

**MINUTES OF THE
ORONO PLANNING COMMISSION
Monday, June 21, 2021
6:00 o'clock p.m.**

ROLL CALL

The Orono Planning Commission met on the above-mentioned date with the following members present: Vice Chair Jon Ressler, Commissioners Bob Erickson, Matt Gettman, Dennis Libby, and Alternate Commissioner Dave Peterson. Chair Scott Kirchner, Commissioners Chris Bollis, and Mark McCutcheon were absent. Representing Staff were Community Development Director Jeremy Barnhart and City Planner Melanie Curtis. City Council representative Victoria Seals and Mayor Dennis Walsh were also present.

Vice Chair Ressler called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Gettman moved, Libby seconded, to approve the Agenda. VOTE: Ayes 5, Nays 0.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF MAY 17, 2021

Libby moved, Gettman seconded, to approve the minutes of the Orono Planning Commission meeting of May 17, 2021 as submitted. VOTE: Ayes 5, Nays 0.

PUBLIC HEARINGS

1. LA21-000041 THOMAS WILSON, 1955 HERITAGE DRIVE, VARIANCES

Thomas Wilson, Applicant, was present.

Staff presented a summary packet of information (Item 1 on the Agenda under Public Hearings). The Applicants are requesting a side yard setback variance in order to construct a one-story, 218 square foot addition to the garage 20.4 feet from the side property line where a 30-foot setback is required and a 32.7-foot setback currently exists. The Applicant has identified the unique shape of the lot including the encroachment of a cul-de-sac, the location of the existing home in relation to lot lines and wetland areas on the property as practical difficulties supporting the requested variance. Additionally, they have provided supporting documentation regarding practical difficulties, and should be asked for additional testimony tonight. Staff finds that the lot characteristics create practical difficulties impacting expansion opportunities for the home and garage, in addition to the impact of a substandard size property within a 2 acre zoning district. Staff noted the impact from the encroaching informal roadway cul-de-sac, the wetland on the property likely resulting in the home location and orientation, the unique shape of the property, and topography. Planning Department Staff recommends approval of the requested variance to allow the one-story expansion of the garage as shown.

Thomas Wilson, 1955 Heritage Drive, added to the practical difficulties listed that because of the water table they also do not have a basement for the property. He has pictures available to show how the topography and how low-set the home is. He currently has 3 stalls for the garage.

Gettman asked the reason for going from 3-4 stalls as many people only have 2.

Mr. Wilson replied it is not meant for a car. He clarified they are on a well that has some of the highest counts of sediment and minerals in it which he submitted, and they are looking to add a water system that will take some square footage that they do not have a spot for as they do not have a basement. He also has some recreational equipment such as kayaks and paddleboards which would be stored.

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Ressler asked about removal of a storage shed on the property.

Mr. Wilson would love to remove that shed and the items in the shed would go into this addition.

Libby noted it is a very unusual lot and was originally suitable for a slab-on-grade small rambler which was close to the marsh. With no basement, they do need some storage and he agrees with the non-conformity of the lot.

Vice Chair Ressler opened the public hearing at 6:08 p.m.

Greg Coward, 1950 Heritage Drive, lives across the street and clarified he has no problem whatsoever with this project.

Vice Chair Ressler closed the public hearing at 6:08 p.m.

Gettman initially struggled with the reasonableness which is why he was asking about the 3-4 stalls but after hearing the water equipment storage needed, he is over that.

Ressler agreed in lieu of a basement, storage becomes a premium. He is in support of the application with the stipulation of the storage shed being removed.

Libby moved, Erickson seconded, to approve LA21-000041, 1955 Heritage Drive Variances with the condition of removal of the existing storage shed. VOTE: Ayes: 5, Nays 0.

2. LA21-000042 MOHEGAN HANSEN ARCH O/B/O CBS MN PROPERTIES, 2060 WAYZATA BLVD WEST, SITE PLAN, ZONING CHANGE, PLAT

Todd Mohegan, Applicant, was present.

Staff presented a summary packet of information (Item 2 on the Agenda under Public Hearings). Barnhart stated the Applicant is requesting approval for Master Development Plan, Zone Change, and Preliminary Plat approval for a proposed 48 unit market rate apartment building. The building is three stories, plus one level of underground parking. The units themselves are a mix of 1, 2, and 3 bedroom apartments, with balconies. The L shaped building exterior will feature brick, limestone, and cement panels on all four sides. There is private recreational space throughout the building to conform with the PUD zoning district. The project includes a rooftop deck and a patio on the northeast corner of the site. Exercise and community rooms are also proposed. The building height is proposed at 30 feet 9 inches - which is 9 inches taller than the City's 30 foot standard - so Planning Commission is asked to comment on that. The density of the project is 18.23 units/acre which is lower than the guidance for this property; it was guided in the 2018 Comprehensive Plan at 20-25 units/acre. Staff has been directed by the City Council to initiate an amendment to the Comp Plan to lower the density. He walked the Commission through setback analysis and noted Staff recommends approval subject to the five conditions outlined in the Staff Report: 1.) Met Council approval of the Comprehensive Plan amendment that reduces the density below 20- units per acre, 2.) Watershed District approval, 3.) City Engineer approval, 4.) Fire Chief approval, 5.) Approval of the final plat and Development Agreement.

Gettman asked about the height of the building and taking off 1 inch per floor rather than 4 inches per floor to get down to the 30 feet.

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Barnhart stated the City has the authority to approve a building taller than 30 feet that is part of the R-PUD zoning district and it is really the Planning Commission's feedback on whether the 3 inch drop is enough of a concession to address the Council's concerns. He noted part of the challenge is the highest adjacent grade is at the northwest corner of the building and there is underground parking at the south corner of the building so there is quite a bit of elevation change within the site. The 30 foot limit is a long-standing practice by the City and he believes it originated in trying to keep buildings below the tree canopy.

Erickson asked how the height of this project compares with the senior housing project on Kelley Parkway.

Barnhart believes the senior housing project on Kelley Parkway is at 30 feet and the senior housing project east of this project is higher than 30 feet. The City has only approved 2 buildings higher than 30 feet.

Peterson noted a letter from one of the neighbors objecting to a change in the zoning.

Barnhart learned that just before the meeting and did not receive a copy of that. He is not surprised that some may object to the rezoning as it is proposed to be rezoned to the R-PUD district which would allow higher density development.

Ressler said right now it is guided for more density than is applied. He clarified every City in the area has to obey the Met Council's demands for more density and many cities need to find ways to meet those density requirements. The City of Orono has done the best they can to maintain the character of the City but when they have these density requirements they run out of areas where they can do developments like these. He asked what part of the building, or if it is the entire building, that is above the 30 foot height.

Barnhart replied 30 feet 9 inches is the defined height which looks at the highest adjacent grade (1,018 feet on this property) and then identify the lowest floor of the building and add 10 feet. So whichever is lowest is what they pick. The lowest floor of this building is the garage, so that is the starting point and then they measure to the top of the flat roof of the building.

Todd Mohegan, Mohegan Architectural Group, 1000 Twelve Oaks Center Drive, Wayzata, is the architect for the project. He noted regarding the height there was a lot of discussion in the Planning Commission and the City Council and the Applicant was making efforts to get to the height that Council was okay with.

Ressler asked if this project is able to be constructed and still map out at 30 feet.

Mr. Mohegan replied it is always a possibility but it reduces the livability of the space.

Libby asked the ceiling heights in the interior units.

Mr. Mohegan answered they will be around 8 feet 6 inches, 8 foot 9 inches.

Libby asked if there is nothing from an architectural design standpoint that could remedy the 9 inches over the 30 foot standard.

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Mr. Mohegan said with difficulty; it is all about running ductwork, electrical, and those things and 8 feet 9 inches is seen as a minimum for people. The lower the ceiling gets the less desirable it is.

Gettman clarified they could have an 8 foot space and then have the mechanicals above that, and asked if that is correct.

Mr. Mohegan replied one could.

Vice Chair Ressler opened the public hearing at 6:31 p.m.

Michael Ricks, 2108 Sugarwood Drive, would be directly north and adjacent to the building. Regarding the 30 foot building height, he asked if that is 30 feet above the parking lot or the lowest grade of where the property is cut out.

Barnhart replied looking at the north elevation and starting at the level 1 floor, the top of the structure is 30 feet 4 inches.

Mr. Ricks said today they look at an eyesore as it has been for a dozen years and was a failed project involving fraud. To get something in there would be understandable and probably better than looking at a dilapidated foundation. He noted there are obviously some concerns and height has been an issue. Regarding trees, there is a boulder wall on the north and east side of the property with a small berm on topo and asked if that is where the trees will go. He planted pine trees on Sugarwood to provide screening and if they put another 15-20 deciduous trees, eventually they will shade and destroy the coniferous trees that are there now.

Barnhart replied the landscaping is being proposed to go over on the north side.

Mr. Ricks said if it is done well and is not intrusive to the existing plant situation but it needs to be compatible with what is already there. He noted the top of the boulder wall has also been an eyesore and he has spent days pulling noxious weeds out, he has called the City, and to get something to remedy it but not be intrusive would be helpful. He asked about a rooftop deck on the north side of the property and asked if that is a community-type deck.

Barnhart replied the patio is on the northeast corner which would be a community patio. The rooftop deck is on the south.

Mr. Ricks stated he lives in a small community of 25 houses or so, and have zero issues with crime or trespassing, and now they will have 100 people right next to them. He is sure the intention is to have first-class people but it will be high density. One concern is keeping people out of the woods and keeping them safe and out of his backyard and his neighbor's backyard. He asked if this property will allow Section 8 housing.

Barnhart noted they are not proposing that, but are proposing market rate.

Angela Mahoney, 2107 Sugarwood Drive, asked the Commission what joint efforts they have done with the City of Long Lake to plan for the traffic needs in the area because of this complex and other projects happening in Long Lake.

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Ressler stated when they go through a Comprehensive Plan they must figure out where they will put things and part of that is density and how it is zoned and guided. It is a pretty thoughtful process and there is lots of community input. For roads that are the responsibility of the City, there are traffic studies done. He does not know if that particular section of Wayzata Boulevard is the jurisdiction of the City or the County. If a property is guided for a certain density the City must allow it to be developed but must also take into consideration how they will manage the traffic for that.

Ms. Mahoney asked who is responsible for Brown Road.

Ressler replied that is a City road.

Barnhart noted Wayzata Boulevard is a County road. He clarified they have not collaborated with Long Lake on these projects specifically, but when they do the Comprehensive Plan they work closely with Long Lake to make sure they receive an opportunity to comment and see what is coming. It is the same with MnDot and Hennepin County. He noted the timing may be a surprise, but what is happening is not a surprise to those agencies.

Ms. Mahoney noted Brown Road is not in good condition so if they are going to add more traffic to it, it will just break down that much faster. She also has security concerns about an apartment complex being that close and Mr. Ricks' comment about the woods is very valid as there are pools in the neighborhood and it could be a drowning concern. She does not like the location of the patio as she thinks it will be a party scene, it will be loud, and will destroy the peace and sanctity of the neighborhood.

Ressler noted the comments are appreciated and the Planning Commission and the City Council take into consideration in their guidance. It is also nice to have the developer here to take those things into consideration, as well.

Ms. Mahoney is also concerned about who would find this location attractive given that it overlooks the existing business which is not aesthetically pleasing in any way.

George Mileusnic, 2110 Sugarwood Drive, also wants to share his concern about the patio, the noise level, and how close it is to his deck. He does not know if there is another location to put it as a gathering spot. His is also curious about fire access on the north side, what that would look like, and how far back that would require excavating and understanding how much that may encroach on the properties behind it, as well.

Barnhart said the Fire Chief has advised that he has to be able to touch every point of the building with a 300 foot hose. It is not necessarily a road. Barnhart noted the Fire Chief seemed to be generally okay with this but they do not expect to see fire roads.

Karl Berg, 2112 Sugarwood Drive, said the comments made about it being a nice place to live and viable community are all very applicable. He noted the senior housing development is behind his house and in the wintertime when leaves are off the trees it is like staring at a battleship in the backyard. He suspects they will have a hard time selling their house because of the development that is there. It's a little better in the summertime because of leaves on the trees, although air conditioners are noisy in the summer. He thinks it is a hardship for everyone that lives on the south side of Sugar Woods and to see this come in now is a huge disappointment. He said it sounds like there has been some good thought and consideration given to the project which he appreciates. He asked if they are at about 20,000 cars per day on that road.

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Barnhart does not know what that traffic is.

Mr. Berg thinks that should be done before they do this project because they are seeing a tremendous increase in traffic at his medical building on the same street. Adding 40 more units there and with the other developments in the area, he does not think they can really predict what will happen when people get off that bypass and start coming into town through his community there. He thinks the City will have their hands full in managing that. He noted the majority of the development is right in the Ricks' backyard and he hopes the Commissioners will listen to the concerns of the residents and good choices will be made.

Chris Case, 2100 Sugarwood Drive, noted the development has been there since about 1991 and he is here in support of everything that has been said by the other neighbors. He would ask the Commission to consider that the reason he and many of his neighbors live in Orono is because of the low density and green space in the community. Orono has kind of been defined as single family homes with large lots. He knows there are Met Council requirements on density and Mr. Case respectfully requests that the Commission re-look at this site as the appropriate place to meet those requirements, to step back and look at the families that have invested in this community and if there is a way to move those dense developments closer to other dense developments or other green space in the community rather than immediately adjacent to single family homes. Before retirement, Mr. Case was director of real estate for Target, so he has looked at sites for viability. From a residential standpoint, he is concerned about the long-term viability of what market rents will mean to that site. Because the site will look directly out at semi-trucks, gas pumps, and an industrial site, those rates may decline quickly if they struggle in leasing the site. The lower the rents, the developer will get stressed, and he asked what will end up happening to this property in the long-term.

Vice Chair Ressler closed the public hearing at 6:52 p.m.

Ressler remembers in the previous discussion of this application a request to reduce the height which they have done. He reminded the Commission that the roof would be higher if the style were gabled or peaked rather than flat; in theory, one observation is that the overall height of the structure could be higher based on how they measure it.

Peterson shared he has always enjoyed the bigger lots in Orono and being spread out compared to the density they are talking about. He just hopes they are not trying to compete with Wayzata on structures like this.

Erickson noted the first speaker mentioned the issue of safety as it might relate to residents wandering into his backyard. It raises the question of some type of barrier fencing along the boundary between Sugar Woods and the project.

Ressler asked the Applicant if they would be open to that.

Dale Richardson, owner of the property at 1260 Wayzata Boulevard, noted there is currently a wrought iron fence on the north portion, but not quite the entire portion. He said they had discussions about wrapping it around because the boulder wall is not going to be that tall as they are filling in the lower level where the garage is. He stated it would be very easy to fence that and noted it will be a higher-end project and will have an expensive market rate. He spoke with the new owners of Orono Station and Orono Station West and they plan to have the trucks out of that property by the time this project is

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complete, and they are working on drawings for a building on that site. He clarified they are happy to work with residents on landscape. It will be a very secure building, it will not be cheap to live there, and they have had a lot of feedback from current residents. Mr. Richardson stated they envision it to be more of a “snow bird” type of place.

Libby is grateful to the citizens who feel comfortable enough to come in and utilize this forum. He reminded them that the Planning Commission is an advisory body to the City Council and noted some of the concerns brought up are new and may take some time.

Gettman reiterated regarding the landscaping, he is not wedded to the idea of having the patio in the back as it is too conducive to having people migrate up the hill. He then looks to the dog run and wonders if there is a way to partition that off and have the green space in between the two. He remembers talking about if there are children in the area, how to keep them away from the road, as well. He thinks they need something else other than a low wrought iron fence for safety and privacy. Gettman is still stuck on the height issue and appreciates that the architect has come up with the 8 feet 6 or 8 feet 9 and Gettman wishes he had the height in his own house. He noted 8 feet is the norm as far as older homes and he is not sure he understands why they have to go over that, especially when trying to protect inches; he noted when they go horizontal the City is extremely vehement about not going an inch to the right or left and protecting the lake, the view, and adjacent property owners. However when they talk vertical they seem to be willing to throw away the inches and he is not buying that they must have 8 feet 6, 8 feet 9 as opposed to cutting it down to all 8 feet 6 to get them down to the 30 feet. Finally with traffic, this particular project is part of a Comprehensive Plan which defines what the Met Council wants which is high density. He noted the Applicant is coming in at lower density and thinks everyone needs to understand that this is meant for high density. He noted they cannot just pick it out and put it somewhere else.

Ressler clarified his opinions and believes condensing the height of the roof is a mitigant which makes him comfortable going to 30 feet 9 inches. Reducing the density from what is guided to what is proposed certainly helps and is hopefully helpful for the general public, as well. Another mitigant for exceeding the 30 feet height makes it a more desirable building with more desirable tenants and perhaps better neighbors. Ressler stated they have had proposed developments that have gone through sketch plans west of this location in the past and that road will get busier which is something they will all have to adapt to. Traffic counts are worth noting and he thinks those will be monitored as they see development go through. He noted they have a shortage of housing in the community for those who want to live in Orono so this gives some opportunities for families to get into the community they all appreciate. He is for this project, he thinks it is tasteful, and thinks the comments that have been made by the developer seem to be that they want to appease the neighbors, be peaceful, and keep everyone happy.

Libby asked to clarify the primary focus and intent of the Applicant’s need at this point.

Barnhart stated the Applicant has applied for Master Development Plan approval, a zone change to the R-PUD zoning district, and a preliminary plat.

Libby asked if the zoning change is still within the guided spirit of the 2040 Comprehensive Plan.

Barnhart clarified the property is guided for high density residential which is 20-25 units/acre. He noted they do not have a zoning district, other than the R-PUD district, that allows an apartment building at that density. They do have the R-PUD zoning district that allows them to zone the property based on a project they find acceptable for that given area. The Comp Plan guides this for 20-25 units/acre and this project is

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18 units/acre, so per the Met Council, Barnhart needs to amend the Comp Plan to allow that lower density which is what they have initiated already.

Ressler asked if anyone has an opinion on the patio location.

Gettman does not support the location of the patio as proposed.

Barnhart noted the Commission could approve or deny and then recommend the Applicant address the height issue, the patio, and the fencing/security issue.

Gettman moved, Erickson seconded, to approve LA21-000042, 2060 Wayzata Blvd West, Site Plan, Zoning Change, Plat as applied with the 5 Staff Conditions/Recommendations and the 3 additional criteria of the 30 foot maximum height, the adjustment to the fence, and the movement of the patio. VOTE: Ayes 4, Nays 1 (Ressler).

Barnhart noted this item will be reviewed by the City Council on July 12, 2021.

3. LA20-000043 ERIC LUTH O/B/O ONYX PERFORMANCE INVESTMENT LLC, 135 ORONO ORCHARD ROAD, VACATION

Staff presented a summary packet of information (Item 3 on the Agenda under Public Hearings). Barnhart noted this is a vacation of a portion of an unused sanitary sewer easement that cuts through the Orchard Creek Development at 135 Orono Orchard Road. The proposed plat includes the creation and extension of a new private road that will serve 5 single family residential lots. Because the sanitary sewer easement is not used and encumbers the buildability of this lot, the Applicants are requesting it be vacated. Staff supports that but would suggest that the portion of easement that cuts through the buildable portion of the property be shifted to the south along the boundary line of these two lots so that the ability to provide future connections or extensions of the sanitary sewer system are still available. Once they vacate a project or easement it is very difficult to get one back. The Met Council also seems supportive of the vacation.

Vice Chair Ressler opened the public hearing at 7:20 p.m.

Vice Chair Ressler closed the public hearing at 7:20 p.m.

Gettman moved, Libby seconded, to approve LA20-000043, 135 Orono Orchard Road, Vacation as applied with the Staff recommendations. VOTE: Ayes 5, Nays 0.

4. LA21-000044 LECY BROS., 3297 CASCO CIRCLE, VARIANCES

Staff presented a summary packet of information (Item 4 on the Agenda under Public Hearings). Curtis noted the subject property is 13,652 square feet in area, and has 99.9 feet in width within the LR-1C zoning district where 21,780 square feet and 100-feet in width are required. The Applicant requests lot area and lot width variances in order to take advantage of the Tier 2 hardcover level of 30% in order to redevelop the property with a new home. The proposed home meets all zoning requirements. Staff finds the substandard size of the property is a practical difficulty. The neighborhood consists of single family homes located on individual lots as well as combinations of lots. The ability to have the same type of

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hardcover amenities as other existing developed properties in the same neighborhood would be limited if the area and width variances are not granted. Staff recommends approval of the requested variances.

Libby asked if the variance and increase would remedy the issues for the Applicant.

Curtis clarified there is no increase; they are asking to be able to utilize the hardcover Tier that they are located in.

Libby said for full disclosure, the corporate entity that he is employed with during the day, has as one of its other agents, a principal of Lecy Brothers. He does not interpret or feel that there is any sort of conflict of interest and would like to retain his ability to vote rather than abstain.

Gettman asked to see a more recent view of where the house sits today.

Curtis showed the house onscreen.

Roy Lecy, representing Lecy Brothers and the client, noted the client bought the home on this lot with the intent of living in it. They hired Lecy Brothers to do a major remodel to the home and once they got into the remodel they found major water leakage in the basement that was not disclosed and the walls were completely covered with mold. Based on the costs to remedy the mold plus the cost of renovation it did not make sense to go forward. Thankfully the client was financially able to build a new home and it is the smallest rambler Lecy Brothers has ever designed. He noted if they move the house forward they may be able to meet requirements but the driveway would be way too steep.

Vice Chair Ressler opened the public hearing at 7:28 p.m.

Sarah Struck, 3287 Casco Circle, noted she has talked with Mr. Lecy and a drawing she has is a little different than what is on screen.

Curtis noted it has changed recently as they were still modifying the footprint location.

Ms. Struck asked if they are looking to go from LR1 to LR2.

Curtis replied no, it is in the same zoning district as Ms. Struck, and without granting variances they would be limited to 25% hardcover for the development. The area this property is in is a Tier 2 so they are allowed 30% hardcover; the variances are required because City code has two different tracks for developing non-conforming properties. Therefore, they are asking for the variances to address the small lot size which according to the code would allow the 30% hardcover.

Ms. Struck asked if most of the lots are smaller as hers was.

Curtis replied yes.

Ms. Struck asked if the average is one acre.

Curtis noted it is required to be a half an acre.

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Ms. Struck thinks it is common for lots to be under if that is cited as a hardship. If one turns on this street, none of these houses are on the lake and it is kind of quaint, not super crowded, and she asked to understand how far back the new house would be from the street.

Curtis does not know exactly from the street, but the setback required is shown in the dotted grey on screen. The setback required is 30 feet from the property line.

Ms. Struck asked if this is consistent with other setbacks in the neighborhood.

Curtis replied they are varied and the Applicant is not asking for any variances to any setback or any other development standard other than to address the small lot size.

Ms. Struck sees two trees and knows some trees would have to come down. She asked if that is true.

Curtis noted there is a possibility they could save those trees, although she does not know whose trees they are along the lot line.

Ms. Struck is concerned about the tree.

Curtis encouraged Ms. Struck to work with the builder and identify where that tree is with respect to the property line.

Ms. Struck's overall comment is that it is a very wide house within a vertical space. She noted this house was flipped and she called the City when they were building their house to let them know the house next door was being worked on and she did not see any permits. When she hears things like undisclosed water damage, she thinks a lot of things were not disclosed on this house. Someone bought the house without knowing, perhaps it passed inspection, and she is not surprised it is in bad shape and it is really too bad. It pains her to see a bigger house put on this lot and although she cannot do anything about it, she hopes her tree does not die.

Curtis clarified the Applicant is proposing to meet all the other standards as far as house footprint, hardcover, and the setbacks are concerned.

Ms. Struck noted it is close to her property on the side and while they are up it goes down. The street is being redone this year and she noted a pond in her front yard.

Curtis stated if Ms. Struck has general drainage concerns she should reach out to the City Staff.

Ms. Struck stated she has in the past and just wants to make sure with the garage there that there is not more runoff as it is a very different location. She does not want to be concerned with water collection on the street or on her property.

Curtis said this is not a final proposed survey but they will have to put a survey together to show how they are managing their drainage and the City Engineer reviews that.

Brian Nelson, 3305 Casco Circle, has met the future owner and he is a great guy and would be a great neighbor. However, he has one concern which is all the houses are 100 feet from the street and this one will not be but will be sticking forward quite a bit.

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Curtis noted it will be about 50 feet from the edge of the street.

Mr. Nelson noted it will look quite weird as everyone else is 100 feet back. He thinks it will look goofy and inappropriate. He said one would need to drive by the area to understand. He spoke with Mr. Lecy and received two different plans. The big thing is having a house slid 50 feet ahead of all the other will look odd and that is his complaint. He noted the rest is good and if they can push the house back – great.

Ressler noted if they move the house back, they create a new problem because they have more driveway and therefore more hardcover.

Mr. Nelson said it creates a big problem backing out on to the street as it is 50 feet out and people cannot see. He reiterated moving it 50 feet forward, in looking at the recommendations it said houses should be set in line with the other houses in the neighborhood.

Ressler stated one thing to note within the code and guidance, it is within the building envelope and they could go closer to the street. He thinks they could go closer to the street and Mr. Nelson's feedback is noted because if the City Council decides it is worth revisiting those setbacks they can consider those amendments. However for now, it meets the criteria to build into that envelope. More often they see an average lakeshore setback, but currently there is not an average setback on the street side.

Mr. Nelson noted he read the code and it said it should be with the neighborhood setback.

Curtis stated there is an allowance to use the average when the homes are closer but it is not a requirement.

Ms. Struck agrees with Mr. Nelson, it would diminish the character and the look of the neighborhood greatly.

Vice Chair Ressler closed the public hearing at 7:42 p.m.

Libby stated regarding the safety of backing out, it looks like from the provision of the driveway surface that there is more than adequate area for the average vehicle to be able to turn around and drive face-out.

Ressler noted as proposed it does seem to be within the building envelope and what they must decide on today is whether they are supportive of the 30% hardcover versus 25%.

Curtis clarified it is the lot area and lot width variance, they are not asking for a variance for hardcover.

Gettman said from day one on the Commission he has always struggled with the issue citizens have brought up which is the essential character of the locality. This one seems to be almost exactly on point because every single house on the street is set back farther. What is that practical difficulty that they are allowing for this single house to get the exception of moving the envelope forward. He is not hearing it; he is hearing the difficulties of a bad purchase.

Curtis wants to be clear that the issue they are debating tonight is that the property is within the LR-1C zoning district (the ½ acre zoning district) which means one is required to have ½ acre to build. She stated they do not have ½ acre. They could build today if they limit the property to 25% and they would move the house closer to the street because they can build without variances as the lot is right now based on the

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City's code. Granting a variance allows the Applicant the hardcover that the rest of the properties in the Tier 2 area of setback from the lake are afforded. She clarified they are not debating a setback variance or hardcover variance. They are simply debating: can they develop the lot and is there a practical difficulty.

Barnhart stated they see lot area and lot width variances frequently when a property cannot meet all the setbacks. This property met all of those requirements so the only variance really, is the lot area lot width and the only reason they are doing that is so they can be consistent with the hardcover limitations with the neighborhood.

Gettman brought up a property by the golf course that used to be a school; that property is just not meant to be built on because where they end up having to put the driveway. His purpose in bringing this up is that the character of the neighborhood is going to be altered because of what they end up doing today. Will it get altered if they do not do anything? Potentially. However, with this they are giving approval for a change to the neighborhood.

Barnhart would be very cautious with that kind of comment. Yes, the neighboring property owners can build to the building setback line as this one can. He said to keep in mind whenever a new project comes forward there is an impact to the character of the neighborhood, so he would be very cautious in using that argument to deny a project because anything that happens changes things. He noted the Commission is welcome to make the recommendation of denial but he suggested to be cautious because that can be applied every time and they may back themselves into a corner in analyzing these applications because they are trying to find a reason to not approve it versus being more pronounced.

Gettman appreciates that and reiterated with the old schoolhouse, he was the one who recommended approval of that but it was just voicing the concerns to the City Council as the advisory board that the Commission is. He said it is the same thing here. He does not see any reason for denying this; the concern is the fact that it is totally different than all other houses there.

Curtis stated to process this variance and for the Planning Commission and City Council to review the variance, the Applicant does not need to provide a footprint or show the plan. They are asking if they can develop the lot according to the code-required standards.

Ressler stated perhaps Gettman's concern is perhaps the City needs to consider a text amendment or something along those lines that may allow a little more clarification and guidance as to character of the neighborhood.

Gettman clarified within the envelope and the setbacks.

Gettman moved, Erickson seconded, to approve LA21-000044, 3297 Casco Circle, Variances, with Staff recommendation. VOTE: Ayes 5, Nays 0.

5. UPDATE ON JUNE 14, 2021 CITY COUNCIL MEETING

Barnhart shared the City Council updates. City Council approved the variance at 1509 Long Lake Boulevard, 724 Tonkawa Road was approved, the redevelopment of the project on Bederwood was approved, the variance for the deck at 1579 Maple Place was approved, and the Council approved the variance for signs at Orono Station as presented, as well as a sign ordinance amendment.

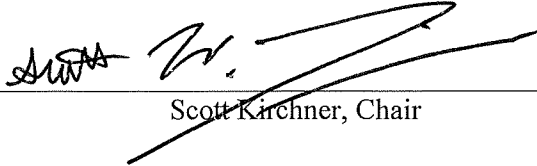
MINUTES OF THE
ORONO PLANNING COMMISSION
Monday, June 21, 2021
6:00 o'clock p.m.

ADJOURNMENT

Gettman moved, Peterson seconded, to adjourn the Planning Commission Meeting. VOTE: Ayes 5, Nays 0.

The Orono Planning Commission meeting adjourned at 7:56 p.m.

ATTEST:



Scott Kirchner, Chair

