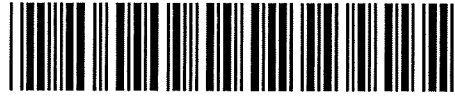


3300 Fox Street



Doc No T4944814

Certified, filed and/or recorded on
4/9/12 4:00 PM

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Hennepin County, Minnesota

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Doc Name: Conditional Use Permit

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**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT
PURSUANT TO MUNICIPAL ZONING CODE
SECTION 78-303(3)(A)
FILE NO. 11-3497**



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 6023

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT
PURSUANT TO MUNICIPAL ZONING CODE
SECTION 78-303(3)(A)
FILE NO. 11-3497**

WHEREAS, William L. Trubeck, a single person (hereinafter “the Applicant”) is the owner of the property located at 3300 Fox Street within the City of Orono (hereinafter the “City”) and legally described as follows:

Tract A, RLS No. 727, files of Registrar of Titles, Hennepin County, Minnesota and Tract C and D, RLS No. 1358, files of the Registrar of Titles, Hennepin County, Minnesota (hereinafter the “Property”); and

WHEREAS, the Applicant has made application to the City of Orono for a conditional use permit pursuant to Orono Municipal Zoning Code Section 78-303(3)(a) to allow construction of a 1,800 square foot guest house on the Property; and

WHEREAS, the size of the guest house at 1,800 square feet is considered an oversized accessory structure (OAS); and

WHEREAS, the Property is permitted one OAS up to 1,800 square feet in area pursuant to Orono Municipal Zoning Code Section 78-1434 upon agreeing to the standard covenants outlined within Code Section 78-1434(3)(c).

NOW, THEREFORE BE IT RESOLVED by the City Council of Orono, Minnesota:

FINDINGS

1. This application was reviewed as Zoning File 11-3497.
2. The Property is located in the LR-1A Lakeshore Residential Zoning District which requires a minimum lot area of 2.0 acres and a minimum lot width of 200 feet.



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 6023

3. The Planning Commission reviewed this application at a public hearing held on January 18, 2011 and recommended approval of the conditional use permit based on the following findings:
 - a. The Property has 4.5 acres in area and meets the acreage requirement for a guest house.
 - b. The 1,800 square foot guest house meets the OAS size limitation.
 - c. The guest house will meet all required setbacks and zoning requirements.
 - d. The Applicant agrees to the standard covenants for a guest house and an OAS.
4. The City Council has considered this application including the findings and recommendation of the Planning Commission, reports by City staff, comments by the Applicant and the public, and the effect of the proposed conditional use permit on the health, safety and welfare of the community.
5. The City Council finds that the Applicant's request would be in keeping with the spirit and intent of the Zoning Code and Comprehensive Plan of the City.

CONCLUSIONS, ORDER AND CONDITIONS

Based upon one or more of the above findings, the Orono City Council hereby grants a conditional use permit pursuant to Orono Municipal Zoning Code Section 78-303 Subdivision 3 to allow construction of a 1,800 square foot guest house, subject to the following conditions:

1. Council approval is based on the site plan submitted by the Applicant and annotated by City staff, attached to this Resolution as Exhibit A. Any amendments to the site plan which are not in conformity with City codes will require further Planning Commission and City Council review.
2. Hardcover in the 0-75' zone shall not increase above the level of 0%. Hardcover in the 75-250' zone shall be limited to 8,118 s.f. or 25%; hardcover within the 250'-500' zone shall be limited to 19,014 s.f. or 30%; and hardcover within the 500'-1000' zone shall be limited to 32,670 s.f. or 35% per the proposed plan and hardcover allowance summary as depicted on Exhibit A. Applicant is advised that any future requests to increase hardcover or change the nature of existing/approved hardcover shall require City



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 6023

approval, and increases in hardcover above the allowed levels will not likely be approved without concurrent reduction in existing hardcover.

3. Pursuant to City Code Section 86-68 foundation and as-built surveys are required:
 - a. A foundation survey is required to be submitted prior to commencement of framing; and
 - b. An as-built grading plan verifying compliance with the building permit, stormwater management, grading and drainage plans shall be submitted prior to the issuance of a Certificate of Occupancy for the residence.
4. The building plans submitted for building permit will be reviewed to ensure compliance with the City's building height and number of stories regulations.
5. Applicant shall remove all plastic or fabric liner material from the decorative landscape beds on the property to ensure their permeability as non-hardcover surfaces.
6. The Applicant hereby covenants:
 - a) No future subdivision will be approved that places the structure within a lot that has no principal structure, except that the city in its subdivision approval may grant a finite time period in which the oversized accessory structure may remain without a principal structure, in order that a principal structure may be constructed. At the end of this time period, the oversized accessory structure must be removed if no principal structure has been constructed.
 - b) If the property is subdivided, the oversize accessory structure and principal structure will be located together within a lot that meets the minimum lot area requirement for the given size of accessory building.
 - c) In subdivision approval, the setback required for the oversize accessory structure shall remain.
 - d) The guest house is for the sole use of the occupants of the principle dwelling, including their domestic employees and nonpaying guests.
 - e) The guest house shall not be used as a rental until and will not be used for a home occupation.
7. Authorities granted by this resolution run with the property not with the applicant, but are permissive only and must be exercised by obtaining a building permit for the new construction and commencing construction of said project. A framing inspection must be completed within one year of the date of Council approval, or the conditional use permit will expire on that date (January 24, 2012).



CITY of ORONO

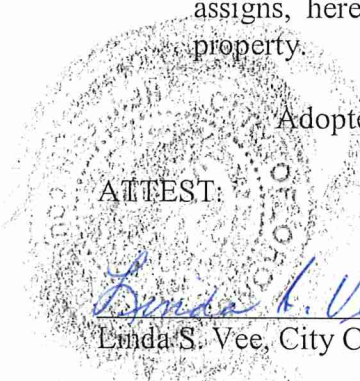
RESOLUTION OF THE CITY COUNCIL

NO. 6023

8. Violation of or non-compliance with any of the terms and conditions of this resolution shall constitute a violation of the zoning code, shall automatically terminate any authority granted herein, and shall be punishable as a misdemeanor.
9. The undersigned Applicant has read, understands and hereby agrees to the terms of this resolution and on behalf of the Applicant and the Applicant's heirs, successors and assigns, hereby agrees to the recording of this resolution in the chain of title of the property.

Adopted by the Orono City Council on the 24th day of January, 2011.

ATTEST:


Linda S. Vee

Linda S. Vee, City Clerk

Lili Tod McMillan

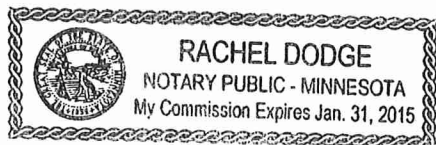
Lili Tod McMillan, Mayor

William L. Trubeck

Property Owner

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me this 24th day of February 2012 by William L. Trubeck, a single person.



Rachel Dodge
Notary Public

EW
Campbell
Krusson