



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 3212

**A RESOLUTION GRANTING
PRELIMINARY APPROVAL FOR A PLAT AT
793 NORTH FERNDALE ROAD
FILE NO. 1762**

WHEREAS, Paul W. Boyke (hereinafter "the applicant") on August 28, 1992 filed a formal subdivision application with the City of Orono for approval of a two lot residential plat of property legally described as follows:

Lot 1, Block 1, Lauranne Woods, Hennepin County, Minnesota, according to the recorded plat thereof, except that part of said Lot 1 which lies east of a line drawn north perpendicular to the south line of said Lot 1 from the most westerly corner of Outlot A, Lauranne Woods (hereinafter "the property"); and

WHEREAS, after due published and mailed notice in accordance with Minnesota Statutes 462.358 et. seq. and the City of Orono Zoning and Subdivision Codes, the Orono Planning Commission held a public hearing on September 21, 1992 at which time all persons desiring to be heard concerning this application were given the opportunity to speak thereon; and

WHEREAS, on September 21, 1992 the Orono Planning Commission tabled the subdivision request of Paul Boyke in order for applicant to revise said proposal to eliminate the need for lot width and average setback variances. The application was revised by the applicant and further reviewed by the Planning Commission on November 16, 1992 at which time the Planning Commission on a vote of 5-1 recommended approval of the preliminary plat; and

WHEREAS, at their regular meeting held on December 14, 1992 the Orono City Council considered the revised subdivision application of Paul Boyke, noting the following findings of fact:

1. The property is located within the RR-1B Single Family Rural Residential Zoning District requiring a minimum of 2 acres of contiguous dry buildable land within each newly created lot. Further, the property is located within the Shoreland Overlay District.



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2. The property contains a total area of approximately 6.3 acres of which approximately 4.62 acres is considered dry buildable land.
3. The proposed plat contains two lots each exceeding the 2.0 acre minimum lot area requirement.
4. Both lots are proposed to front on and access to a private driveway outlot to be known as Outlot A, which abuts the privately owned and maintained outlot roadway informally known as Lydiard Road.
5. Proposed Lot 1 abuts proposed Outlot A along Lot 1's east line, therefore the defined lot width of nonlakeshore Lot 1 is 310', meeting the 200' minimum requirement. Proposed Lot 2 is considered a lakeshore lot as it abuts Lydiard Lake, and has a defined lot width at the shoreline of 520' and at the 150' setback of 350', therefore meeting the 200' width requirement.
6. It is intended that proposed Outlot A be owned in common by the owners of Lots 1 and 2 and shall be maintained as a private driveway shared by only those two properties.
7. A private cul-de-sac has been dedicated on the plats of Lauranne Woods and Janet Acres and the City has suitable underlying road and utilities easements such that no additional private/public roadway dedication is necessary.
8. Lot 1 is considered to be a nonriparian lot and shall have no legal riparian access to Lydiard Lake via easement or any other method. The granting of such easement would be a direct violation of Municipal Code Section 11.31, Subdivision 4.
9. Lot 2 is considered as riparian to Lydiard Lake.



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10. The grading and drainage plan submitted by the applicant for construction of a future driveway to serve Lot 2 has been accepted with minor modifications by the City Engineer. The driveway has been designed in detail to eliminate the negative impacts of driveway construction on the property to the south. As a result, existing and future drainage from the applicant's property shall be redirected away from the neighboring property.
11. Both Lots 1 and 2 contain adequate primary and alternate drainfield sites to serve the intended use, and sites on both lots have been adequately protected from drainage concerns.
12. Lot lines have been located so that existing residence and accessory structures on Lot 1 meet required lot line setbacks, and the building envelope within Lot 2 is adequate for development of a single family residence.
13. Lot 2 contains a wetland area located between the OHW and the open water shoreline of Lydiard Lake. A Flowage & Conservation Easement shall be granted with legal description that encompasses said wetland area.
14. While technically a hardcover variance in the 250-500' hardcover zone is required to allow Lot 2's driveway to cover approximately 50% of the 250-500' zone, the need for a hardcover variance can be effectively eliminated by reducing the allowed square footage of hardcover in the 75-250' zone by the square footage of excess hardcover in the 250-500' zone. The area of the 250-500' zone is 1,920 s.f. Proposed driveway is 1,100 s.f. in that zone. Hardcover allowed in the 250-500' zone is 30% or 576 s.f. The excess driveway hardcover is 524 s.f. The area of the 75-250' zone is 61,428 s.f. approximately. The allowable 25% hardcover in the 75-250' zone is 15,357 s.f. Subtracting the 524 s.f. excess hardcover in the 250-500' zone leaves 14,833 s.f. of allowed hardcover in the 75-250', which is 24.15% of that zone.
15. A single family residence can be developed on Lot 2 without the need for further variances.



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NOW, THEREFORE BE IT RESOLVED, that based upon one or more of the findings noted above, the City Council of the City of Orono hereby approves the preliminary plat application of Paul W. Boyke per the survey dated August 28, 1992, revised November 6, 1992 by Coffin and Gronberg, Inc. subject to the following conditions:

1. For Lot 2, to eliminate the need for a hardcover variance in the 250-500' zone, all driveway hardcover square footage in excess of the 30% allowable 250-500' hardcover shall be subtracted from the 25% allowance for the 75-250' zone. This is estimated to reduce the allowable hardcover in the 75-250' zone to approximately 24.15%.
2. Lot 1, containing the existing residence, is considered as a nonlakeshore lot and shall have no riparian access to Lydiard Lake via easement or any other method.
3. Lot 2 shall have riparian access to Lydiard Lake and is considered a lakeshore lot.
4. A Flowage & Conservation Easement shall be granted with a legal description that incorporates the wetland areas between the OHW and the open water shoreline of Lydiard Lake.
5. The standard Drainage & Utility Easements shall be granted along the perimeter and interior lot lines, excluding the wetlands area.
6. Lots 1 and 2 shall access via Outlot A to the private road informally known as "Lydiard Road". Prior to filing of the plat, applicant shall satisfy the City Attorney that newly created Lot 2 has legal access via private easements to North Ferndale Road, and shall be subject to whatever private road covenants exist for maintenance of said private road easement.
7. Applicant shall create the private covenants for ownership and maintenance of Outlot A, to be shared by Lots 1 and 2. Further, applicant shall grant to the City a drainage and utility easement over Outlot A.



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8. Driveway construction for Lot 2 need not be completed until such time that a residence is proposed to be constructed on Lot 2. At that time, driveway construction shall conform to the approved grading/drainage/driveway construction plan on file as modified by the City Engineer. Further, a driveway on Lot 2 shall include a loop or turnaround near the new residence, subject to approval of the building inspector.
9. Suitable driveway easements between Lots 1 and 2 shall be created by the property owner to allow necessary fill for the driveway on Lot 2 to occur at the southeast corner of Lot 1.
10. Any buildings constructed on Lot 2 shall meet the average lakeshore setback as shown on the preliminary plat drawings.
11. Applicant shall pay the standard park dedication fee.
12. All existing and proposed drainfield sites shall be adequately protected during private driveway construction.

FINAL PLAT SUBMITTALS

The following list of final submittals must be submitted to the Zoning Administrator two weeks prior to the regularly scheduled Council meeting on the second and fourth Mondays of the month:

- A. RECORD PLAT drawings in the form of two (2) mylar copies and one (1) copy reduced to 1"=200'. Drawing to include:
 - a) Lot lines platted per preliminary survey by Coffin & Gronberg, Inc. dated August 28, 1992, revised November 6, 1992.
 - b) Dedication of "drainage and utility easements" 10' wide along all perimeter property lines and 5' each side of internal property lines, such easements to be omitted below the OHW.
 - c) Designation and dedication of a drainage easement within Lot 2 on the plat drawings, the upper boundary of said easement to be concurrent with the OHW contour.



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B. LEGAL DOCUMENTS required:

- a) Title opinion addressed to the City. All owners, mortgage holders or others with property interest indicated therein shall sign the plat and all other documents affected by such interest.
- b) The applicant must provide certified copies of all recorded easements currently affecting the property.
- c) Signed and executed Conservation & Flowage Easement document for said easement within Lot 2.
- d) Signed and executed drainage and utility easement over Outlot A.

C. FEES TO BE PAID: Total Due \$200.00*

- a) Legal review and filing fees of \$200.00.
- *b) Park Commission has determined that a park fee will be required. The City Assessor has been asked to determine the fair market of the undeveloped lands within the subdivision so that a park dedication fee can be determined. Applicant will be advised as soon as Rolf Erickson, the City Assessor, has submitted his findings. (~~\$~~7,200.00 PARK FEE - SEE LETTER OF 7-7-93)

Adopted by the City Council of the City of Orono, Minnesota at a regular meeting held this 14th day of December, 1992.

ATTEST:


Dorothy M. Hallin, City Clerk


Barbara A. Peterson, Mayor

CITY OF ORONO
FINANCE OFFICE
1350200000 #
01 GEN 200.00 #
1238400000 #
12 PRK 7200.00
CHECK TL 7400.00
RECEIPT-THANK YOU
#278880 C001 R01 T14:38
07/15/93



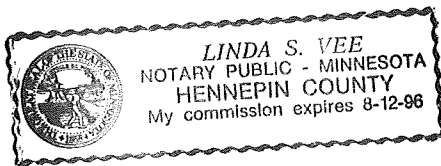
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STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me on this 14th day of December, 1992, by Barbara A. Peterson & Dorothy M. Hallin, Mayor & City Clerk of the City of Orono, a Minnesota municipal corporation and said instrument was executed on behalf of the City.



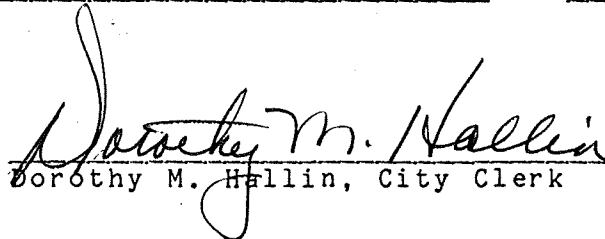
Linda S. Vee
Notary Public

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STATE OF MINNESOTA)
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COUNTY OF HENNEPIN)
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CITY OF ORONO)

I Dorothy M. Hallin, City Clerk of the City of Orono, Hennepin County, Minnesota, do hereby certify that I have compared the foregoing copy of a resolution of the City Council of the City of Orono with the original record of such resolution in the Minutes of the proceedings of said City Council at a meeting of said City Council held on December 14, 1992, and that the same is a true and correct copy of said resolution was duly adopted by said City Council at said meeting.

In Witness Whereof, I have hereunto set my hand and seal this
17th, day of December, 1992.


Dorothy M. Hallin, City Clerk

(SEAL)