

Planning Memorandum

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

From: Lori Johnson, City Planner

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

Re: **2570 Delaware Avenue – Major Site Plan Review, Conditional Use Permit and Variances**
WSB Project No. 024203-000

GENERAL INFORMATION

Applicant: Amber Hill, PEBL Design

Property Owner: Jeremy and Rachel Segal

Project Location: 2570 Delaware Avenue – PID 380310053020

Acreage: 3.9 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

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

Deadline for Agency

Application Date:	04.01.2024
60 Days:	05-31-2024
Extension Letter Mailed:	04.20.2024
120 Days:	07.19.2024

Attachments:

- Location Map
- Aerial
- Narrative
- Tree Removals
- Site Plan—Proposed (3)
- Grading + Jointing Plan
- Planting Plan
- Lighting Plan
- Renderings
- Grading, Stormwater Management and Erosion Control Plan
- Lighting/Photometric Plan
- Fence Exhibits from Applicant
- Fence Email from Applicant

Final Plans from 2018 Major Site Plan Approval
Public Comments (Please note color copies were emailed to
Councilmembers directly from commenters)

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Amber Hill, PEBL Design, has made a request on behalf of the property owners (Jeremy and Rachel Segal) at 2570 Delaware Avenue to allow for the following improvements on site:

- **Major site plan** approval to allow for the construction of a swimming pool (and fence around pool equipment), golf area, pergola, a 30-foot long 6-foot tall privacy fence all in excess of 1,000 square feet. NOTE: Outdoor fitness area and tree house were removed from the plan by the applicant after the May 23 Planning Commission meeting.
- A **conditional use permit** for more than one accessory structure on a lot, and for the allowance of accessory structures in the front yard. The pool and the golf area are considered accessory structures/uses and are proposed in the front yard of the lot, which is on the east side of the lot. The entrance monument/gate also requires a conditional use permit and is included in the proposed resolution of approval.
- Variance for the location of a future entrance gate which is proposed to be located 22 feet and 4 inches away from the side yard property line on the north side of the site where a 50-foot setback is required for such gate.
- Variance for the existing 350-foot-long wrought iron fence that was constructed without a permit adjacent to the lake, where a 200-foot setback from the Ordinary High Water Mark is required. Fences are also required to be no longer than 200 lineal feet.
- The variance for the location of a tree house (accessory structure) has been pulled from the plans by the applicant.

Relevant Code Sections:

Section 1204 Administration—Conditional Use Permits
Section 1206 Administration—Variances
Section 1208 Site and Building Plan
Section 1217 Accessory Buildings, Structures, Uses and Equipment
Section 1218 Fencing/Screening
Section 1241 R-1, Single Family Residential District
Section 1243 Shoreland Overlay District

The property owners are proposing to construct several outdoor/recreational projects on this site that require various land use approvals. Currently, there is an existing home and driveway on the property, and the driveway is connected to a shared private access that serves several homes located adjacent to this site, and that are also addressed off Delaware Avenue. The property abuts Hornbeam Lake, is within the Shoreland Overlay District and is subject to the corresponding regulations in the zoning code.

In 2018, the current property owners built an addition on the existing home and went through the major site plan approval process and a variance process that allowed construction within the required shoreland setback. They also made some minor changes to the plans approved at that time and went through the minor site plan approval process after the major site plan approval

process. The City Council approved both the major and minor site plans and the variances requested.

Since the approval in 2018 the property owners have constructed improvements adjacent to the Ordinary High Water Level, and the appropriate land use applications or building permits were never issued for any of this work. This work included new walls immediately adjacent to the lake and a wrought iron fence.

The improvements to the lake side of the property involved considerable grading activity and slope alterations to install a paver walkway, new walls and a wrought iron fence. The property owners have indicated that they did not know permits were needed for this work, even after they went through with the appropriate processes in 2018. It is questionable as to whether any of the illegally installed improvements would have been allowed, given the earth-moving effort to install the walkway. Additionally, it is not known if any erosion controls were installed or if the storm water ordinance requirements were met. As you know, the Shoreland Overlay District considerably limits the ability to remove natural vegetation within the slope to the lake (1243.04 of the Zoning Ordinance).

The applicants have stated that a fence was on the property when they bought the property in 2014. The applicant has provided pictures of a fence along the lake which appears to be some sort of wire fence, which also would not have been permitted under ordinance requirements. There is a picture of a chain link fence that was submitted by the applicant but the location is unknown. Staff has not found permits for any of the fences shown in the pictures (WSB records go back to 2010). Additionally, the staff reports for the 2018 approvals indicated that no fencing existed at that time or was proposed. A copy of the existing site plan that was submitted for the 2018 approvals is attached and there is no fence shown on that site plan. The staff report indicated that no work was proposed along the lakeside with the 2018 project. It is unknown when the site plan was drawn that was submitted by the applicant regarding the existing fence, which was simply an illegal wire fence.

Finally, the applicant contends that a fence around the path is needed per the building code requirement relating to fall hazards over 30 inches. The building code does address this but it is in relation to constructed stairs and landings associated with home construction, and not landscaping improvements. If this were required of all properties, several Sunfish Lake lots would be out of compliance with the building code. Additionally, building permits are not required for landscaping work (pavers, stones, etc.).

The applicant has stated that the fence was constructed for the safety of their small child. Had the applicant reached out about the fence, staff could have worked with them on a landscape plan that would have achieved the desired outcome.

NEW Information: The property owners have presented text messages that indicate that WSB was involved with the issuance of a fence permit in 2021. The text messages are general in nature, and only indicate that conversations were started with the staff at that time. WSB was able to locate a project number that was set up for the construction of the fence through the minor site plan approval process (2021). In the electronic file there was evidence that staff had asked the owners and fence contractor for additional information in relation to the fence via email, and it appears as though that information was not submitted. There is no information in the file related to public notices or staff reports related to the minor site plan approval process, and there is no confirmation that this process was followed or a permit was issued. Unless the applicant can provide confirmation that a permit was issued, staff's conclusion remains the same as it was originally presented to the Planning Commission—no fence permit was issued. As of the date of

this staff report, the property owners have not presented any documentation regarding a formal fence permit.

Accessory Uses/Structures: The property owners are proposing to add a pool with a water feature, a 30-foot long, six-foot high wood privacy fence on the east side of the water feature, pergola on the north side of the pool, a 6-foot high privacy fence around the pool equipment adjacent to the house (*this fence was always on the plans—it just was not called out in the Planning Commission report, and the applicant changed the type of fence to a screening fence*) and a golf area with putting greens (privacy hedge) on the south side of the pool. A fitness lawn with a fitness structure on the northeast corner of the house was also originally proposed, but the applicant has removed this from the plans. These items are all considered accessory uses (with the exception of the fence, which meets ordinance requirements) and are not allowed in the front yard of a property without a conditional use permit. Additionally, the ordinance only allows one accessory building/structure/use per property unless a conditional use permit is issued.

Fencing/Gates: An entrance gate on the northeast side of the home is proposed within the required 50-foot setback. Entrance monuments and gates are required to meet structure setback requirements. The northern monument for the gate is located 22 feet four inches away from the side property line on the north side of the site. The gate/monuments are shown on the attached plans and consist of stone pillars (to match an existing stone wall on site) and metal (50% opaqueness). The gate will have an emergency vehicle access siren detector and does include lighting. The monument/gate also requires a conditional use permit and is listed as part of that resolution. *Since the Planning Commission meeting, the lighting on the entrance monument has been changed to downlit and shielded lighting and is included in the overall photometric plan for the site. The applicants are also proposing to reconfigure existing boulders and add a band of decorative boulders on the sides of the monuments for the gate.*

As previously stated, the applicants installed a wrought iron fence along the west side of the home and within 200 feet of the Ordinary High Water Level without receiving the proper approval. The fence ordinance indicates that all fences must be constructed within the buildable area of the lot and not within the setback areas. The ordinance also states that fences shall not be longer than 200 lineal feet.

Variances are required for the entrance monument/gate. A variance is required for the entirety of the existing wrought iron fence—with regard to the length and the location of the fence.

Treehouse: The property owners originally proposed to utilize a tree in the northwest side yard of the property for the construction of a tree house. *This element has been removed from the plan, and if the owners wish to install a tree house at a later date, a conditional use permit amendment, and/or variances may be required.*

Impervious Surface and Building Coverage: The total existing impervious surface coverage for the lot is 11.7%. The total proposed new impervious surface coverage on the lot is 14.29%. The total maximum impervious surface coverage allowed on the lot is 30%.

The total building coverage allowed on the lot cannot be greater than 10% per ordinance requirements. The building coverage on the site is 4.14%, and the building coverage is not changing with this proposal.

Tree Preservation/Landscaping: The applicant submitted a tree survey that originally indicated 12 trees will be removed in and around the construction site. The city's replacement requirement indicates that the applicant must replace the number of trees that are removed. The applicant has submitted a landscape plan which includes more than the required number of replacement

trees. Tree protection of the existing trees on site during the construction will be required and must be inspected by the City Forester prior to work being performed. *Since the Planning Commission meeting, the applicant has confirmed that they will save the tree tagged as number 27 and near the golf area. Thus, the total number of trees proposed for removal is now 11 trees.*

The ordinance requires that accessory structures such as pools be screened from neighboring properties. In this case there is a proposed row of spruces and pine trees along the south side of the pool, a proposed 6-foot privacy fence adjacent to the water feature to block the view of the pool to the east, and birch trees on the north side of the pool. The home blocks the view of the pool from the lake on the west side of the site. *The Planning Commission, in their recommendation of approval of the conditional use permit and major site plan approval, recommended that the white pine hedge on the south side of the pool include white pine trees that are at least 16 feet in height. The applicant has had conversations with designers and the City Forester (yet to be confirmed as of the date of this report) and are asking that only three of the white pines be increased in size to 16 feet, and that the other white pines remain at 6 feet in height.*

Additionally, the Planning Commission recommended that the applicant review the landscape plan that was previously submitted to see if there was any way to provide screening for the property to the north and east of this property. The adjacent property and home are at a higher elevation than the Segal site and the adjacent home actually looks down on the Segal site. Changes have been made to the landscape plan to try and increase the screening efforts. The six birch trees on the north side of the pool have been changed to 6 evergreen trees. Two redbud trees have also been added in this area. Eastern screening trees will be strategically placed on-site with the landscape architect to ensure maximum privacy screening. It should be noted that it will be difficult to screen the Segal property from the adjacent home to the north and east due the differences in elevation. While trees/fencing can be added, it is likely impossible to entirely screen the view of the Segal site.

Lighting: The applicant has submitted a lighting plan that meets the requirements of the zoning ordinance. The foot candle readings must be less than one at waters edge, property lines and public streets. The lighting plan indicates that the foot candle readings will be 0 well before the waters edge, property lines, and public streets. Fixture cut sheets have also been provided.

NOTE: Apparently the lighting plans presented at the Planning Commission meeting were not the latest set of lighting plans. The applicant has submitted a new plan for Council review. As per the Planning Commission's recommendation, all new lights associated with this project are limited to those at the entrance monument, underwater lights for the pool, and two stair lights associated with the patio/pool entrance. All other lights have been removed from the plans. Additionally, the applicant is requesting that three stairs be lit rather than two to ensure safety at the patio/pool connection.

Storm Water: The applicant has worked with the City Engineer to provide a grading, drainage and erosion control plan that meets city requirements.

DNR Approval. The Minnesota DNR Area Hydrologist was notified of the proposed request and had no other comments, other than the DNR requires a 100-foot setback for fences adjacent to the OHWL.

Public Comment. Staff received several written comments from the adjacent property owners with regard to this project and those written responses are included in your packet. Additionally, the adjacent property owners were in attendance at the public hearing at the Planning Commission meeting. The comments presented from the neighborhood include:

- Fear of setting precedence for this type of development in the city
- Tree removal concerns
- View concerns from adjacent properties/screening alternatives
- Lighting concerns
- Questions about process and variances/conditional use permits
- Questions about the entrance monument/gate location

Planning Commission. After hearing public comment, and much debate, the Planning Commission recommended the following:

- Approval of the major site plan and conditional use permit with the conditions listed in the attached resolution.
- Approval of the variance for the entrance/monument gate with the condition that the lights on the monument be changed to downlit and shielded fixtures.
- Denial of the two variances associated with the fence, with the condition that the property owners be given 90 days to remove the fence.

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 and building plans according to the criteria below:

1. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
2. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
3. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.
4. 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.
5. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
6. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of this Ordinance.

7. Whether the proposed site and improvements are consistent with the purposes of the zoning ordinance.

Conditional Use Permit Evaluation Criteria

The Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision on major projects, shall evaluate the proposed conditional use permit according to the items below:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's compatibility with present and future uses of the area.
3. The proposed use's conformity with all performance standards contained herein.
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

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.

Variance Review Criteria

In considering all requests for a variance and in taking subsequent action, the Planning Commission and the Council shall make a finding of fact that the proposed action will not:

1. Impair an adequate supply of light and air to adjacent property.

2. Unreasonably increase the congestion in the public street.
3. Have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.
4. Increase the danger of fire or endanger the public safety.
5. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.
6. Violate the intent and purpose of the Comprehensive Plan.
7. Violate any of the terms or conditions of the items below.

Variances/Practical Difficulties

The applicant has provided a narrative that outlines reasoning in support of granting the variances for the entrance monument/gate and the existing fence. The narrative is attached to the City Council's packet of information for this project.

With regard to the 27.6-foot variance from the 50-foot side yard setback requirement for an entrance monument/gate, a variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

1. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - a. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property. *With regard to the placement of structures and monuments/privacy gates, the property is unique in that the shared driveway for this lot is long, and only a small portion of the shared driveway is actually on this property.*
 - b. Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature if a reasonable use of the property exists under the terms of this Title. *The variance being requested is not due to economics.*
 - c. Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel. *The applicants received previous variances for structure setbacks for the home due to the size of the lot and it is reasonable to assume that the same rationale could but used for the construction of the monument/gate structure.*
2. Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner. *While staff is not aware of other monuments/gates within the structure setback, staff is aware of another property that may be considering this type of variance for a monument gate due to the size of the lot. Small lots and small driveways make locating monument/gates within the building setback difficult.*

3. The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant. *The applicant is not responsible for location of the driveway and the short distance of the driveway on this property.*
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions. *See the response to #2 above.*
5. The request is not a use variance. *This is not a use variance.*
6. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant. *The location of the proposed entrance monument/gate appears to be in a location that minimally reduces the view of the monument and gate, and the distance of the monument gate to the property line.*
7. The request does not create an inconvenience to neighboring properties and uses. *This proposal would not affect the neighboring properties as they would not be using the gate.*
8. The variance requested is in harmony with the purpose and intent of the Ordinance. *The purpose of the ordinance is to allow properties within the city to have entrance/monument gates.*
9. The variance requested is consistent with the Comprehensive Plan. *This request is not really related to the comprehensive plan.*
10. The variance requested will not alter the essential character of the locality. *This request will not alter the character of the locality due to other lots within the city having entrance monuments/gates.*

With regard to the 150-foot variance to the 200-foot length requirement for fences and the 200-foot variance to the 200-foot Shoreland Ordinance setback requirement for the existing fence, a variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

1. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - a. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property. *The topography of this property is not unique to the city. There are numerous lots that have a steeper slope to the lake within the city and fencing has not been allowed on these lots.*
 - b. Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature if a reasonable use of the property exists under the terms of this Title. *The variance being requested is not due to economics.*
 - c. Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel. *The variance being requested is not due to the lot size or building location. This was not part of the applicant's narrative for the variance. The applicant cites safety reasons for their small child as the reason for the variance. The applicant could provide a hedge that would also provide a security feature rather than a fence in this area.*

2. Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner. *The city has been very consistent over the years regarding the preservation of the natural condition of slopes adjacent to the lake and has prohibited improvements in these areas with other requests. This variance would confer a special privilege to these other property owners that was denied to others within the city. Furthermore, the property can still be used in a reasonable manner much like other properties with steep slopes along the shoreline within the city. Again, a landscape hedge could be used in place of a fence if safety is a concern.*
3. The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant. *This variance request is the direct result of the actions of the applicant. The applicant did not follow the proper procedures for doing the work along the shoreline and installing the fencing. This process could have been avoided if the applicant had followed the proper procedures.*
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions. *The city has been very consistent over the years with regard to the preservation of the natural condition of slopes adjacent to the lake and has prohibited improvements in these areas with other requests. This variance would confer a special privilege to these other property owners that was denied to others within the city.*
5. The request is not a use variance. *This is not a use variance.*
6. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant. *Again, the variance would not be necessary if the applicant had followed property procedures prior to installation of the fence as a fence would not be allowed. The City could have worked with the applicants at the time to install landscaping rather than fencing.*
7. The request does not create an inconvenience to neighboring properties and uses. *There is no real inconvenience to neighboring properties other than viewing the fence from the lake and adjacent properties.*
8. The variance requested is in harmony with the purpose and intent of the Ordinance. *The purpose of the ordinance is to keep fences out of the setback area and to keep shorelines in their natural state. This request goes directly against the purpose and intent of the ordinance, particularly the Shoreland Ordinance. The intent of the ordinance is to keep views of the residential lots as natural as possible rather than allowing fully landscaped areas along the lake. The reason for the Shoreland Ordinance is also to protect the environmental integrity of the lake by keeping shorelines natural. When the applicant constructed the house, the city was able to ensure proper protection of the lake by inspecting erosion controls. That was not the case with the construction of the new walls and fence.*
9. The variance requested is consistent with the Comprehensive Plan. *This request is not really related to the comprehensive plan.*
10. The variance requested will not alter the essential character of the locality. *The fence greatly alters the character of the locality, and could have a future affect on the character of lake lots within the city by setting a precedence for fences within the setback requirement from the Ordinary High Water Level.*

Planning Commission. After hearing public comment, and much debate, the Planning Commission recommended the following:

- Approval of the major site plan and conditional use permit with the conditions that match the red comments in this staff report.
- Approval of the variance for the entrance/monument gate with the condition that the lights on the monument be changed to downlit and shielded fixtures.
- Denial of the two variances associated with the fence, with the condition that the property owners be given 90 days to remove the fence. *Note: Staff's recommendation is that the fence be removed prior to site plan approval (administrative) being granted for the project.*

RECOMMENDATION

The information provided in this staff report and on the proposed plans indicate that all above criteria for granting major site plan approval for proposed improvements over 1,000 square feet are being met. Staff recommends approval of the major site plan based on the changes proposed since the Planning Commission meeting.

The information provided in this staff report and on the proposed plans indicate that all above criteria for granting the approval of a conditional use permit for accessory structures in the front yard, for the entrance gate and monument and for more than one accessory structure are being met. Staff recommends approval of the conditional use permit requested based on the changes proposed since the Planning Commission meeting.

The information provided in this staff report and on the proposed plans indicate that all above criteria for granting a variance for the setback and length of the fence are NOT being met with regard to establishing a practical difficulty. Staff recommends denial of the fence variances.

The information provided in this staff report and on the proposed plans indicate that all above criteria for granting a setback variance for the entrance gate/ monument are being met with regard to establishing a practical difficulty. Staff recommends approval of the entrance monument/gate variance.

All above recommendations subject to the following findings of fact and conditions of approval:

Findings of Fact:

1. The location of the subject property is as follows:
2570 Delaware Avenue
SUNFISH LAKE, MN 55077
2. The planning reports dated May 17, 2024 and June 6, 2024, prepared by WSB are incorporated herein by reference.
3. The Applicant has submitted an application for a major site plan review, conditional use permit and variance requests.

4. Requests for major site plan review, conditional use permits and variances 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 plan approval, conditional use permits and variances at the May 23, 2024 Planning Commission meeting.
7. 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 of the major site plan and conditional use permit for the construction of a swimming pool (and fence around pool equipment), golf area, pergola, a 30-foot long 6-foot tall privacy fence, entrance gate/monument, more than one accessory use on site, and accessory uses in the front yard.

Major Site Plan:

- 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 Permits (considered in relation to requests):

- a. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- b. The proposed use's compatibility with present and future uses of the area.
- c. The proposed use's conformity with all performance standards contained herein.
- d. The proposed use's effect on the area in which it is proposed.
- e. The proposed use's impact upon property values in the area in which it is developed.
- f. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- g. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Conditions of Approval:

1. Construction of all improvements shall occur in substantial conformance with the plans and staff recommendations for approval at the June 11, 2024, City Council meeting, and in conformance with all conditions stipulated below.
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. 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.
5. 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 and conditional use permit 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.
6. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.
7. 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.
8. Staff will need to perform an inspection of the installed erosion controls and tree protection before any construction activities begin on site. The applicant will be required to stake out the improvements on site prior to this inspection. No construction activity is allowed until the applicant receives a final stamped and sign set of plans from city staff.
9. Changes shall be made to the plan set as follows:
 - References to the walls on either side of the driveway must include a description of what is actually in place. What is actually in place in these locations is buried timber and not actual walls. No improvements have been requested to these structures. Any plan that references these walls must have a note as described above. This includes surveys, site plans, grading plans, etc.
 - A new complete set of plans shall be submitted that include all proposed changes presented to the City Council all civil plans and specifications. Every page of the plan sets need to be reflective of what is approved by the City Council. Partial changes to the plans will not be accepted.
 - If the City Council denies the fence variance, references to the fence shall be removed from all plan sets.

Variances:

Upon review of the planning report and application information for **the 27.6-foot variance from the 50-foot side yard setback requirement for an entrance monument/gate**, the Planning Commission found that the proposed request for a variance should be approved. The following findings support the Planning Commission's recommendation for approval of the variance:

1. With regard to the placement of structures and monuments/privacy gates, the property is unique in that the shared driveway for this lot is long, and only a small portion of the shared driveway is actually on this property.
2. The variance being requested is not due to economics.
3. The applicants received previous variances for structure setbacks for the home due to the size of the lot and it is reasonable to assume that the same rationale could but used for the construction of the monument/gate structure.
4. While staff is not aware of other monuments/gates within the structure setback, staff is aware of another property that may be considering this type of variance for a monument gate due to the size of the lot. Small lots and small driveways make locating monument/gates within the building setback.
5. The applicant is not responsible for location of the driveway and the short distance of the driveway on this property.
6. This is not a use variance.
7. The location of the proposed entrance monument/gate appears to be in a location that minimally reduces the view of the monument and gate, and the distance of the monument gate to the property line.
8. This proposal would not affect the neighboring properties as they would not be using the gate.
9. The purpose of the ordinance is to allow properties within the city to have entrance/monument gates.
10. This request will not alter the character of the locality due to other lots within the city having entrance monuments/gates.

Upon review of the planning report and application information, the Planning Commission found that the proposed request for a **150-foot variance to the 200-foot length requirement for fences and the 200-foot variance to the 200-foot Shoreland Ordinance setback requirement for the existing fence should be denied**. The following findings support the Planning Commission's recommendation for denial of the variance:

1. The topography of this property is not unique to the city. There are numerous lots that have a steeper slope to the lake within the city and fencing has not been allowed on these lots.
2. The variance being requested is not due to economics.
3. The variance being requested is not due to the lot size or building location. This was not part of the applicant's narrative for the variance. The applicant cites safety reasons for their small child as the reason for the variance. The applicant could provide a hedge that would also provide a security feature rather than a fence in this area.
4. The city has been very consistent over the years regarding the preservation of the natural condition of slopes adjacent to the lake and has prohibited improvements in these areas with other requests. This variance would confer a special privilege to these other property owners that was denied to others within the city. Furthermore, the property can still be used in a reasonable manner much like other properties with steep slopes along

the shoreline within the city. Again, a landscape hedge could be used in place of a fence if safety is a concern.

5. This variance request is the direct result of the actions of the applicant. The applicant did not follow the proper procedures for doing the work along the shoreline and installing the fencing. This process could have been avoided if the applicant had followed the proper procedures.
6. The city has been very consistent over the years regarding the preservation of the natural condition of slopes adjacent to the lake and has prohibited improvements in these areas with other requests. This variance would confer a special privilege to these other property owners that was denied to others within the city.
7. This is not a use variance.
8. Again, the variance would not be necessary if the applicant had followed property procedures prior to installation of the fence as a fence would not be allowed. The City could have worked with the applicants at the time to install landscaping rather than fencing.
9. There is no real inconvenience to neighboring properties other than viewing the fence from the lake and adjacent properties.
10. The purpose of the ordinance is to keep fences out of the setback area and to keep shorelines in their natural state. This request goes directly against the purpose and intent of the ordinance, particularly the Shoreland Ordinance. The intent of the ordinance is to keep views of the residential lots as natural as possible rather than allowing fully landscaped areas along the lake. The reason for the Shoreland Ordinance is also to protect the environmental integrity of the lake by keeping shorelines natural. When the applicant constructed the house, the city was able to ensure proper protection of the lake by inspecting erosion controls. That was not the case with the construction of the new walls and fence.
11. This request is not really related to the comprehensive plan.
12. The fence greatly alters the character of the locality and could have a future effect on the character of lake lots within the city by setting a precedence for fences within the setback requirement from the Ordinary High Water Level.

Conditions of Variance Denial:

1. The applicant will be required to remove the fence prior to administrative site plan approval for the remainder of the proposed work. The applicant will need to supply a site plan indicating such removal.

Please note that separate motions should be made as follows.

Motion 1—Major Site Plan/Conditional Use Permit

Motion 2—Variance—Monument/Gate

Motion 3—Variance—Fence

Location Map for 2570 Delaware Avenue



Aerial for 2570 Delaware Avenue



Old Narrative with Original Proposal

Segal Residence
2570 Delaware Ave
Sunfish Lake, MN 55118

Owner: Jeremy + Rachel Segal
Landscape Architect: Amber Hill, PLA – PEBL

WRITTEN NARRATIVES

Conditional Use Permit / Major and Site Plan Review:

Please consider this designed outdoor project for the Segal Residence which includes amenities to enhance outdoor living and create enjoyable recreational spaces surrounded by greenspace. This comprehensive proposal encompasses a pool, a pergola with integrated storage, a dedicated golf area, an automatic gate at the driveway, and a treehouse. Other elements of the design include a small lawn, planting beds, a stormwater pond, and an evergreen screen hedge.

Our vision necessitates the application for a Conditional Use Permit (CUP), specifically required for more than one accessory structure/use. We are seeking approval for a swimming pool, bocce court, and golf area, all of which fall under the purview of the CUP.

Acknowledging the property's configuration, we propose utilizing the front yard for recreational amenities. This is supported by a meticulously planned approach to privacy, setbacks, and lighting design to ensure compliance with city regulations. All site features respect the 100' front yard setback, are at least 25' away from the wetland onsite, and provide screening as needed to ensure privacy for neighboring properties.

Features:

1. Pool: The focal point of this project is a pool centered in the space. Given its location in the front yard, we are prepared to apply for a Conditional Use Permit, justifying the choice by emphasizing ample space and setback from the private road, assuring that these features won't encroach upon or disturb neighboring properties.
2. Bocce Court: Adjacent to the pool, the bocce court design is a much smaller court than regulation size. We are proposing a size that is the smallest recommended by the industry with thoughtful lighting to comply with city codes for evening use.
3. Pergola with Storage: The pergola, featuring integrated storage solutions, is designed to support pool use.
4. Golf Area: Incorporating a golf area in the front yard requires a Conditional Use Permit, and we are committed to demonstrating that this feature will harmoniously coexist with the surrounding landscape. The design incorporates natural seeding restoration and plantings along with a privacy hedge to blend the course into the natural environment.
5. Hedge for Privacy: To address privacy concerns, we propose a hedge as a natural barrier, providing seclusion and aligning with city zoning regulations. It contributes to the project's overall aesthetic while addressing privacy considerations.
6. Automatic Gate: We are proposing a 24' wide gate (including stone pillars) within the 50' building setback. Please see variance narrative.

7. Tree House: We are proposing a 120 SF treehouse. Please see variance narrative.
8. Lighting Design: Additionally, our lighting design adheres to city codes, ensuring that all outdoor lighting meets regulatory requirements and contributes to a safe and welcoming environment. No 1 foot candle crosses the property line.
9. Stormwater Design: See attached stormwater report provided by our Civil Engineer.

Variance:

The Segal Project is requesting a variance for an automatic driveway gate and a treehouse within the 50' side yard setback on the north side of the property.

Automatic Gate:

We are designing a 2-door automatic swinging gate with no more than 50% material and 24' length to the edge of the stone pillars. For the client to be able to have this feature, it is necessary to place the gate within the 50' setback. This is due to the location of the driveway in proximity to the private entry drive and the only location possible on site.

The below items provide reasoning and justification to meet Sunfish Lake criteria:

- a. Special Conditions – The location of the driveway as it relates to the property line and setback requires that a gate be located within the 50' setback.
- b. Practical Difficulties – It would be impractical to put a gate within the 50' setback because it would need to be over 50' long and oriented in a strange and impractical configuration on the site. To meet the 24' length requirements, the gate must encroach on the 50' setback.
- c. Not Result of Lot Size or Building Location – This is not a result of the lot size or building location, but rather the driveway configuration in proximity to the setback.
- d. Compliance Would Deprive Applicant of Common Rights – Providing a secure entrance in Sunfish Lake is a common right enjoyed by many neighboring properties. This resident would be deprived of that right if required to comply with the setback requirement.
- e. Special Conditions and Circumstances Do Not Result from the Action of the Applicant – The applicant is not responsible for the current site conditions of driveway and set back configuration.
- f. Granting Request Does Not Confer Special Privilege Denied to Others – Granting this request is confers no special privilege denied to others. Many others have the privilege to have a secure access point to their property.
- g. Not a Use Variance – This is not a use variance.
- h. Minimum Necessary to Accomplish Intent – We are proposing the minimum necessary encroachment into the 50' setback to achieve the intent. This encroachment also considers the need to respect the 24' maximum length requirement for the gate.
- i. Does Not Create an Inconvenience to Neighboring Properties – The automatic gate is set more than 100' from the private drive and does not create any justifiable inconvenience for any neighbor.
- j. Harmony with Intent of Ordinance – The gate placement is in harmony with the intent of the ordinance. The gate is located very close to the property itself and far from the private drive.
- k. Consistent with the Comprehensive Plan – The automatic gate does not interfere with the comprehensive plan.
- l. Consistent with Essential Character of Locality - The gate design is very clean and simple and matches the character of the natural environment and the quality of living in Sunfish Lake.

Treehouse:

We are proposing a 120 SF treehouse on the north side of the property within the 50' building setback. The location of the treehouse, because of its use as a child's play element needs to be near the home for child safety and surveillance. Additionally, the other options for trees that could support a tree house are closer to a neighboring property than the location we selected. The location to the north of the property is not in view of any home and would not disturb any neighbor.

The below items provide reasoning and justification to meet Sunfish Lake criteria:

- a. Special Conditions – In order to have a treehouse close to the property for child safety it is necessary to encroach on the 50' setback.
- b. Practical Difficulties – It would be impractical to have a treehouse far from the home in the woods because this would not be a safe location for monitoring child safety while using this feature. Additionally, it would be impractical to put this feature on the south side of the home because it would also encroach on the 50' setback but in doing so would actually be in view of the neighboring property. The proposed location is not in view of any neighbor.
- c. Not Result of Lot Size or Building Location – This is not a result of the lot size or building location, but rather the proximity potential for the treehouse to be near the home.
- d. Compliance Would Deprive Applicant of Common Rights – Providing a treehouse is a very common right of any resident in any neighborhood. Depriving the client of a common right to provide a play element for their child that does not interfere with any other neighbor is not the intent of Sunfish Lake regulations.
- e. Special Conditions and Circumstances Do Not Result from the Action of the Applicant – The applicant is not responsible for the current site conditions of trees and house.
- f. Granting Request Does Not Confer Special Privilege Denied to Others – Granting this request confers no special privilege denied to others. Having a treehouse is a common privilege many families enjoy in many neighborhoods.
- g. Not a Use Variance – This is not a use variance.
- h. Minimum Necessary to Accomplish Intent – We are proposing the minimum necessary encroachment into the 50' setback to achieve the intent. This encroachment locates the treehouse close to the home, in a tree that can support the structure, and does not interfere with any neighboring view.
- i. Does Not Create an Inconvenience to Neighboring Properties – The treehouse is over 400 feet from a neighboring property. There is no justifiable inconvenience to any neighbor.
- j. Harmony with Intent of Ordinance – The tree house placement is in harmony with the ordinance's intent. The tree house is located very close to the property itself and is far from the private drive and far from any neighboring view.
- k. Consistent with the Comprehensive Plan – The treehouse does not interfere with the comprehensive plan.
- l. Consistent with Essential Character of Locality - The treehouse design complements the character of the natural environment with wood materials and is surrounded by plantings.

Conclusion: This thoughtfully designed outdoor project, while necessitating a Conditional Use Permit for additional accessory uses, and variances for a few elements is envisioned to enhance the quality of outdoor living while respecting the unique character of Sunfish Lake. We hope you will respectfully consider our proposal.

Segal Residence
2570 Delaware Ave
Sunfish Lake, MN 55118

Owner: Jeremy + Rachel Segal
Landscape Architect: Amber Hill, PLA – PEBL

WRITTEN NARRATIVES (resubmittal 6/05/2024)

Conditional Use Permit / Major and Site Plan Review:

Please consider this designed outdoor project for the Segal Residence which includes amenities to enhance outdoor living and create enjoyable recreational spaces surrounded by greenspace. **This comprehensive proposal encompasses a pool, a pergola with integrated storage, a dedicated golf area, and an automatic gate at the driveway. Other elements of the design include a 30' long cedar screening fence at the pool, a 6'H screening fence at the pool utilities, planting beds, a stormwater pond, and an evergreen screen hedge.**

Additional features for consideration not previously shown on the plan: reconfiguration of existing boulders and addition of decorative boulders on both sides of the entry gate, see plan for layout.

Our vision necessitates applying for a Conditional Use Permit (CUP), specifically required for more than one accessory structure/use. We are seeking approval for a swimming pool and golf area which fall under the purview of the CUP.

Acknowledging the property's configuration, we propose utilizing the front yard for recreational amenities. This is supported by a meticulously planned approach to privacy, setbacks, and lighting design to ensure compliance with city regulations. All site features respect the 100' front yard setback, are at least 25' away from the wetland onsite, and provide screening as needed to ensure privacy for neighboring properties.

Features:

1. Pool: The focal point of this project is a pool centered in the space. Given its location in the front yard, we are prepared to apply for a Conditional Use Permit, justifying the choice by emphasizing ample space and setback from the private road, assuring that these features won't encroach upon or disturb neighboring properties.

See Pool Discharge Maintenance Plan which ensures chlorinated water does not enter the wetland or lake.

2. Pergola with Storage: The pergola, featuring integrated storage solutions, is designed to support pool use.
3. Golf Area: Incorporating a golf area in the front yard requires a Conditional Use Permit, and we are committed to demonstrating that this feature will harmoniously coexist with the surrounding landscape. The design incorporates natural seeding restoration and plantings along with a privacy hedge to blend the course into the natural environment.

4. Hedge for Privacy: To address privacy concerns, we propose a hedge as a natural barrier, providing seclusion and aligning with city zoning regulations. It contributes to the project's overall aesthetic while addressing privacy considerations. **The Planning Commission Requires the White Pine Hedge to the east to be 16' H at installation. We would like to request per the forester and designer's recommendation that (3) of those trees are 16'H as that is all that is required to screen, and the rest can be 6'H.**
5. Automatic Gate: We are proposing a 24' wide gate (including stone pillars) within the 50' building setback. Please see variance narrative. **We will include integrated down lighting in the cap, per Planning Commission.**
6. Lighting Design: Additionally, our lighting design adheres to city codes, ensuring that all outdoor lighting meets regulatory requirements and contributes to a safe and welcoming environment. No 1 foot candle crosses the property line. The Planning Commission requires as condition that we remove all lighting except the following: lights on (2) out of the (3) risers, (5) pool lights, entry gate cap downlights. **We would like to request that all (3) risers can be lit so that they can easily be seen even if the house lights are off.**
7. Stormwater Design: See attached stormwater report provided by our Civil Engineer.
8. Privacy Screen – 6' Privacy Screen at edge of pool to block view from street.
9. Wood Fence to screen pool equipment and utilities.
10. Permit for Existing Fence: This project includes a fence previously constructed on the property as a fall barrier to the lake. It is located at the lakeside and provides protection for falls greater than 30". Please see variance language below.

Variance:

The Segal Project is requesting a variance for an automatic driveway gate and a treehouse within the 50' side yard setback on the north side of the property.

Automatic Gate:

We are designing a 2-door automatic swinging gate with no more than 50% material and 24' length to the edge of the stone pillars. For the client to be able to have this feature, it is necessary to place the gate within the 50' setback. This is due to the location of the driveway in proximity to the private entry drive and the only location possible on site.

The below items provide reasoning and justification to meet Sunfish Lake criteria:

- a. Special Conditions – The location of the driveway as it relates to the property line and setback requires that a gate be located within the 50' setback.
- b. Practical Difficulties – It would be impractical to put a gate within the 50' setback because it would need to be over 50' long and oriented in a strange and impractical configuration on the site. To meet the 24' length requirements, the gate must encroach on the 50' setback.
- c. Not Result of Lot Size or Building Location – This is not a result of the lot size or building location, but rather the driveway configuration in proximity to the setback.
- d. Compliance Would Deprive Applicant of Common Rights – Providing a secure entrance in Sunfish Lake is a common right enjoyed by many neighboring properties. This resident would be deprived of that right if required to comply with the setback requirement.
- e. Special Conditions and Circumstances Do Not Result from the Action of the Applicant – The

- applicant is not responsible for the current site conditions of driveway and set back configuration.
- f. Granting Request Does Not Confer Special Privilege Denied to Others – Granting this request is confers no special privilege denied to others. Many others have the privilege to have a secure access point to their property.
 - g. Not a Use Variance – This is not a use variance.
 - h. Minimum Necessary to Accomplish Intent – We are proposing the minimum necessary encroachment into the 50' setback to achieve the intent. This encroachment also considers the need to respect the 24' maximum length requirement for the gate.
 - i. Does Not Create an Inconvenience to Neighboring Properties – The automatic gate is set more than 100' from the private drive and does not create any justifiable inconvenience for any neighbor.
 - j. Harmony with Intent of Ordinance – The gate placement is in harmony with the intent of the ordinance. The gate is located very close to the property itself and far from the private drive.
 - k. Consistent with the Comprehensive Plan – The automatic gate does not interfere with the comprehensive plan.
 - l. Consistent with Essential Character of Locality - The gate design is very clean and simple and matches the character of the natural environment and the quality of living in Sunfish Lake.

Existing Fence:

We are proposing a permit for an existing fence.

New information under consideration: It's possible a permit was started or completed for this work.

The below items provide reasoning and justification to meet Sunfish Lake criteria:

- a. Special Conditions – The property is uniquely situated on the lake, the proximity of the house to the edge of the water creates a fall hazard of more than 30". A fence along the lake was constructed for safety purposes.
- b. Practical Difficulties – The unique property location in proximity to the lake's edge, combined with the significant grade drop creates a safety concern if a fence is not present.
- c. Not Result of Lot Size or Building Location – The fence is not a result of the building location or lot size, the property was purchased as-is.
- d. Compliance Would Deprive Applicant of Common Rights – Safety at the lakeside is a common right, not allowing a fence would deprive the applicant of a common right.
- e. Special Conditions and Circumstances Do Not Result from the Action of the Applicant – The applicant is not responsible for the current site conditions lakeside slope and house proximity to the lake.
- f. Granting Request Does Not Confer Special Privilege Denied to Others – Granting this request confers no special privilege denied to others. Safety at the lakeside is a common privilege.
- g. Not a Use Variance – This is not a use variance.
- h. Minimum Necessary to Accomplish Intent – The minimum necessary to meet safety intent is the fence directly around the back yard. Additionally, a portion of fence has been installed along the side yard.
- i. Does Not Create an Inconvenience to Neighboring Properties – There is no inconvenience to neighboring properties. The fence blends in well with the landscape. Neighbors have complimented the current owners on how nice the home and landscape from the lake looks.

There have been zero complaints regarding the fence.

- j. Harmony with Intent of Ordinance – The existing fence is in harmony with the intent of the ordinance. The fence provides safety without creating a disruptive view at the lake. The fence design is subtle and blends into the landscape. The color is muted and the design was chosen to minimize visual impact.
- k. Consistent with the Comprehensive Plan – The fence does not interfere with the comprehensive plan.
- l. Consistent with Essential Character of Locality – The fence design complements the character of the natural environment with dark metal that is very open and is surrounded by plantings.

Conclusion: This thoughtfully designed outdoor project, while necessitating a Conditional Use Permit for additional accessory uses, and variances for a few elements is envisioned to enhance the quality and safety of outdoor living while respecting the unique character of Sunfish Lake. This unique lot and house location close to the lake combined with the slope to the lake create a unique safety concern. The fence provides required safety without imposing on any point of view. We hope you will respectfully consider our proposal and we appreciate your consideration.

SEGAL RESIDENCE

LANDSCAPE AND SITE WORK CITY APPROVALS SET - RESUBMITTAL JUNE 03, 2024

1. USE OF THE WORD 'CONTRACTOR' IN THE DRAWINGS INDICATES BOTH THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS ON THE PROJECT.
2. ALL CONTRACTORS AND SUB-CONTRACTORS ARE RESPONSIBLE FOR COORDINATING THEIR WORK WITH THE WORK OF OTHERS. NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT IS RESPONSIBLE FOR COORDINATION OF THE WORK. NO ADDITIONAL COMPENSATION WILL BE MADE TO ANY CONTRACTOR FOR EXTRA WORK RESULTING FROM FAILURES OF COORDINATION.
3. THE CONTRACTOR MUST ASSURE COMPLIANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND PERMITS GOVERNING THE WORK OR MATERIALS SUPPLIED.
4. THE CONTRACTOR IS RESPONSIBLE FOR APPLYING FOR, OBTAINING, AND PAYING FOR ALL NECESSARY PERMITS UNLESS OTHERWISE INDICATED IN THE CONTRACT DOCUMENTS.
5. THE CONTRACTOR SHALL HAVE A COPY OF ALL DRAWINGS WITH THEM ON SITE AT ALL TIMES AND SHALL RECORD ALL MODIFICATIONS/CHANGES TO THE WORK ON THE DRAWINGS. THE CONTRACTOR SHALL PROVIDE A COMPLETE AS-BUILT SET OF DRAWINGS TO THE OWNER AND LANDSCAPE ARCHITECT AT PROJECT COMPLETION.
6. EXCEPT FOR ITEMS SPECIFICALLY MARKED AS 'BY OTHERS' OR 'NOT IN CONTRACT' OR 'NIC', IT IS THE INTENT OF THESE DRAWINGS TO DESCRIBE A COMPLETE PROJECT. THE CONTRACTOR MUST THOROUGHLY REVIEW THE DRAWINGS PRIOR TO SUBMITTING A BID AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY ERRORS OR OMISSIONS DISCOVERED. NO ADDITIONAL COMPENSATION WILL BE MADE FOR ITEMS OF WORK NOT SHOWN OR DESCRIBED ON THE DRAWINGS THAT COULD BE REASONABLY INFERRED FROM THE DRAWINGS. IN PROVIDING THE OWNER WITH COMPLETE SYSTEMS AND A COMPLETE PROJECT.
7. EXISTING CONDITIONS SHOWN ON THE DRAWINGS ARE FROM A SURVEY PERFORMED BY OTHERS. EXISTING FEATURES MAY NOT BE EXACT AS TO THEIR LOCATION, CHARACTER, OR NUMBER. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE CONDITIONS OF THE SITE PRIOR TO BIDDING AND CONSTRUCTION AND FOR IMMEDIATELY NOTIFYING THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES OR VARIATIONS FROM THE DRAWINGS.
8. THE CONTRACTOR MUST MAINTAIN AND PROTECT ALL BENCH MARKS, SURVEY MONUMENTS, PROPERTY IRONS, LAYOUT STAKES AND OTHER REFERENCE POINTS. ALL FINES AND REPLACEMENT COSTS FOR DAMAGE TO ANY OF THESE ITEMS THAT IS DUE TO THE CONTRACTOR'S ACTS OR NEGLIGENCE ARE THE CONTRACTOR'S RESPONSIBILITY AT NO COST TO THE OWNER.
9. THE CONTRACTOR SHOULD EXPECT TO FIND TELEPHONE, ELECTRIC, GAS, CABLE TELEVISION, AND FIBER OPTIC LINES, IRRIGATION SYSTEMS, AND OTHER PUBLIC AND PRIVATE UTILITIES. THE CONTRACTOR, IN COOPERATION WITH THE APPROPRIATE UTILITY COMPANY, IS RESPONSIBLE TO VERIFY THE LOCATION, SIZE, AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION ACTIVITY. AT LEAST 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY, THE CONTRACTOR MUST CONTACT OR TO NOTIFY THE APPROPRIATE UTILITY COMPANIES AND VERIFY THE EXACT LOCATION, SIZE, AND DEPTH OF ALL UTILITIES WITH THE APPROPRIATE UTILITY COMPANIES.
10. PRIOR TO ANY WORK WITHIN THE PUBLIC RIGHT OF WAY, THE CONTRACTOR MUST OBTAIN ALL NECESSARY PERMITS AND SUBMIT A TRAFFIC CONTROL PLAN COMPLYING WITH THE LOCAL MUNICIPALITY..
11. REFERENCE ARCHITECTURAL DRAWINGS FOR BUILDING INFORMATION.
12. ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR AND IRRIGATION CONTRACTOR TO COORDINATE WITH PAVING, CONCRETE AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER HARDSCAPED SURFACES AND WALLS.
13. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR.
14. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
15. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES.
16. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

LANDSCAPE CODES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL AND STATE CODES AND ALL OTHER GOVERNING AUTHORITIES HAVING JURISDICTION.
2. APPLICABLE CODES: THIS PROJECT IS TO COMPLY WITH COUNTY AND CITY MUNICIPAL CODE AND SUB-CODE REQUIREMENTS. CONTRACTOR TO CONFIRM CODE JURISDICTION.

LANDSCAPE GRADING NOTES

1. PROVIDE AND MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES AT ALL TIMES.
2. ALL DESIGN CONTOURS AND PROPOSED ELEVATIONS INDICATED ARE TO FINISH GRADE UNLESS OTHERWISE NOTED.
3. THE CONTRACTOR SHALL ACCOUNT FOR ALL IMPORTED SURFACE AND PLANTING MATERIALS IN DETERMINING EARTHWORK REQUIREMENTS.
4. GRADING OPERATIONS MUST MINIMIZE THE POTENTIAL FOR EROSION.
5. NO GRADING, STOCKPILING OF MATERIALS, OR STAGING IS PERMITTED OUTSIDE THE LIMITS OF WORK.
6. PRIOR TO ROUGH GRADING THE SITE, THE CONTRACTOR MUST REMOVE ALL TOPSOIL IN AREAS TO BE DISTURBED AND STOCKPILE ON SITE FOR FUTURE USE. EXCESS TOPSOIL MUST BE REMOVED FROM THE SITE AFTER FINISH GRADING AT THE CONTRACTOR'S EXPENSE.
7. IF THE EARTHWORK FOR THE SITE IS ANTICIPATED TO PRODUCE AN EXCESS OF MATERIAL, THE CONTRACTOR MUST REMOVE ALL EXCESS MATERIAL FROM THE SITE AND DISPOSE OF IT AT THE CONTRACTOR'S EXPENSE.
8. NO TOPSOIL SHALL BE REMOVED FROM RESTORATION AREAS WITHOUT APPROVAL FROM THE LANDSCAPE ARCHITECT AND RESTORATION CONTRACTOR.
9. TOPSOIL COMPACTED BY CONSTRUCTION TRAFFIC IN RESTORATION AREAS SHALL BE LOOSENEED UNDER THE DIRECTION OF THE LANDSCAPE ARCHITECT AND RESTORATION CONTRACTOR.

ADA	AMERICANS WITH DISABILITIES ACT
ALG	ALIGN
ADJ	ADJACENT
ALUM	ALUMINUM
ANNOD	ANNODIZED
ARCH	ARCHITECT
BLDG	BUILDING
BOT	BOTTOM
BOF	BOTTOM OF FOOTING
BOS	BOTTOM OF STAIRS
BOW	BOTTOM OF WALL
PEBL	PEBL LANDSCAPE ARCHITECTS
CB	CATCH BASIN
CJ	CONTROL JOINT
CL, t	CENTER LINE
CMU	CONCRETE MASONRY UNIT
COL	COLUMN
CONC	CONCRETE
CONT	CONTINUOUS
CIVIL	CIVIL ENGINEER
DIA	DIAMETER
DN	DOWN
DWGS	DRAWINGS
(E) EXTG	EXISTING
EJ	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EX	EXISTING
EXP	EXPOSED
EXT	EXTERIOR
F.F.	FILTER FABRIC
FFE	FINISHED FLOOR ELEVATION
FG	FINISH GRADE
FND	FOUNDATION
GA	GAGE
GALV	GALVANIZED
GEO	GEOTECHNICAL
HB	HOSE BIB
HC	HOUSE CORNER
HOR	HORIZONTAL
HP	HIGH POINT
I.D.	INSIDE DIAMETER
INSUL	INSULATION
LA	LANDSCAPE ARCHITECT
LP	LOW POINT
MAS	MASONRY
MATL	MATERIAL
MAX	MAXIMUM
MFR	MANUFACTURER
MIN	MINIMUM
MTL	METAL
NIC	NOT IN CONTRACT
N.F.C.	NOT FOR CONSTRUCTION
O.C.	ON CENTER
O.D.	OUTSIDE DIAMETER
OH	OVERHEAD
PAR	PARALLEL
P.A.	PLANTING AREA
PL, t	PROPERTY LINE
PLWD	PLYWOOD
POB	POINT OF BEGINNING
QTY	QUANTITY
R	RISER
(R)	RADIUS
RD	ROOF DRAIN
REM	REMOVE
REQD	REQUIRED
SF	SQUARE FEET
SIM	SIMILAR
SS	STAINLESS STEEL
STRUCT	STRUCTURAL
SY	SQUARE YARD
T	TREAD
TBD	TO BE DETERMINED
TOC	TOP OF CURB, TOP OF CONCRETE
TOD	TOP OF DECK
TOP	TOP OF PAVING SURFACE
TOS	TOP OF STAIRS
TOW	TOP OF WALL
TYP	TYPICAL
VAR	VARIES
VERT	VERTICAL
VIF	VERIFY IN FIELD
W.P.M.	WATER PROOF MEMBRANE
W.PT	WORKING POINT
W/O	WITHOUT
#	NUMBER, POUND
&	AND
@	AT
°	DEGREES
±	PLUS / MINUS
Ø	DIAMETER

SEGAL RESIDENCE
2570 DELAWARE AVE
MENDOTA HEIGHTS, MN 55118
PERMIT SET



PEBL DESIGN
1819 DUPONT AVE S
MINNEAPOLIS, MN 55403
t: 612.226.3063
www.pebl.design

STAMP

FOR CONSTRUCTION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the state of Minnesota.

SIGNATURE:
PRINTED NAME: AMBER HILL
LICENSE NUMBER: 61052

REVISIONS

NO.	DATE	DESCRIPTION
1	02.12.2024	PERMIT SET
2	03.15.2024	PERMIT SET RESUBMITTAL
3	06.03.2024	CITY APROVALS RESUBMITTAL

OVERVIEW

ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324

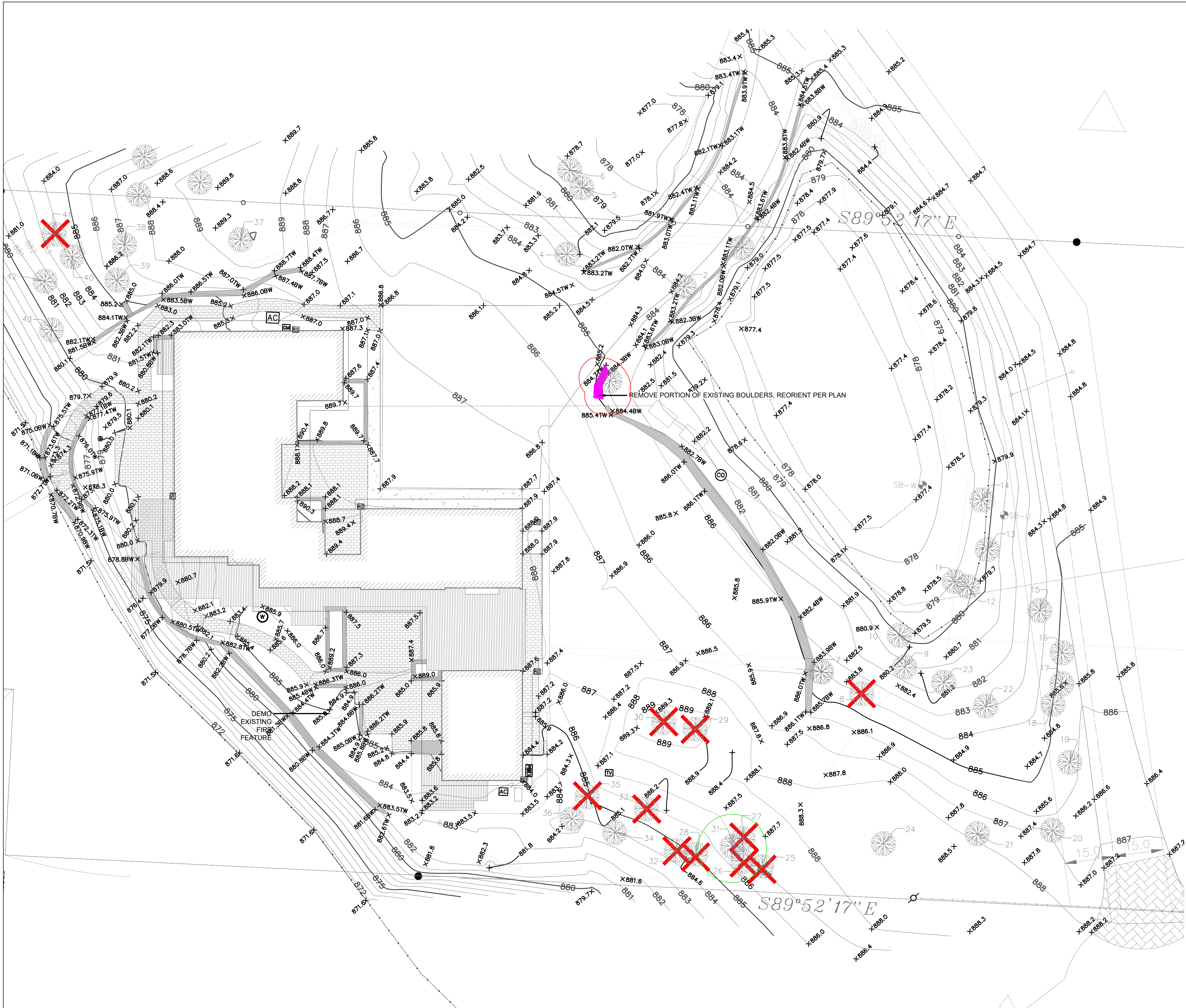
DRAWN BY: AH
CHECKED BY: JB

SHEET NAME

COVER SHEET & NOTES

SHEET NUMBER

G001



01 TREE REMOVALS PLAN
Scale: 1/16" = 1' - 0"

SYMBOL CODE BOTANICAL NAME
DEMO X DEMO TREE
NOTE 6/3/2024
ON-SITE EVALUATION, DISCUSSION WITH THE EASTERN
NEIGHBOR, AND THE PLANNING COMMISSION RECOMMENDATION
IS TO KEEP THE ONE OAK TREE INDICATED ON THE PLAN IN
GREEN.
PLEASE NOTE REQUEST TO REORIENT EXISTING BOULDERS



Sun Fish Lake Tree Inventory requirements have been provided verbally.
"Capture all 6 inch and above, healthy, trees on site."

A 2X in the notes denotes a 2-stem tree with respective diameters, etc.
All coordinates are in Dakota County US Survey Feet.

Species	DBH	Cond	Tag	Notes
Oak, red	21	Good	1	
Cottonwood, eastern	41	Good	2	
Willow, black	20	Average	3	
Oak, bur	36	Average	4	3x 17 13 6
Elm, american	13	Average	5	neighbors property
Boxelder	9	Average	6	neighbors property
Cherry, black	13	Good	7	
Boxelder	11	Average	8	
Oak, red	15	Good	9	
Oak, red	15	Average	10	
Oak, red	6	Average	11	
Oak, red	13	Good	12	
Oak, red	13	Average	13	
Cherry, black	7	Average	14	
Ironwood	7	Average	15	
Oak, bur	28	Good	16	
Oak, bur	16	Average	17	
Boxelder	10	Average	18	
Cherry, black	8	Average	19	
Cherry, black	9	Average	20	
Oak, red	12	Average	21	
Oak, red	14	Good	22	
Basswood, american	15	Good	23	
Cherry, black	12	Average	24	
Cherry, black	6	Average	25	
Cherry, black	6	Average	26	
Elm, american	7	Good	27	
Cherry, black	8	Good	28	
Oak, bur	18	Average	29	
Oak, bur	22	Good	30	
Oak, bur	20	Good	31	
Oak, red	9	Good	32	
Ironwood	7	Good	33	
Oak, red	13	Good	34	
Cherry, black	13	Good	35	
Oak, red	10	Good	36	
Cottonwood, eastern	36	Good	37	
Oak, bur	19	Good	38	
Cedar, red	13	Average	39	2x 8 5
Birch, paper	7	Good	40	
Aspen, quacking	6	Average	41	
Cherry, black	7	Average	42	
Cherry, black	38	Average	43	5x 9 9 8 8 4
Oak, red	7	Average		neighbors property
Cherry, black	9	Average		neighbors property
Oak, bur	20	Good		neighbors property

INDICATES SIGNIFICANT TREES REMOVED (6" CAL +)

INDICATES TREE TO REMAIN, AS DETERMINED WITH ON-SITE EVALUATION AND RECOMMENDED BY PLANNING COMMISSION

SEE PLAN L200 FOR REPLACEMENT TREES

SEGAL RESIDENCE
2570 DELAWARE AVE
MENDOTA HEIGHTS, MN 55118
PERMIT SET

pebl.
PEBL DESIGN
1819 DUPONT AVE S
MINNEAPOLIS, MN 55403
t: 612.226.3063
www.pebl.design

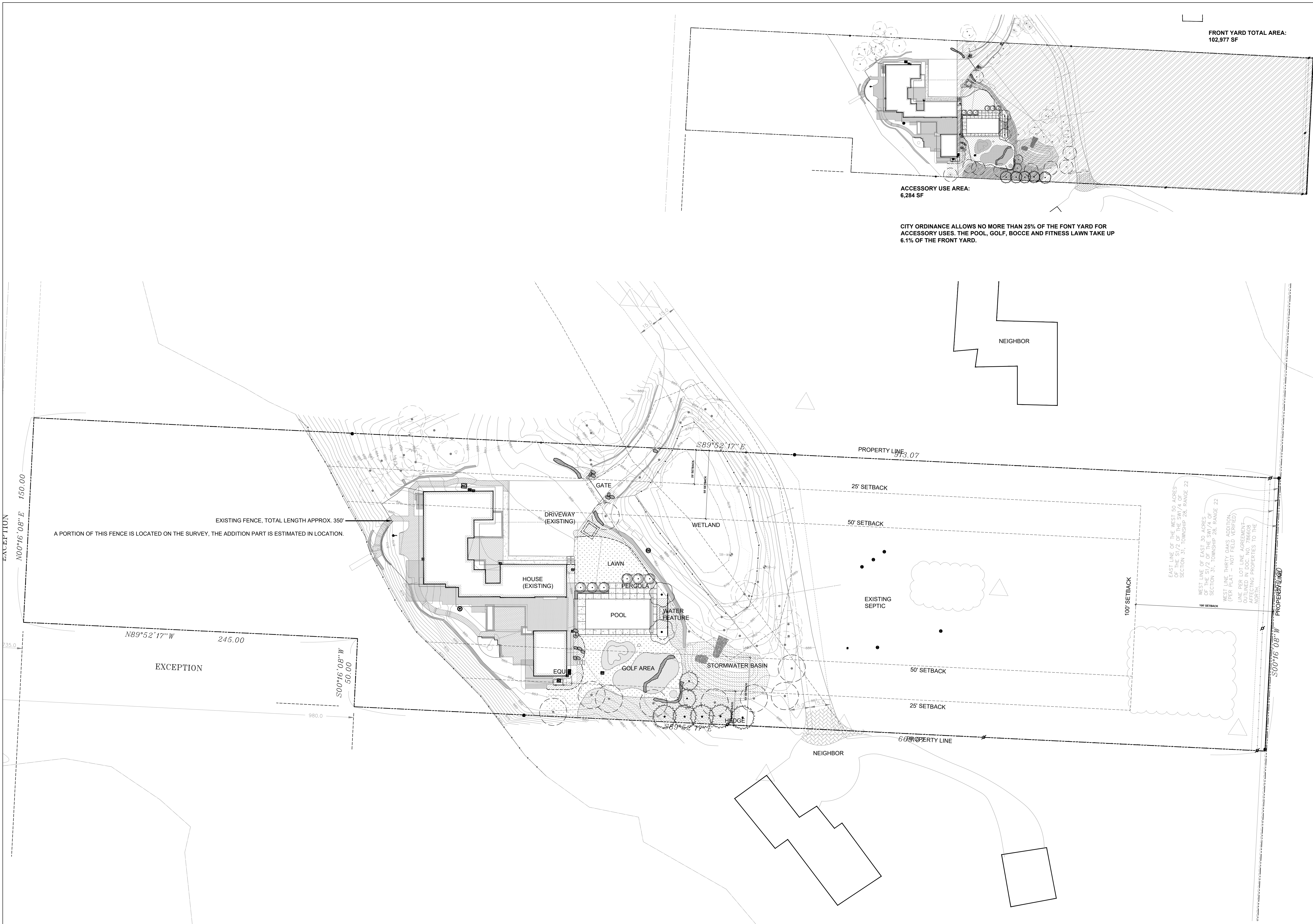
FOR CONSTRUCTION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the state of Minnesota.
SIGNATURE:
PRINTED NAME: AMBER HILL
LICENSE NUMBER: 61052

NO.	DATE	DESCRIPTION
1	02.12.2024	PERMIT SET
2	03.15.2024	PERMIT SET RESUBMITTAL
3	06.03.2024	CITY APPROVALS RESUBMITTAL

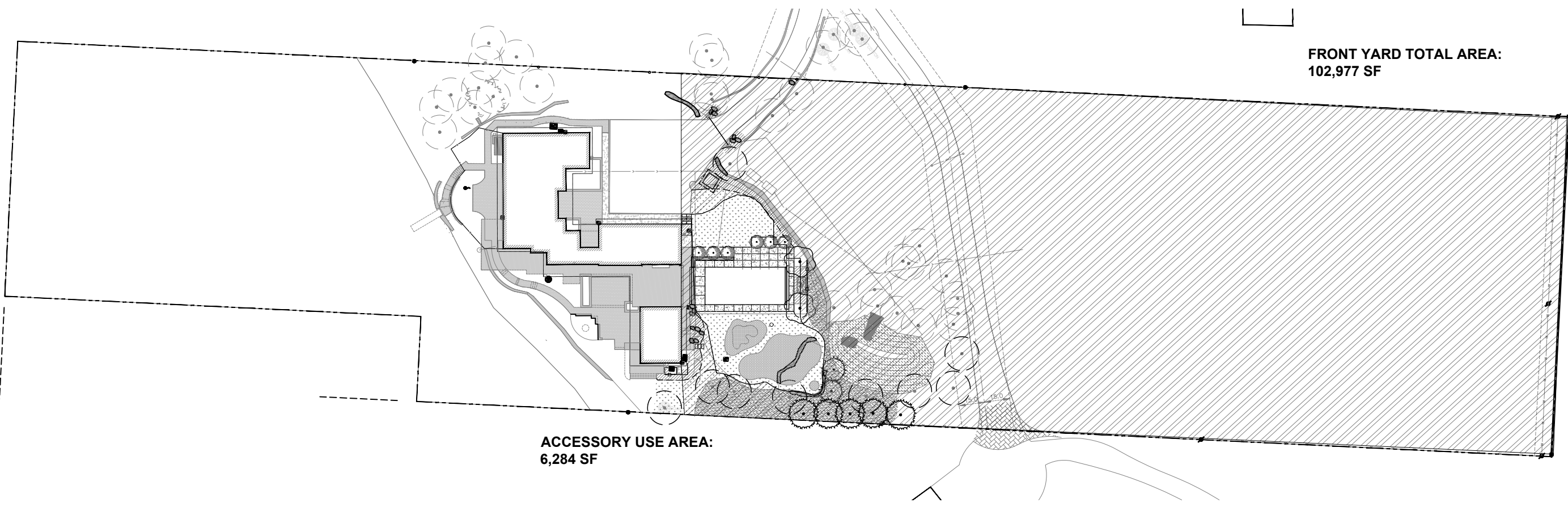
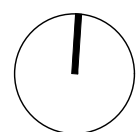
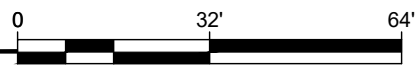
OVERVIEW
ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324
DRAWN BY: AH
CHECKED BY: JB

SHEET NAME
TREE REMOVALS
SHEET NUMBER
L001



01 SITE PLAN

Scale: 1/32" = 1' - 0"



CITY ORDINANCE ALLOWS NO MORE THAN 25% OF THE FONT YARD FOR ACCESSORY USES. THE POOL, GOLF, BOCCIE AND FITNESS LAWN TAKE UP 6.1% OF THE FRONT YARD.

SEGAL RESIDENCE
2570 DELAWARE AVE
MENDOTA HEIGHTS, MN 55118
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STAMP

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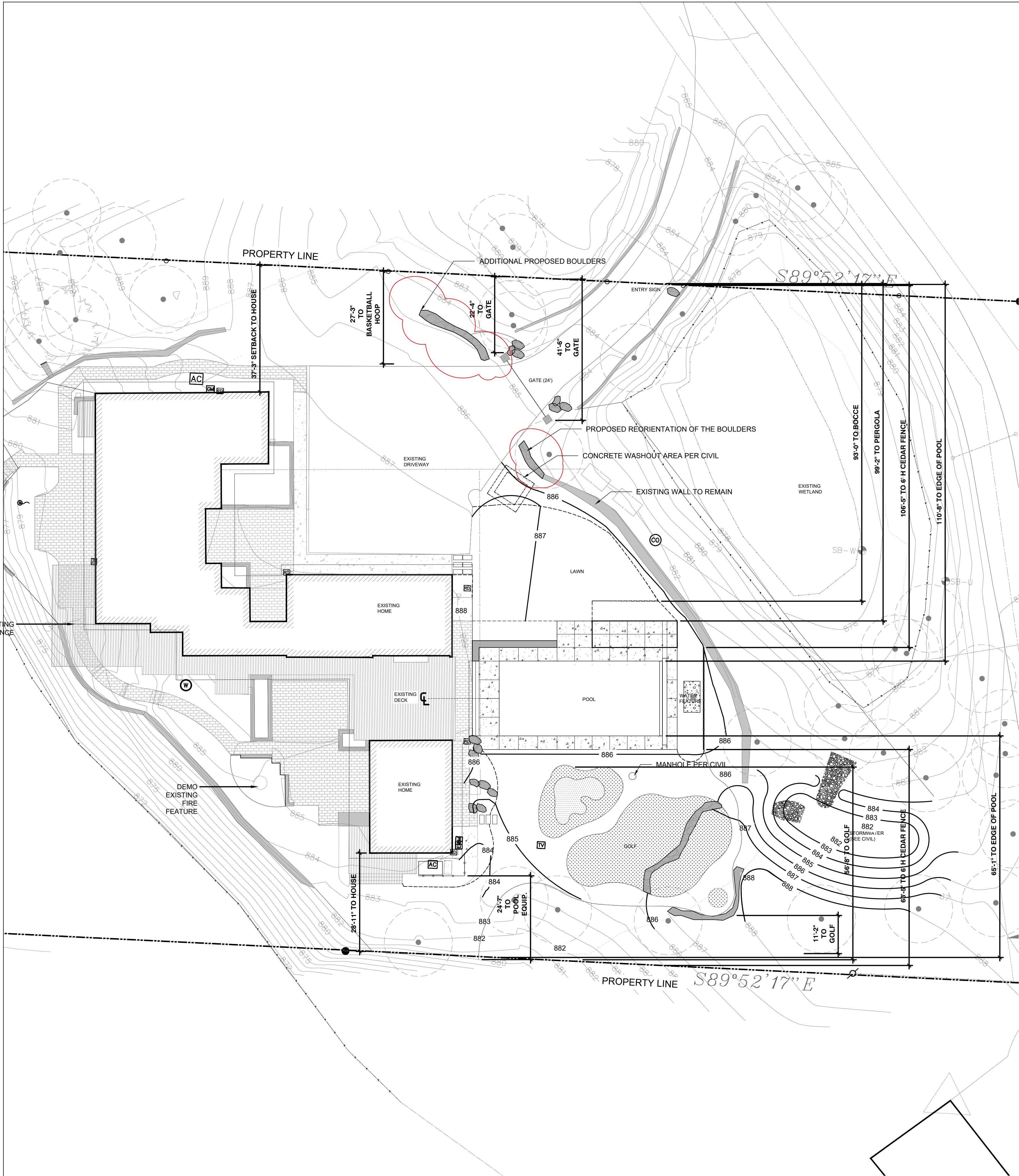
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LICENSE NUMBER: 61052

REVISIONS		
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3	06.03.2024	CITY APPROVALS RESUBMITTAL

OVERVIEW
ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324
DRAWN BY: AH
CHECKED BY: JB

SHEET NAME
SITE ORIENTATION PLAN

SHEET NUMBER
L100



MATERIALS SCHEDULE

SYMBOL	EDGING DESCRIPTION	QTY	MATERIAL	
ED-01	EDGING	211 LF	ALUMINUM	
SYMBOL	FENCE DESCRIPTION	QTY	HEIGHT	MATERIAL
F-01	FENCE - POOL EQUIP SCREENING	50 LF	6'	CEDAR
SYMBOL	GATE DESCRIPTION	QTY	MATERIAL	PRODUCT/MODEL
G-01	GATE- AUTOMATIC SWINGING DOORS		METAL	TBD, PER CODE
SYMBOL	LANDSCAPE AMENITIES DESCRIPTION	QTY	NOTES	
LA-01	STONE WATER FEATURE		4' H STONE, BEACH PEBBLES	
LA-03	PERGOLA		WOOD PERGOLA WITH STORAGE	
LA-06	BOULDER WITH HOUSE NUMBERS			
LA-07	ADD ALT: GITCHI GUMMI DECORATIVE BOULDERS	25 LF		
SYMBOL	PAVING DESCRIPTION	QTY	MATERIAL	MFR
P-01	CONCRETE - SPECIALTY	958 SF	ACID ETCH / INTEGRALE COLOR / SAW CUT JOINTS	
P-03	STEPPER		GRAND XL DISCOVER PAVER - ALLLURE	COUNTY MATERIALS
P-05	BEACH PEBBLES	177 SF		
P-06	GOLF TURF	1,203 SF		
P-07	RIP RAP PER CIVIL	147 SF		
SYMBOL	STAIRS DESCRIPTION	QTY	MATERIAL	
ST-01	STAIR - 01	66 LF	CONCRETE 6" H	
SYMBOL	WALLS DESCRIPTION	QTY	HEIGHT	
W-01	2W CONCRETE SEAT WALL	29 LF	1.5' H	
W-03	GITCHE GUMMI BOULDER WALL	109 LF	1.5" H MAX	
EXISTING WALLS (NOT IN PROJECT CONSTRUCTION ZONE)				

----- PROPERTY LINE
----- LIMITS OF PROJECT CONSTRUCTION



REMOVE SMALL PORTION OF BOULDERS AND REORIENT TO CREATE A MORE GRACIOUS CURVE (RED AREA INDICATES NEW LOCATION)

NOTE 6/3/2024
- PLEASE NOTE REMOVAL OF TREEHOUSE.
- PLEASE NOTE REMOVAL OF FITNESS EQUIPMENT.
- PLEASE NOTE, AS WAS ON PLANS EARLIER, THE SCREEN FOR THE POOL EQUIPMENT, THIS HAS BEEN SLIGHTLY MODIFIED SINCE THE LAST SUBMISSION DUE TO CONVERSATION WITH POOL EXPERT ON BEST LOCATION FOR EQUIPMENT.
- PLEASE NOTE REQUEST TO ADD ADDITIONAL BAND OF DECORATIVE BOULDERS.

SEGAL RESIDENCE
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FOR CONSTRUCTION

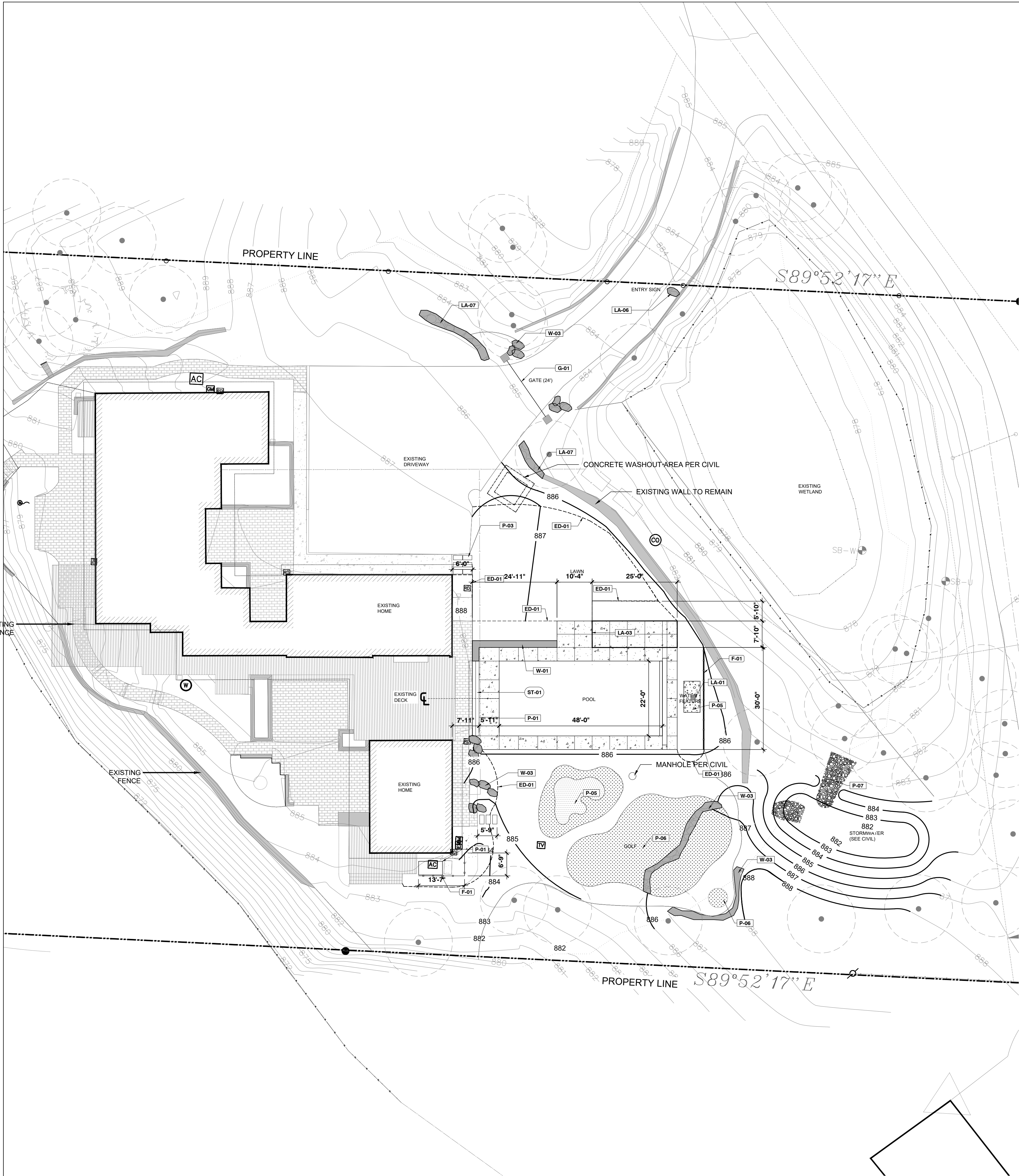
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OVERVIEW
ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324
DRAWN BY: AH
CHECKED BY: JB

SETBACKS TO
ACCESSORY USES PLAN

SHEET NUMBER
L101



MATERIALS SCHEDULE

SYMBOL	EDGING DESCRIPTION	QTY	MATERIAL	
ED-01	EDGING	211 LF	ALUMINUM	
SYMBOL	FENCE DESCRIPTION	QTY	HEIGHT	MATERIAL
F-01	FENCE - POOL EQUIP SCREENING	50 LF	6'	CEDAR
SYMBOL	GATE DESCRIPTION	QTY	MATERIAL	PRODUCT/MODEL
G-01	GATE- AUTOMATIC SWINGING DOORS		METAL	TBD, PER CODE
SYMBOL	LANDSCAPE AMENITIES DESCRIPTION	QTY	NOTES	
LA-01	STONE WATER FEATURE		4' H STONE, BEACH PEBBLES	
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LA-06	BOULDER WITH HOUSE NUMBERS			
LA-07	ADD ALT: GITCHI GUMMI DECORATIVE BOULDERS	25 LF		
SYMBOL	PAVING DESCRIPTION	QTY	MATERIAL	MFR
P-01	CONCRETE - SPECIALTY	958 SF	ACID ETCH / INTEGRALE COLOR / SAW CUT JOINTS	
P-03	STEPPER		GRAND XL DISCOVER PAVER - ALLLURE	COUNTY MATERIALS
P-05	BEACH PEBBLES	177 SF		
P-06	GOLF TURF	1,203 SF		
P-07	RIP RAP PER CIVIL	147 SF		
SYMBOL	STAIRS DESCRIPTION	QTY	MATERIAL	
ST-01	STAIR - 01	66 LF	CONCRETE 6" H	
SYMBOL	WALLS DESCRIPTION	QTY	HEIGHT	
W-01	2'W CONCRETE SEAT WALL	29 LF	1.5' H	
W-03	GITCHE GUMMI BOULDER WALL	109 LF	1.5` H MAX	
EXISTING WALLS (NOT IN PROJECT CONSTRUCTION ZONE)				

----- PROPERTY LINE
----- LIMITS OF PROJECT CONSTRUCTION

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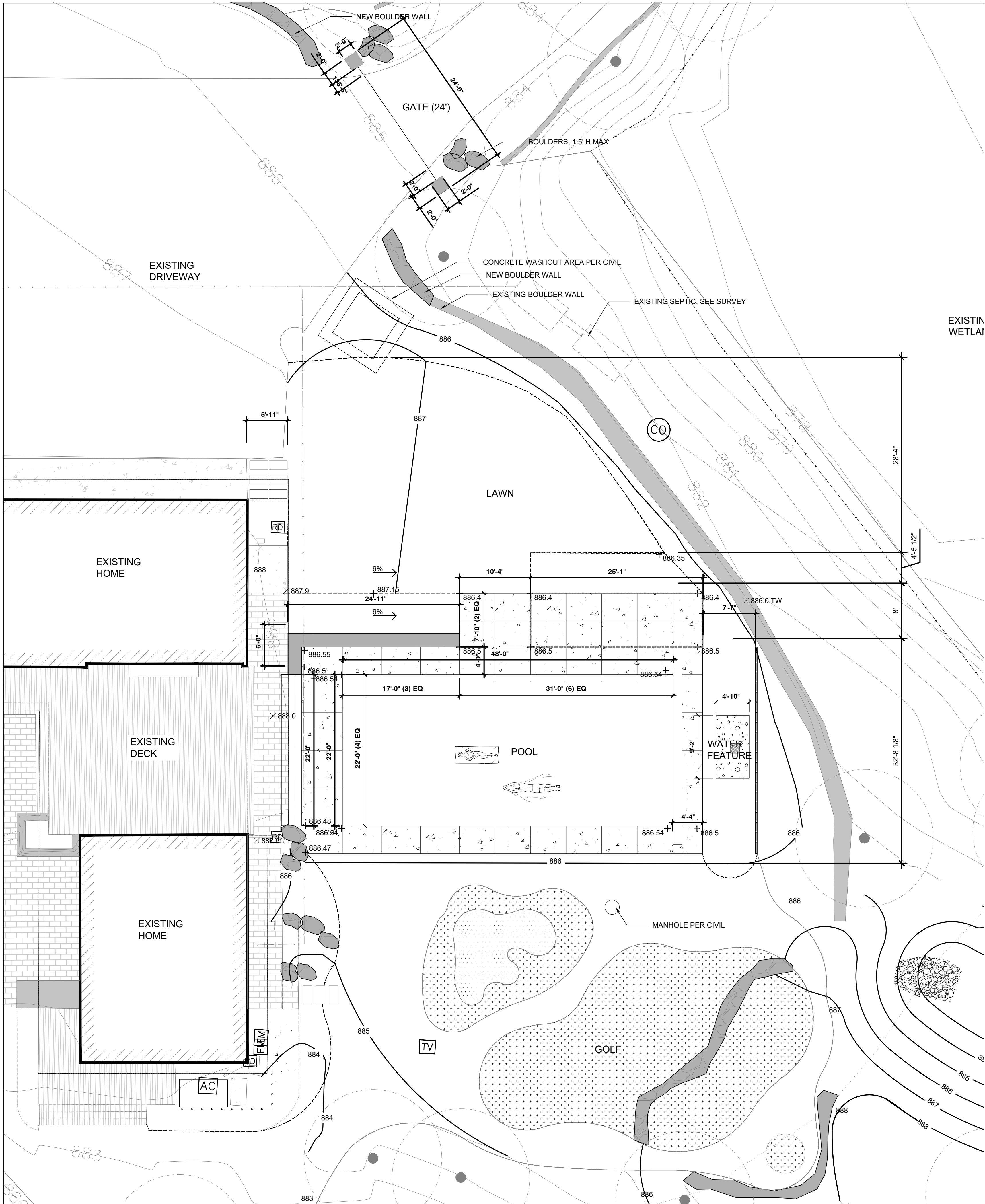
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OVERVIEW
ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324
DRAWN BY: AH
CHECKED BY: JB

SITE ELEMENTS PLAN



01 LAYOUT PLAN - RECREATION AREAS
Scale: 1/8" = 1' - 0"

SYMBOL	DESCRIPTION	QTY	MATERIAL
	P-01 CONCRETE - SPECIALTY	958 SF	ACID ETCH / INTEGRALE COLOR / SAW CL
	P-03 STEPPER		GRAND XL DISCOVER PAVER - ALLLURE
	P-05 BEACH PEBBLES	177 SF	
	P-06 GOLF TURF	1,203 SF	
	P-07 RIP RAP PER CIVIL	147 SF	

SYMBOL	STAIRS DESCRIPTION	QTY	MATERIAL
	ST-01 STAIR - 01	66 LF	CONCRETE 6" H

SYMBOL	WALLS DESCRIPTION	QTY	HEIGHT
	W-01 2W CONCRETE SEAT WALL	29 LF	1.5' H
	W-03 GITCHE GUMMI BOULDER WALL	109 LF	1.5' H MAX
	EXISTING WALLS (NOT IN PROJECT CONSTRUCTION ZONE)		

--- PROPERTY LINE
--- LIMITS OF PROJECT CONSTRUCTION

SEGAL RESIDENCE
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FOR CONSTRUCTION

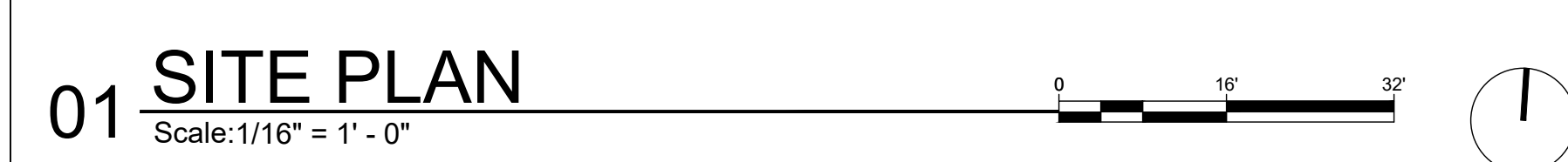
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GRADING + JOINTING PLAN

SHEET NUMBER
L111



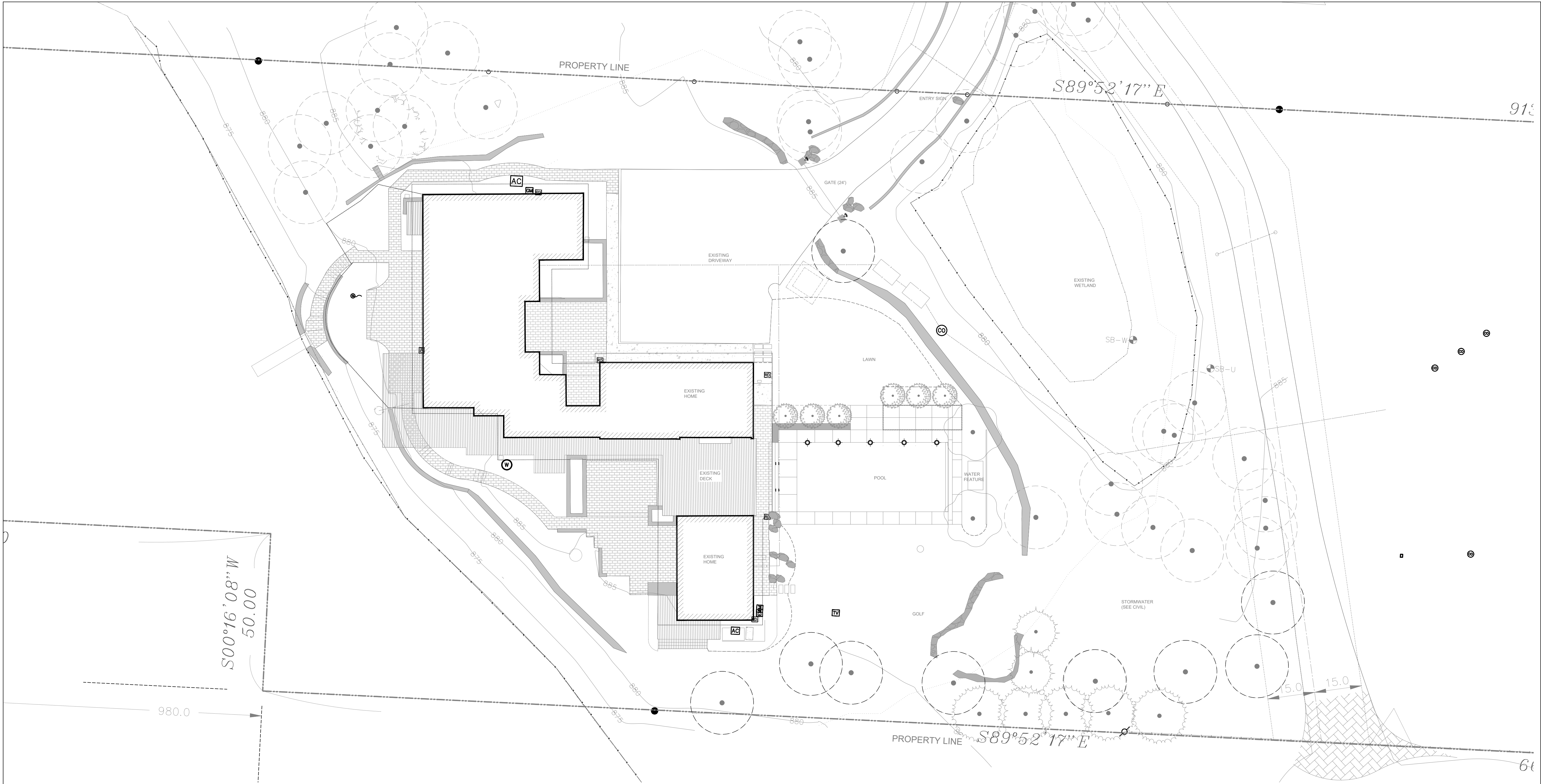
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	
TREES						
	CE	CERCIS CANADENSIS	EASTERN REDBUD MULTI-TRUNK	3" CAL.	2	
	JX	JUNIPERUS	UPRIGHT JUNIPER COLUMNAR	6' HT.	6	
	PA	PICEA ABIES	NORWAY SPRUCE	6' HT.	2	
	PS2	PINUS STROBUS	WHITE PINE	16' H	5	
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY
CONCEPT PLANTING						
	G	GARDENS	SHRUBS AND PERENNIALS	---		1,071 SF
CONCEPT PLANTING						
	S-02	MEADOW	MNL - ECONOMY BACKYARD MIX	---		2,707 SF
	S-04	STORMWATER BASIN	MNL - STORMWATER BASIN MIX	---		3,927 SF
	TURF	TURF		---		3,648 SF

NOTE 6/3/2024

- THIS PROJECT REMOVES 11 TREES, WE ARE REPLACING MORE THAN THE REQUIREMENT BY PLANTING 15 TREES.
- THE PLANNING COMMISSION RECOMMENDED THE WHITE PINE HEIGHT TO BE AT LEAST BE 16' TALL UPON FURTHER DESIGN STUDY AND A DISCUSSION WITH THE CITY FORESTER WE WOULD LIKE TO REQUEST APPROVAL THAT ONLY (3) OF THE WHITE PINES ARE INSTALLED AT 16TH, WHILE THE OTHERS ARE 6TH.
- EASTERN SCREENING TREES WILL BE STRATEGICALLY PLACED ON-SITE WITH THE LANDSCAPE ARCHITECT TO ENSURE MAXIMUM PRIVACY SCREENING.
- TO FURTHER SCREEN THE POOL AS RECOMMENDED BY THE PLANNING COMMISSION, WE HAVE PLANTED (6) BIRCH TREES WITH (6) EVERGREENS ON THE NEAD OF THE POOL, AND HAVE ADDED (2) REDBUD TREES. THIS REPLANTING, PAIRED WITH THE 6' H CEDAR SCREENING FENCE WILL PROVIDE ADEQUATE SCREENING FOR THE NEIGHBORS TO THE NORTHEAST AND UPHILL.

pebl.

L200



01 LIGHTING PLAN

Scale: 1/16" = 1' - 0"



LIGHTING SCHEDULE

SYMBOL	DESCRIPTION	QTY	PRODUCT/MODEL	MFR
	INTEGRAL CAP DOWNLIGHTING	2	SL04 WALL WASHER 30K BRASS, ANTIQUE BRONZE LIVING FINISH	STERLING LIGHTING
	WALL LIGHT	4	SL05 STEP LIGHT BRASS, ANTIQUE BRONZE LIVING FINISH	STERLING LIGHTING
	POOL LIGHT	5	LEDSP120W - E27-850-25D-DIM	PAL LIGHTING

FOR PHOTOMETRIC PLAN, SEE L301

NOTE 6/3/2024
- THIS PROJECT REMOVES ALL LIGHTING EXCEPT FOR (2) RISERS, (5) POOL LIGHTS, AND CAP-INTEGRATED DOWNLIGHTS IN THE GATE PILLARS.
- THE PLANNING COMMISSION RECOMMENDED WE ONLY LIGHT (2) OUT OF THE (3) RISERS. WE WOULD PLEASE LIKE TO REVISIT THIS AND REQUEST THAT ALL (3) RISERS ARE LIT TO ENSURE EACH RISER CAN BE ADEQUATELY SEEN EVEN IF THE HOUSE LIGHTS ARE OFF.

SEGAL RESIDENCE
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MENDOTA HEIGHTS, MN 55118
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OVERVIEW

ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324

DRAWN BY: AH
CHECKED BY: JB

SHEET NAME

LIGHTING PLAN

SHEET NUMBER

L300



- POOL NOTES:
- POOL SIZE: 25' X 48'
 - 4' DEPTH TYP
 - CORNER STEPS WITH BENCH
 - VINYL POOL WITH AUTOMATIC COVER



- WATER AND FIRE FEATURE NOTES:
- BASALT 3 PILLAR FEATURE WITH ROCK PEBBLE BASE
 - PRODUCT TBD / REAL STONE VS. FAUX
 - NO LIGHTING

01 SWIMMING POOL

Scale:NTS

04 WATER FEATURE

Scale:NTS



- PERGOLA NOTES:
- SIZE: 24' X 8'
 - 10' HEIGHT
 - WOOD PERGOLA WITH INTEGRATED STORAGE (3' X 8')
 - CANVAS DRAPES



FENCE / SCREEN NOTES:

MATCH EXISTING, 6' H AT POOL AND UTILITY/POOL EQUIP SCREEN

02 PERGOLA

Scale:NTS

05 FENCE / SCREENING

Scale:NTS



- SEAT WALL
- POURED CONCRETE, MATCH STEPS AND POOL DECK

03 SITE STAIRS + SEAT WALL

Scale:NTS



- GATE NOTES:
- AUTOMATIC 2-DOOR SWINGING GATE
 - MECHANICAL TO BE BEHIND GATE, NOT STREET FACING
 - 24' WIDE INCLUDING 2' STONE PILLARS ON EITHER SIDE
 - METAL GATES TO BE 50% METAL MATERIAL
 - WILL INCLUDE EMERGENCY VEHICLE ACCESS SIREN DETECTOR
 - WILL INCLUDE LIGHTING, SEE LIGHTING PLAN
 - HOUSE NUMBERS TBD - STAINLESS STEEL OR EQ.
 - STONE BLEND: MATCH EXISTING WALLS 70 / 30 BLEND BY TWIN CITY BRICK: Michael DeGrood Twin City Brick & Stone 952-292-6317

- NOTE 6/3/2024
- PLEASE NOTE REMOVAL OF TREEHOUSE.
 - PLEASE NOTE REMOVAL OF FITNESS EQUIPMENT.
 - PLEASE NOTE, AS WAS ON PLANS EARLIER, THE SCREEN FOR THE POOL EQUIPMENT, THIS HAS BEEN SLIGHTLY MODIFIED SINCE THE LAST SUBMISSION DUE TO CONVERSATION WITH POOL EXPERT ON BEST LOCATION FOR EQUIPMENT.
 - PLEASE NOTE REQUEST TO ADD ADDITIONAL BAND OF DECORATIVE BOULDERS.

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pebl.

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OVERVIEW

ISSUANCE: PERMIT SET
PROJECT NAME: SEGAL RESIDENCE
PROJECT NUMBER: 2324

DRAWN BY: AH
CHECKED BY: JB

SHEET NAME

RENDERINGS +
PRECEDENTS

SHEET NUMBER

L500

SEGAL RESIDENCE

2570 DELAWARE AVENUE
SUNFISH LAKE, MINNESOTA

PIERCE PINI &
ASSOCIATES, INC.
Consulting Civil Engineers

9298 CENTRAL AVENUE NE
SUITE 312
BLAINE, MN 55434
TEL 763-537-1311

GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL PLANS

DRAWING INDEX

- C000 - COVER SHEET
C100 - SITE REMOVALS PLAN
C200 - STORMWATER POLLUTION PREVENTION NOTES
C300 - STORMWATER POLLUTION PREVENTION DETAILS
C400 - GRADING, DRAINAGE AND EROSION CONTROL PLAN
C500 - STORMWATER MANAGEMENT DETAILS

PROPERTY INFORMATION

ADDRESS: 32 UPPER 55th ST. W., SUNFISH LAKE, MN 55077
PARCEL ID: 38-03100-53-020
LOT AREA: 170,363 SQ. FT. (3.91 ACRES)
WATERSHED: LOWER MISSISSIPPI RIVER

CONTACT INFORMATION

CIVIL ENGINEER

PIERCE PINI & ASSOCIATES, INC.
9298 CENTRAL AVENUE NE, SUITE 312
BLAINE, MN 55434
CONTACT: Kevin Gardner
TEL: 763-537-1311

SURVEYOR

CORNERSTONE LAND SURVEYING
6750 STILLWATER BLVD N, SUITE 1
STILLWATER, MN 55082
CONTACT: Connie Villari
TEL: 651-275-8969

LANDSCAPE ARCHITECT

PEBL DESIGN
1819 DUPONT AVENUE SOUTH
MINNEAPOLIS, MN 55403
CONTACT: Amber Hill
TEL: 651-368-1074

CONSTRUCTION NOTES

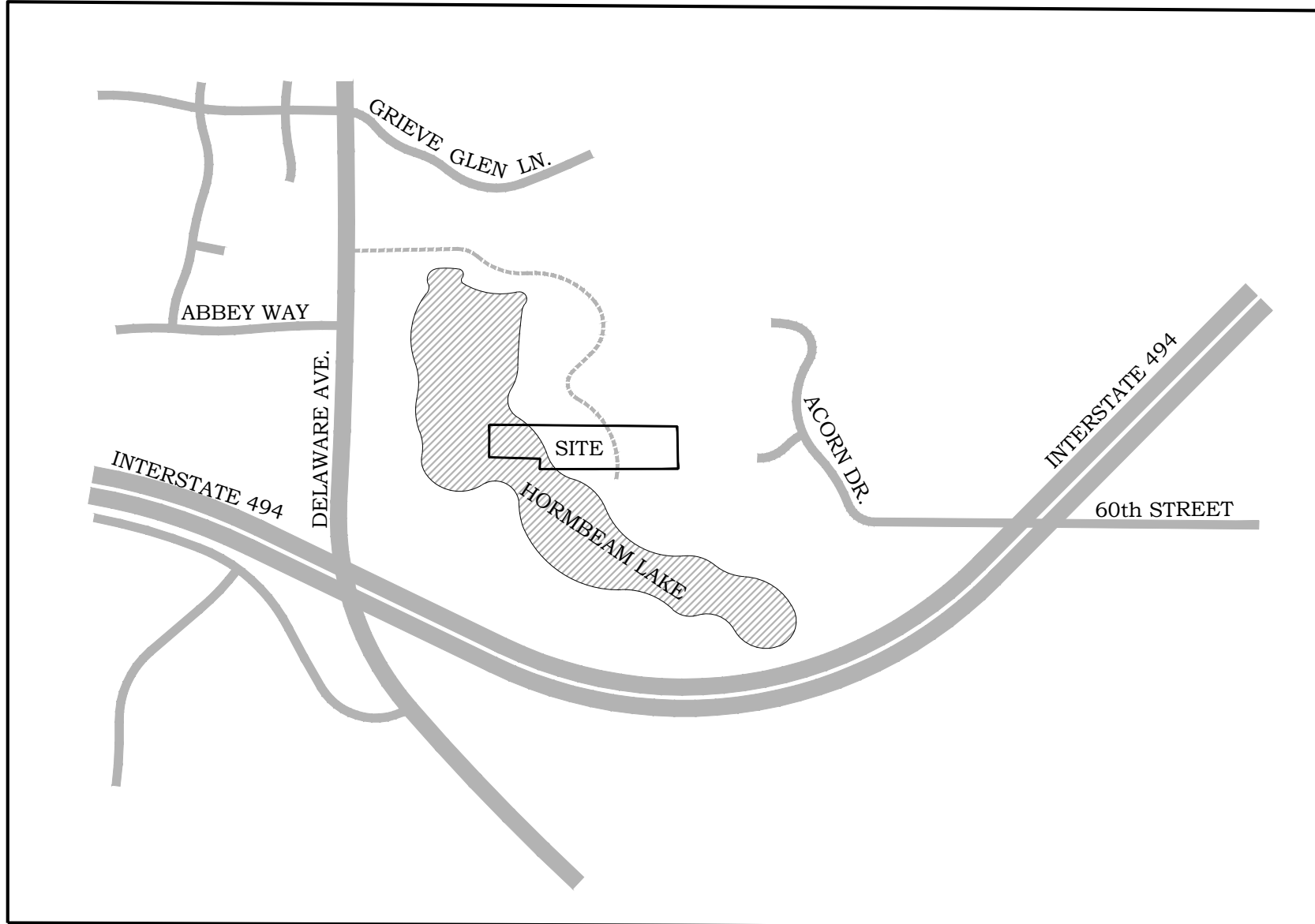
- ALL EXISTING INFORMATION AND PROPOSED SITE IMPROVEMENTS TAKEN FROM CERTIFICATE OF SURVEY BY CORNERSTONE LAND SURVEYING, DATED JUNE 10, 2016.
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS OF EXISTING UTILITIES, AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR TO PREVENT DIRT AND/OR DEBRIS FROM BEING TRANSPORTED OFF-SITE IN AN UNCONTROLLED MANNER. SEDIMENT DISCOVERED SHALL BE REMOVED BY CONTRACTOR WITHIN 48 HOURS OF DISCOVERY.
- ALL WORK TO BE PERFORMED IN ACCORDANCE WITH CITY OF SUNFISH LAKE AND STATE OF MINNESOTA REGULATIONS AND STANDARDS.
- EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHICH MAY INCLUDE BUT IS NOT LIMITED TO: ELECTRIC, TELEPHONE, GAS, CABLE TV, COMPUTER CABLE, FIBER OPTIC CABLE, SANITARY SEWER, STORM SEWER AND WATER MAIN. CONTRACTOR TO CONTACT THE GOPHER STATE ONE CALL BEFORE EXCAVATING.
- CONTRACTOR TO PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS, LANDSCAPING, STRUCTURES AND UTILITIES THAT ARE TO REMAIN. CONTRACTOR TO STORE AND PROTECT EXISTING SITE FEATURES WHICH NEED TO BE REMOVED AND REPLACED. CONTRACTOR TO PREVENT DAMAGE OR THEFT OF THESE ITEMS AND TO REPAIR AND REPLACE AT OWN EXPENSE.
- ALL EXCAVATIONS MUST COMPLY WITH THE REQUIREMENTS OF OSHA 29 CFR, PART 1926, SUBPART P "EXCAVATIONS AND TRENCHES". THIS DOCUMENT STATES THAT EXCAVATION SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL COORDINATE WITH ARCHITECT'S DRAWINGS TO VERIFY LOCATION, SIZE AND QUANTITY OF ALL ROOF DRAINS AND UTILITY CONNECTIONS.
- PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH MMUTCD, INCLUDING "FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS", CURRENT EDITION.
- DRAWINGS DO NOT INDICATE AREAS OF TEMPORARY SUPPORT SYSTEMS. THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS AND WILL HAVE TOTAL CONTROL OVER THE TYPES AND DESIGN OF ALL SHORING, SHEETING, BRACING, ANCHORAGES, EXCAVATION SUPPORT WALLS, DIRECTIONAL BORING, AUGER JACKING, SOIL STABILIZATION AND OTHER METHODS OF PROTECTING EXISTING IMPROVEMENTS. SEE SPECIFICATIONS FOR SUBMITTAL REQUIREMENTS.
- CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO STARTING CONSTRUCTION.
- ALL MATERIALS FOR PROPOSED CONSTRUCTION OR REPAIR OF EXISTING FACILITIES SHALL BE NEW PRODUCTS DIRECT FROM THE FACTORY AND FREE FROM DEFECTS.
- WHEN WORKING AROUND EXISTING UTILITIES, LIGHT POLES, TRAFFIC SIGNALS, TELEPHONE OR POWER POLES, THE CONTRACTOR SHALL PROVIDE SUFFICIENT SUPPORT OR BRACING TO PREVENT EXCESSIVE STRESS ON THE PIPING. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO EXACTLY LOCATE AND PRESERVE THESE UNDERGROUND FACILITIES.
- CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND/OR PROPERTY IRONS. MONUMENTS DAMAGED OR DISPLACED DUE TO CONTRACTOR NEGLIGENCE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL NOT BLOCK DRAINAGE FROM OR DIRECT EXCESS DRAINAGE ONTO ADJACENT PROPERTY.
- ADEQUATE DRAINAGE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND ANY DRAINAGE STRUCTURE DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THE SATISFACTION OF THE OWNING AUTHORITY.
- CONTRACTOR MUST ADHERE TO AXLE LOAD LIMITS WHEN DELIVERING MATERIALS AND EQUIPMENT TO THE SITE. ANY DAMAGE TO THE ROADWAY AND THE CITY RIGHT-OF-WAY SHALL BE REPAIRED TO THE CITY'S SATISFACTION AT THE COST OF THE CONTRACTOR.
- CONTRACTOR SHALL TAKE PHOTOGRAPHS AND DOCUMENT THE CONDITION OF THE EXISTING ROADWAY PRIOR TO CONSTRUCTION.
- ALL RETAINING WALLS EXCEEDING 42" IN HEIGHT, MEASURED FROM THE FOOTING TO TOP OF WALL, NEED ENGINEERED DRAWINGS SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY OF SUNFISH LAKE BUILDING OFFICIAL.

CONSTRUCTION SEQUENCING AND INSPECTION OF EROSION AND SEDIMENT CONTROL PRACTICES FOR STORMWATER MANAGEMENT SYSTEMS

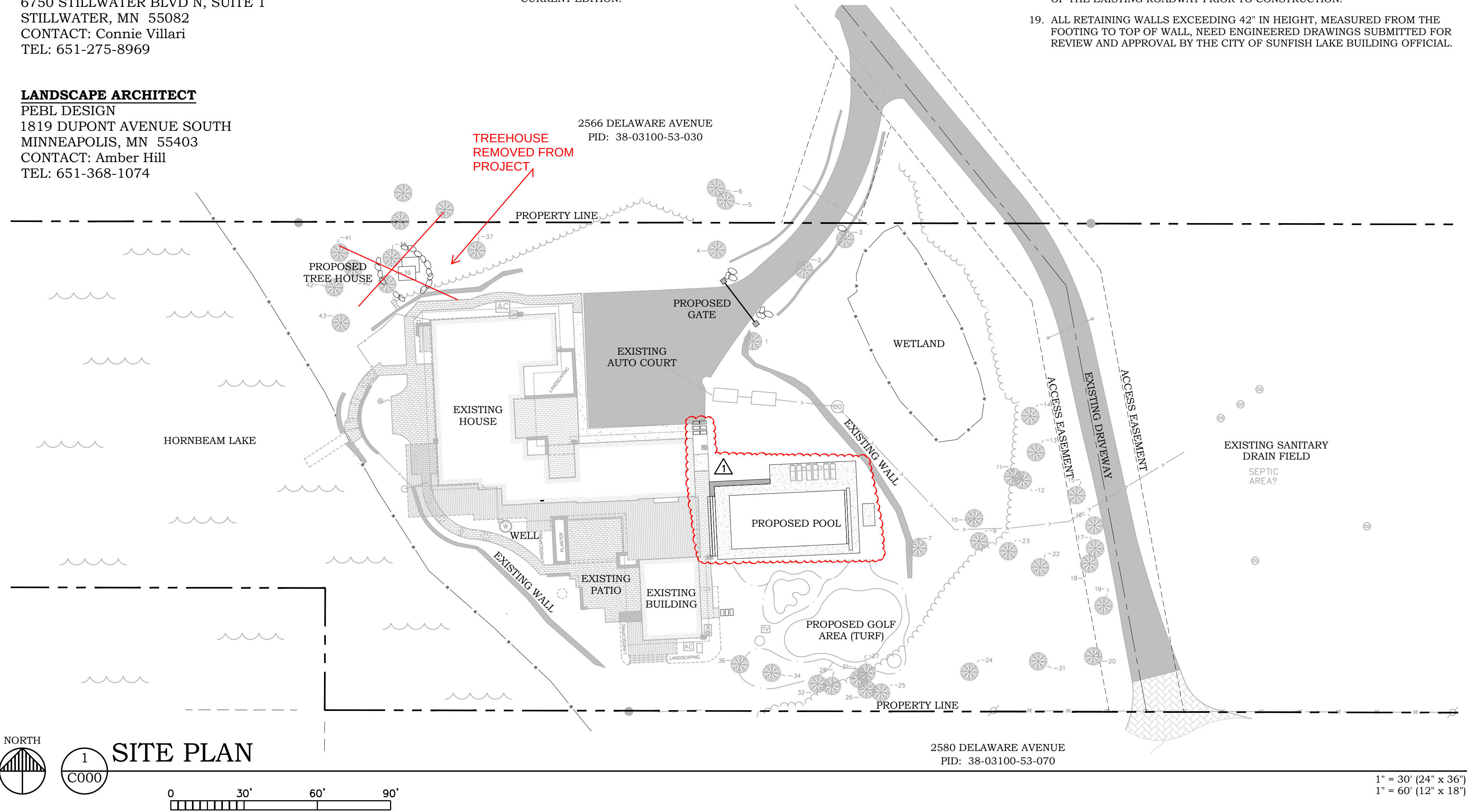
- OBTAIN PERMITS FOR SITE WORK FROM CITY OF SUNFISH LAKE AND ALL GOVERNING AUTHORITIES WITH JURISDICTION IN THIS CONSTRUCTION AREA.
- INSTALL PERIMETER EROSION CONTROL AND TREE PROTECTION WITHIN AND ADJACENT TO LIMITS OF CONSTRUCTION. INSTALL EROSION CONTROL INSERTS AT ALL CATCH BASINS AND MANHOLES AND CONSTRUCT ROCK CONSTRUCTION ENTRANCE. SEE EROSION CONTROL PLANS FOR FURTHER INSTRUCTION.
- UPON INSTALLATION OF EROSION CONTROLS PER THE APPROVED PLANS, THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER FOR AN INSPECTION PRIOR TO ANY EARTHWORK ACTIVITIES COMMENCING.
- PROCEED WITH SITE DEMOLITION, GRADING AND CONSTRUCTION.
- MAINTAIN EROSION CONTROL BMP'S AND CONTROL RUNOFF REQUIREMENTS AS OUTLINED ON DRAWINGS AND SPECIFICATIONS.
- ALL SITE WORK SHOULD BE COMPLETE PRIOR TO WORK ON THE STORMWATER AREAS BEING STARTED TO THE EXTENT POSSIBLE. IF CONSTRUCTION OF THESE AREAS NEEDS TO OCCUR PRIOR TO FINAL SITE STABILIZATION, THEN THE CONSTRUCTED AREA MUST BE PROTECTED AND CONTRIBUTING FLOWS NEED TO BE FILTERED TO PREVENT SEDIMENT ACCUMULATION. THE STORMWATER MANAGEMENT SYSTEMS NEED TO BE PROTECTED FROM EROSION AND SEDIMENT. SILT FENCE WILL BE REQUIRED AROUND ITS PERIMETER TO KEEP THE AREA OF THE STORMWATER SYSTEMS PROTECTED.
- NOTIFY CIVIL ENGINEER AND CITY OF SUNFISH LAKE OF WORK BEING DONE ON STORMWATER SYSTEMS AND THE SCHEDULE OF CONSTRUCTION. ALLOW A MINIMUM OF FIVE WORKING DAYS FOR NOTIFICATION SO ENGINEER CAN CONDUCT SITE MEETING TO DISCUSS THE INTENT OF THE SYSTEM AND CONSTRUCTION OBSERVATION CAN BE SCHEDULED ACCORDINGLY. SITE MEETING TO REVIEW THE INTENT OF THE DESIGN AND THE CONSTRUCTION OF THE STORMWATER SYSTEM NEEDS TO OCCUR PRIOR TO STARTING CONSTRUCTION ON THE SYSTEM.
- MAINTAIN EROSION AND SEDIMENT CONTROL ON CONTRIBUTING AREAS TO AVOID SEDIMENTATION OF SYSTEM.
- CONSTRUCT STORMWATER SYSTEMS PER DRAWINGS AND SPECIFICATIONS.
- COMPLETE CONSTRUCTION OF PARKING AND SIDEWALKS AFTER STORMWATER SYSTEM IS INSTALLED. AFTER PAVEMENT IS INSTALLED, VERIFY THAT STORMWATER SYSTEMS ARE CLEAR AND FULLY FUNCTIONAL. EXCAVATE, DREDGE, OR CLEAN AS NEEDED SO THEY ARE FULLY FUNCTIONAL AT PROJECT CLOSEOUT.
- INSTALL LANDSCAPING AND PLANTING MATERIALS PER LANDSCAPE DRAWINGS AND SPECIFICATIONS.
- REMOVE ALL TEMPORARY EROSION CONTROL BMP'S AFTER PAVING AND STORMWATER AREAS ARE COMPLETE AND AFTER TURF HAS BEEN ESTABLISHED.
- CONTRACTOR SHALL TAKE PHOTOGRAPHS AND MEASUREMENTS OF ALL STORMWATER MANAGEMENT SYSTEMS THROUGHOUT CONSTRUCTION. DOCUMENTATION OF CONSTRUCTION SHALL BE SUBMITTED TO THE CIVIL ENGINEER AT THE CLOSEOUT OF THE PROJECT. CLOSEOUT DOCUMENTATION SHALL INCLUDE PHOTOGRAPHS AND MEASUREMENTS OF SYSTEM DURING CONSTRUCTION, TESTING REPORTS AND OBSERVATIONS AND REDLINE DRAWINGS OF ANY FIELD MODIFICATIONS MADE DURING CONSTRUCTION.

CONSTRUCTION SEQUENCING FOR CERTIFICATE OF OCCUPANCY RELEASE

- AN AS-BUILT SURVEY OF THE PROPOSED IMPROVEMENTS SHALL BE COMPLETED AT THE END OF THE PROJECT TO DEMONSTRATE THAT ALL IMPROVEMENTS HAVE BEEN CONSTRUCTED PER THE APPROVED PLANS.
- THE ENGINEER OF RECORD SHALL REVIEW THE AS-BUILT SURVEY AND CERTIFY THAT THE AS-BUILT SITE IMPROVEMENT ELEVATIONS MATCH THOSE OF THE INTENDED DESIGN.
- UPON COMPLETION OF THE AS-BUILT CERTIFICATION, AN ON-SITE MEETING WITH CITY STAFF, THE BUILDER, THE ENGINEER OF RECORD AND THE OWNER WILL BE REQUIRED TO REVIEW THE STATUS OF THE PROJECT AND ANY OUTSTANDING ITEMS.
- A CERTIFICATE OF OCCUPANCY WILL BE ISSUED ONCE ALL SITE AND BUILDING ITEMS ARE DEEMED FULLY COMPLETE BY CITY STAFF. TEMPORARY CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED.



LOCATION MAP



SEGAL RESIDENCE
2570 DELAWARE AVENUE
SUNFISH LAKE, MINNESOTA 55118

I hereby certify that this plan or drawing was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Company: PIERCE PINI & ASSOCIATES

Signed: *Kevin Gardner*

Name: Kevin Gardner

Date: 03/28/2024 Reg. No: 45815

Issued for Date

REVISED SITE LAYOUT 06/05/2024

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Comm. No. 23-038

Drawn JR

Checked KG

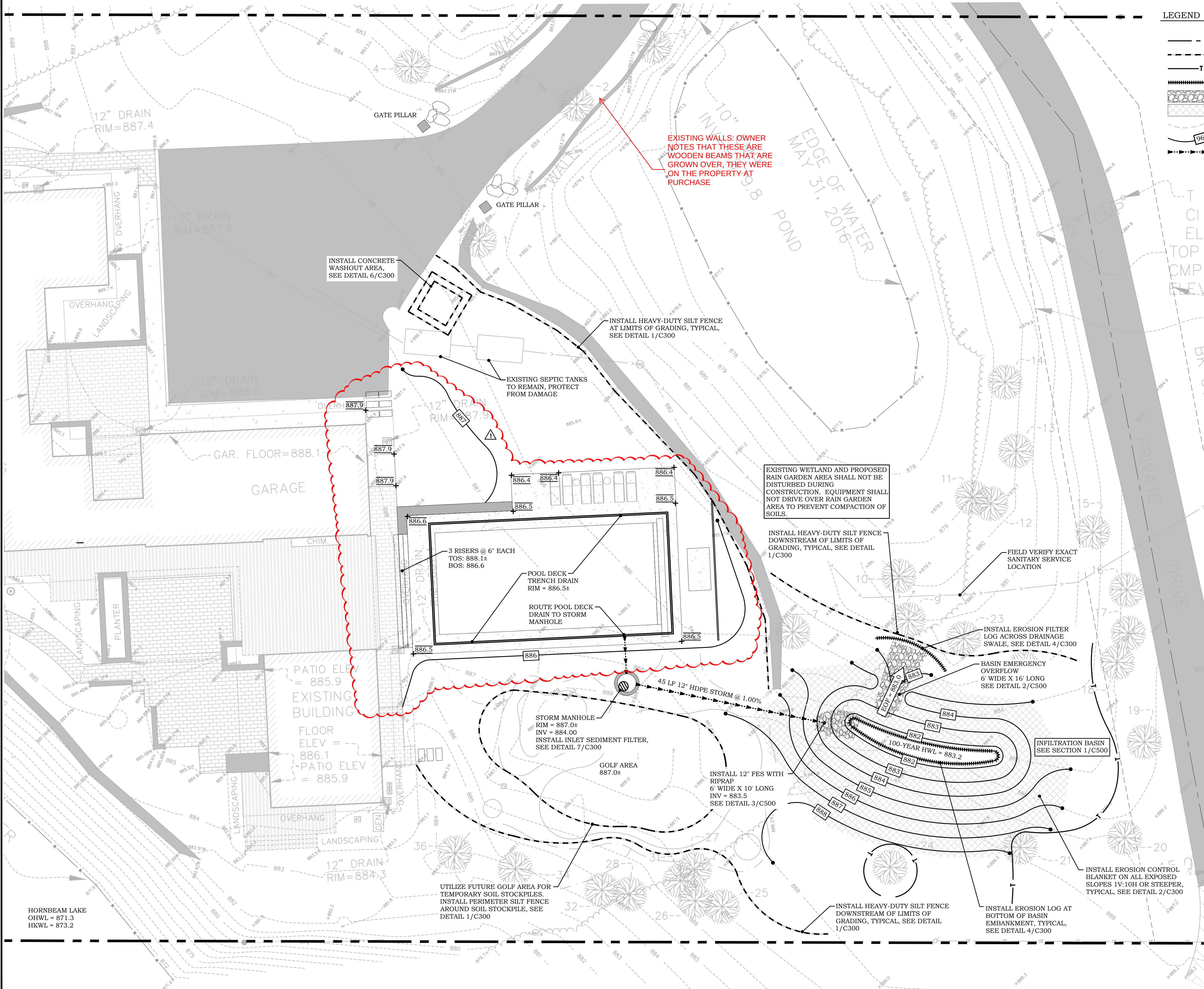
Date 03/27/2024

City Review

Drawing Title

COVER SHEET

C000



LEGEND	
	EXISTING PROPERTY LINE
	PROPOSED HEAVY DUTY SILT FENCE
	PROPOSED TREE FENCING
	PROPOSED EROSION LOG
	PROPOSED RIPRAP
	PROPOSED EROSION CONTROL BLANKET
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED STORM SEWER

EROSION CONTROL NOTES

- BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE. USE 2 INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST 12 INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXTEND THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE USING A GEOTEXTILE FABRIC BENEATH THE AGGREGATE TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
- REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS. REMOVAL SHALL BE ON A DAILY BASIS WHEN TRACKING OCCURS AND MAY BE ORDERED BY CITY INSPECTORS AT ANY TIME IF CONDITIONS WARRANT. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
- CATCH BASIN INSERTS OR OTHER APPROVED PRODUCTS ARE REQUIRED IN UNDISTURBED AREAS THAT MAY RECEIVE RUNOFF FROM THE PROJECT AREA. HAY BALES OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
- LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. TEMPORARY STOCKPILES LOCATED ON PAVED SURFACES MUST BE NO LESS THAN TWO FEET FROM THE DRAINAGE/GUTTER LINE AND SHALL BE COVERED IF LEFT MORE THAN 24 HOURS.
- MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPLACE DETERIORATED, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
- DISTURBED SOIL STABILIZATION SHALL USE SEED AND MULCH, EROSION CONTROL MATTING, AND/OR SODDING AND STAKING IN GREEN SPACE AREAS. SEED WITH ANNUAL RYE SEED AT 60 LBS PER ACRE AND WOOD MULCH FIBER AT 45 LBS PER 1,000 SF. AN EARLY APPLICATION OF GRAVEL BASE ON AREAS TO BE PAVED IS RECOMMENDED TO MINIMIZE EROSION POTENTIAL.
- READY MIXED CONCRETE AND CONCRETE BATCH PLANTS ARE PROHIBITED WITHIN THE PUBLIC RIGHT OF WAY. ALL CONCRETE RELATED PRODUCTION, CLEANING AND MIXING ACTIVITIES SHALL BE DONE IN THE DESIGNATED CONCRETE MIXING/WASHOUT LOCATIONS.
- CHANGES TO EROSION CONTROL PLAN MUST BE APPROVED BY THE EROSION CONTROL INSPECTOR PRIOR TO IMPLEMENTATION. CONTRACTOR TO PROVIDE INSTALLATION AND DETAILS FOR ALL PROPOSED ALTERNATE TYPE DEVICES.
- ALL EROSION CONTROL ELEMENTS ARE TEMPORARY. CONTRACTOR TO INSTALL EROSION CONTROL ELEMENTS PRIOR TO START OF LAND DISTURBING ACTIVITIES, MAINTAIN IN GOOD CONDITION DURING CONSTRUCTION AND REMOVE FROM THE SITE UPON COMPLETION OF FINAL PAVING AND TURF ESTABLISHMENT.

ACREAGE SUMMARY	
TOTAL LOT AREA	3.91 ACRES
EXISTING IMPERVIOUS AREA	14,461 SQ. FT.
PROPOSED IMPERVIOUS AREA	17,209 SQ. FT.
DISTURBED AREA	0.2 ACRES ±

ESTIMATED BMP QUANTITIES	
SILT FENCE	440 LF
ROCK CONSTRUCTION ENTRANCE	1 EACH
CONCRETE WASHOUT AREA	1 EACH
TREE PROTECTION FENCING	100 LF
EROSION CONTROL BLANKET	225 SY
RIPRAP	7 CY
EROSION LOG	90 LF
INLET SEDIMENT FILTER	1 EACH

NOTE: QUANTITIES ARE FOR INFORMATIONAL PURPOSES ONLY. CONTRACTOR SHALL DETERMINE FOR THEMSELVES THE EXACT QUANTITIES FOR BIDDING AND CONSTRUCTION. CONTRACTOR SHALL NOT RELY ON THESE QUANTITIES FOR THEIR BID AND CIVIL ENGINEER IS NOT RESPONSIBLE FOR COST ESTIMATES OR ACTUAL CONSTRUCTION COSTS.

INFILTRATION BASIN TESTING AND OPERATION

- COMMENCE GRADING AND CONSTRUCTION OF THE INFILTRATION BASIN AS NOTED ON THE GRADING PLAN AND DETAILS 1/C500 AND 2/C500.
- AFTER CONSTRUCTION OF THE INFILTRATION BASIN IS COMPLETED, PERFORM (2) DOUBLE-RING INFILTROMETER TESTS ON THE BASIN TO VERIFY MEDIA HAS BEEN PROPERLY PLACED AND THAT THE AS-CONSTRUCTED FILTRATION RATE IS AT LEAST 0.25 INCHES PER HOUR.

STORMWATER CALCULATION SUMMARY

Water Quality Summary	
New/Disturbed Impervious Area:	2,748 sq. ft.
Required Water Quality Depth:	1.0 inches
Required Water Quality Volume:	229 cu. ft.
Provided Water Quality Volume (Below Outlet):	300 cu. ft.

Rate Summary	
Rainfall Event	2-year Event
10-year Event	10-year Event
100-year Event	100-year Event

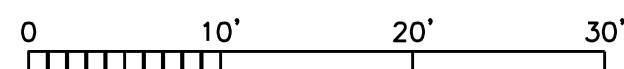
Existing Runoff to SE Wetland	
2.40 cfs	2.35 cfs
4.84 cfs	4.70 cfs
11.16 cfs	10.80 cfs

Proposed Runoff to SE Wetland	
1.90 cfs	1.90 cfs
3.82 cfs	3.82 cfs
8.80 cfs	8.80 cfs



1
C400

GRADING, DRAINAGE AND EROSION CONTROL PLAN



1" = 10' (24" x 36")

1" = 20' (12" x 18")

PIERCE PINI &
ASSOCIATES, INC.
Consulting Civil Engineers

9298 CENTRAL AVENUE NE
SUITE 312
BLAINE, MN 55434
TEL 763-537-1311

SEGAL RESIDENCE

2570 DELAWARE AVENUE
SUNFISH LAKE, MINNESOTA 55118

I hereby certify that this plan or drawing was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Company: PIERCE PINI & ASSOCIATES

Signed: *Kevin Gardner*
Name: Kevin Gardner

Date: 03/28/2024 Reg. No: 45815

Issued for: Date:

REVISED SITE LAYOUT 06/05/2024

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Comm. No. 23-038

Drawn: JR

Checked: KG

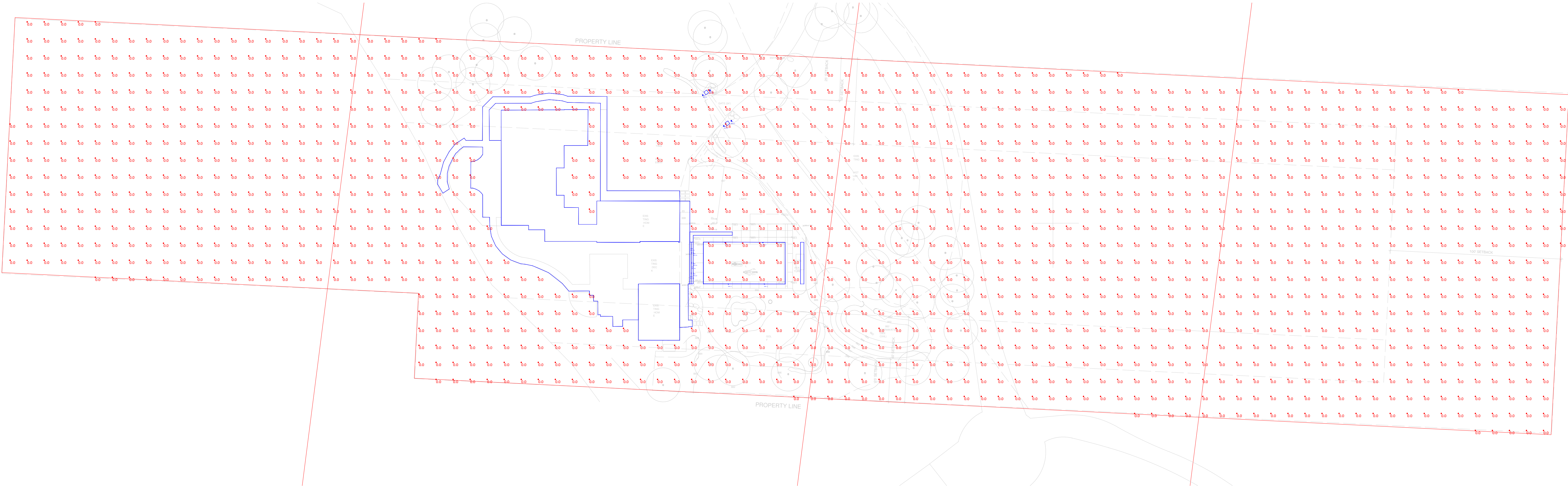
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City Review

Drawing Title

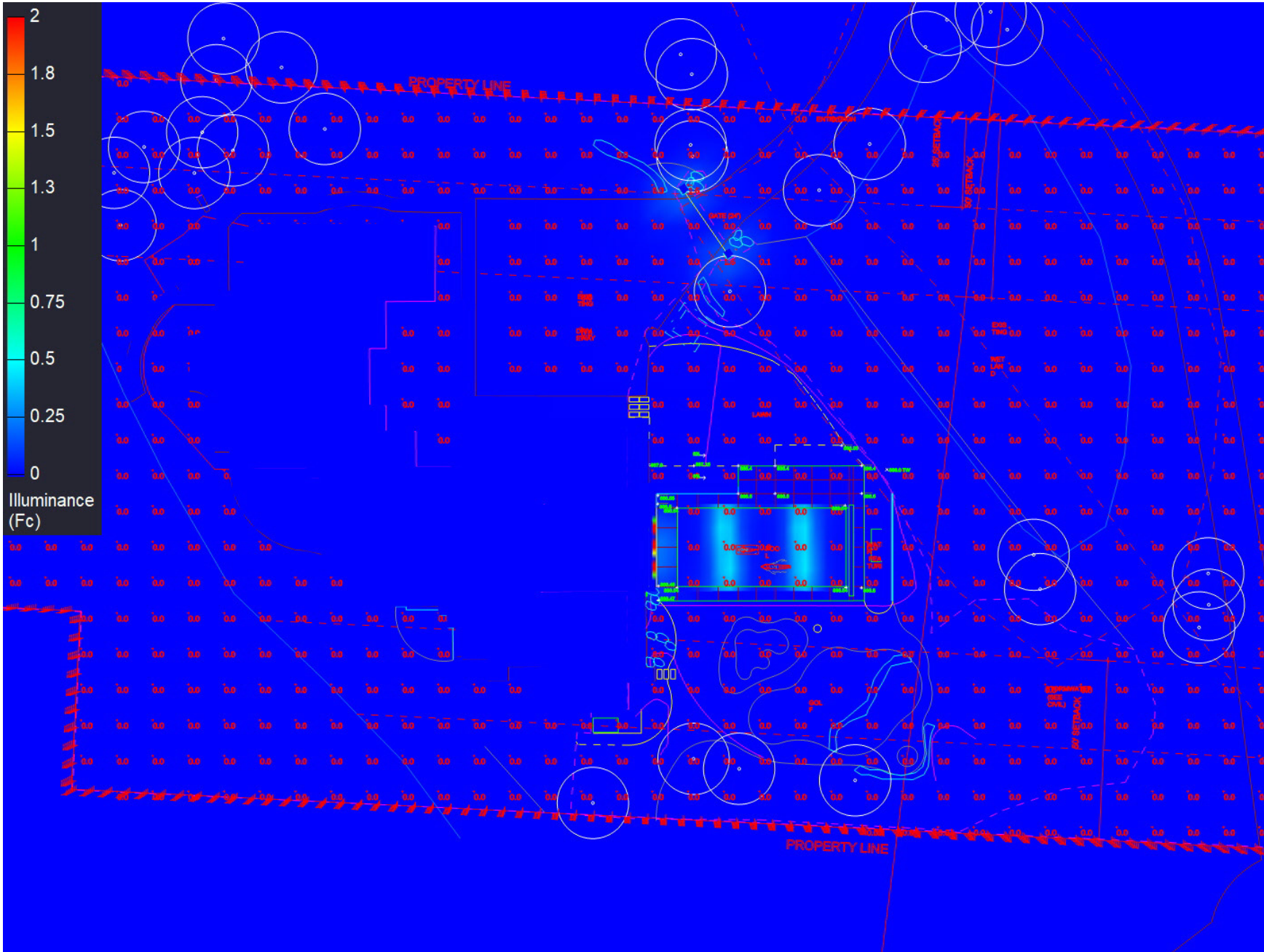
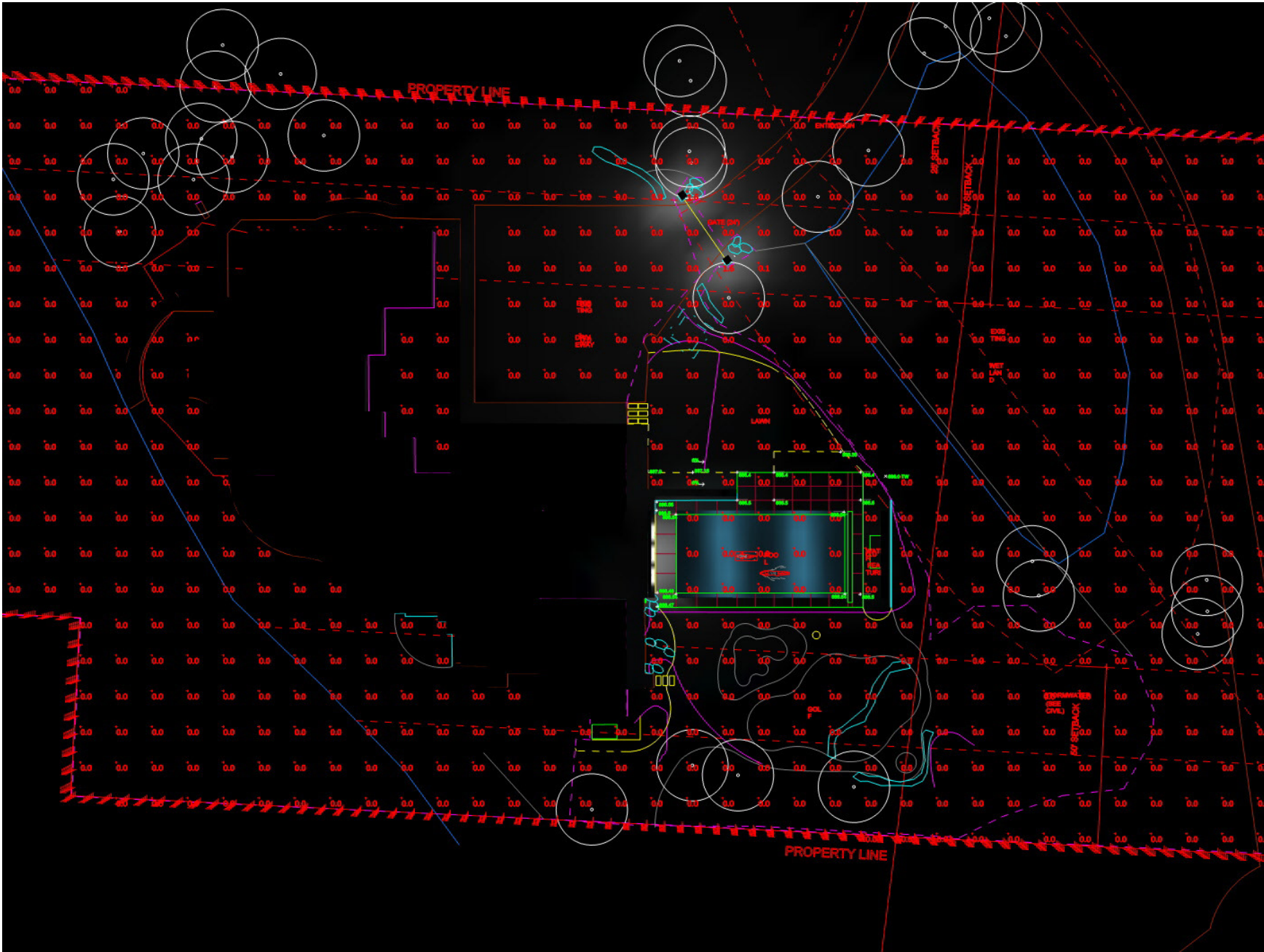
GRADING, DRAINAGE
AND EROSION
CONTROL PLAN

C400



Scale: 1 inch= 30 Ft.

RENDER VIEWS:



Design Notes:

Reflectance : Wall - 0.5

General Notes:
The preparer of this study does not assume responsibility for the suitability of this design in accordance with IESNA recommendations.
Prior to placing an order, it is the customer's responsibility to carefully review and approve this study.
Please note that this analysis is based on a mathematical model and its accuracy is constrained by the limitations of the third-party software and the IES standards employed.

While the digital CAD data may appear to be precise, it is important to recognize that this apparent accuracy is a result of the techniques used to generate it and should not be interpreted as real-world accuracy.
Numerous factors will affect the actual performance of lighting in the constructed space. These factors include the accuracy of the original source files provided by the manufacturer (.ies files), variations in input voltage and ballast performance, the actual finishing values within the constructed environment, manufacturing discrepancies in both the light source (lamp) and the luminaire, the final placement of the luminaires, the presence of obstructions, and the quality of installation.

Furthermore, it is essential to acknowledge that field measurements themselves are susceptible to errors stemming from selected measurement methods or technology, as well as the expertise and capabilities of the measuring party. While the creator of this lighting study strives for accuracy, they cannot be held accountable for any errors that may occur.
The recipient of this lighting study acknowledges and accepts that the likelihood of scaling errors increases in the absence of a .DWG file or other properly dimensioned drawing provided to the designer.

Given that reflective values have a significant impact on light levels, it is imperative for the end-user of this document to verify and confirm these values before accepting the results of any photometric report.

LIGHTING PARAMETERS:

Luminaire Schedule									
Symbol	Label	Qty	Arrangement	LLF	Description	Arr. Watts	Arr. Lum. Lumens	Mounting Height	Manufacturer
	A	4	Single	0.900	LEDsp120W-E27-850-25D-DIM	2.975	119	-2	PAL Lighting
	SL04	4	Single	0.900	SL04 Mini Flood Light	6.873	345	0.5	Sterling Lighting LLC
	SL05	6	Single	0.900	SL05 Step Light	5.18	22	0.3, 0.8	Sterling Lighting LLC

Calculation Summary									
Label	Units	Avg	Max	Min	Avg/Min	Max/Min	Grid Z	PtSpcLr	PtSpcTb
Obtrusive Light_Cd_Seg1	N.A.	7.57	138	0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Cd_Seg2	N.A.	0.00	0	0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Cd_Seg3	N.A.	3.66	52	0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Cd_Seg4	N.A.	0.00	0	0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Cd_Seg5	N.A.	0.00	0	0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Cd_Seg6	N.A.	0.00	0	0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Ill_Seg1	Fc	0.00	0.2	0.0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Ill_Seg2	Fc	0.00	0.0	0.0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Ill_Seg3	Fc	0.00	0.0	0.0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Ill_Seg4	Fc	0.00	0.0	0.0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Ill_Seg5	Fc	0.00	0.0	0.0	N.A.	N.A.	N.A.	5	5
Obtrusive Light_Ill_Seg6	Fc	0.00	0.0	0.0	N.A.	N.A.	N.A.	5	5
Site	Fc	0.00	1.6	0.0	N.A.	N.A.	0	10	10



SL04 Mini Flood Light

Product Features

- Adjustable lumen output with 5 settings
- Compact size and solid brass construction
- Linear, wide-spread light with 110° beam angle
- Patented, sleek design
- Sturdy composition including heavy-duty knuckle with through bolt
- High quality CREE LED chips



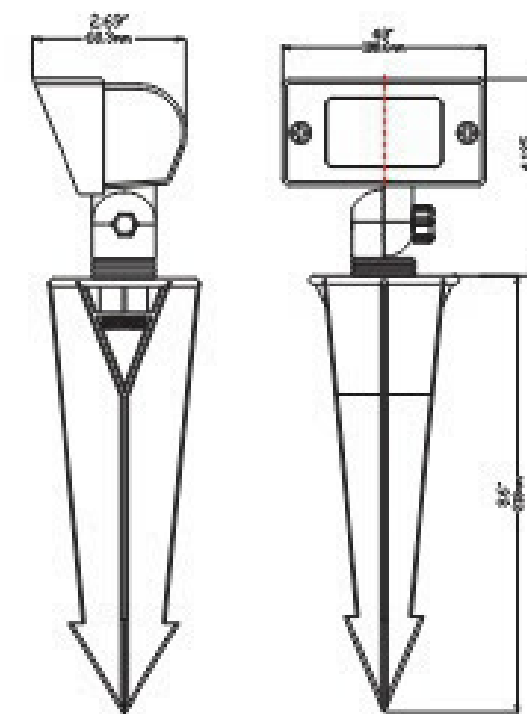
Specifications

Fixture Type: Dedicated Low Voltage LED
Color Temperature: 2700K / 3000K / 5000K
Material: Marine-Grade, Virgin Brass with a UV Coating
Finish: Antique Bronze or Raw Brass
Wattage: 1.5W (min) - 6.7W (max)
Lumen Output: 100 lm - 430 lm

Operating Voltage: 9V - 15V AC
Light Source: CREE LEDs
Beam Angle: 110.2H x 78.6V
Field Angle: 140.5H x 109.8V
Lens: Clear or Frosted
Color Rendering Index: 92+
TM-30 Rf: 90.5

TM-30 Rg: 100.8
Lead Wire: 10' 18AWG
Mounting: 9" ABS Plastic Stake (included)
Accessories: Hex Lens sold separately
Listing: ETL
Standard: UL 1838
Rating: IP65

Product Drawings



Adjustable Lumen Settings

No pins up: 430 lm (max)	3 pins up: 220 lm
1 pin up: 350 lm	4 or 5 pins up: 100 lm (min)
2 pins up: 290 lm	(Pins located on driver)

SL05 Step Light

Product Features

- Fully integrated, created with high quality LEDs and louvers to reduce glare
- Adjustable lumen output up to 50 lumens with external dial
- Switch from 2700K to 3000K in color temperature
- Sleek, patented design
- Flush mount for surface installation. Includes mounting screws set to fit into standard junction box
- Includes 15' lead wire



Specifications

Fixture Type: Integrated Low Voltage LED
Color Temperature Settings: 2700K / 3000K
Material: Marine-Grade, Virgin Brass with a UV Coating
Finish: Antique Bronze

Wattage: 0.5W - 3.5W
Lumen Output: 5 lm - 50 lm
Operating Voltage: 9V - 15V AC
Light Source: Seoul LED chips
Lens: Frosted Lens
Color Rendering Index: 97+

Lead Wire: 15' 18AWG

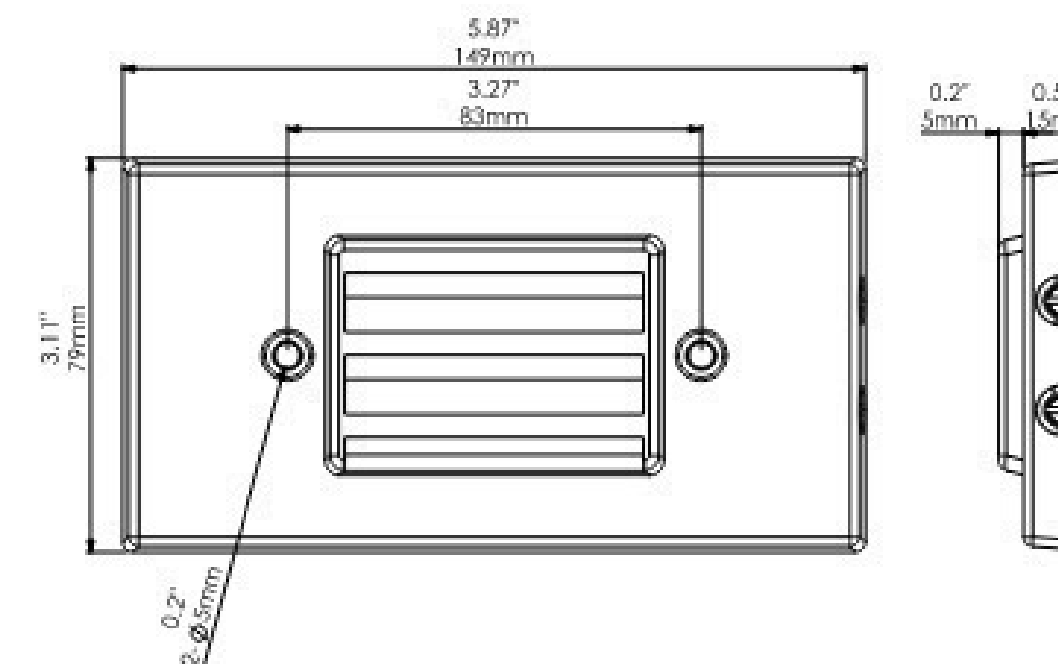
Mounting: Comes with stainless steel set screws

Listing: ETL

Standard: UL 2108

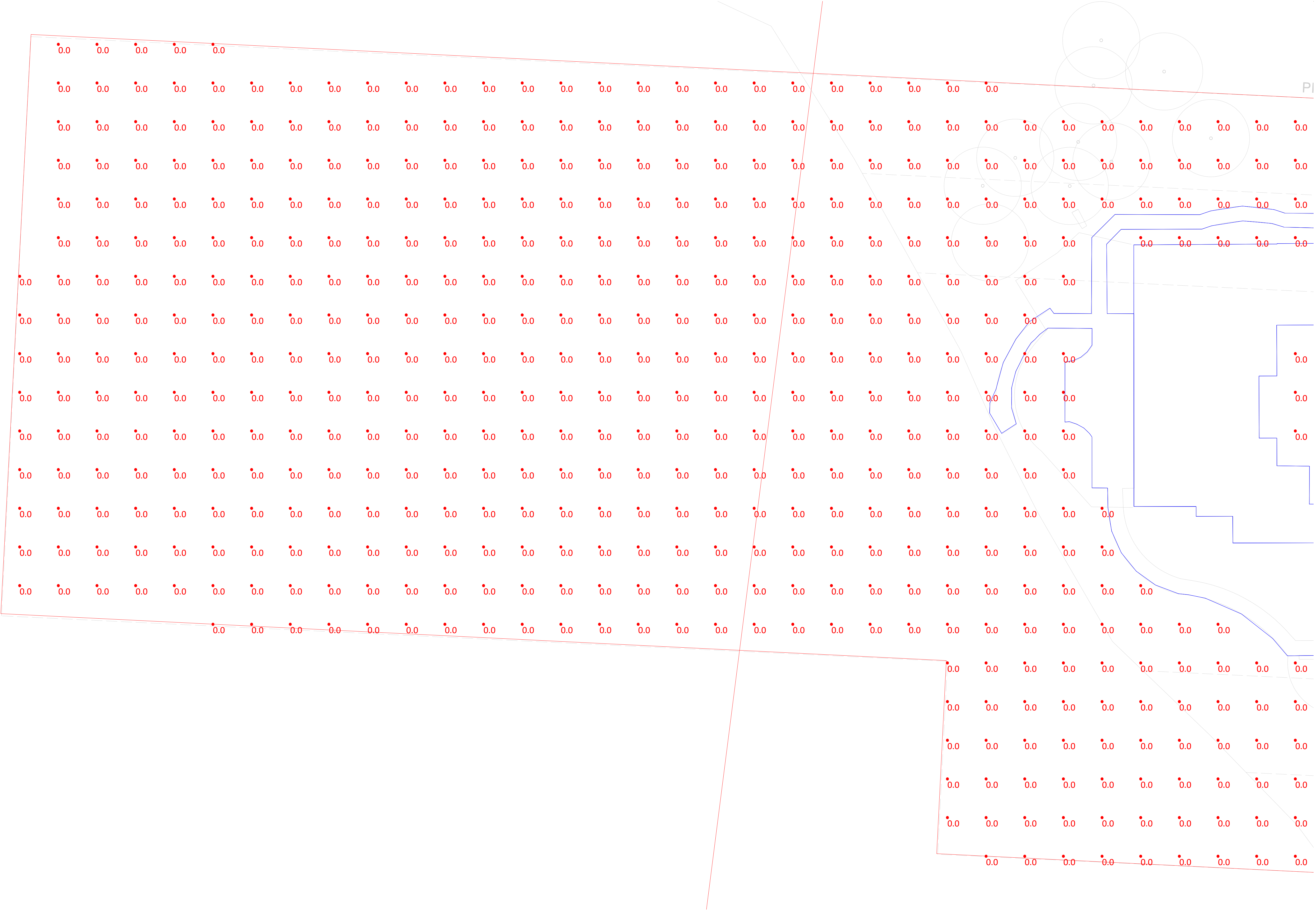
Rating: IP65

Product Drawings

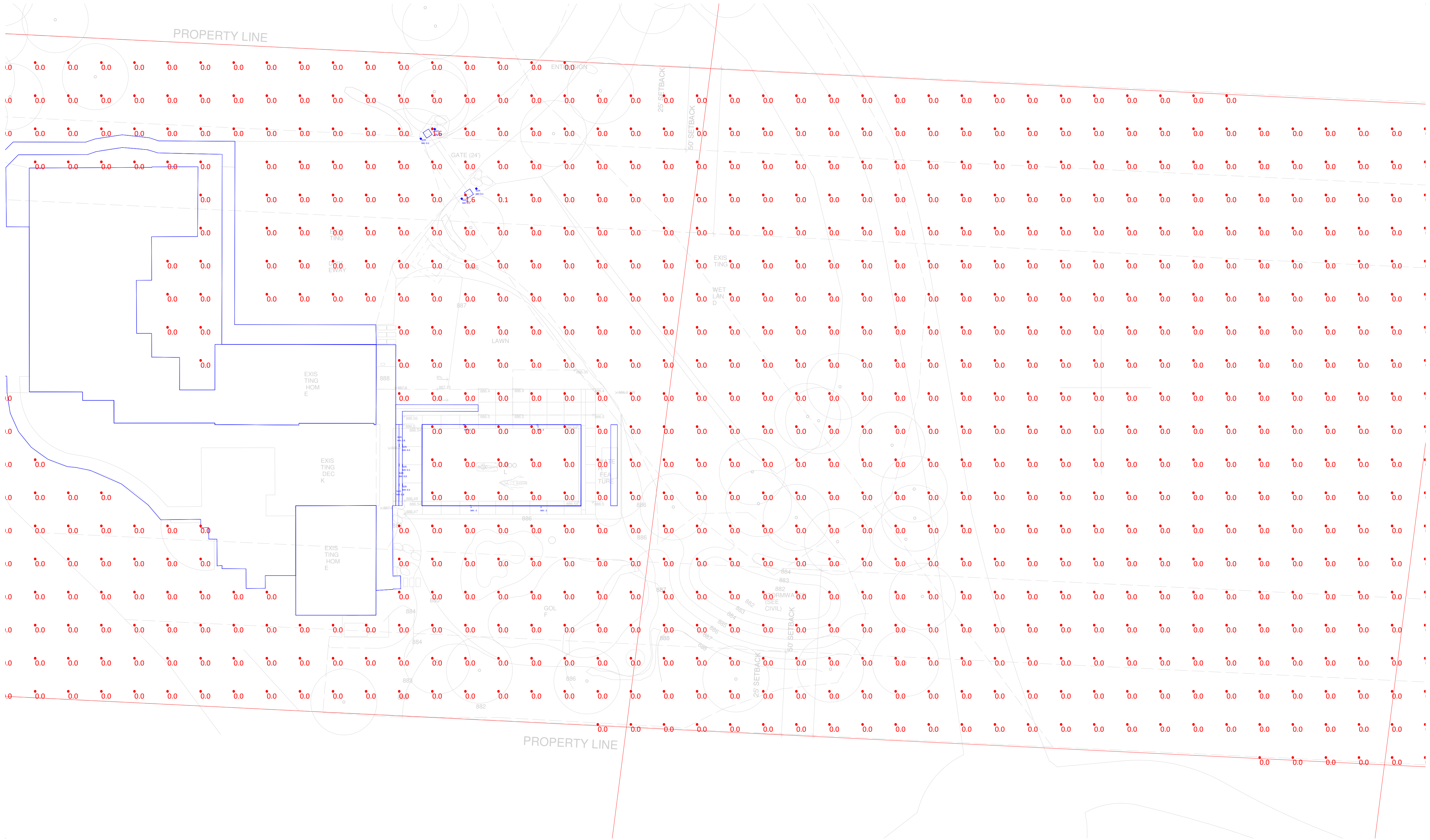


Adjustable Lumen Settings

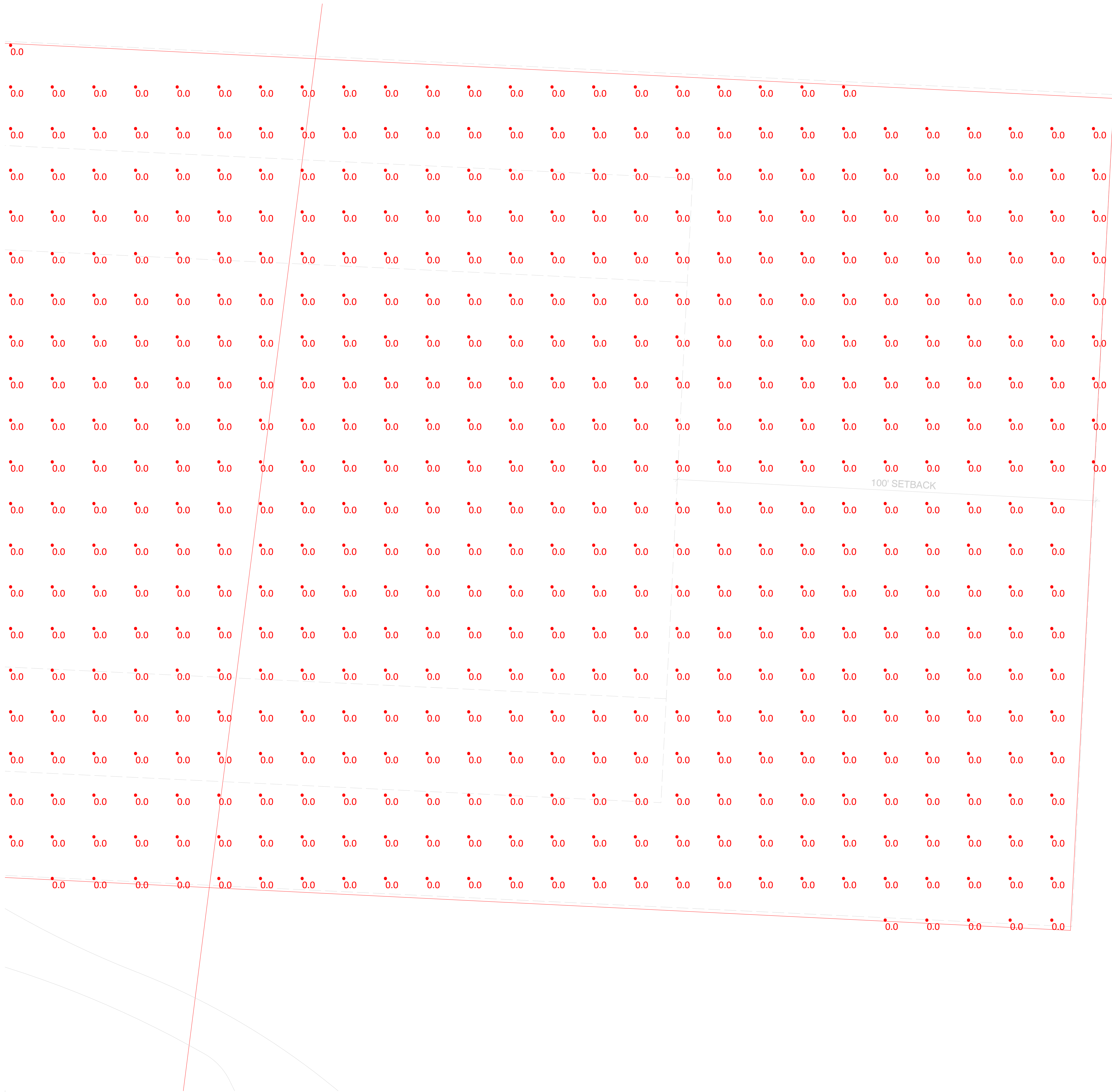
- Setting 1: 5 lm (min)
- Setting 2: 20 lm
- Setting 3: 35 lm
- Setting 4: 50 lm (max)



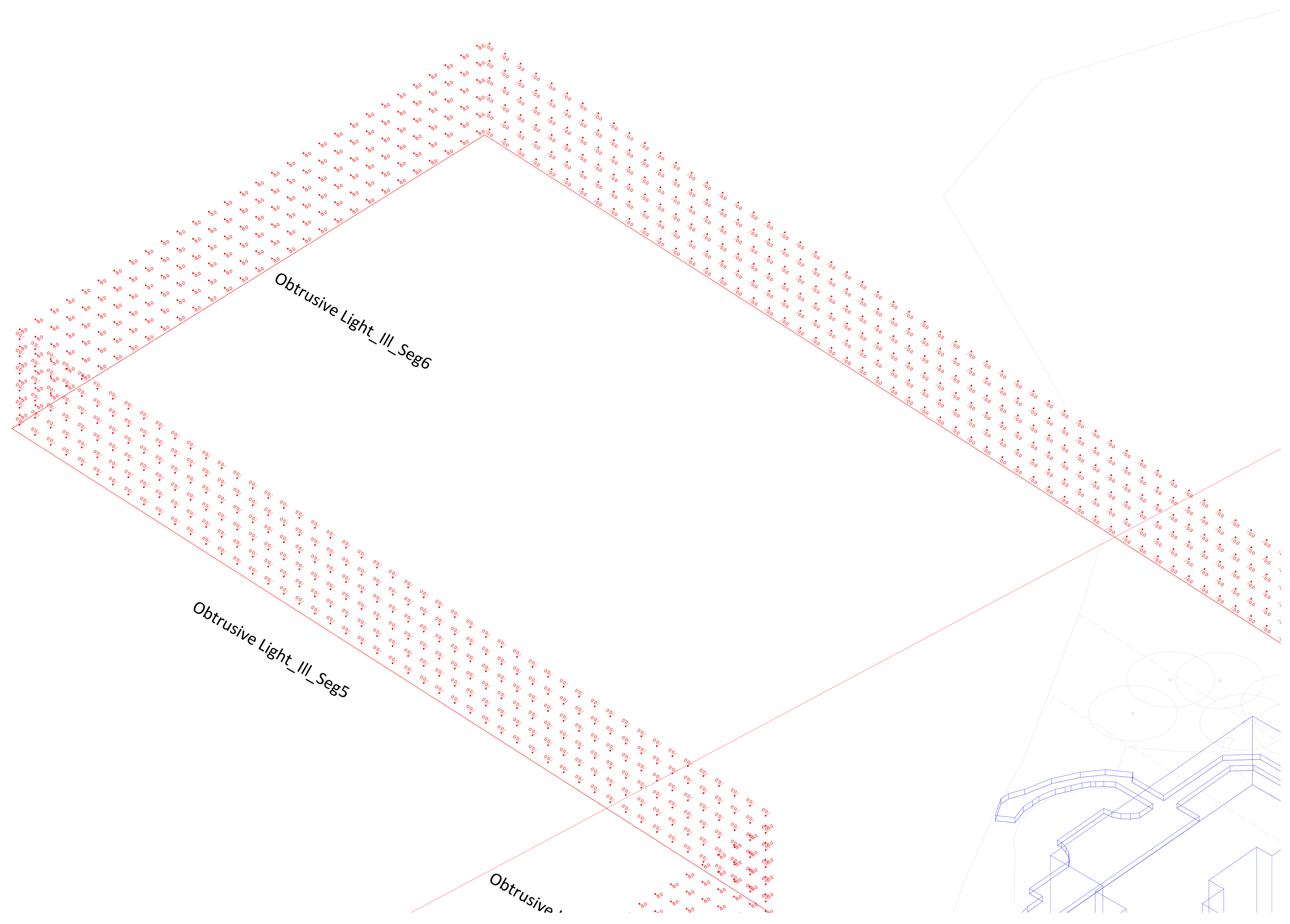
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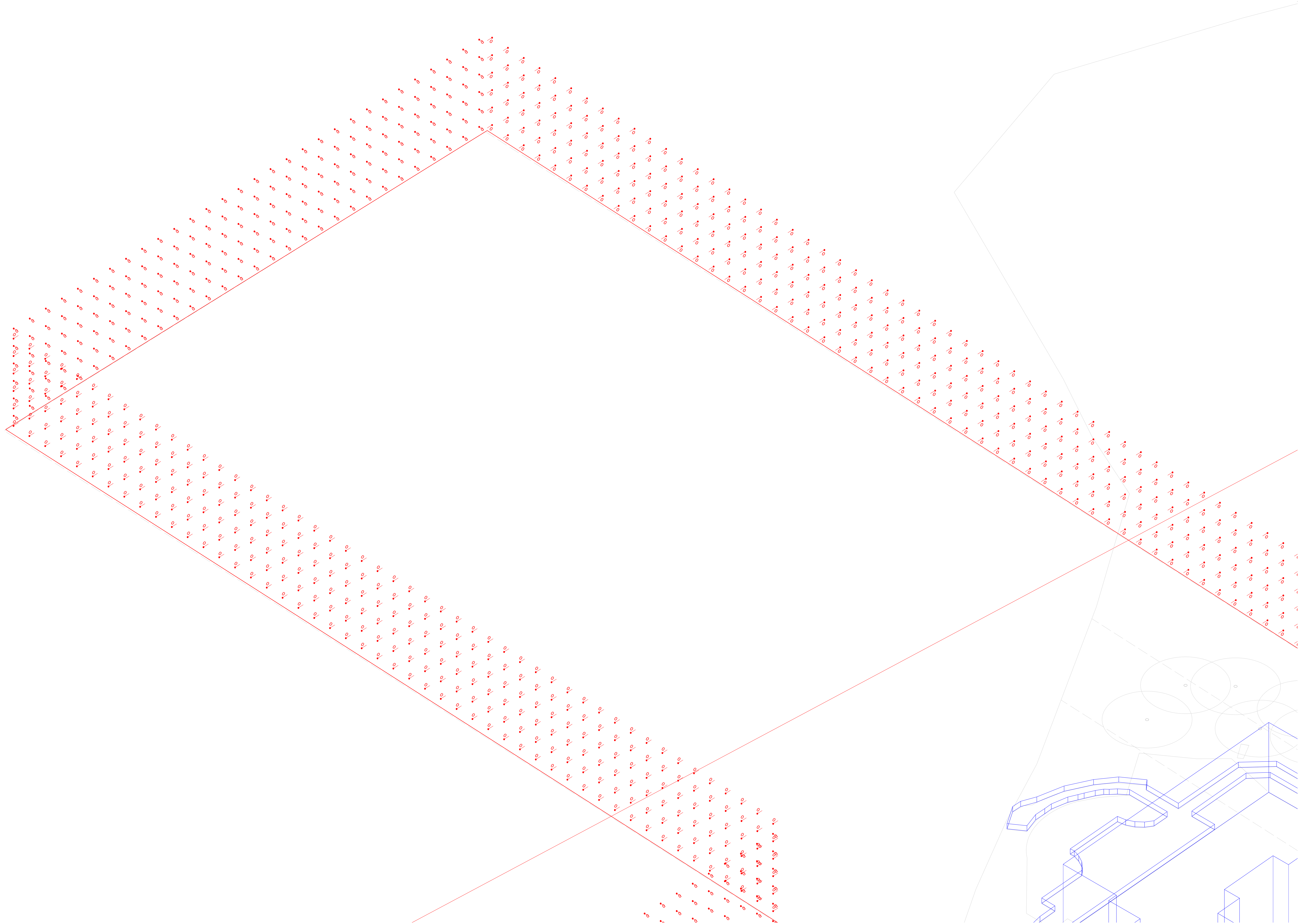
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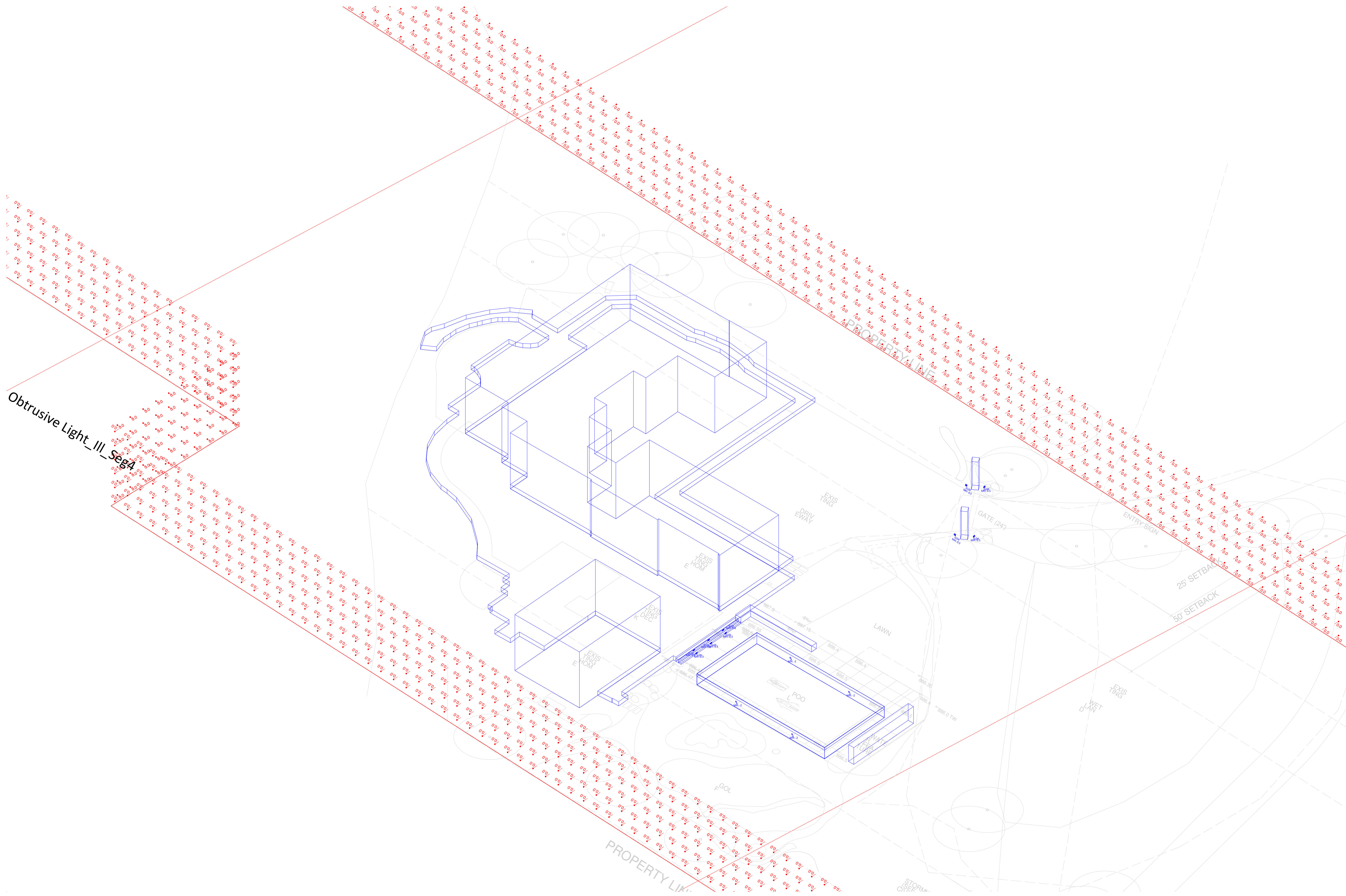
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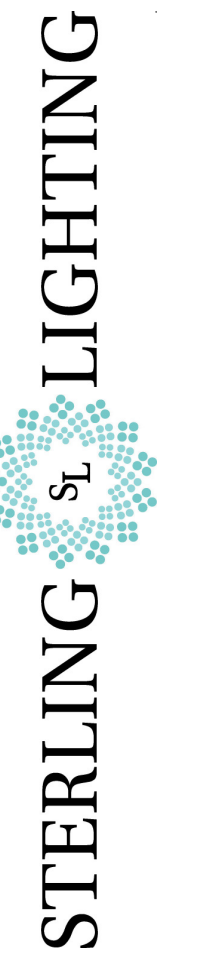


Obtrusive Light Illuminance
Scale: 1 inch= 10 Ft.



Obtrusive Light Candela
Scale: 1 inch= 10 Ft.





Segal Residence

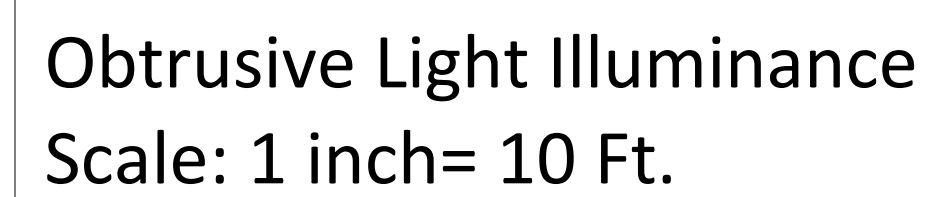
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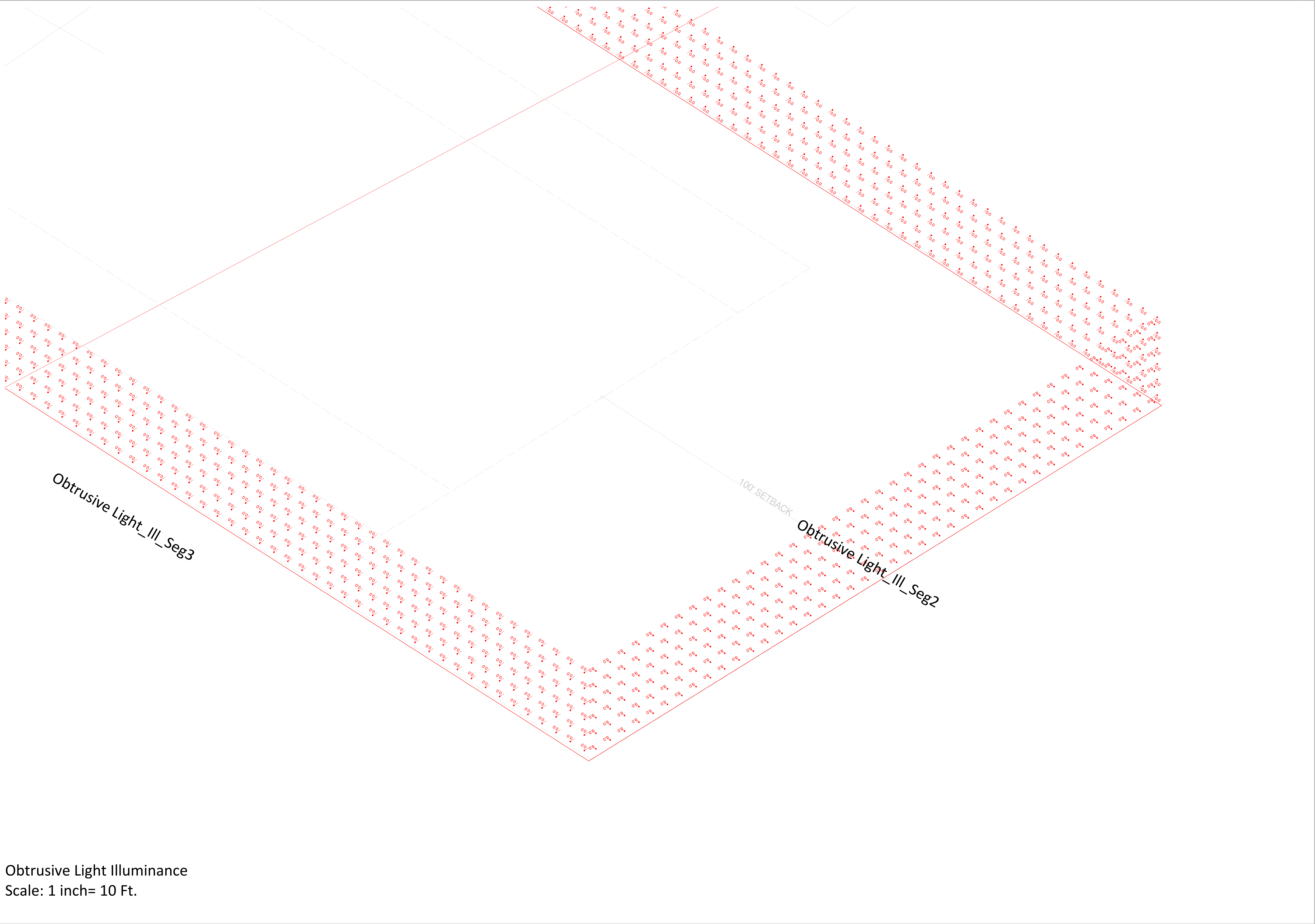
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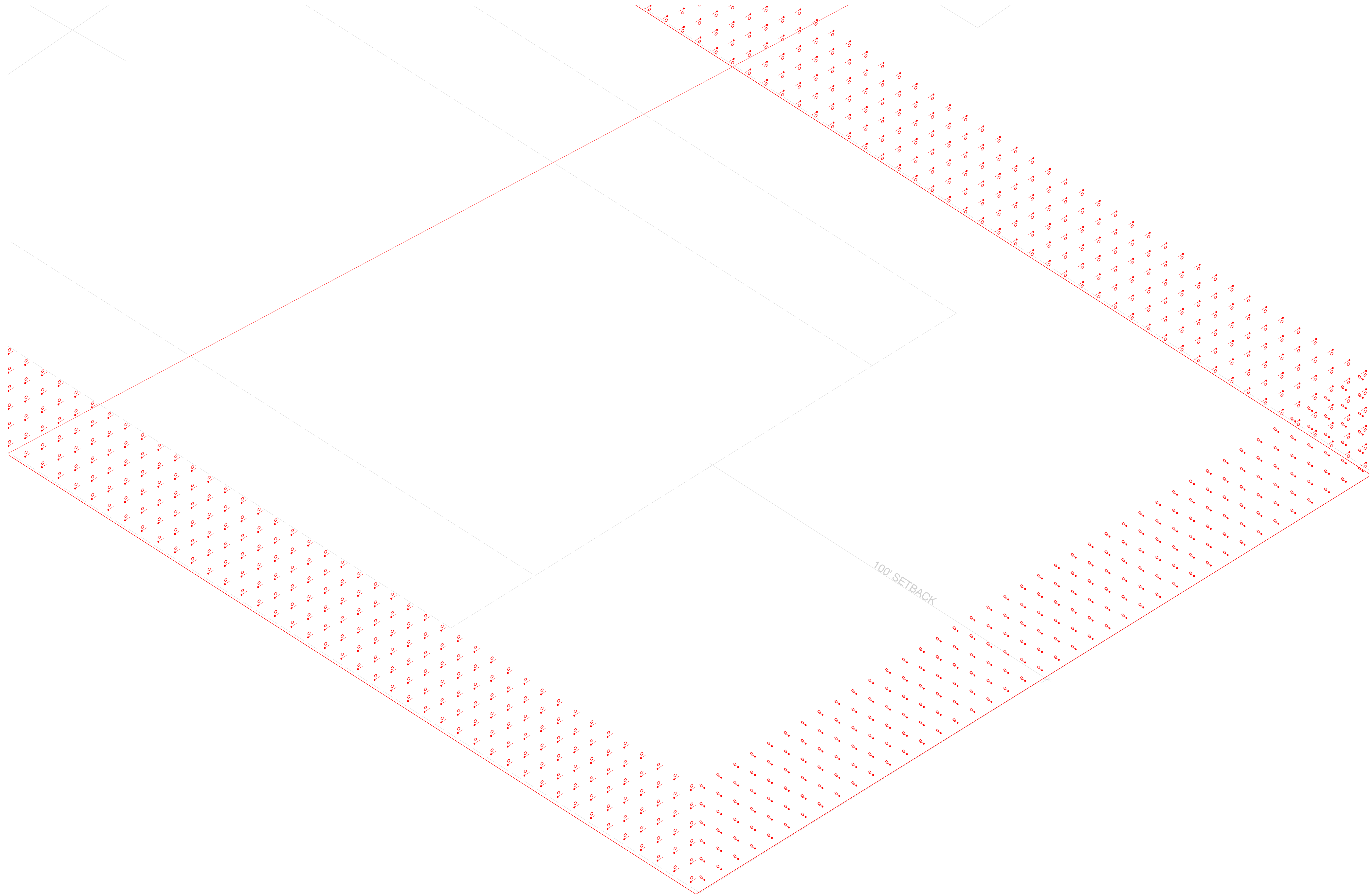
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Page 10 of 18

Obtrusive Light Candela
Scale: 1 inch= 12 Ft.

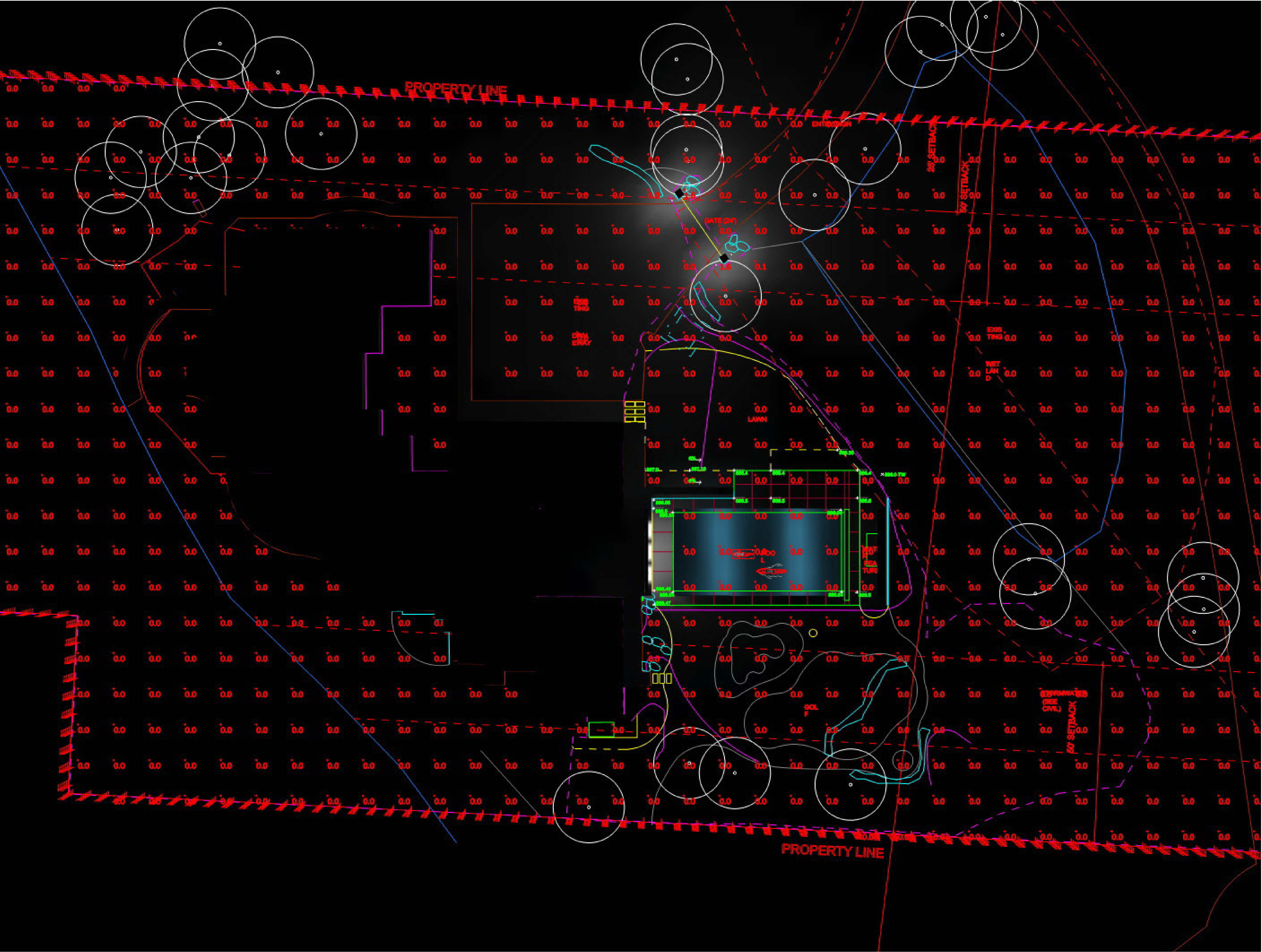




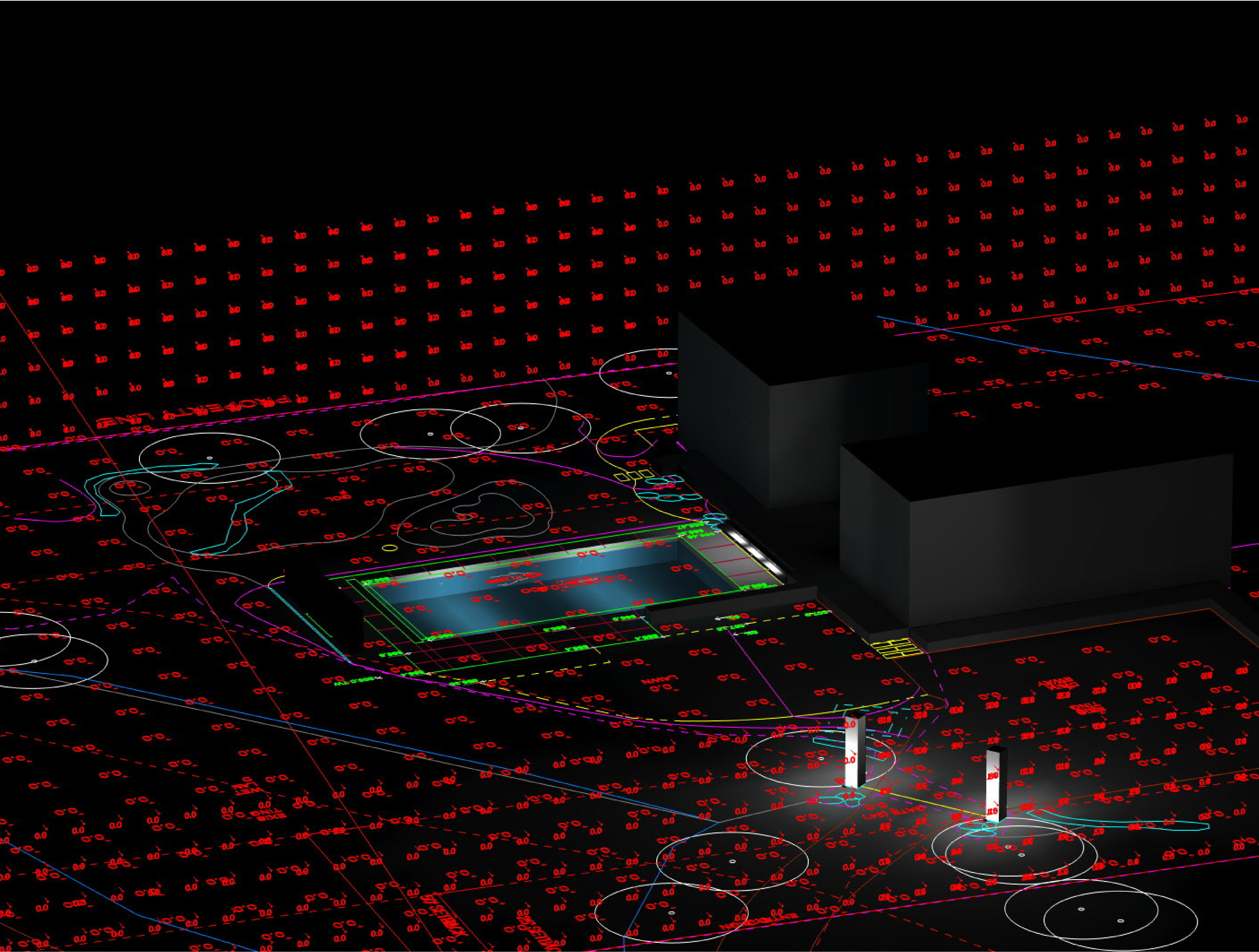


Obtrusive Light Candela
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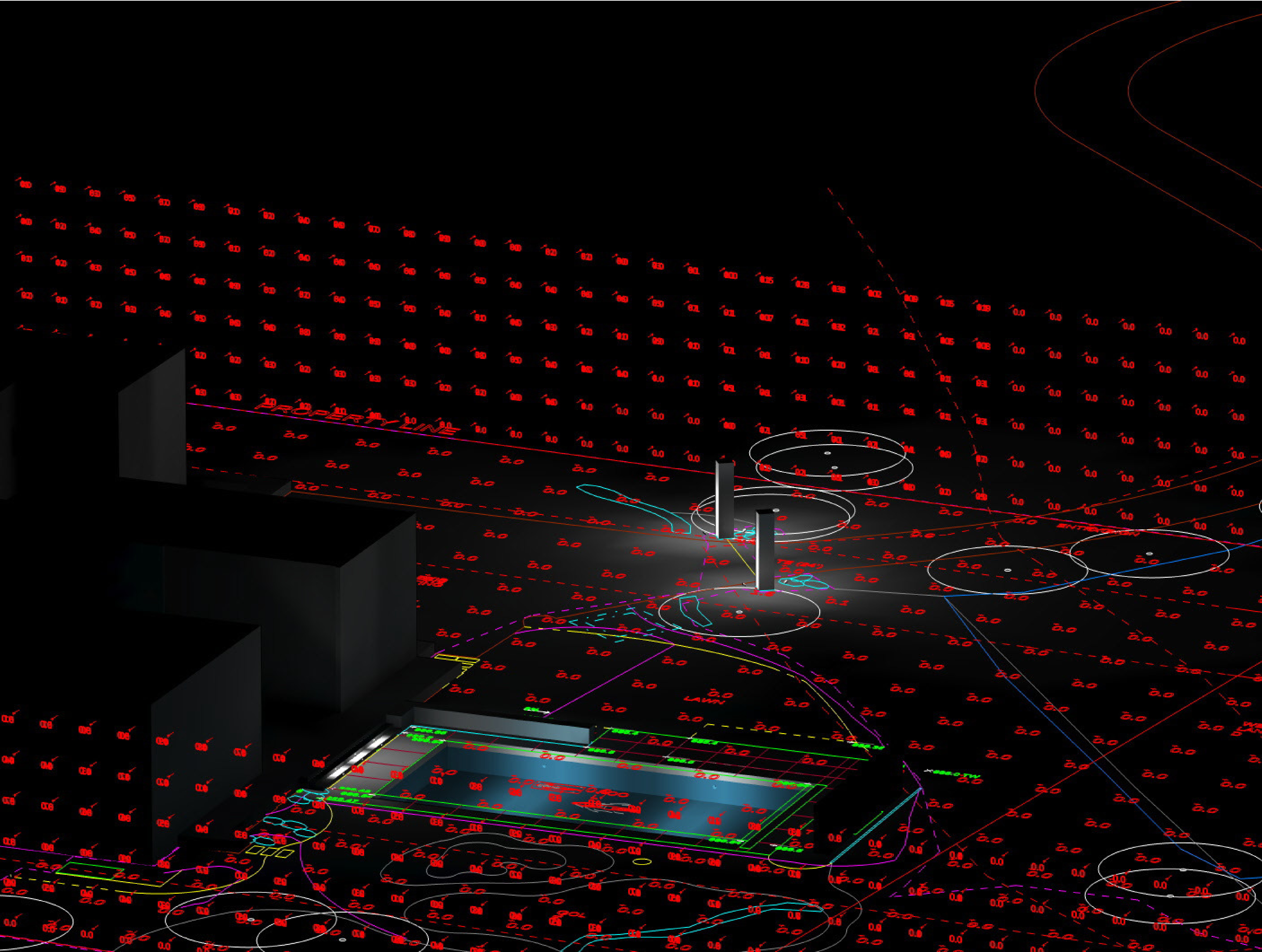
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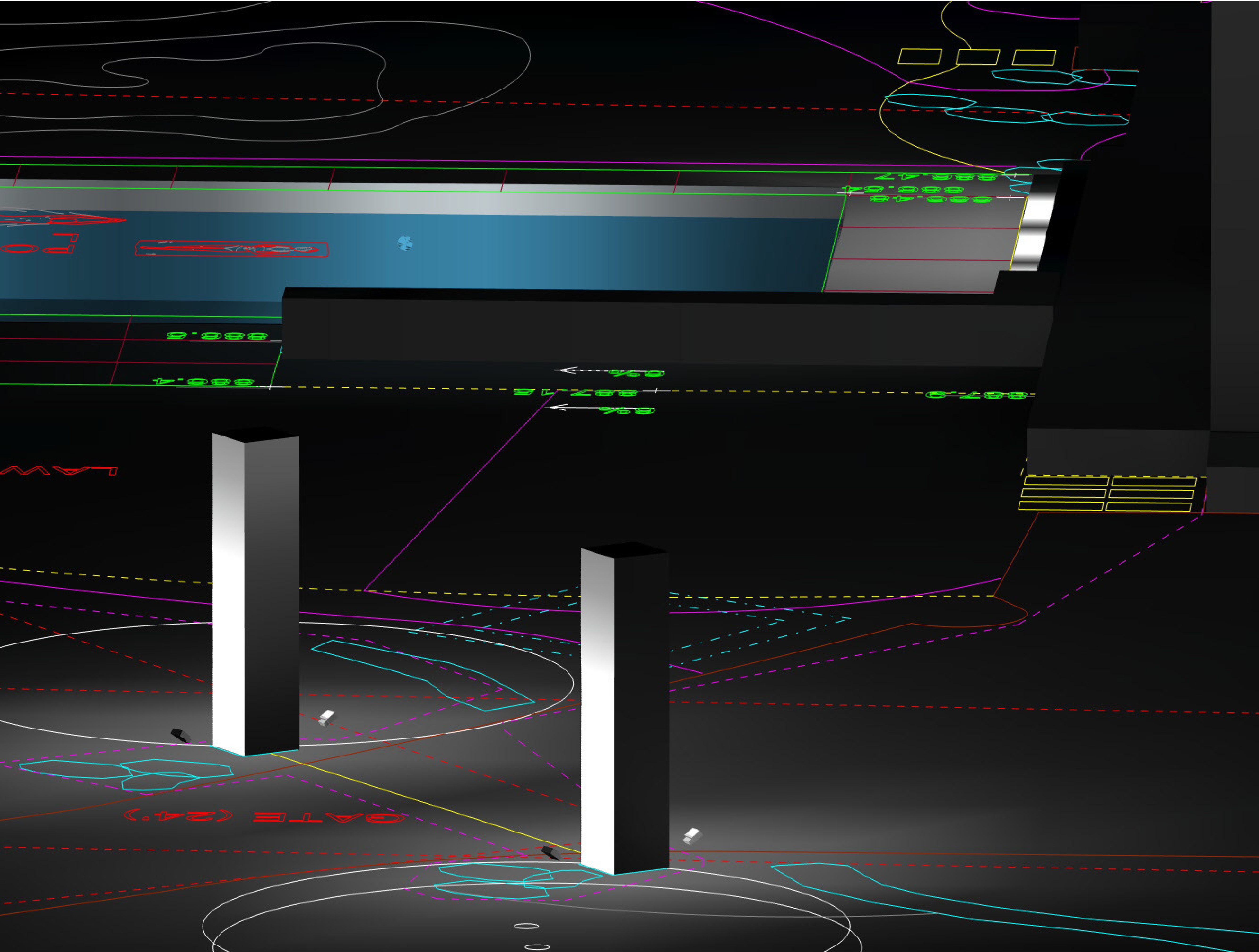
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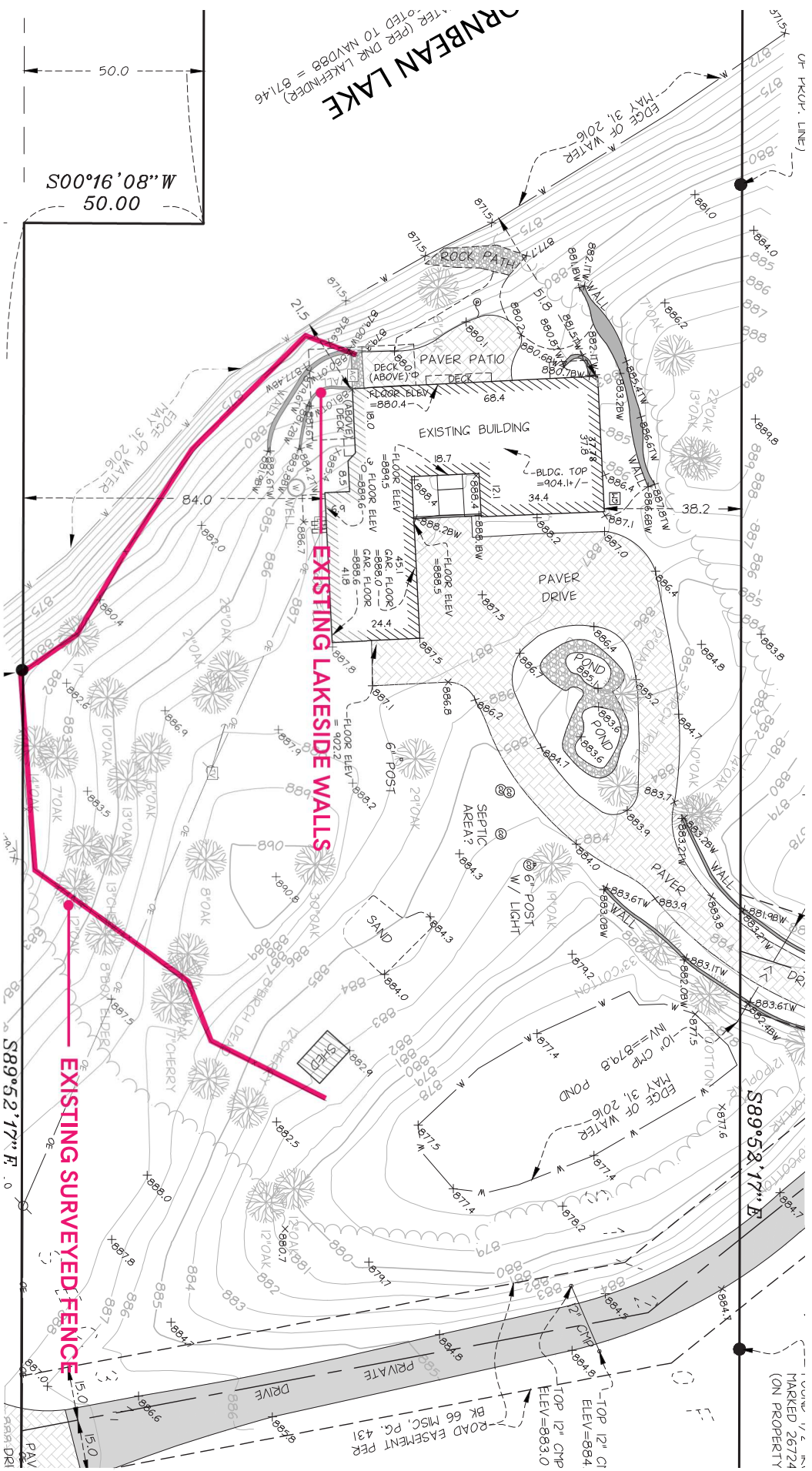
RENDER VIEW:



RENDER VIEW:



Submitted by Applicant, not on file at city



PLEASE CONSIDER THE SAFETY REQUIREMENTS AND CHALLENGES OF A HOUSE SO CLOSE TO THE LAKE. THIS STRUCTURE IS CLOSER TO THE LAKE THAN ANY OTHER ON THIS LAKE.

This site plan illustrates a residential property with various structures and proposed modifications. The plan includes the following details:

- Existing Structures:**
 - EXISTING BUILDING:** A large central structure with a "WALKOUT FLOOR ELEV = 880.4" and "DECK FLOOR ELEV = 880.3".
 - PATIO:** Located to the left of the main building, with "FLOOR ELEV = 885.4" and "PATIO ELEV = 886.1".
 - GARAGE:** Attached to the main building, with "CAR FLOOR = 888.1".
 - PLANTER:** Situated near the patio area.
- Proposed Additions:**
 - DECK (ABOVE):** A new deck area above the existing building.
 - OVERSHANG:** A proposed overhang for the deck area.
 - 12" DRAIN:** Several drainage points are marked with elevations such as 887.4, 887.6, 887.9, and 888.0.
- Topographic Features:**
 - BEAN LAKE:** Located at the top of the plan, with a "EDGE OF WATER MAY 31, 2016" line.
 - EDGE OF DELUNATED WETLAND MAY 31, 2016:** A boundary line indicating wetland areas.
 - 10" CMP:** A 10-inch concrete pipe line with an elevation of 879.8.
 - APPROX. SEPTIC TANK (550V LINE):** A line indicating the approximate location of a septic tank.
- Other Annotations:**
 - APPROX. SEPTIC TANK LOCATION - GRAPHIC ONLY BASED ON ROUGH SKETCH IN PROPERTY FILE. (NOT FIELD LOCATED):** A note regarding the septic tank location.
 - EDGE OF DELUNATED WETLAND MAY 31, 2016:** A note regarding the wetland boundary.
 - TOP 12" C ELEV = 883:** A note indicating the elevation of the top 12-inch concrete pipe.

— BOULDER WALL ADDED TO STABILIZE SLOPE (ADDITION AND UPPER PATIO WERE APPROVED) FENCE ADDED BECAUSE THE DROP WAS OVER 30"

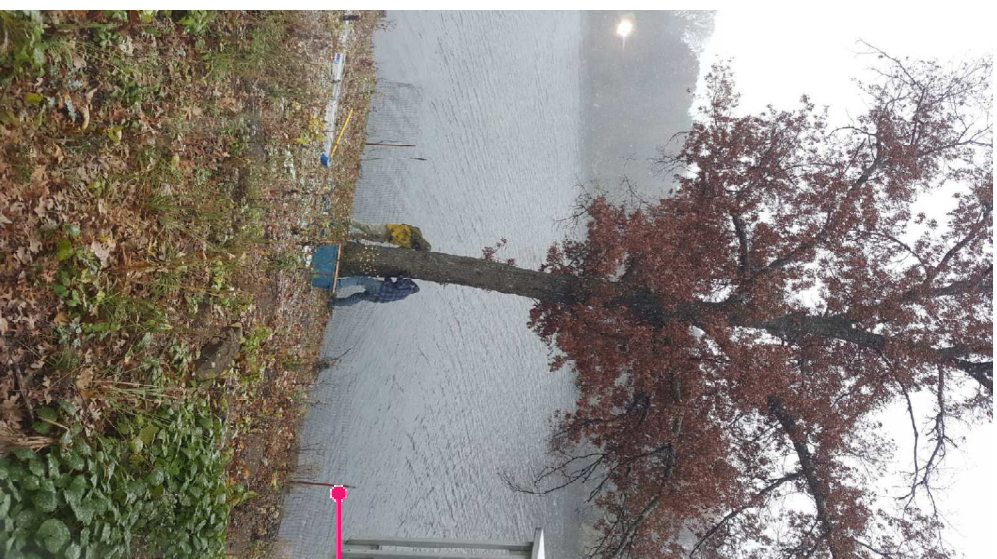
EXISTING CONDITIONS AT SALE OF PROPERTY

Submitted by applicant

EXISTING CHAIN LINK FENCE

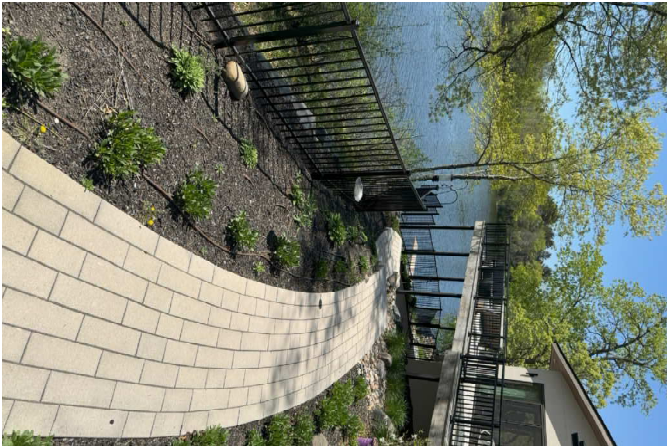


EXISTING SHORELINE FENCE



CURRENT CONDITIONS

Submitted by applicant



FENCE IS REQUIRED BY BUILDING CODE FOR FALLS OVER 30" OR GREATER, THE BOULDER WALL HELPS RETAIN GRADE AND STABILIZE THE SLOPE

THIS FENCE REPLACED THE OLD FENCE WITH SOMETHING MORE DURABLE, THE OWNERS DIDN'T KNOW THEY NEEDED APPROVALS FOR THAT EFFORT OR FOR ANY ADDITIONAL 30" BOULDER WALLS

FENCE IS REQUIRED BY BUILDING CODE FOR FALLS OVER 30" OR GREATER
WALL WAS NECESSARY TO STABILIZE SLOPE FOR APPROVED ADDITION

Lori Johnson

From: Amber Hill <amber@pebl.design>
Sent: Tuesday, May 14, 2024 2:30 PM
To: Lori Johnson; Rachel Segal; Jeremy Segal; Jonathan Blaseg
Subject: Segal - Existing Fence
Attachments: 2024-05-14_Segal Existing Fence.pdf

EXTERNAL EMAIL

Hello Lori,

Thank you for allowing us to submit an additional exhibit for your team's consideration. I think you'll find it valuable to see how necessary site walls were to stabilize slopes with the approved new addition, and subsequently the necessity for a guardrail/fence at those 30" + fall hazards.

I'd also like to note for you and your team, that the original property had some site walls and also some fencing. When the Segal's modified these elements they believed they were operating within acceptable practices because the fence already existed, and because their contractor didn't inform them otherwise.

We are hoping that you consider our request/variance to keep the fence as-is. Thank you so much for your consideration :)

Kind regards,

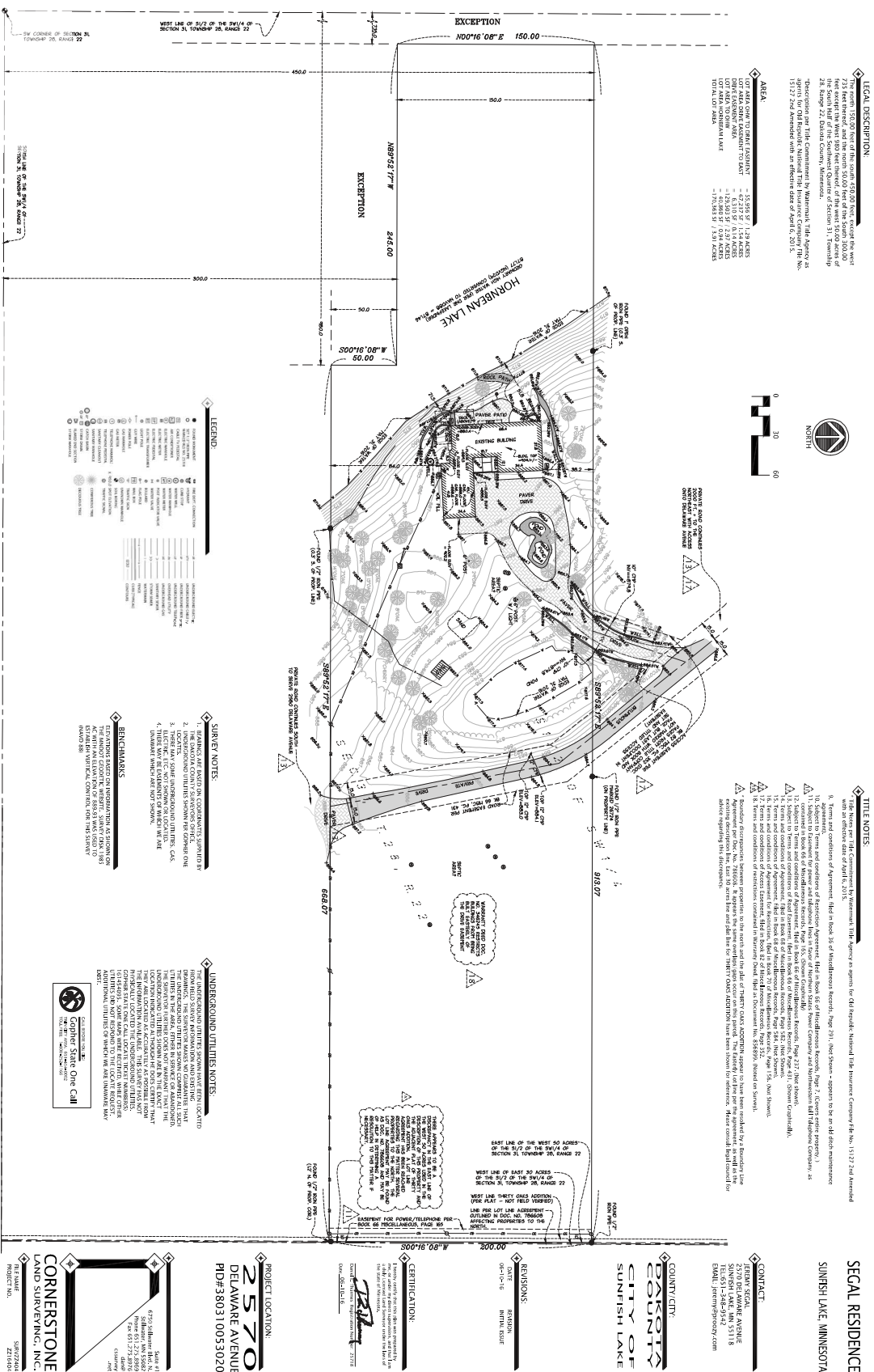
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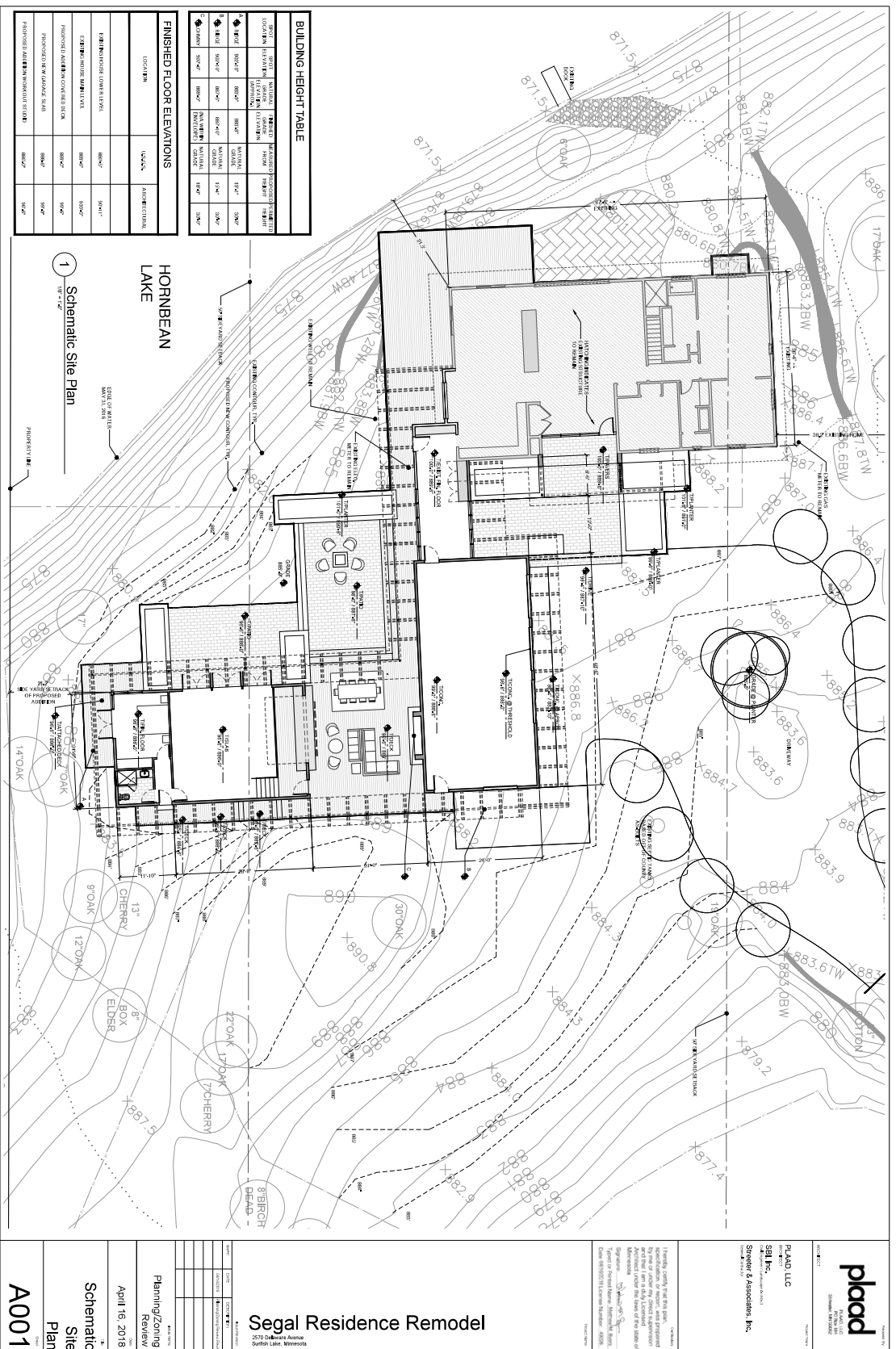
Amber Hill, PLA
Senior Landscape Architect
651.368.1074 (cell)

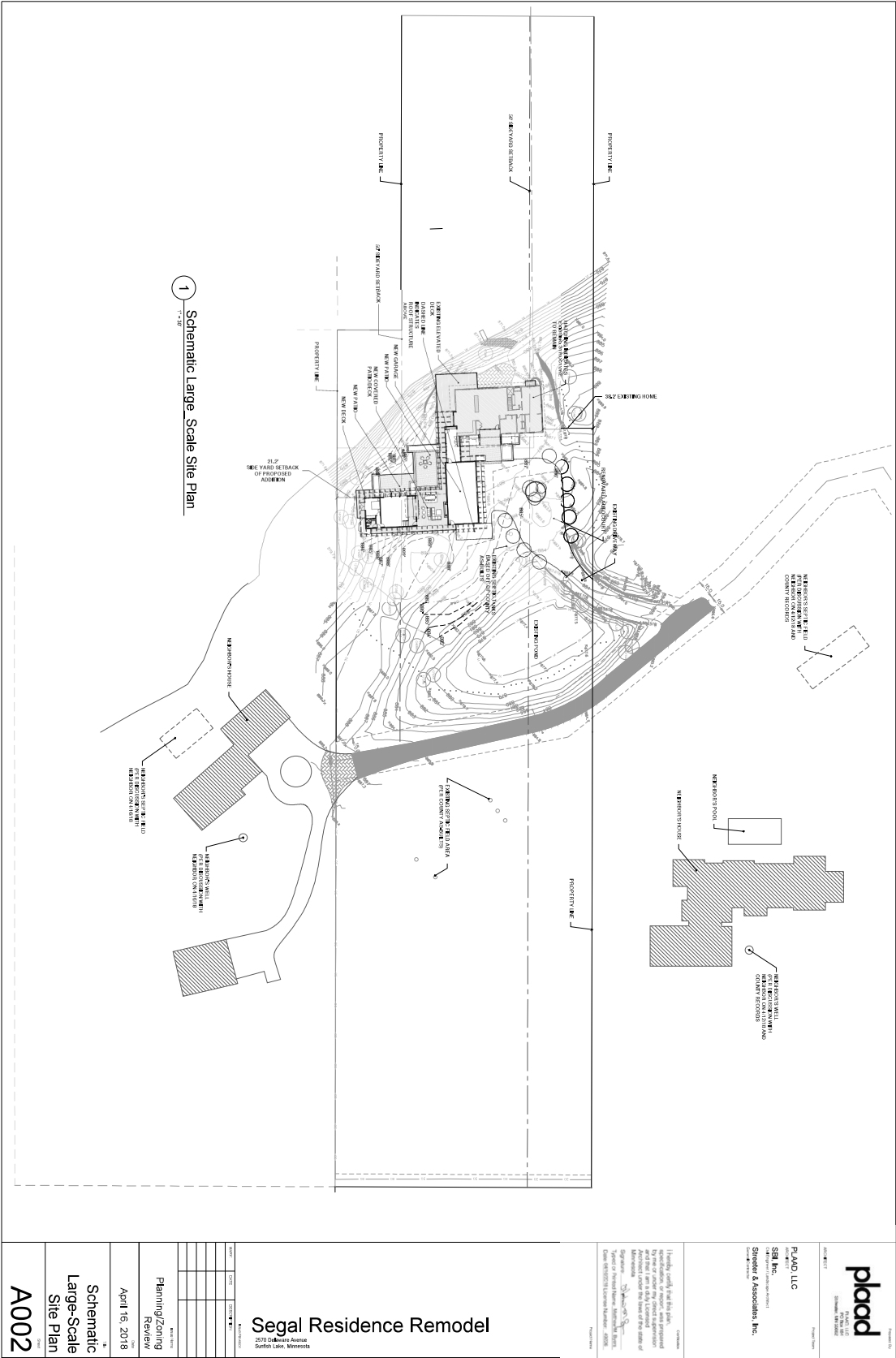
www.pebl.design

PLAAD, LLC | P.O. Box 184, Stillwater, MN 55082 | www.plaadoffice.com

plaid







Lori Johnson

From: Todd Ciresi <tciresi@gmail.com>
Sent: Wednesday, May 22, 2024 8:31 AM
To: Lori Johnson; olearyttriallaw@yahoo.com; tom@erotascustombuilding.com; dominickdriano@rosensdiversified.com; kevin.wu.sunfishlake@aol.com; jnayer@mac.com; cwilcoxclerk@gmail.com; shannon.nelson110@gmail.com; sbulach@concretearts.com; mhovey@harriscompany.com; scott.beckett@usfamily.net
Cc: Kim Ciresi; Todd Ciresi; rebeccadevine@yahoo.com; KC Connors; Stephanie Scibora; Kori.Land@levander.com
Subject: Comments regarding 2570 Delaware proposed project

EXTERNAL EMAIL

To: Sunfish Lake Planning Commission and Sunfish Lake City Council,

Re : 2570 Delaware proposed project

We have reservations regarding the proposed project by the neighbor immediately to our west. We are new to SFL and moved here to enjoy the privacy and natural setting the area provides. We have taken careful precaution to not only obey the ordinances but also to continue to follow in the spirit of the natural setting that SFL offers its residents. We welcome the opportunity to find an amicable solution that fits all residents impacted by this project and have outlined some ideas below around it. I have also outlined our concerns below and my wife and I both are intending to attend the meeting on Thursday and have spoken to our neighbors (copied here) who share similar concerns as ours.

1. Scope of project - We understand and respect a resident's ability to "improve" their home as long as they follow the rules that every other resident is expected to abide by. 2570 Delaware has proposed a project that is exclusive to the portion of the lot between the private road and the lake with not one, two or even 3, but multiple accessory structures (home, pool, fitness court, golf, treehouse) that creates a look typically found in Edina - not one you would find in the natural setting of SFL. Second to this point on scope is the residents of 2570 Delaware knew when the property was purchased there were city ordinances in place and limitations of their specific property when it was purchased. They attempted to purchase the land that is part of 2566 Delaware across the private road from the previous owner, Michael Boyle, on multiple occasions in order to create a larger "workable lot" for these types of projects which were refused by Mr. Boyle.
2. Lighting
 1. Lighting has been added to the house and landscaping in the last two years (we believe at the same time the fence and driveway were re-done in 2022). It appears to violate the City Ordinance for uplighting. It also appears to break the 1 candle of illumination both on the lake side and on the road side past the property boundary line - see attached pictures. Has this been "audited or verified" or was it simply done as wanted like the fence which is now retroactively being asked for an exception after the city planner visited and saw it? I have

requested the landscape lighting which was placed on our property without our consent to be removed and turned off.

2. The addition of proposed 58 landscape lights that will almost all be placed within 100' of the property line and given the angle of the topography will be clearly visible from our house regardless of the privacy fence (is a plain wood cedar fence as proposed even natural looking)? Have these light "projections" been done when the leaves are down or only in full bloom? All of the projections read 0, which simply can't be with 58 additional lights.
3. If you place landscape lights in with particular wattage bulbs and then increase them after inspection - what is the recourse? There is precedence to do "extra" by 2570 Delaware and then wait for someone to ask for it to be removed later.
4. If you refer to City of SFL resolution 14-27 dated 9/2/14 and signed by Mayor Park regarding the rules and ordinances followed on 2566 Delaware, it specifically states that no lighting of recreational facilities is permitted (with the exception of safety lighting). Lighting and landscape walls were removed from the project in order to be approved and the pool is not visible at all from anywhere on the private road or adjoining property. We welcome a visit by commission, city council and city staff to verify it. Does the project really require 58 landscape lights for "safety"? This seems to be a stretch again like the request for a lakeside fence to prevent falls. There are other solutions and also excessive requests being made here that do not meet a "natural setting" standard - artificial light is not natural by definition so why do they need 58 of them?
3. Entry gate monument - Has there been an entry gate monument made that violates or is within the current setback provisions on other properties? One being thought of in the future as voiced by city staff does not constitute precedent for what exists today, in fact passing more aggressive variances now encourages more in the future. In addition, comments were made they didn't make the driveway or it's position on the property. This is a false statement as the driveway was re-done first in 2017/2018 when they did their initial remodel and then again in the summer of 2022 when the private road was re-done. At both those times, the owners of 2570 could have re-positioned the driveway to avoid the easement on our property if they wanted to do so, instead they chose to widen the existing driveway that was there (again without consent to the easement on widening it). The statement of not being practical to have the monument any farther from the setback limits is the choice of 2570 residents. If they want the monument - we would recommend narrowing the driveway that currently exists closer to their homestead to allow the gate to stay within the 24' width as one option, or to increase its width beyond the 24' max (still a variance but not one encroaching on someone else's property). The current proposal is unreasonable as it makes false statements to the current status of the property (there is no wall along the driveway - see photos), none shown in the title search dating back to 1955, and no easement rights have been settled as was claimed in the submission. Please see attached title documents and next point to further clarify.
4. Easement - We have attached our title search documents which date back to 1955. Nothing in here shows the property owners of 2570 having any right to land they are claiming. We dispute the fact that this has been "settled" (see their documents) and therefore can do what they want. According to the documents, they have a right to a driveway only. Further, they claim there is an existing wall along the driveway into their home off the private road. This wall does not exist on the easement today. See photos below. This land is also DNR protected wetland and that should be considered for it's rightful protection.
5. Impervious surfaces on tract of land between private road and lake where all of this is proposed - what is this and how is both the lake and the DNR protected wetlands on either side of the

driveway protected? I see the application states the lot size is 3.91 acres but how much of that land exists on the lakeside before the private road? A good portion of that "half" of the lot is in Hornbeam Lake, so the usable land size the percentages of impervious surfaces is calculated upon appear to stretch the usable land. See attached property map of Dakota County website property records. Further to this point, when we contacted the city in the winter of 2022 before we bought our property, we requested what would be allowed for our similar lot (between the lake and the private road) - we were told nothing would be allowed due to DNR restrictions with ordinary high water mark, lot size, etc. Our lot is 6.3 acres for frame of reference and has larger available LAND between the lake and private road to have improvements upon than the 2570 property. So in speaking to precedence, we were told one thing very different from what I am reading in the application for 2570 - why the inconsistencies?

6. Placement of pool within the ordinary high water mark - sounds like this provision within SFL ordinances is being waived but would like to get clarity please. I understand the DNR has been notified but have they been given adequate time to review and approve? Has their written response been provided to the city? Is this something we can see as it impacts our property as well? Multiple residents on our road enjoy fishing in the lake and are concerned about the impact of pool and discharge so close to the lake.
7. Outdoor fitness center - No other party, to our knowledge, has an outdoor fitness camp with steel and rubber equipment (no precedent). It is not natural to find any of this equipment in the middle of the woods. There is also nothing in the plan that provides any type of screening both from our viewing angle or from the road itself. Is the expectation that we need to visibly watch our neighbors working out?
8. Standard of oath in submission of proposal - The resident's son is 9 years old - not a toddler and the repetitive nature of protecting a "small child" seems excessive in the language and meant to gain favor of the commission and council.
9. Precedent
 1. It is my understanding that the main components of the project are already "approved" per the city planner. What is the purpose of Planning Commission meeting with public comment, City Council meeting, etc.? Since a pool, an entry gate, etc. have already been approved on other properties, we can't risk being sued if we don't approve this one? Were those projects also in violation of so many city ordinances and require multiple exceptions? Were the neighbors supportive or against those projects? Were there compounding variances stacked on top of each other for those projects?
10. What is the recourse when things are done that are not approved? There is a definite pattern of "do now and claim ignorance later" as is evidenced by the construction of the fence. Further to this point:
 1. 2570 Delaware removed trees on 2566 Delaware since we have moved in on 4/1/22 along the driveway and in the side yard. Permission was never sought. See photos below.
 2. 2570 Delaware placed uplighting on a tree on our land without permission. We asked them to remove.
 3. Driveway was widened without permission when our private road was repaved.

When the State Legislature proposed legislation around Missing Middle Housing Bill, our mayor, Dan O'Leary sent all residences an all hands on deck note and call to action because the nature of the legislation would negatively impact our city's natural setting, housing values, etc. (see attached). There was a groundswell of people from our community who wrote to their representative and senator to urge action to defeat this bill from progressing with respect to SFL. Our mayor met with lobbyists and the

representative/senator. Everyone responded and acted to save the community. One size does not fit all solution would not work for us as our mayor spoke to it. We feel the exact same way because this project directly impacts our property and not only its' potential decline in value, but also decline in character as the density, views and amenities being added are in contrast to the exact same principles we just fought so hard to protect in March. Why the inconsistency? Please see attached images of what our 6 house neighborhood on the private drive looks like today. Golf course, outdoor fitness centers, treehouses, etc do not fit in.

In order to help separate the "spirit" of SFL and it's natural setting and characteristics from the law of SFL, we have identified specific City Ordinances we see being violated as noted below.

Section 1217.01 - Accessory Buildings Structures and Uses

- A. No building in front yard - conditional use permit considered when request will not have a detrimental effect on adjacent property - we believe this proposal directly impacts property as it encroaches over the setback limits, lighting ordinances, natural settings etc.
- C. Accessory building - variance to the lot lines in the front yard plus multiple structures all combined in same area of front yard
- D. Is the storage area built into pergola greater than 200 sq. feet? It is not shown on any of the plans only mentioned. What will this be?
- F. Improvements shall not exceed 25% of yard (ordinance states rear yard and out of site line, this project is in front yard and more than 25% total) - remember need to eliminate the lake portion of their "lake side portion of lot" and the portion of the lot on the other side of the private road.
- H. Minimize impact upon abutting properties by positioning the project within the yard and screening - choice to place in front yard, as the private road curves, will screening protect all angles including those seen above (see photos)?
- J. Shoreland protections - how are lake and both wetlands protected - As noted before, what has been the DNR's written response?

Section 1217.03 - Building Materials

- B. A depreciation of neighborhood values or adjacent property values - poor site lines and decline in natural setting impact property values (big homes on lots with no trees and yard "toys" exist in Edina, Minnetonka, elsewhere but not here)

Section 1218.01

- B.4. No physical damage shall incur to abutting property - cutting trees on our property - similar to the fence knowingly built without a permit, trees have been removed on our property along the driveway and in the side yard in preparation for this project without our consent. See before and after images attached below. Damage to the DNR approved wetland on our land and Hornbeam Lake.
- B. 6. Survey -we would like to see the proof of survey and location of proposed fences in more detail as I was notified the residents of 2570 called the city planner to ask I not be allowed to attend the walk through on the property.
- B. 9. Aesthetic quality of fences or screening compatible with natural character of the community - is a stained cedar wood fence natural or are the trees that exist today?
- C.2. 200' total linear feet on fence limit on property - covered previously
- D.1.b. Entry gate - setback violation within 50' of property line - they do not have to place it there, they can move it closer to the house or make other adjustments, just because that is where they WANT it doesn't mean that is where it should be allowed - please provide other monuments that violate these setbacks or other examples.

D. 3. c. Gate does not negatively impact views from abutting property or distract from natural setting of community - plainly visible within the setback limits and no screening will prevent this.

As I write this I also understand the intent of the commission and city council is to find a middle ground and a path forward. To that extent, we would welcome an opportunity to provide suggestions that do not impede on our home value, site lines, light pollution, etc. Specifically, we would offer our current Rainbow play-set for free to be moved to their property in lieu of a treehouse, placement of trees on our property (placement and type chosen by us) to help shield the view of the pool, etc. The intent would be for tree plantings that maintain the natural look of the total 50 acres of property on Delaware private road (continuity), reduction or elimination of landscape lighting and walls (these were disallowed when the Boyle's built our home in 2016 and had to be removed from the plan (again precedent but in the opposite direction of the proposed project), etc. I would welcome a visit to our property as the residents of 2570 have offered to see the viewing angle down the hill from our property so everyone can understand our "call to action" as Mr. O'Leary called all residents to action in March.

We are looking forward to presenting these viewpoints in person at the upcoming Planning Commission meeting on Thursday and the future City Council meeting.

Todd & Kim Ciresi

Todd Ciresi
651-492-8136
tciresi@gmail.com



**City of Sunfish Lake
Sunfish Lake, Minnesota**

March 21, 2024

Representative Mary Frances Clardy (rep.mary.frances.clardy@house.mn.gov)

Representative Michael Howard (Rep.Michael.Howard@house.mn.gov)

Representative Larry Kraft (rep.larry.kraft@house.mn.gov)

Sent Via Email

RE: Missing Middle Housing Bill (House File #4009 and Senate File #3964)

Dear Representatives Clardy, Howard and Kraft,

On behalf of the City of Sunfish Lake, we thank you for the opportunity to share our concerns and comments in opposition to various aspects of the above referenced bill. Additionally, thank you for the virtual meeting you arranged with the cities of Sunfish Lake, Mendota Heights, West St. Paul, Lilydale and Inver Grove Heights on March 20, 2024. Your time and concern are noted and much appreciated.

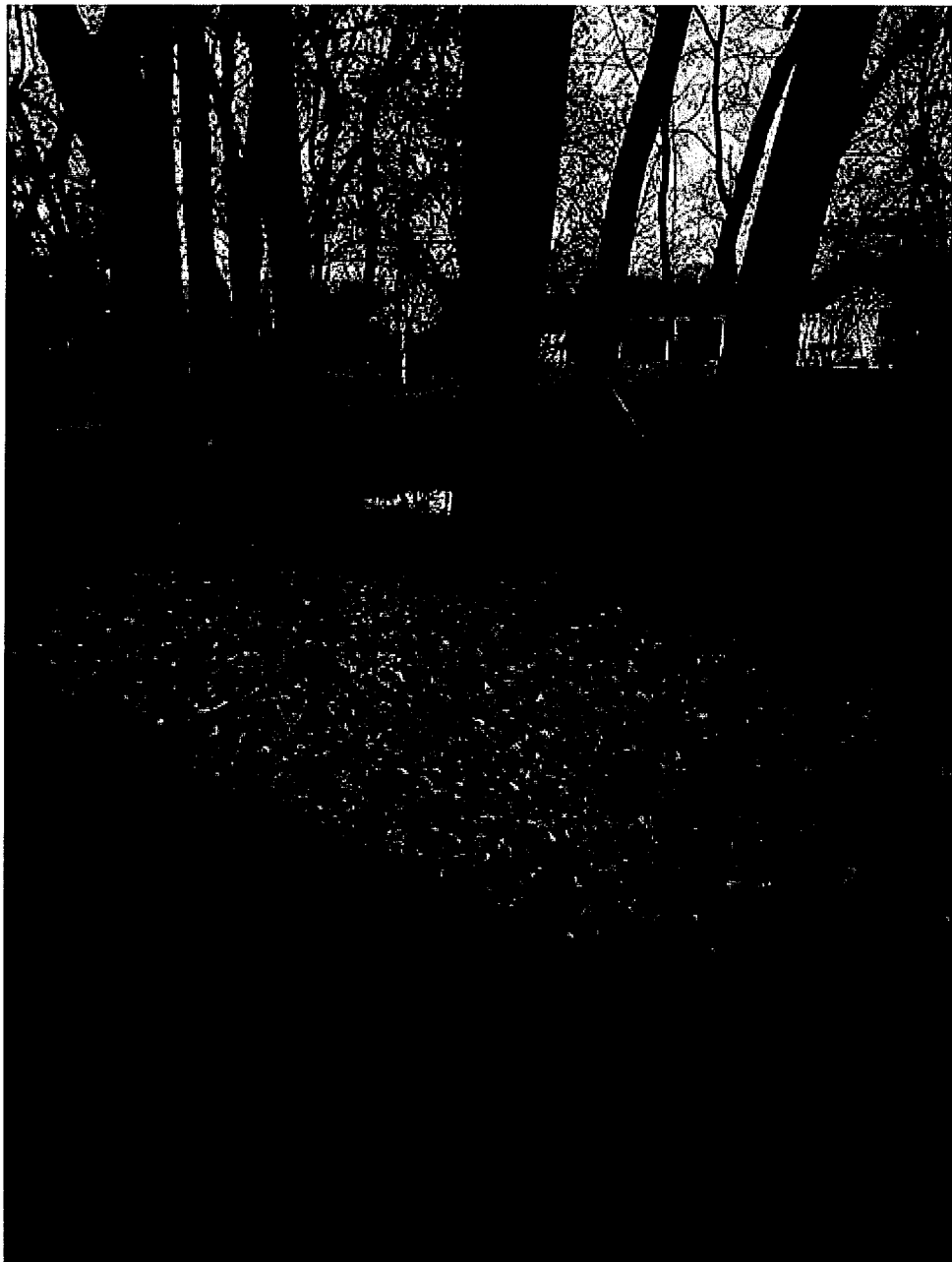
The population of our city was 520 people at the time of the last census and would be considered a fourth class city within the seven county metro area. We are contained in a one square mile area. Our city is served entirely by well and septic systems. We have investigated and the cost of public utilities is cost prohibitive for our citizens. Our lots though large, do not have the capacity for additional drain fields. Indeed, we are currently dealing with issues of limited drain field capacity on a residential lot. In order to comply with State septic laws, this situation has required expensive mounding of the drain field. The current cost to that homeowner is over \$100,000. However, the cost of providing infrastructure to the entire city might cost every homeowner in the hundreds of thousands of dollars for city sewer and water. That would be beyond the capacity of most citizens, let alone those that need affordable housing.

The city does not have any commercially zoned property within its boundaries but we have four churches. I have spoken with two of the Pastors who indicated if they were assessed for public utilities, they could not afford it and would sadly have to relocate to another city which would be devastating for their congregations. I was unable to reach the other two Pastors but know they are in the same situation.

We understand the statewide need for affordable housing and know the intentions of this bill are well-placed. However, we, like other small cities, have unique characteristics, which would be impossible to be taken into consideration in a one size fits all bill. You heard from Lilydale about their unique circumstances as well.

A very high percentage of city lots are located on the shores of three different lakes under the jurisdiction of the Minnesota Department of Natural Resources. Our city takes pride in the beauty of our lakeshores and makes every effort to preserve this shoreline in its natural state. Our residents have significant concerns regarding the health of the lakes and the environmental





11:08

Messages

LTE



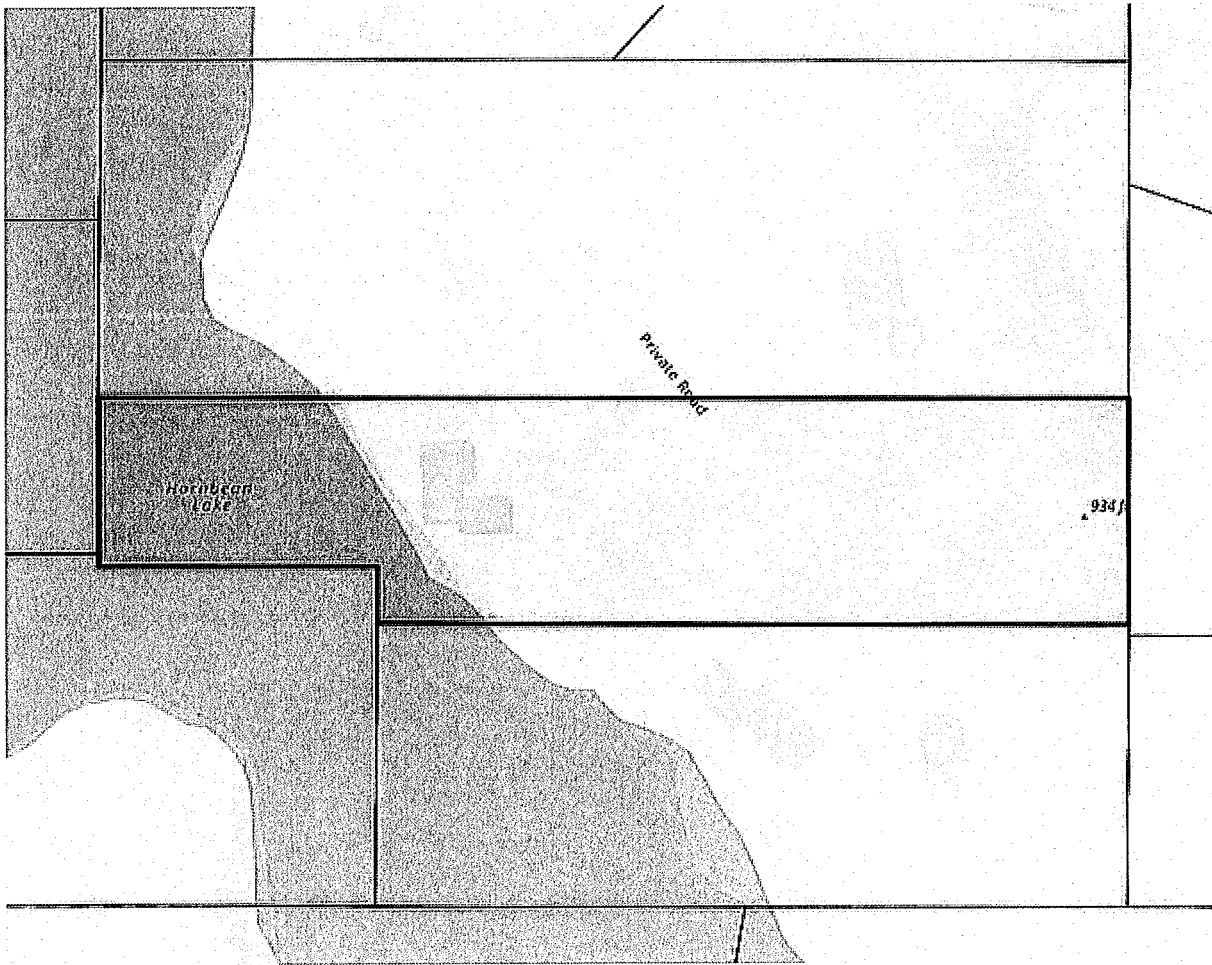
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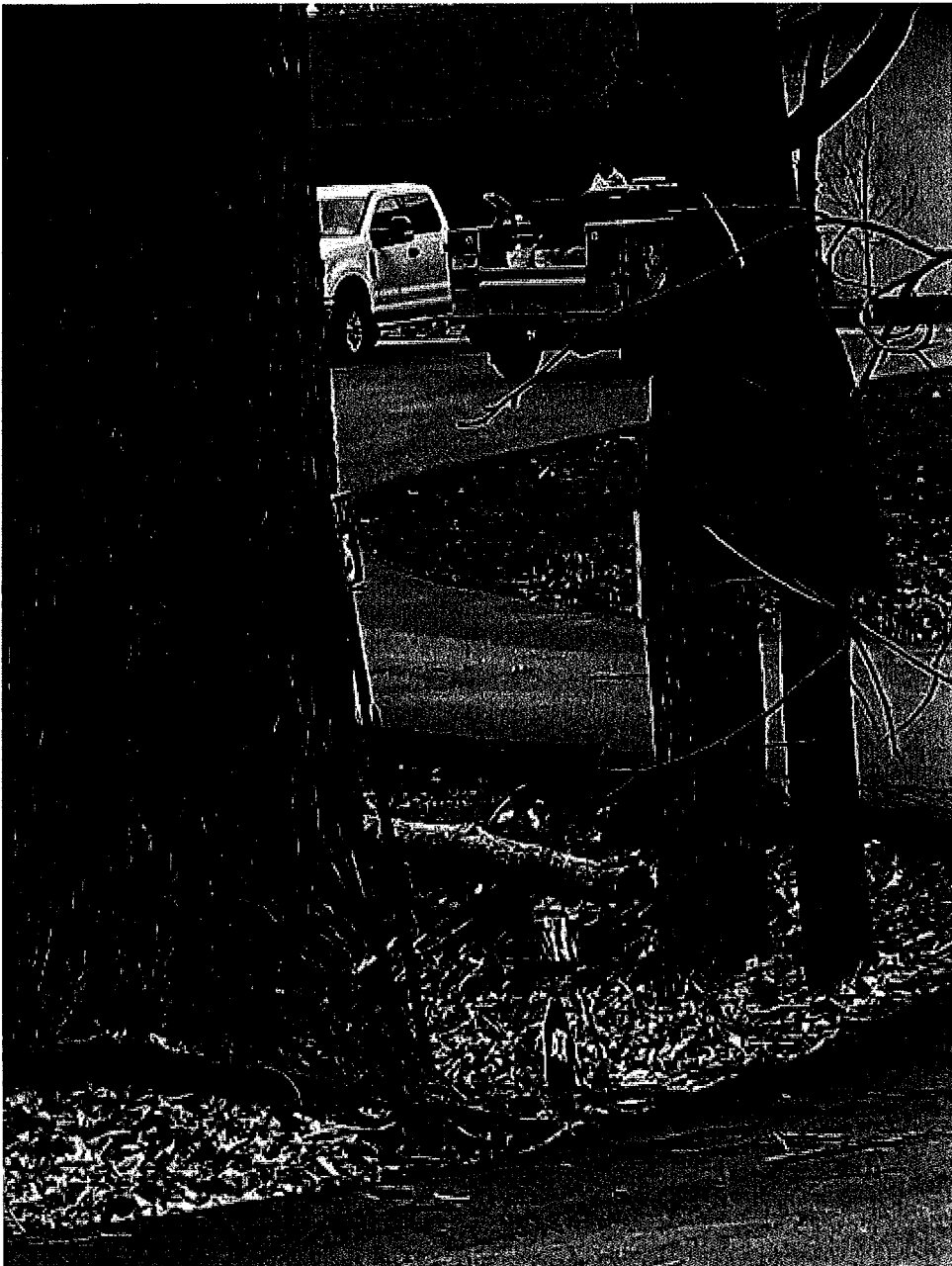




































Lori Johnson

From: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Sent: Wednesday, May 22, 2024 3:04 PM
To: Lori Johnson
Subject: RE: Sunfish Lake PC packet--shoreland items

EXTERNAL EMAIL

Hi Lori,

Thanks for checking in. I don't have any comments. The 200-ft setback for fences is a higher standard the city has adopted, which is not required by DNR. However, of note, the DNR's suggested higher standard prohibits fences within the shore impact zone, so that would be 100-ft from the OHWL. So this fence would not meet that suggest higher standard, either.

Taylor

From: Lori Johnson <ljohnson@wsbeng.com>
Sent: Wednesday, May 22, 2024 2:32 PM
To: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Subject: RE: Sunfish Lake PC packet--shoreland items

This message may be from an external email source.

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Hi Taylor,

Do you have any comments on either of these projects? We have concerned neighbors adjacent to 2570 Delaware and I just want to be sure to include your comments tomorrow night at the public hearing if there are any. Thanks.

Lori Johnson, AICP
Senior Professional Community Planner



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-
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From: Lori Johnson <ljohnson@wsbeng.com>
Sent: Friday, May 17, 2024 4:46 PM
To: taylor.huinker@state.mn.us
Subject: Sunfish Lake PC packet--shoreland items

Hi Taylor,

Please use the link below to reference some land use requests for properties within the shoreland overlay district in Sunfish Lake. Please let me know if you have any questions or comments. Thanks!

<https://wsbeng.sharefile.com/public/share/web-sf23e4bb41a664c3abc065322275c99b3>

Lori Johnson, AICP
Sr. Professional Community Planner



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Lori Johnson

From: KC Connors <kconnors6@yahoo.com>
Sent: Wednesday, May 22, 2024 12:57 PM
To: Lori Johnson; olearytriallaw@yahoo.com; tom@erotascustombuilding.com; dominickdriano@rosensdiversified.com; kevin.wu.sunfishlake@aol.com; jnayer@mac.com; cwilcoxclerk@gmail.com; shannon.nelson110@gmail.com; sbulach@concretearts.com; mhovey@harriscompany.com; scott.beckett@usfamily.net; Todd Ciresi
Cc: Kim Ciresi; rebeccadevine@yahoo.com; Stephanie Scibora; kori.land@levander.com
Subject: Re: Concerns Regarding 2570 Delaware Proposed Project



Good afternoon,

We are writing to the Planning Commission to express our personal concern regarding the planned development at 2570 Delaware. For perspective, we are long-term Sunfish Lake residents and have been delighted with the thriving neighborhood and the ongoing enhancements. We, in fact, rebuilt our home in 2022 to be in keeping with beauty of Sunfish Lake while meeting our family's needs. It is exciting to see younger families continuing the tradition and improving/preserving the community. The reason we raise this point is that for the last two decades we have supported our neighbors desire to improve/enhance their home and would like to do so here, if possible.

Loss of Natural Setting and Privacy

Our primary concern is the proposed development's potential to disrupt the existing natural environment. We value our property for its natural setting – mature trees, wildflower fields, diverse wildlife and proximity to the lake. This natural setting provides a sense of peacefulness and connection with nature. The proposed development, with its putting green, outdoor workout area, encroachment on shoreline and lighting, threatens to disrupt this cherished aspect of our property and creates privacy concerns.

Furthermore, we are concerned that approving this development could set a dangerous precedent for future exceptions to zoning ordinances. This could lead to a domino effect where the entire character

of our neighborhood changes, diminishing the appeal of these properties and ultimately decreasing their economic value.

Stewardship

Since moving to 2560 Delaware Avenue, our goal has been to embrace the beauty of Sunfish Lake and to ensure we preserve/improve the natural ecosystem of our property and the surrounding area. Our efforts are not isolated and have been a shared value of this neighborhood. As a result of the reduction of large lawns, elimination of chemicals and responsible water runoff considerations, we have seen the biodiversity of our area increase substantially. These efforts not only enhance the value of our property but also contribute to a healthier environment for all residents. More importantly, it increases the beauty and sustainability of Sunfish Lake for future generations.

The proposed development conflicts with the very environmental stewardship we hold dear and establishes an alarming precedent. The idea of a brightly lit recreation yard replacing the natural landscape we've worked so hard to cultivate is deeply concerning. Looking out at a putting green instead of a field rich in biodiversity would significantly diminish the magic of living in Sunfish Lake.

Seeking a Collaborative Solution

We understand Rachel and Jeremy's desire to increase their enjoyment of their property. We support their efforts and we believe it is crucial to find a solution that enhances their property without compromising the existing character and environmental integrity of the neighborhood. We are open to exploring alternative development plans that meet their needs while preserving the natural setting that many of us value.

Thank you for considering our concerns. We are confident that through open communication and collaboration, we can establish trust and find a solution that benefits all parties involved.

Sincerely,

Dave Johnson and KC Connors

2560 Delaware Avenue

KC Connors, CFA, CAIA

2560 Delaware Avenue | Sunfish Lake, MN 55118

P: 617.314.3118

C: 612.719.8567

KCConnors6@yahoo.com

KCConnors@NEPC.com

Lori Johnson

From: Rebecca Devine <rebeccadevine@yahoo.com>
Sent: Thursday, May 23, 2024 8:25 AM
To: Lori Johnson; olearytriallaw@yahoo.com; tom@erotascustombuilding.com; dominickdriano@rosensdiversified.com; jnayer@mac.com; cwilcoxclerk@gmail.com; shannon.nelson110@gmail.com; sbulach@concretearts.com; mhovey@harriscompany.com; scott.beckett@usfamily.net; Todd Ciresi; Cc: Kim Ciresi; Stephanie Scibora; kori.land@levander.com; johnsonsix@yahoo.com; kconnors6@yahoo.com; kevin.wu.sunfishlake@gmail.com; jbk630@live.com; Hornbeam Lake; Nick Birk
Subject: Personal Plea re: Neighborhood Concerns Regarding 2570 Delaware Avenue

EXTERNAL EMAIL

Sunfish Lake Planning Commission and Sunfish Lake City Council:

We helped write the message you received from the Hornbeam Lake group email so I won't waste any of your valuable time repeating the concerns stated there.

I just wanted to really reiterate how scary it feels to have a precedent set like this on our private drive. When we bought this home, it was for the very fact that it felt like a slice of nature within reach of the city where our children go to school, something that met my goals of trying to heal a terminal cancer diagnosis with natural living while also being able to raise my four children within their established community. It truly felt like a miracle when we found this home!

Also, we have put all of our savings and continue to put our time and energy into restoring this beautiful, historic Edwin Lundie home, which truly was meant to be lived outside in. All of the windows are placed in such a way that you feel you are outside in the backyard even while you're in the kitchen, etc. It is so thoroughly incorporated with the natural surroundings it's hard to differentiate where the home ends and the outside begins. And the value of this intentional design is diminished if what you're looking at isn't woods and nature but other homes, artificial structures and landscape lighting.

Setting a precedent in which this type of construction is allowed - or even rejected but not enforced when a homeowner goes ahead and does the project anyway - is very unsettling both for the future of our quality of life here and for the investment should we ever need to sell and move away.

We hope you will reconsider the approval upon visiting the site and seeing the truly unique character of this corner of Sunfish Lake.

Thank you for all of your time.

Rebecca Devine and Nick Birk
2554 Delaware Ave

On Wednesday, May 22, 2024 at 07:17:45 PM CDT, Hornbeam Lake <hornbeamlake@gmail.com> wrote:

Please forgive us for filling your inbox. The content on this email is the same as the prior email time stamped 4:49pm except an additional homeowner has 'signed' the email. The updated email with the five neighbors it represents is below.

To: Sunfish Lake Planning Commission and Sunfish Lake City Council

Date: May 22, 2024

Subject: Concerns Regarding Proposed Development at 2570 Delaware Avenue

We are writing to express our concerns regarding the proposed development at 2570 Delaware Avenue. We appreciate the need for responsible development in our city, however, we believe the current proposal raises significant concerns that could negatively impact our neighborhood's character, long-term sustainability and home values.

Preserving Our Neighborhood's Character

Our neighborhood is a quiet street of heavily wooded lots which afford a great deal of privacy. It is a place where we and our children can experience our land and lake in a truly natural setting. We believe the proposed development is not in keeping with the natural, rural setting which was a very important factor when purchasing our properties. The multiple structures, significant lighting, loss of mature trees and placement of items at property edges threatens to disrupt this established feel and diminish the unique qualities that make our neighborhood desirable. We urge the commission to consider alternative development plans that better integrate with the existing character and scale of our community while respecting neighbors quality of life and home value.

Protecting Our Natural Resources

The proposed development appears to involve the removal of several mature trees that are a large part of the natural feel while providing privacy from different lines, considering elevation, etc. In addition, some of the proposals, their proximity to the lake and the unapproved work that has already been done on the lakeshore is disturbing. The lake is used for swimming, ice skating, hockey, and snow shoeing. Current homeowners have worked to return the lake to its natural state and stop the historic 'treatment' of the lake to prevent weeds. We want the lake health and its ability to have a natural habitat to continue to improve. Shoreline and permeability (to buildable land) ordinances recognize the need for protecting a lake's quality and, as a result, the overall ecosystem. This loss would significantly impact the environmental health of Hornbeam Lake. We urge the commission to prioritize the preservation of existing natural features and explore alternative development plans that minimize environmental disruption.

Precedents and Property Value

We are concerned that approving a development with this concentration of additional structures, placement of structures and non-natural considerations could set a precedent for future exceptions to existing ordinances. This could lead to further development projects that compromise the overall quality of life and property values in our neighborhood. We believe in responsible development that allows homeowners to enhance their property while

upholding the established codes and regulations that ensure a harmonious and sustainable environment for all residents.

All of the previous cited items contribute to our homes' property values. What makes our homes special and have so much value are the very facts that we are in a natural setting and have so much acreage and privacy. It is critical that we retain a secluded, rural setting environment and if the neighborhood changes to a more 'suburban' vibe, with front-yard work out equipment and golfing green, our homes' values declines substantially.

Seeking Clarification and Ongoing Compliance

Assuming some mutual agreed upon plan is established, it would be helpful to understand monitoring and enforcement. Some questions to consider:

- Who will be monitoring this project to make sure that the representations remain *'true and accurate throughout the process'* given the precedent of nonconformance set by the homeowners?
- What recourse does the city and neighbors have, punitive damages, etc. to enforce the measures or collect compensation?
- To provide perspective to us on monitoring and enforcement - other than removing the fence, what fines, etc are being imposed on the build-out that was previously done without permit and approval and what impact did the grading have on the lake?

Understanding all of this will foster some level of confidence and a basis of trust that things will go as planned.

Conclusion

We believe that open communication and collaboration are crucial in creating a development plan that benefits both homeowners and the broader community. We are open to exploring alternative solutions that meet the needs of the developer while preserving the character and environmental integrity of our neighborhood.

Thank you for your time and consideration. We look forward to the opportunity to discuss our concerns further.

Sincerely,

Dave Johnson and KC Connors
2560 Delaware Avenue

Stephanie and Tom Scibora
2580 Delaware Avenue

Martin Fleischhacker and June Kuntze
2600 Delaware Avenue

Rebecca Devine and Nick Birk
2554 Delaware Avenue

Todd and Kim Ciresi
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2580 Delaware Avenue

Todd and Kim Ciresi
2566 Delaware Avenue

Lori Johnson

From: Hornbeam Lake <hornbeamlake@gmail.com>
Sent: Wednesday, May 22, 2024 7:18 PM
To: Lori Johnson; olearytriallaw@yahoo.com; tom@erotascustombuilding.com; dominickdriano@rosensdiversified.com; jnayes@mac.com; cwilcoxclerk@gmail.com; shannon.nelson110@gmail.com; sbulach@concretearts.com; mhovey@harriscompany.com; scott.beckett@usfamily.net; Todd Ciresi; Cc: Kim Ciresi; rebeccadevine@yahoo.com; Stephanie Scibora; kori.land@levander.com; Johnsonsix@yahoo.com; kconnors6@yahoo.com; kevin.wu.sunfishlake@gmail.com; jbk630@live.com
Subject: Re: Neighborhood Concerns Regarding 2570 Delaware Avenue

EXTERNAL EMAIL

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2554 Delaware Avenue

Stephanie and Tom Scibora

2580 Delaware Avenue

Todd and Kim Ciresi

2566 Delaware Avenue

Lori Johnson

From: Scibora, Stephanie L. <Stephanie.Scibora@securian.com>
Sent: Wednesday, May 22, 2024 8:32 PM
To: Lori Johnson; olearytriallaw@yahoo.com; tom@erotascustombuilding.com; dominickdriano@rosensdiversified.com; kevin.wu.sunfishlake@aol.com; jnayer@mac.com; cwilcoxclerk@gmail.com; shannon.nelson110@gmail.com; sbulach@concretearts.com; mhovey@harriscompany.com; scott.beckett@usfamily.net
Cc: Todd Ciresi; Cc: Kim Ciresi; rebeccadevine@yahoo.com; kori.land@levander.com; Johnsonsix@yahoo.com; kconnors6@yahoo.com; jbk630@live.com
Subject: Concerns Regarding 2570 Delaware Avenue
Attachments: IMG_2488.jpg; IMG_2490.jpg; IMG_2486.jpg

EXTERNAL EMAIL

Dear Members of the Planning Commission and City Council,

We are writing to express our concerns regarding the proposed development at 2570 Delaware Avenue. Like many of our neighbors, we chose to live in Sunfish Lake and raise our two children here because of the privacy and natural setting it provides. The proposed development threatens to disrupt the delicate balance between development and preservation that makes our community so special.

Specifically, we are concerned about the potential loss of mature trees and shrubbery that currently provide a natural buffer between our property and the proposed development. These trees not only provide privacy, but also contribute to the overall beauty and character of our neighborhood where our family spends significant time enjoying the scenery and lake. See attached photos. We urge the Planning Commission to carefully consider the impact of the proposed development on the natural environment and to require the developer to take steps to minimize any negative effects.

Furthermore, we believe that approving this plan would set a dangerous precedent for future development in Sunfish Lake. Our community has a long-standing commitment to preserving its rural atmosphere and natural environment. Allowing this development to proceed without adequate safeguards would undermine that commitment and could lead to further degradation of our community's unique character.

We want to be good neighbors and are willing to work with the developer to find a solution that meets their needs while also preserving the character and environmental integrity of our neighborhood. We believe that open communication and collaboration are crucial in achieving this goal.

Thank you for your time and consideration. We appreciate the important work that you do on behalf of our community and look forward to discussing our concerns with you at tomorrow's meeting.

Sincerely,
Stephanie & Tom Scibora

Stephanie L Scibora

Pronouns: she/her/hers

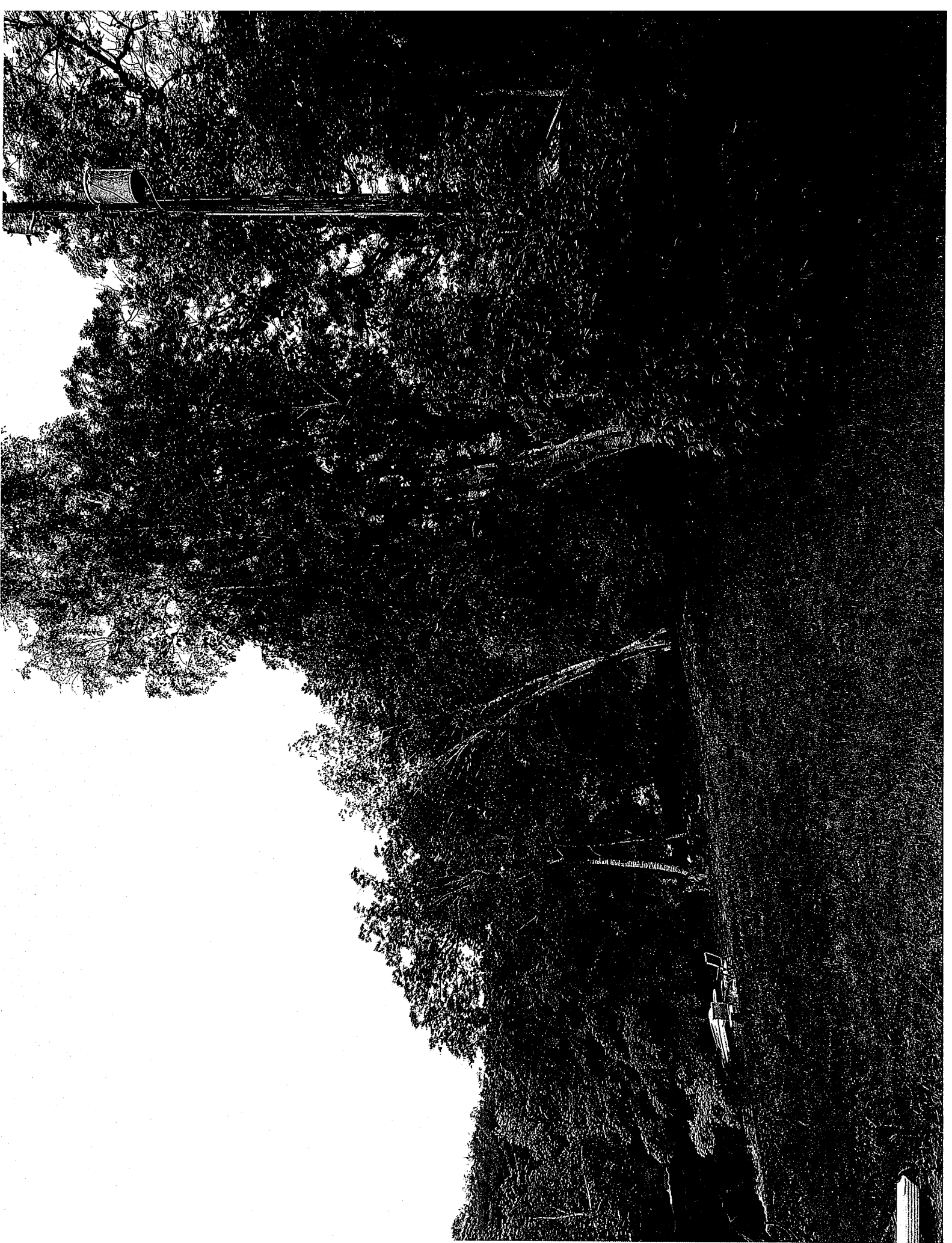
Director, Business Operations
Employee Benefits Solutions
stephanie.scibora@securian.com

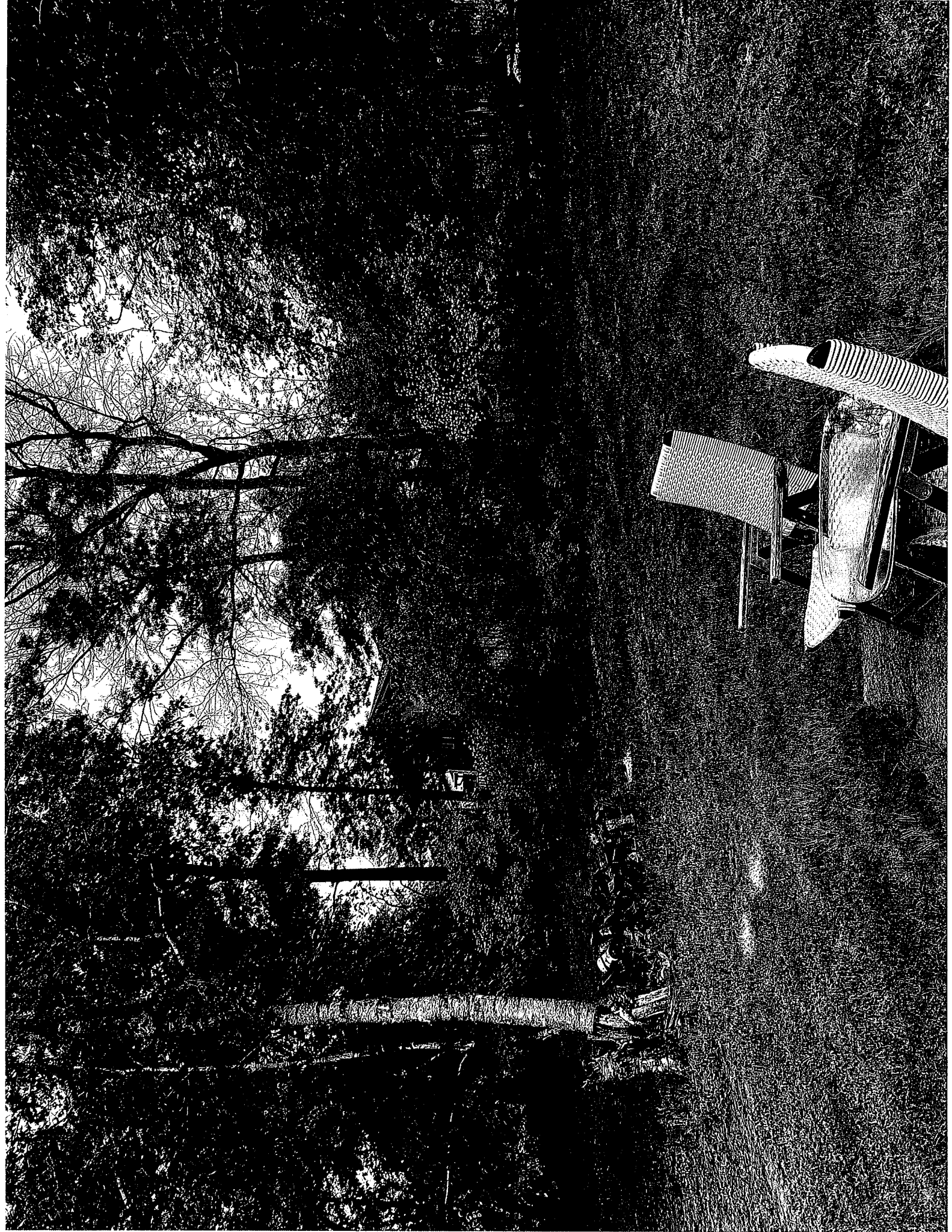
400 Robert Street North, St. Paul, MN 55101-2098
651-214-5056 (mobile)

Securian Financial Group, Inc.
securian.com

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

RESOLUTION NO. 24-XX

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND MAJOR SITE
PLAN REVIEW FOR CONSTRUCTION OF MULTIPLE USES ON THE PROPERTY
AT 2570 DELAWARE AVENUE, SUNFISH LAKE, DAKOTA COUNTY,
MINNESOTA.**

WHEREAS, Amber Hill (“Applicant”) submitted an application on behalf of Jeremy and Rachel Segal (“Owners”) for a conditional use permit and major site plan review for the construction of multiple uses at 2570 Delaware Avenue, legally described as:

The north 150.00 feet of the south 450.00 feet, except the west 735 feet thereof, and the north 50.00 feet of the South 300.00 feet except the West 980 feet thereof, of the west 50.00 acres of the South Half of the Southwest Quarter of Section 31, Township 28, Range 22, Dakota County, Minnesota.

WHEREAS, Applicant requested a conditional use permit for accessory structures in the front yard, for the entrance monument/gate and for more than one accessory structure. Applicant also requested approval of a major site plan review for proposed improvements over 1,000 square feet including the construction of a swimming pool (and fence around pool equipment), golf area, pergola, a 30-foot long 6-foot tall privacy fence and entrance monument/gate; and

WHEREAS, a request for a conditional use permit and major site plan 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 conditional use permit and major site 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 conditional use permit and major site plan application on a vote of 4-0; and

WHEREAS, the following findings support the City Council recommendation for approval:

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

2570 Delaware Avenue
Sunfish Lake, MN 55118

2. The planning report dated May 17, 2024 and June 6, 2024, prepared by WSB is incorporated herein by reference.
3. The Applicants have submitted an application for a conditional use permit and major site plan review.
4. Requests for a conditional use permit and major site 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 a conditional use permit and major site plan approval at the May 23, 2024, Planning Commission meeting.
7. Upon review of the planning report and application information, the Planning Commission found that the conditional use permit and proposed site plans meet Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:

Major Site Plan:

- 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. The proposed action was reviewed and found to be compatible with the City's Comprehensive Plan.
- b. The proposed uses are compatible with present and future uses of the area.
- c. The proposed uses conform with all performance standards contained herein.
- d. The proposed action was reviewed against the effect on the area in which it is proposed.
- e. The proposed action was reviewed against the impact upon property values in the area in which it is developed.

- f. The proposed uses will not affect traffic or capabilities of streets serving the property.
- g. The proposed uses will not impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

WHEREAS, the Sunfish Lake City Council considered the application for conditional use permit and major site 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 conditional use permit and major site plan review for 2570 Delaware Avenue with the following conditions:

1. Construction of all improvements shall occur in substantial conformance with the plans and staff recommendations for approval at the June 11, 2024, City Council meeting, and in conformance with all conditions stipulated below.
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. 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.
5. 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 and conditional use permit 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.
6. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.
7. 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.
8. Staff will need to perform an inspection of the installed erosion controls and tree protection before any construction activities begin on site. The applicant will be required to stake out the improvements on site prior to this inspection. No construction activity is allowed until the applicant receives a final stamped and sign set of plans from city staff.
9. Changes shall be made to the plan set as follows:
 - References to the walls on either side of the driveway must include a description of what is actually in place. What is actually in place in these locations is buried timber and not actual walls. No improvements have been requested to these

structures. Any plan that references these walls must have a note as described above. This includes surveys, site plans, grading plans, etc.

- A new complete set of plans shall be submitted that include all proposed changes presented to the City Council all civil plans and specifications. Every page of the plan sets need to be reflective of what is approved by the City Council. Partial changes to the plans will not be accepted.
- If the City Council denies the fence variance, references to the fence shall be removed from all plan sets.

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

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

RESOLUTION NO. 24-XX

**RESOLUTION APPROVING A VARIANCE FOR AN ENTRANCE
MONUMENT/GATE FOR THE PROPERTY AT 2570 DELAWARE AVENUE,
SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Amber Hill (“Applicant”) submitted an application on behalf of Jeremy and Rachel Segal (“Owners”) for the approval of a 27.6-foot variance from the 50-foot side yard setback requirement for an entrance monument/gate at 2570 Delaware Avenue, legally described as:

The north 150.00 feet of the south 450.00 feet, except the west 735 feet thereof, and the north 50.00 feet of the South 300.00 feet except the West 980 feet thereof, of the west 50.00 acres of the South Half of the Southwest Quarter of Section 31, Township 28, Range 22, Dakota County, Minnesota.

WHEREAS, a request for a variance 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 variance 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 variance on a vote of 4-0 vote; and

WHEREAS, upon hearing testimony from the applicant and holding further discussions on the variance proposed, the City Council made a determination that a practical difficulty does exist with regard to the variance request; and

WHEREAS, the following findings support the City Council rationale for approval:

1. The location of the subject property is as follows:
2570 Delaware Avenue
Sunfish Lake, MN 55118
2. The planning reports dated May 17, 2024 and June 6, 2024 prepared by WSB are incorporated herein by reference.
3. The Applicants/Owners have submitted an application for a variance.

4. Requests for variances 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 a variance at the May 23, 2024 Planning Commission meeting and recommended approval of the variance request.
7. Upon review of the planning reports and application information, the City Council agreed with the Planning Commission and found the request for a 27.6-foot variance from the 50-foot side yard setback requirement for an entrance monument/gate should be approved based on the following findings:
 - A. With regard to the placement of structures and monuments/privacy gates, the property is unique in that the shared driveway for this lot is long, and only a small portion of the shared driveway is actually on this property.
 - B. The variance being requested is not due to economics.
 - C. The applicants received previous variances for structure setbacks for the home due to the size of the lot and it is reasonable to assume that the same rationale could but used for the construction of the monument/gate structure.
 - D. While staff is not aware of other monuments/gates within the structure setback, staff is aware of another property that may be considering this type of variance for a monument gate due to the size of the lot. Small lots and small driveways make locating monument/gates within the building setback.
 - E. The applicant is not responsible for location of the driveway and the short distance of the driveway on this property.
 - F. This is not a use variance.
 - G. The location of the proposed entrance monument/gate appears to be in a location that minimally reduces the view of the monument and gate, and the distance of the monument gate to the property line.
 - H. This proposal would not affect the neighboring properties as they would not be using the gate.
 - I. The purpose of the ordinance is to allow properties within the city to have entrance/monument gates.
 - J. This request will not alter the character of the locality due to other lots within the city having entrance monuments/gates.

WHEREAS, the Sunfish Lake City Council considered the application for a variance 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 request for a 27.6-foot variance from the 50-foot side yard setback requirement for an entrance monument/gate.

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

Dan O'Leary, Mayor

Attest:

Christy Wilcox, City Clerk

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

RESOLUTION NO. 24-XX

**RESOLUTION DENYING A VARIANCE FOR THE PROPERTY AT 2570 DELAWARE
AVENUE, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Amber Hill (“Applicant”) submitted an application on behalf of Jeremy and Rachel Segal (“Owners”) for the approval of a 150-foot variance for length for fences and 200-foot variance to the shoreland setback for fences at 2570 Delaware Avenue, legally described as:

The north 150.00 feet of the south 450.00 feet, except the west 735 feet thereof, and the north 50.00 feet of the South 300.00 feet except the West 980 feet thereof, of the west 50.00 acres of the South Half of the Southwest Quarter of Section 31, Township 28, Range 22, Dakota County, Minnesota.

WHEREAS, a request for a variance 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 variance 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 denial of the variance on a vote of 4-0 vote; and

WHEREAS, upon hearing testimony from the applicant and holding further discussions on the variance proposed, the City Council made a determination that a practical difficulty does not exist with regard to the variance request; and

WHEREAS, the following findings support the City Council rationale for denial:

1. The location of the subject property is as follows:
2570 Delaware Avenue
Sunfish Lake, MN 55118
2. The planning reports dated May 17, 2024 and June 6, 2024 prepared by WSB are incorporated herein by reference.
3. The Applicants/Owners have submitted an application for a variance.
4. Requests for variances 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 a variance at the May 23, 2024 Planning Commission meeting and recommended denial of the variance request.
7. Upon review of the planning reports and application information, the City Council agreed with the Planning Commission and found the request for a 150-foot variance to the 200-foot length requirement for fences and the 200-foot variance to the 200-foot Shoreland Ordinance setback requirement for the existing fence should be denied based on the following findings:
 - A. The topography of this property is not unique to the city. There are numerous lots that have a steeper slope to the lake within the city and fencing has not been allowed on these lots.
 - B. The variance being requested is not due to economics.
 - C. The variance being requested is not due to the lot size or building location. This was not part of the applicant's narrative for the variance. The applicant cites safety reasons for their small child as the reason for the variance. The applicant could provide a hedge that would also provide a security feature rather than a fence in this area.
 - D. The city has been very consistent over the years regarding the preservation of the natural condition of slopes adjacent to the lake and has prohibited improvements in these areas with other requests. This variance would confer a special privilege to these other property owners that was denied to others within the city. Furthermore, the property can still be used in a reasonable manner much like other properties with steep slopes along the shoreline within the city. Again, a landscape hedge could be used in place of a fence if safety is a concern.
 - E. This variance request is the direct result of the actions of the applicant. The applicant did not follow the proper procedures for doing the work along the shoreline and installing the fencing. This process could have been avoided if the applicant had followed the proper procedures.
 - F. The city has been very consistent over the years regarding the preservation of the natural condition of slopes adjacent to the lake and has prohibited improvements in these areas with other requests. This variance would confer a special privilege to these other property owners that was denied to others within the city.
 - G. This is not a use variance.
 - H. Again, the variance would not be necessary if the applicant had followed property procedures prior to installation of the fence as a fence would not be allowed. The City could have worked with the applicants at the time to install landscaping rather than fencing.
 - I. There is no real inconvenience to neighboring properties other than viewing the fence from the lake and adjacent properties.

- J. The purpose of the ordinance is to keep fences out of the setback area and to keep shorelines in their natural state. This request goes directly against the purpose and intent of the ordinance, particularly the Shoreland Ordinance. The intent of the ordinance is to keep views of the residential lots as natural as possible rather than allowing fully landscaped areas along the lake. The reason for the Shoreland Ordinance is also to protect the environmental integrity of the lake by keeping shorelines natural. When the applicant constructed the house, the city was able to ensure proper protection of the lake by inspecting erosion controls. That was not the case with the construction of the new walls and fence.
- K. This request is not really related to the comprehensive plan.
- L. The fence greatly alters the character of the locality and could have a future effect on the character of lake lots within the city by setting a precedence for fences within the setback requirement from the Ordinary High Water Level.

WHEREAS, the Sunfish Lake City Council considered the application for a variance 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 denies the request for a 150-foot variance to the 200-foot length requirement for fences and the 200-foot variance to the 200-foot Shoreland Ordinance setback with the following conditions:

- 1. The applicant will be required to remove the fence prior to administrative site plan approval for the remainder of the proposed work. The applicant will need to supply a site plan indicating such removal.

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

Dan O'Leary, Mayor

Attest:

Christy Wilcox, City Clerk