minnesota.

WHEREAS, a request for major site plan and building permit review 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 May 17, 2024 and a second report dated June 6, 2024 prepared by WSB; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their May 23, 2024 meeting and reviewed the major site and building plan application, 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 recommended to the City Council approval of the major site and building plan application 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:

415 Salem Church Road
SUNFISH LAKE, MN 55118
2. The planning report dated May 17, 2024, prepared by WSB is incorporated herein by reference.
3. The Applicants have submitted an application for a major site and building plan.
4. Requests for major site and building plan review 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 approval at the May 17, 2024, Planning Commission meeting.
7. Upon review of the planning report and application information, the Planning Commission found that the proposed site and building plans 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.

WHEREAS, the Sunfish Lake City Council considered the application for major site and building plan approval at their meeting on June 11, 2024 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 and building plan review for 415 Salem Church Road with the following conditions:

1. Construction of the swimming pool and deck and all improvements shall occur in substantial conformance with the plans recommended for approval at the May 23, 2024, Planning Commission meeting and the June 11, 2024, City Council meeting
2. The applicant must obtain all other permits as may be required.
3. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
4. 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.
5. 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.
6. 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.

7. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.
8. 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.
9. All erosion controls identified on the approved plan must be properly installed and inspected by City staff prior to the start of any construction.
10. If site disturbance exceeds one acre, the applicant agrees to apply for a NPDES permit through the MPCA and supply the city with the approved Storm Water Pollution Prevention Plan (SWPPP) and the approved MPCA NPDES permit.

This resolution is adopted by the City Council of the City of Sunfish Lake on this 11th day of June 2024.

Dan O'Leary, Mayor

Attest:

Christy Wilcox, City Clerk