

# CITY OF GRAND RAPIDS

*NOTICE OF MEETING  
PLANNING COMMISSION*



CITY OF  
**GRAND RAPIDS**  
*IT'S IN MINNESOTA'S NATURE*

## **Meeting Agenda Full Detail**

**Tuesday, April 14, 2020**

**4:00 PM**

**Council Chambers**

### **Planning Commission**

**COUNCIL CHAMBERS  
CITY HALL - 420 N. Pokegama Ave.  
Grand Rapids, MN 55744**

**BE ADVISED: Pursuant to Minnesota Statute 13D.021, Subdivision 1, some or all members may appear by telephone or other electronic means.**

Call To Order

Call of Roll

**Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.**

Approval of Minutes

20-1013 Approve the minutes of the March 5, 2020, 4:00 pm regular meeting.

**Attachments:** [March 5, 2020 Planning Commission Meeting Minutes](#)

**PUBLIC HEARINGS- PLEASE NOTE A TELEPHONE NUMBER WILL BE PROVIDED IF YOU ARE WATCHING ICTV, YOU ARE ALSO INVITED TO ATTEND THE PUBLIC HEARING VIA TELEPHONE BY CALLING 218-327-8833**

Public Hearings

20-1018 Conduct a public hearing to consider a recommendation to the City Council regarding a request for a fifth amendment to the approved Conditional Use Permit granted to Wal-Mart Stores Inc., for the construction of a new Wal-Mart Supercenter located on Lot 1, Block 1, Plat of Wal-Mart Grand Rapids in December 2006.

**Attachments:** [CUP Amendment Request: Staff Report, Area Map & Ordinance Sections](#)  
[CUP Amendment Request: Attachments- Bldg. Elevations](#)  
[Previous Adopted Resolutions: Wal-Mart CUP](#)  
[Rules for Public Hearing & CUP Considerations](#)  
[Conditional Use Permit \(amendment request\): Application w/narrative](#)

General Business

20-1017 Consider a recommendation to the City Council regarding the rezoning of a 1.2-acre parcel of land from R-1 (One-Family Residential) to I-1 (Industrial Park).

**Attachments:** [Zoning Map Amendment Request: Staff Report](#)  
[Rezoning Request: Area Maps #1 & #2](#)  
[Zoning Map Amendment: Considerations w/checklist](#)  
[North Homes Rezoning Request: Application w/attachments](#)

**Public Input**

*Individuals may address the Planning Commission about any non public hearing item or any item not included on the Regular Meeting Agenda. Speakers are requested to come to the podium, state their name and address for the record and limit their remarks to three (3) minutes.*

**Miscellaneous\Updates**

**Adjourn**

*NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:  
Thursday, May 7, 2020*



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 20-1013      **Version:** 1      **Name:** Approve the minutes of the March 5, 2020, 4:00 pm regular meeting.

**Type:** Minutes      **Status:** Approved

**File created:** 4/1/2020      **In control:** Planning Commission

**On agenda:** 4/14/2020      **Final action:**

**Title:** Approve the minutes of the March 5, 2020, 4:00 pm regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [March 5, 2020 Planning Commission Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
4/14/2020	1	Planning Commission		

Approve the minutes of the March 5, 2020, 4:00 pm regular meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the March 5, 2020, 4:00 pm regular meeting.



# CITY OF GRAND RAPIDS

NOTICE OF MEETING  
PLANNING COMMISSION

## Minutes - Final Planning Commission

*COUNCIL CHAMBERS  
CITY HALL - 420 N. Pokegama Ave.  
Grand Rapids, MN 55744*

---

Thursday, March 5, 2020

4:00 PM

Council Chambers

---

### Call To Order

### Call of Roll

- Present** 4 - Chairperson Molly MacGregor, Vice Chair Patrick Goggin, Commissioner Mark Gothard, and Commissioner Ted Hubbes
- Absent** 3 - Commissioner Susan Lynch, Commissioner Lester Kachinske, and Commissioner Betsy Johnson

**Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.**

**Motion by Commissioner Goggin, second by Commissioner Hubbes to approve the agenda with the following addition:**  
**Consider initiating the process to review and potentially update/amend the Zoning Ordinance in Section 30-628 which pertain to required off-street parking(minimum numbers). The following voted in favor thereof: MacGregor, Goggin, Hubbes, Gothard. Opposed: None, passed unanimously.**

### Approval of Minutes

Approve the minutes of the February 6, 2020, 4:00 pm regular meeting.

**Motion by Commissioner Goggin, second by Commissioner Hubbes to approve the minutes of the February 6, 2020 regular meeting. The following voted in favor thereof: Gothard, Hubbes, Goggin, MacGregor. Opposed: None, passed unanimously.**

### General Business

Consider a recommendation to the City Council regarding the vacation of public utility easements retained by the Village of Grand Rapids in June of 1938 through recorded document number 133666.

*Aurora Heights LLLP, submitted a valid petition on January 30, 2020 requesting the vacation of retained public utility easements described in Itasca County Record #133666, and legally described as:*

*Retained public utility easements described as follows: Lying within Vacated 3rd*

*Avenue SE ROW, S of 4th Street SE and N of 6th Street SE within Blocks 3 and 4 and Blocks 7 and 8, and public utility easements lying within that part of Vacated 5th Street SE lying easterly of the southerly extension of Lot 10, Block 3, and northerly extension of Lot 1, Block 7, all in Garland's Addition to Grand Rapids.*

*The vacation request is being made by Aurora Heights LLLP, who as the Housing and Redevelopment Authority in and for Itasca County, entered into a purchase agreement with the City in May of 2019, for the former Riverview School site, for the purpose of developing 56-units of affordable housing, having a mixture of apartment style housing and townhome style housing.*

*There were no concerns or objections expressed, regarding the petitioned easement vacation, from the staff review committee which consists of: Public Works Department, Engineering Department, Community Development Department, Fire Department, Police Department, and the Grand Rapids Public Utilities Commission.*

**Motion by Commissioner Hubbes, second by Commissioner Goggin that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward to the City Council a recommendation to approve the vacation of public utility easements retained by the Village of Grand Rapids in June of 1938 through Itasca County Record #133666, and legally described as:**

**Retained public utility easements described as follows: Lying within Vacated 3rd Avenue SE ROW, S of 4th Street SE and N of 6th Street SE within Blocks 3 and 4 and Blocks 7 and 8, and public utility easements lying within that part of Vacated 5th Street SE lying easterly of the southerly extension of Lot 10, Block 3, and northerly extension of Lot 1, Block 7, all in Garland's Addition to Grand Rapids.**

**Commissioner Hubbes read his considerations for the record:**

- 1. Is the easement needed for traffic purposes?  
Why/Why not? No, it is not needed for traffic purposes.**
- 2. Is the easement needed for pedestrian purposes?  
Why/Why not? No, it is not needed for pedestrian purposes.**
- 3. Is the easement needed for utility purposes?  
Why/Why not? No, after review it was determined it is not needed for utility purposes.**
- 4. Would vacating the easement place additional land on the tax rolls?  
Why/Why not? Yes, it will place additional land on the tax rolls.**
- 5. Would vacating the easement facilitate economic development in the City?  
Why/Why not? Yes, it will allow for the development of additional housing.**

**The following voted in favor thereof: MacGregor, Goggin, Hubbes, Gothard.  
Opposed: None, passed unanimously.**

Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

*Due to the absence of three Commissioners it was decided to move this item to next*

*month's agenda.*

Consider initiating the process to review and potentially update/amend the Zoning Ordinance in Section 30-628 which pertain to required off-street parking (minimum numbers).

**Motion by Commissioner Goggin, second by Commissioner Hubbes to initiate the review and updating/amendments to the text of Section 30-628 of the Zoning Ordinance as it relates to maximum minimum off-street parking number food and beverage type uses. The following voted in favor thereof: Gothard, Hubbes, Goggin, MacGregor. Opposed: None, passed unanimously.**

### **Public Input**

### **Miscellaneous\Updates**

### **Adjourn**



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 20-1018      **Version:** 1      **Name:** Conduct a public hearing to consider a recommendation to the City Council regarding a request for a fifth amendment to the approved Conditional Use Permit granted to Wal-Mart Stores Inc., for the construction of a new Wal-Mart Supercenter located on Lot 1

**Type:** Public Hearing      **Status:** PC Public Hearing

**File created:** 4/7/2020      **In control:** Planning Commission

**On agenda:** 4/14/2020      **Final action:**

**Title:** Conduct a public hearing to consider a recommendation to the City Council regarding a request for a fifth amendment to the approved Conditional Use Permit granted to Wal-Mart Stores Inc., for the construction of a new Wal-Mart Supercenter located on Lot 1, Block 1, Plat of Wal-Mart Grand Rapids in December 2006.

**Sponsors:**

**Indexes:**

**Code sections:**

- Attachments:** [CUP Amendment Request: Staff Report, Area Map & Ordinance Sections](#)  
[CUP Amendment Request: Attachments- Bldg. Elevations](#)  
[Previous Adopted Resolutions: Wal-Mart CUP](#)  
[Rules for Public Hearing & CUP Considerations](#)  
[Conditional Use Permit \(amendment request\): Application w/narrative](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

4/14/2020	1	Planning Commission		
-----------	---	---------------------	--	--

Conduct a public hearing to consider a recommendation to the City Council regarding a request for a fifth amendment to the approved Conditional Use Permit granted to Wal-Mart Stores Inc., for the construction of a new Wal-Mart Supercenter located on Lot 1, Block 1, Plat of Wal-Mart Grand Rapids in December 2006.

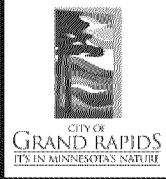
**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

Conduct a public hearing to consider a recommendation to the City Council regarding a request for a fifth amendment to the approved Conditional Use Permit granted to Wal-Mart Stores Inc., for the construction of a new Wal-Mart Supercenter located on Lot 1, Block 1, Plat of Wal-Mart Grand Rapids in December 2006.





# Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 4/14/2020
<b>Statement of Issue:</b>	Conduct a public hearing to consider a recommendation to the City Council regarding a request for a fifth amendment to the approved Conditional Use Permit granted to Wal-Mart Stores Inc., for the construction of a new Wal-Mart Supercenter located on Lot 1, Block 1, Plat of Wal-Mart Grand Rapids in December 2006.	
<b>Background:</b>	<p>On December 4, 2006 the City Council adopted City Resolution #06-130 approving a conditional use permit (CUP) for the construction of a Wal-Mart Supercenter, with certain conditions, as provided for under Division 14 of the City Zoning Code (Large Scale Commercial Development Standards).</p> <p><b>Amendment Request History:</b></p> <p>In February of 2007, Wal-Mart Stores requested the City’s consideration of an amendment to the approved CUP that incorporated a tire/lube/express (TLE) auto service element to the use. The requested addition enlarged the store from its originally approved footprint of 182,662 s.f. to a footprint of 187,443 s.f. This amendment request was approved through the adoption City Resolution #07-08. <i>(these resolutions established the current footprint of the Wal-Mart Store)</i></p> <p>In February of 2008, Wal-Mart requested the City’s consideration of an amendment to the CUP. As part of a “rebranding” strategy undergone by Wal-Mart Stores, Wal-Mart proposed a reduction in building signage, and changes in color on both the exterior building façade and the monument sign. This second amendment request was approved through the adoption City Resolution #08-22. <i>(this resolution established the current signage layout and color scheme of the Wal-Mart Store)</i></p> <p>In October of 2017, Wal-Mart requested the City’s consideration of a third amendment to the Conditional Use Permit. The requested amendment would allow for an 18’ X 72’ covered parking canopy structure (for their On-line Ordering Pick-up Program) to be added to the southeast corner of the property, and the addition of an orange accent color &amp; “Pickup” related signage, to a portion of the southwest corner of the Wal-Mart building. The third amendment request was approved through the adoption City Resolution #17-106. <i>(this resolution allowed for the addition of the covered canopy pick-up, and orange accent color addition to the existing Wal-Mart Store).</i></p> <p>In September of 2019 Wal-Mart requested the City’s consideration of a fourth amendment to its Conditional Use Permit. The 2019 amendment</p>	

allowed for the updating of the building's current exterior paint colors (project in progress), from the existing earth tone color scheme, to the current Wal-Mart brand standard of neutral grey with blue accent, and additionally, the updating of existing building signage. The fourth amendment request was approved through the adoption City Resolution #19-99.

**Current Amendment Request:**

LK Architecture, on behalf of Wal-Mart Real Estate Business Trust, has requested the Planning Commission's recommendation for approval, of a fifth amendment to a Conditional Use Permit originally approved in December 2006, allowing for the construction of a Wal-Mart Supercenter, as provided for under Division 14 of the City Code (Large Scale Commercial Development Standards). The requested amendment, would allow for a minor alteration to the most recently approved CUP amendment (October 2019), which included changes to the building's exterior paint colors, from the existing earth tone color scheme, to the current Wal-Mart brand standard of neutral grey with blue accent, and additionally, the updating of existing building signage. The current request would allow for the exterior dark gray accents on the liquor store component, to be replaced with dark blue, as well as updating the liquor store signage.

**Past History of CUP process for large scale retail:**

The City amended its Zoning Ordinance in 2005 establishing the General Sales and Service (building footprint over 70,000 s.f.) use, as a conditional use, in GB (General Business) zoning districts, and further established building and site design standards intent upon influencing the development of these uses in a manner that creates a smaller scale, feel and relationship to the small town atmosphere of Grand Rapids.

With the establishment of the CUP process set forth within Division 14, the review and approval of new projects, as well as modifications/amendments to approved facilities, is no longer administered by staff, but is issued through a Conditional Use Permit approved by the City Council, with recommendations received from the Planning Commission.

When reviewing a Conditional Use Permit application and considering their recommendation to the City Council, the Planning Commission should make specific findings based upon their standard list of considerations, which are found in Section 30-531e of the City Code. The Planning Condition must also consider the degree to which the proposed project meets the criteria and objectives established within the Large Scale Commercial Design Standards, Division 14, of the City Zoning Code, and if certain conditions or restrictions should be recommended to the City Council to ensure that the project meets those objectives and criteria.

Special attention should be given to that portion of Division 14 which addresses *building materials and colors*, to be sure the spirit and intent of

	<p>the ordinance is maintained with the proposed changes: (<i>attachment - Division 14</i>)</p> <ul style="list-style-type: none"> <li>• Section 30-903(1)b. <i>Materials and colors</i></li> </ul> <p>Staff has reviewed the application and the associated changes to the approved development plans and provides the following comment and potential condition:</p> <ul style="list-style-type: none"> <li>• That all previously imposed conditions under City Council Resolution No.'s 06-130, 07-08, 08-22, 17-106, &amp; 19-99 remain in effect.</li> </ul>
<p><b>Considerations:</b></p>	<p>When reviewing a request for a Conditional Use Permit, the Planning Commission must make findings based on the attached list of considerations. Section 30-531(e):</p> <ul style="list-style-type: none"> <li>• Will not be detrimental to the public health, safety, morals, or general welfare;</li> <li>• Will not cause undue traffic congestion or hazards and will not result in a parking shortage;</li> <li>• Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;</li> <li>• Will not impede the orderly development of other property in the area;</li> <li>• Will not impose an excessive burden on parks and other public facilities and utilities;</li> <li>• Is consistent with the Comprehensive Plan.</li> </ul> <p>The Planning Commission must also consider the proposals compliance with the criteria and objectives established within the Large Scale Commercial Design Standards, Division 14, of the City Code.</p>
<p><b>Recommendation:</b></p>	<p>Staff recommends that the Planning Commissioners visit the site and look at the situation.</p> <p>Prior to making a motion to recommend approval or denial, the application, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or deny the Conditional Use Permit.</p>
<p><b>Required Action:</b></p>	<p>Approve a motion to either recommend: approval, approval with additional conditions, or deny the applied for Conditional Use Permit.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby recommend that the City Council <b>(grant)(deny)</b> the following amendment to the Conditional Use Permit, approved under City Resolution No. 06-130, to Wal-Mart</p>

	<p>Stores Inc., for the property legally described as: <i>Lot 1, Block 1, Plat of Wal-Mart Grand Rapids, Itasca County, Minnesota:</i></p> <ul style="list-style-type: none"> <li>• Allow for the exterior dark gray accents on the liquor store component of the building, to be replaced with dark blue, as well as updating the liquor store signage, as described within the CUP application.</li> </ul> <p>and that the following conditions shall apply:</p> <ul style="list-style-type: none"> <li>• That all previously imposed conditions under City Council Resolution No.'s 06-130, 07-08, 08-22, 17-106, &amp; 19-99 remain in effect.</li> </ul> <p><i>(If the Planning Commission wishes to place additional conditions upon their approval, the following should be added to the motion:)</i></p> <ul style="list-style-type: none"> <li>• _____</li> </ul>
<p><b>Attachments:</b></p>	<ul style="list-style-type: none"> <li>• Copy of the LK Architecture, (on behalf of Wal-Mart Real Estate Business Trust) application and associated documentation.</li> <li>• List of the Planning Commissions CUP Considerations</li> <li>• City Resolution #'s: 06-130, 07-08, 08-22, 17-106, &amp; 19-99</li> <li>• Section 30-531 (CUP's) and Division 14 of City Zoning Code</li> <li>• Site Map</li> </ul>

# Wal-Mart CUP Amendment Request

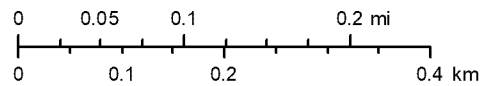


**Area of CUP Amendment Request  
(Red Outline)**

1:7,339

- Tax Parcels (1) - Grand Rapids Tax Parcels
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Red: Red

- Green: Green
- Blue: Blue
- Grand Rapids Tax Parcels
- Surrounding Tax Parcels



City of Grand Rapids

**Secs. 30-513—30-530. Reserved.**

## DIVISION 5. CONDITIONAL USES

**Sec. 30-531. Conditional use permits (CUP).**

(a) *Purpose and intent.* The development and execution of this division is based upon the division of the city into districts within which the regulations are specified. It is recognized, however, that there are special or conditional uses which, because of their unique characteristics, must be considered individually as to their impact upon neighboring land, and the public welfare and their compatibility at the particular location. To provide for these needs the city council may by resolution approve a conditional use permit for those uses and purposes listed and may impose conditions and safeguards in such permits to ensure that the purpose and intent of this division is carried out.

(b) *Application requirements.* An application signed by the landowner for a CUP shall be filed with the zoning administrator together with a filing fee as established by the city council. Such application shall be accompanied by the following information:

- (1) A site plan drawn to scale which shows all dimensions; the location of existing and proposed streets, buildings and parking; the existing and proposed building height and floor area; curb cuts and driveway locations; utilities; loading areas and lighting.
- (2) A drainage plan showing existing and proposed topography and slopes and how surface drainage will be handled.
- (3) A landscape plan as specified in section 30-456.
- (4) Building plans showing elevation drawings and floor plans.
- (5) A written description of the use to be made of the property and buildings including the number of employees, students, etc.
- (6) Any other information, which in the opinion of the zoning administrator, is required to evaluate the application and its consistency with the city comprehensive plan.

(c) *Waiver authority.* The zoning administrator shall have the authority to waive any of the information in subsection (b) of this section not deemed to be necessary and appropriate to evaluate the application.

(d) *Hearing and mailed notices.* The zoning administrator shall cause to be published a notice of the public hearing before the planning commission in the official newspaper at least ten days prior to the hearing date. Notices shall also be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten days prior to the hearing. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with notice requirements was made.

(e) *Planning commission review and recommendation.* The planning commission shall conduct a public hearing on the application and make its recommendation with findings and conditions to the city council within 60 days of receipt of the planning commission's recommendation, to approve or deny the CUP. The council shall not approve a CUP unless it shall find that the establishment, maintenance and operation of the use:

- (1) Will not be detrimental to the public health, safety, morals or general welfare;
- (2) Will not cause undue traffic congestion or hazards and will not result in a parking shortage;
- (3) Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
- (4) Will not impede the orderly development of other property in the area;
- (5) Will not impose an excessive burden on parks and other public facilities and utilities;
- (6) Is consistent with the comprehensive plan.

Approval shall require a majority vote of the city council.

(f) *Conditions and restrictions.* The city council may impose such conditions and restrictions as it deems necessary on the establishment, location, construction, maintenance, operation and duration of the use to ensure compliance with the requirements of this division.

(g) *Resubmission.* No application which has been denied by the city council shall be resubmitted by the applicant for a period of one year following the date of denial by the city council.

(h) *Lapse and extension.* If within one year after the date of issuance the use for which the CUP was issued has not commenced, the CUP shall become null and void. If the applicant requests an extension in writing within one year after issuance, the city council shall conduct a public hearing and consider an extension utilizing the same notice procedures as required for the original application. The city council may extend the CUP for up to one year upon finding that:

- (1) A good faith effort has been made to use the permit;
- (2) There is reasonable expectation that there will be uses; and
- (3) The facts upon which the original permit was issued are essentially unchanged.

(i) *Periodic review.* If periodic review is imposed as a condition of a CUP, the CUP shall be reviewed at a public hearing prior to the expiration of the review period. It shall be the responsibility of the zoning administrator to schedule the public hearing and inform the owner of the review. A fee shall not be required to be paid.

(j) *Revocation.* If any person is found in violation of any condition or restriction imposed by the city council, the city may revoke such CUP utilizing the procedures established in this division.

(k) *Special considerations for shoreland areas.* The following additional evaluation criteria and conditions apply within shoreland areas:

- (1) *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - b. The visibility of structures and other facilities as viewed from public waters is limited;
  - c. The site is adequate for water supply and on-site sewage treatment; and
  - d. 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 watercraft.
- (2) *Conditions attached to conditional use permits.* The city council, upon consideration of the criteria listed in subsection (k)(1) of this section and the purposes of this division, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this division. Such conditions may include, but are not limited to, the following:
  - a. Increased setbacks from the ordinary high water level;
  - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
  - c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(Code 1978, § 23.5(I); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**State law reference**—Conditional use permits, Minn. Stat. § 462.3595.

**Sec. 30-532. Uses permitted by conditional use permit (CUP).**

The following uses or any expansion of an existing use requiring a CUP shall require the issuance by the city of a CUP. Each such use shall comply with these stated conditions.

- (1) *Manufactured home parks.* Manufactured home parks have special characteristics which require the full consideration of their location needs, layout and design, and their relationship to and effect upon surrounding land uses. Because of these characteristics, manufactured home parks are permitted within the R-2, SR-2, R-3, SR-3, R-4, SR-4, LB, SLB, MU and SMU districts subject to all of the following conditions:
  - a. *Site development requirements.*
    1. Location. The site shall have at least one property line abutting an arterial or collector street as defined by the city comprehensive plan.
    2. Minimum site area: Ten acres.



to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

(Code 1978, § 23.17(J); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Secs. 30-810—30-899. Reserved.**

**DIVISION 14. LARGE SCALE COMMERCIAL DEVELOPMENT STANDARDS**

**Sec. 30-900. Purpose and intent.**

(a) *Purpose.* The purpose of these standards are to ensure large scale commercial development is to provide compatible design, size and layout considerations to the unique built and natural environment of Grand Rapids.

(b) *Intent.* The intent of these development standards is to provide standards that influence building and site design of large scale development that creates a smaller scale, feel and relationship to the small town atmosphere of Grand Rapids. Large scale commercial development has the potential to distract, disrupt or adversely impact the natural and built environment of Grand Rapids and the surrounding area. When properly implemented, the standards contained in this section minimize impacts to better integrate these developments within the context of the community. This section establishes standards that regulate the location, appearance and function of buildings; off-street parking and circulation; vehicular and pedestrian access; loading areas; yard spaces; and preservation of natural site amenities. It is not the intent of the City of Grand Rapids to unnecessarily over-regulate large scale commercial development when these uses provide retail services and create market dynamics that are a benefit to the greater good of Grand Rapids and its market area.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-901. Applicability.**

(a) *New large scale commercial development.* The standards contained in this section apply to commercial development that has a building footprint area exceeding 70,000 square feet.

(b) *Existing large scale commercial development.* When triggered by occupation; change in use; building enlargement, expansion, or modification; or site modifications to commercial development with building footprints exceeding 70,000 square feet, the provisions of Section 30-458 are applicable.

(c) *Procedure.* All commercial development meeting the applicability criteria of this section will be reviewed by the conditional use permit process contained in Section 30-531.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-902. Site design standards.**

The following section outlines the guidelines and standards required for large scale commercial development within the City of Grand Rapids. The following site and building design standards present the objectives for development with regards to site planning and building design.

- (1) *Site planning.* Site planning as it relates to the commercial and community context shall be considered. Buildings shall be located to relate to adjacent streets, other adjacent commercial development, residential neighborhoods, and community features. Grand Rapids has a wealth of natural features which need proper attention and consideration during the site planning process. These features create intrinsic site value when properly integrated into development planning by providing opportunities to create outdoor spaces that convey community identity.
- (2) *Building setbacks.* Building setbacks are as required by applicable zoning districts.
- (3) *Parking and vehicular circulation.*
  - a. Standards for minimum and maximum parking space ratios, parking lot space sizes and design, and interior landscaping are applicable.
  - b. The distribution of parking spaces shall be arranged to provide convenient vehicular and pedestrian movement. Consideration for the distance from the furthest parking space to building entries shall be given as well as the route by which people walk from their car to the building entry.
  - c. Off-street parking spaces shall be located in two yard spaces. This standard may be relaxed if:
    1. The majority of parking area is screened by natural vegetation or outlot development sites.
    2. Parking in only one yard space will preserve features of the site that can be considered as site amenities.
  - d. A traffic study shall accompany the application showing the proposed amount of traffic generated by the development and its impact on surrounding roadways including existing and proposed levels of service at intersections. The developer shall consult with city staff to establish parameters of study and its scope.
  - e. Parking lots shall incorporate other natural features, design elements, or functional elements such as stormwater management systems internally within the parking lot to break up the parking lot into smaller areas to minimize negative visual impacts.
  - f. Driveways and isles shall be located in a manner to relate to surrounding roadway systems, driveways serving adjacent development, and other land uses that may be negatively impacted by high levels of traffic.
  - g. Differing pavement surfaces shall be used to define vehicle isles and pedestrian walkways and crossing areas.

- h. Pedestrian walkways shall be incorporated into the parking lot to minimize potential conflicts with vehicles.
- (4) *Pedestrian and bicycle circulation*
- a. Sidewalks and/trails shall be provided along the all sides of the site perimeter with street frontage. Trails shall be provided as needed to connect the site to community trail systems and/or link to natural site amenities. Widths and locations of the sidewalks and trails shall be determined by their intended use and guided by the city.
  - b. Bicycle racks shall be provided in close proximity to building entrances.
- (5) *Landscaping and screening*
- a. Minimum standards for tree preservation and landscaping shall apply as regulated in sections 30-594 and 30-595.
  - b. Special landscaping attention shall be given to loading areas. Buffering techniques that incorporate berming shall be used when adjacent to residential areas if a building entrance is not present.
  - c. Mature trees along the perimeter of the site shall be preserved to create development "rooms" that aid to minimize the scale of development.
  - d. Additional landscaping to minimize the impacts of large parking areas and building size shall be provided as determined necessary by the city.
- (6) *Community spaces.* Sites should provide attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Pedestrian ways should be anchored by special design features such as towers, arcades, porticoes, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building as integral parts of the community fabric. Other features to be considered for site amenities include patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the City, adequately enhances such community and public spaces.
- (7) *Walls and fences.* Walls and fencing may be used in cases where natural landscaping is not adequate for screening purposes. Fencing materials and design shall relate to the building design and character when used. Additional landscaping treatment may be required to soften the fence from public view.
- (8) *Outdoor storage, trash collection and loading.* Loading areas and outdoor storage areas exert visual and noise impacts on surrounding development and residential areas. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate

these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. In addition, the following standards apply:

- a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way or residential areas.
- b. All storage, collection, and compaction of trash shall occur within the principal building.
- c. Loading docks, truck parking, utility meters, HVAC equipment, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

(9) *Shopping cart management.* Defined areas for the storage of shopping carts shall be provided. Overnight outdoor storage within parking lots shall not be permitted.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

### **Sec. 30-903. Building design standards.**

The size of large commercial buildings can have a positive or negative impact on community character. By identifying appropriate building design standards for large commercial development, these buildings can become community assets that help promote the image, identity and economy of Grand Rapids. By encouraging designs that play down size, relate to community character and provide a human scale, provide a higher probability of producing positive benefits to the community including their eventual reuse.

- (1) *Building width and facade.* The building width and facade treatment may be the most important design considerations as they convey first and lasting impressions of the development. Long building facades with no articulation can present a generic low quality image. Grand Rapids development character needs to reinforce smaller scale character elements that have a greater degree of human scale. The following standards shall apply to building facades and exterior walls.
  - a. For exterior walls that front on a public street, the facade shall be articulated so that there are projections and recesses every 100 feet. The minimum projection and recess shall be 5 feet.

- b. *Materials and colors.* Buildings shall incorporate high quality materials that provide long term durability and design appeal. Concrete cinder block and metal siding are prohibited on building facades that face public streets. Facade colors shall be low reflectance and subtle. High intensity colors are prohibited but complementary colors that accent primary colors are acceptable.
  - c. *Building height.* As prescribed by the zoning district.
  - d. *Rear facades.* Rear facades or facades not fronting public streets should be designed to compliment the front facade.
  - e. *Entries and window treatment*
    - 1. Buildings shall incorporate canopies, awnings, or porticos that clearly identify building entry locations. The size and design of these treatments shall integrate with the overall building architecture.
    - 2. Windows should be incorporated into street facing facades except for those facades that are loading areas. Windows shall have functional two-way glass.
  - f. *Roof treatment.* Variations in roof lines should be used to add interest to and reduce the massive scale of large buildings. Rooftop equipment shall be designed to blend into the building or be concealed through the use of features such as parapets, mansard roofs, gable roofs, hip roofs, or dormers.
  - g. *Signage.* Signage both wall and freestanding, shall be consistent with the over all building design character. Sign area and height shall be as prescribed in division 10, article VI.
  - h. *Lighting.* A comprehensive lighting plan shall be developed for building and site lighting. Lighting shall not produce unnecessary glare or light pollution.
- (Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-904. Other requirements.**

The following shall also be required:

- (1) *Adaptability for reuse plan.*
  - a. The building design for a retail use shall demonstrate how the building is designed for adaptation to a multi-tenant building in the event of the abandonment of the large scale commercial store. The design may include, but is not limited to, compartmentalized construction, including plumbing, electrical, service, heating, ventilation, air conditioning and wall placement. The plans shall also demonstrate how the exterior of the building can be divided into separate tenancies, facades can be adapted to separate entrances, parking can be shared, and the exterior can be maintained as a multi-tenant building.
  - b. When a business relocates to another building, the owner shall not place restrictions on the use or occupancy of the previously occupied property through the use of deed restrictions, covenants, or other means which would encumber the

property's reuse in the open market. Every attempt shall be made by the owner to sell or lease the building to a use(s) allowed under zoning district requirements without prohibition of similar uses that may pose competition.

- (2) *Environmental review.* Large scale commercial development with buildings over 125,000 square feet are required to prepare an Environmental Assessment Worksheet (EAW) as prescribed by Minnesota Rules Chapter 4410. The city will serve as the responsible governmental unit (RGU) for review of the EAW unless otherwise assigned.

(Ord. No. 05-05-08, 5-18-2005; Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Secs. 30-905—30-949. Reserved.**

DIVISION 15. TELECOMMUNICATIONS TOWERS AND FACILITIES

**Sec. 30-950. Purpose and intent.**

(a) The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum.

(b) Consistent with the Act, the regulation of towers and telecommunications facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services. The general purpose of this section is to regulate the placement, construction, and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. In addition, this section recognizes the contractual control for the purpose of preserving public health, safety, and welfare that can be exercised over telecommunications facilities when those facilities are located on property owned or controlled by governmental entities. Specifically, the purposes of this section are:

- (1) To regulate the location of telecommunication towers and facilities;
- (2) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
- (3) To minimize adverse visual impacts of telecommunication towers and facilities through design, site, landscaping, and innovative camouflaging techniques;
- (4) To promote and encourage shared use and collocation of telecommunication towers and antenna support structures;



INDICATES EIFS  
RESURFACING, REF  
EIFS SPECIFICATION

SIGN  
IN

0' - 0"  
TOS

127' - 4"  
TOM

STONE VENEER  
ETR, TYP.

P134E  
CAP

114' - 9"

BO SIGN

111' - 1"

BO SIGN

100' - 0"

FF EL

NEW SIGN, REF 16-A2.1

NEW SIGN, REF 17-A2.1

EQ EQ

EQ

Pickup

Wine & Spirits

P205E

P134E

CAP

P134E

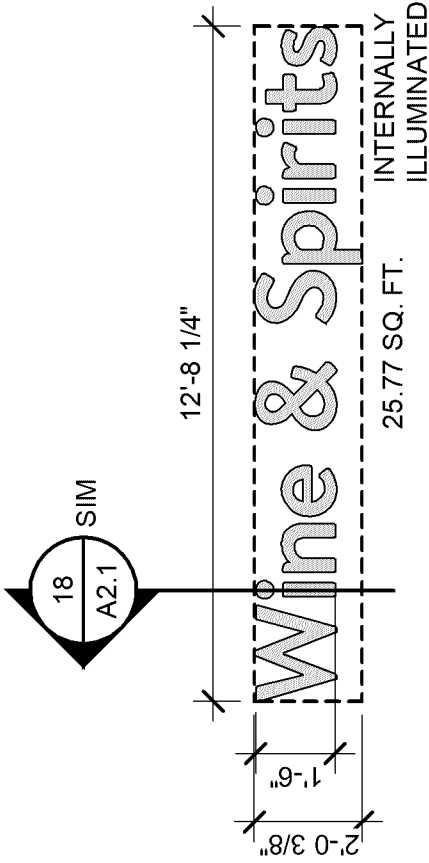
# FRONT ELEVATION

1" = 20'-0"

1







# 17 1'-6" SIGNAGE

17  
1/4" = 1'-0"

ERIOR PLYWOOD

ING

ERIMETER AND  
REMOTE POWER  
OSURE BY SIGN

ER SUPPLY  
ROVIDED AND  
SIGN CONTRACTOR

PLYWOOD

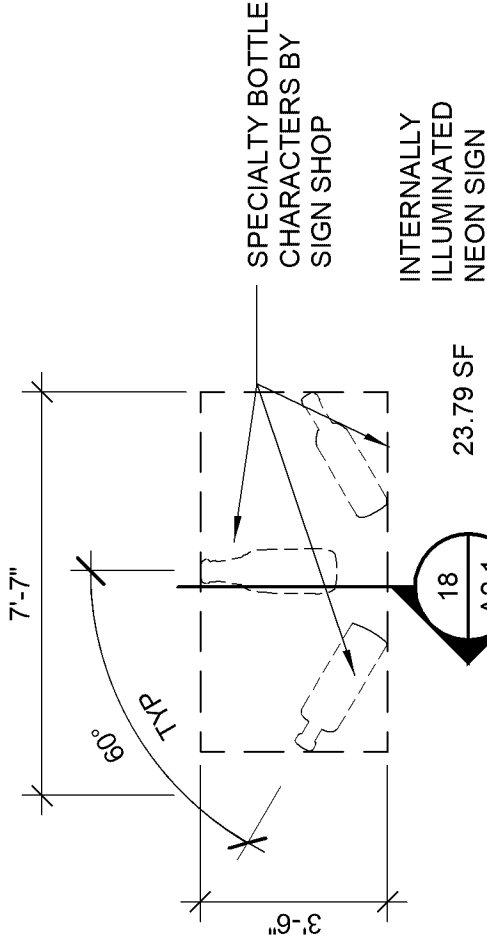
ING

ERIMETER AND  
REMOTE POWER  
OSURE BY SIGN

WIRE INSTALLED BY  
CTOR

BHT FLEXIBLE METAL  
UILDING GENERAL  
REF 3-A4.1 FOR

17  
1/4" = 1'-0"



# 16 BOTTLE SPARK SIGNAGE

16  
1/4" = 1'-0"

SPECIALTY BOTTLE  
CHARACTERS BY  
SIGN SHOP

INTERNALLY  
ILLUMINATED  
NEON SIGN

23.79 SF

1/4" = 1'-0"

Councilmember Erkkila introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 06-130**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, APPLIED FOR BY WAL-MART STORES INC., FOR THE CONSTRUCTION OF A PROPOSED WAL-MART SUPERCENTER, A GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) USE, TO BE LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF TRUNK HWY. 169 AND 29<sup>TH</sup> ST. SE.**

WHEREAS, a petition was received for a Conditional Use Permit (CUP) for the purpose of allowing the establishment of a General Sales and Service (greater than 70,000 sq. ft. building footprint) use, on property legally described within an application submitted by Wal-Mart Stores Inc. on November 15, 2006 and generally located on vacant land located at the southeast quadrant of the intersection of Trunk Hwy. 169 and 29<sup>th</sup> St. SE.; and

WHEREAS, the Planning Commission reviewed the request for a CUP and conducted a public hearing on this request on November 28, 2006, and all were heard who wished to speak on the matter; and

WHEREAS, the Planning Commission made certain findings that the request for a CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Code if certain conditions were applied; and

WHEREAS, the Planning Commission recommended approval of the CUP with the following conditions:

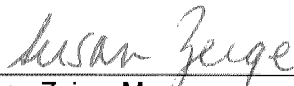
- (1) A requirement for City Council approval of the requested text amendments to the Zoning Ordinance revising parking requirements for the Retail Sales and Service (not listed) use.
- 1a) A requirement that the pedestrian walkway within the landscaped island extending the depth of the parking lot in front of the general merchandise vestibule from its proposed width of 5 feet to a width of 7 feet.
- (1b) A requirement that the crosswalk at the west end of the pedestrian walkway within the landscaped island extending the depth of the parking lot in front of the general merchandise vestibule be appropriately delineated with signage.
- (2) A requirement that the preserved trees and the proposed landscaping between these areas along Hwy 169 be permanently preserved by including those areas within a conservation easement
- (3) A requirement that the proposed pylon and monument signs incorporate architectural elements such as the cultured ledgerstone, as used on the building façade, in their construction

WHEREAS, the City Council, upon review of the minutes, findings and conditions of the Planning Commission, accepts and specifically adopts the findings and recommendation of the Planning Commission; that the establishment, maintenance and operation of the use contemplated by the proposed CUP:


1. Will not be detrimental to the public health, safety, morals or general welfare;
2. Will and will not cause undue traffic congestion or hazards and will not result in a parking shortage;
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
4. Will not impede the orderly development of other property in the area;
5. Will not impose an excessive burden on parks and other public facilities and utilities;
6. Is consistent with the Comprehensive Plan

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that a Proposed Conditional Use Permit be granted to Wal-Mart Stores Inc. to allow the construction of a proposed Wal-Mart SuperCenter Store, on property legally described with the CUP application, as depicted within that application, subject to the conditions listed above.

Adopted by the Council this 4<sup>th</sup> day of December 2006.

  
\_\_\_\_\_  
Susan Zeige, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen Alto, Interim City Clerk

Councilmember Schlauderaff seconded the foregoing resolution and the following voted in favor thereof Driscoll, Erkkila, Schlauderaff, Zeige, and the following voted against same; Drake, whereby the resolution was declared duly passed and adopted.

Councilmember Adams introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 07-08**

**A RESOLUTION GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT, PREVIOUSLY APPROVED UNDER CITY COUNCIL RESOLUTION 06-130 FOR A PROPOSED WAL-MART SUPERCENTER, A GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) USE, TO BE LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF TRUNK HWY. 169 AND 29<sup>TH</sup> ST. SE.**

WHEREAS, a petition was received from Wal-Mart Stores Inc. on January 18<sup>th</sup>, 2007 for an amendment to a Conditional Use Permit (CUP) previously approved by the City Council under Resolution 06-130; and

WHEREAS, the requested amendment is necessary because the petitioner, Wal-Mart Stores Inc., wishes to change the building and site plans for the proposed Wal-Mart Supercenter already approved under said resolution; and

WHEREAS, the change to the building and site plans would increase the building size from the originally approved footprint of 182,662 s.f. to a proposed footprint of 187,443 in order to incorporate a tire/lube/auto service express component to the proposed retail; and

WHEREAS, the Planning Commission reviewed the request to amend the CUP and conducted a public hearing on this request on February 1<sup>st</sup>, 2007, and all were heard who wished to speak on the matter; and

WHEREAS, the Planning Commission made certain findings that the amended CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Code if those same conditions, as applied to the original CUP under Resolution 06-130, remained in effect; and

WHEREAS, the Planning Commission recommended approval of the amended CUP with the following, previously approved conditions applying:

- (1) A requirement for City Council approval of the requested text amendments to the Zoning Ordinance revising parking requirements for the Retail Sales and Service (not listed) use.
- 1a) A requirement that the pedestrian walkway within the landscaped island extending the depth of the parking lot in front of the general merchandise vestibule from its proposed width of 5 feet to a width of 7 feet.
- (1b) A requirement that the crosswalk at the west end of the pedestrian walkway within the landscaped island extending the depth of the parking lot in front of the general merchandise vestibule be appropriately delineated with signage.
- (2) A requirement that the preserved trees and the proposed landscaping between these areas along Hwy 169 be permanently preserved by including those areas within a conservation easement
- (3) A requirement that the proposed pylon and monument signs incorporate architectural elements such as the cultured ledgerstone, as used on the building façade, in their construction

WHEREAS, the City Council, upon review of the minutes, findings and conditions of the Planning Commission, accepts and specifically adopts the findings and recommendation of the Planning Commission; that the establishment, maintenance and operation of the use contemplated by the proposed amended CUP:


1. Will not be detrimental to the public health, safety, morals or general welfare;
2. Will and will not cause undue traffic congestion or hazards and will not result in a parking shortage;
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
4. Will not impede the orderly development of other property in the area;
5. Will not impose an excessive burden on parks and other public facilities and utilities;
6. Is consistent with the Comprehensive Plan

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that an amended Conditional Use Permit be granted to Wal-Mart Stores Inc. to allow the construction of a proposed Wal-Mart SuperCenter Store, on property legally described within the CUP application, as depicted within that application, subject to the conditions listed above.

Adopted by the Council this 12<sup>th</sup> day of February 2007.

  
\_\_\_\_\_  
Dale Adams, Mayor Pro-Tem

ATTEST:

  
\_\_\_\_\_  
Karen Alto, Interim City Clerk

Councilmember Schlauderaff seconded the foregoing resolution and the following voted in favor thereof Adams, Erkkila, Schlauderaff, Adams, Millis; and the following voted against same: None; whereby the resolution was declared duly passed and adopted.

Councilmember Adams introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 08-22**

**A RESOLUTION GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT, PREVIOUSLY APPROVED UNDER CITY COUNCIL RESOLUTION 06-130 AND AMENDED UNDER CITY COUNCIL RESOLUTION 07-08 FOR A WAL-MART SUPERCENTER, A GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) USE, LOCATED ON LOT 1, BLOCK 1, WAL-MART GRAND RAPIDS ADDITION**

WHEREAS, a petition was received from Wal-Mart Stores Inc. on January 23<sup>rd</sup>, 2008 requesting an amendment to a Conditional Use Permit (CUP) previously approved by the City Council under Resolution 06-130, and amended under City Council Resolution 07-08; and

WHEREAS, the amendment requested by Wal-Mart Stores, Inc. seeks approval of changes in both the exterior building façade color scheme as well as the type, color, and amount of exterior building signage and monument signage; and

WHEREAS, the change to the color on both the exterior building façade and the monument sign as well a net reduction in building signage are requested in order to fulfill a corporate wide "rebranding" strategy recently undergone by Wal-Mart Stores; and

WHEREAS, the Planning Commission reviewed the request to amend the CUP and conducted a public hearing on this request on February 7<sup>th</sup>, 2008, and all were heard who wished to speak on the matter; and

WHEREAS, the Planning Commission made certain findings that the requested amendments to the CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Code if those same conditions, as applied to the original CUP under Resolution 06-130 and amended under Resolution 07-08, remained in effect; and


WHEREAS, based upon their findings, the Planning Commission recommended approval of the amended CUP with a condition that all previously imposed conditions under City Council Resolution 06-130 & 07-08, remain in effect:

WHEREAS, the City Council, upon review of the minutes, findings and conditions of the Planning Commission, accepts and specifically adopts the findings and recommendation of the Planning Commission; that the establishment, maintenance and operation of the use contemplated by the proposed amended CUP:

1. Will not be detrimental to the public health, safety, morals or general welfare;
2. Will not cause undue traffic congestion or hazards and will not result in a parking shortage;
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
4. Will not impede the orderly development of other property in the area;
5. Will not impose an excessive burden on parks and other public facilities and utilities;
6. Is consistent with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that an amended Conditional Use Permit is granted to Wal-Mart Stores, Inc. to allow the proposed Wal-Mart SuperCenter, on property legally described as Lot 1, Block 1, Wal-Mart Grand Rapids Addition, and as depicted within the application, subject to the conditions within City Council Resolutions 06-130 and 07-08.

Adopted by the Council this 11<sup>th</sup> day of February 2008.

  
\_\_\_\_\_  
Jim Millis, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen Alto, Interim City Clerk

Councilmember Erkkila seconded the foregoing resolution and the following voted in favor thereof Adams, Erkkila, McInerney, Millis; and the following voted against same, None; whereby the resolution was declared duly passed and adopted.

62-14  
21985

PAGES: 2  
REC FEES: \$46.00  
CERTIFICATE #: 21985  
BOOK #: 62  
PAGE #: 14

CERTIFIED AND FILED ON  
11/15/2017 3:19:48 PM

NICOLLE ZUEHLKE  
REGISTRAR OF TITLES

BY AC Dep



Councilor Zeige introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 17-106**

**A RESOLUTION GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT, PREVIOUSLY APPROVED UNDER CITY RESOLUTION 06-130 FOR A WAL-MART SUPERCENTER, A GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) USE, LOCATED ON LOT 1, BLOCK 1, PLAT OF WAL-MART GRAND RAPIDS**

WHEREAS, a petition was received from WD Partners, on behalf of Wal-Mart Real Estate Business Trust on October 5, 2017 requesting an amendment to a Conditional Use Permit (CUP) previously approved by the City Council under Resolution #06-130, and amended under City Resolutions #07-08 and #08-22; and

WHEREAS, the amendment requested by Wal-Mart Real Estate Business Trust would allow for an 18' X 72' covered parking canopy structure (for an On-line Ordering Pick-up Program) to be added to the southeast corner of the property, and the addition of an orange accent color & "Pickup" related signage, to a portion of the southwest corner of the Wal-Mart building all on property legally described as:

*Lot 1, Block 1, Plat of Wal-Mart Grand Rapids, Itasca County, Minnesota;*

WHEREAS, the Planning Commission reviewed the request to amend the CUP and conducted a public hearing on this request on November 2, 2017, and all were heard who wished to speak on the matter; and

WHEREAS, the Planning Commission made certain findings that the requested amendment to the CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Zoning Ordinance contingent on the following conditions;

1. That in the event the City, or designated contractor, is not able to access the water line, for maintenance/replacement purposes, in the area around and/or under the proposed parking canopy, the canopy would be promptly removed and reinstalled at the property owners expense to permit access.
2. That all previously imposed conditions under City Resolution No.'s 06-130, 07-08 & 08-22 remain in effect.

WHEREAS, the City Council, upon review of the minutes, findings and conditions of the Planning Commission, accepts and specifically adopts the findings and recommendation of the Planning Commission; that the establishment, maintenance and operation of the use contemplated by the proposed amended CUP:

1. Will not be detrimental to the public health, safety, morals or general welfare;
2. Will not cause undue traffic congestion or hazards and will not result in a parking shortage;
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
4. Will not impede the orderly development of other property in the area;
5. Will not impose an excessive burden on parks and other public facilities and utilities;
6. Is consistent with the Comprehensive Plan.

A/R - City GR

RECEIVED-OTC NOV 15 2017 2



NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that an amended Conditional Use Permit is granted to Wal-Mart Real Estate Business Trust to allow the proposed Wal-Mart SuperCenter, on property legally described as; *Lot 1, Block 1, Plat of Wal-Mart Grand Rapids, Itasca County, Minnesota*, as depicted within the CUP application, subject to the conditions listed above.

Adopted this 13<sup>th</sup> day of November, 2017

  
Dale C. Adams, Mayor

Attest:

  
Kimberly Gibeau, City Clerk

Councilor Blake seconded the foregoing resolution and the following voted in favor thereof: Blake, Zeige, Adams; and the following voted against same: None, whereby the resolution was declared duly passed and adopted.

This document was drafted by:  
Eric Trast, Community Development Specialist  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744

62-14  
21985

**T000066035**  
**OFFICE OF THE REGISTRAR OF TITLE**  
**ITASCA COUNTY, MINNESOTA**

**PAGES:** 2  
**REC FEES:** \$46.00  
**CERTIFICATE #:** 21985  
**BOOK #:** 62  
**PAGE #:** 14

**CERTIFIED AND FILED ON**  
**10/31/2019 11:16:19 AM**

**NICOLLE ZUEHLKE**  
**REGISTRAR OF TITLES**

BY NZ Dep



Councilor Connelly introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 19-99**

**A RESOLUTION GRANTING A FOURTH AMENDMENT TO A CONDITIONAL USE PERMIT, PREVIOUSLY APPROVED UNDER CITY RESOLUTION 06-130 FOR A WAL-MART SUPERCENTER, A GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) USE, LOCATED ON LOT 1, BLOCK 1, PLAT OF WAL-MART GRAND RAPIDS**

WHEREAS, a petition was received from LK Architecture, on behalf of Wal-Mart Real Estate Business Trust on September 17, 2019 requesting an amendment to a Conditional Use Permit (CUP) previously approved by the City Council under Resolution #06-130, and amended under City Resolutions #07-08, #08-22 and #17-106; and

WHEREAS, the amendment requested by Wal-Mart Real Estate Business Trust would allow for the updating of the building's current exterior paint colors, from the existing earth tone color scheme, to the current Wal-Mart brand standard of neutral grey with blue accent, and additionally, the updating of existing building signage on the Wal-Mart building all on property legally described as:

*Lot 1, Block 1, Plat of Wal-Mart Grand Rapids, Itasca County, Minnesota;*

WHEREAS, the Planning Commission reviewed the request to amend the CUP and conducted a public hearing on this request on October 17, 2019, and all were heard who wished to speak on the matter; and

WHEREAS, the Planning Commission made certain findings that the requested amendment to the CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Zoning Ordinance contingent on the following condition;

1. That all previously imposed conditions under City Resolution No.'s 06-130, 07-08, 08-22 and 17-106 remain in effect.

WHEREAS, the City Council, upon review of the minutes, findings and conditions of the Planning Commission, accepts and specifically adopts the findings and recommendation of the Planning Commission; that the establishment, maintenance and operation of the use contemplated by the proposed amended CUP:


1. The amendment will not be detrimental to the public health, safety, morals or general welfare, as it is only changing the building color;
2. The amendment will not cause undue traffic congestion or hazards and will not result in a parking shortage;
3. The amendment will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area, as it will improve the appearance of the building, and add value to the area with the investment in the property;
4. The amendment will not impede the orderly development of other property in the area, but through Wal-Mart investing in their property/building, others may invest in their properties;
5. The amendment will not impose an excessive burden on parks and other public facilities and utilities;
6. Is consistent with the Comprehensive Plan, by promoting orderly development.

RECEIVED-OTC OCT 31 2019

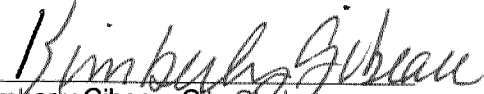
AR City of Grand Rapids

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that an amended Conditional Use Permit is granted to Wal-Mart Real Estate Business Trust to allow the proposed Wal-Mart SuperCenter, on property legally described as; *Lot 1, Block 1, Plat of Wal-Mart Grand Rapids, Itasca County, Minnesota*, as described above and listed within the CUP application, and additionally, subject to the condition listed above.

Adopted by the Council this 28<sup>th</sup> day of October 2019.

  
Dale Adams, Mayor

ATTEST:

  
Kimberly Gibeau, City Clerk

Councilor Christy seconded the foregoing resolution and the following voted in favor thereof Toven, Christy, Connelly, Blake; and the following voted against same: None; whereby the resolution was declared duly passed and adopted.

This document was drafted by:  
Eric Trast, Community Development Specialist  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744





CITY OF  
GRAND RAPIDS  
IT'S IN MINNESOTA'S NATURE

## Grand Rapids Planning Commission

*Grand Rapids, MN – City Hall*

---

### **RULES FOR A PUBLIC HEARING**

1. After the Chairperson opens the Public Hearing, background on the issue at hand will be given by our Community Development Department Staff and by other presenters.
2. Anyone who wishes to address the Commission about the issue may do so, and all who wish to speak will be heard. Please step to the lectern to use the microphone, and state your name and address for the public record. **These Proceedings are recorded.** Please keep your comments relative to the issue. Please keep in mind that you are addressing the Planning Commission, not debating others in the audience who may have conflicting viewpoints. At all times, be courteous and refrain from interrupting any other speaker present on the floor.
3. After everyone has spoken, the Public Hearing will be closed. At this point, Planning Commissioners may ask clarifying questions from citizens and presenters.
4. The Chairperson will go through the legal Considerations for the Issue of the Public Hearing, after which the Commissioners will vote on the issue.

**PLANNING COMMISSION**  
**CONSIDERATIONS**  
**CONDITIONAL USE PERMIT**

1. Will not be detrimental to the public health, safety, morals, or general welfare?  
Why/Why not?
  
2. Will not cause undue traffic congestion or hazards and will not result in a parking shortage?  
Why/Why not?
  
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area?  
Why/Why not?
  
4. Will not impede the orderly development of other property in the area?  
Why/Why not?
  
5. Will not impose an excessive burden on parks and other public facilities and utilities?  
Why/Why not?
  
6. Is consistent with the Comprehensive Plan?  
Why/Why not?



**Conditional Use Permit Application**  
 Community Development Department  
 420 North Pokegama Ave.  
 Grand Rapids, MN 55744  
 Tel. (218) 326-7601 Fax (218) 326-7621  
 Web Site: www.cityofgrandrapidsmn.com

Community Development  
 Office Use only  
 Date Received: 3/13/2020  
 Certified Complete: 3/13/20  
 Fee Paid: 1505

The undersigned do hereby respectfully request the following be granted by support of the following facts herein shown:

<u>Sequius De la Torre - LK Architecture</u>	<u>Walmart R.E. Business Trust</u>
Name of Applicant	Name of Owner
<u>345 Riverview, Suite 200</u>	<u>702 SW Eighth Street</u>
Address	Address
<u>Wichita KS 67203</u>	<u>Bentville AR</u>
City State Zip	City State Zip
<u>(316) 268-0230 / sdela Torre@lk-architecture.com</u>	<u>jeramy.murphy@walmart.com</u>
Business Telephone/e-mail address	Business Telephone/e-mail address

**Parcel Information:**

Tax Parcel # <u>91-718-0110</u>	Existing Zoning: <u>GB</u>
Existing Use: <u>M - Mercantile</u>	Proposed Use: <u>No Change</u>
Property Size: _____	_____
Property Address / Legal Description: <u>100 SE 29th Street</u>	
(attach additional sheet if necessary)	

**Permit Type:**

The following type of Conditional Use Permit is, hereby, requested:

- Mobile Home Parks
- Mining of Sand and Gravel (> 2year)
- Heavy Mining
- Interim Use of Buildings
- Group and Foster Homes (7-8 residents in R-1 and R-2)
- Bed and Breakfast Accommodations (up to 5 guest rooms/10 persons in R2)
- Essential Service Structure (within any residential zone or CBD)
- General Sales and Service (greater than 70,000 sq. ft. building footprint)
- Telecommunication Towers and Facilities
- Primary, Secondary, and Post High schools in R districts
- Junk and Salvage Operations
- Land Reclamation
- CUP Amendment

I (we) certify that, to the best of my (our) knowledge, information, and belief, all of the information presented in this application is accurate and complete and includes all required information and submittals, and that I consent to entry upon the subject property by public officers, employees, and agents of the City of Grand Rapids wishing to view the site for purposes of processing, evaluating, and deciding upon this application.

<u>[Signature]</u>	<u>02/24/2020</u>
Signature(s) of Applicant(s)	Date
<u>[Signature] ON BEHALF OF WALMART</u>	<u>2/24/20</u>
Signature(s) of Owner(s) (If other than applicant)	Date

**Required Submittals: 1 Set (electronic copies required):**

- Application Fee - \$505.00
- Site Plan *(as per 30-531b1)*
- Drainage Plan *(as per 30-531b2)*
- Landscape Plan *(as per 30-531b3)*
- Building Plans *(as per 30-531b4)*
- Written description of proposed use *(as per 30-531b5)*

**Additional Required Submittals, if applicable:**

If the proposed use is classified as General Sales and Service (greater than 70,000 sq. ft. building footprint), and is, thus, regulated by Division 14, Article IV, Chapter 30 of the Grand Rapids City Code, the following additional submittals are required:

- Application Fee – Total Actual Cost Incurred by the City (\$3,500.00 deposit required via escrow agreement)
- Traffic Study *(as per 30-902c4)*
- Written explanation of how the proposed development adheres to the individual elements of the Site Design Standards in 30-902, and the Building Design Standards in 30-903.
- The Landscaping Plan required under 30-531b3 shall include sufficient detail to demonstrate the proposed developments compliance with 30-902e.
- The Site Plan required under 30-531b4 shall include sufficient detail to demonstrate the proposed developments compliance with sections: 30-902a, 30-902b, 30-902c, 30-902d, 30-902f, 30-902g, 30-902h, and 30-902i.
- The Building Plans required under 30-531b4 shall include sufficient detail to demonstrate the proposed developments compliance with sections 30-903a through 30-903h.
- Adaptability for Reuse Plan *(as per 30-904a1)*
- Environmental Assessment Worksheet, if applicable, *(as per 30-904b)* and RGU Notice of Decision – Negative Declaration, or, if the RGU Notice of Decision on the EAW is a Positive Declaration, a copy of the Environmental Impact Statement and RGU Notice of Adequacy.

**Findings for Approval:**

In accordance with Section 30-531e of the Grand Rapids City Code, the City Council shall not approve a Conditional Use Permit unless it shall find that the establishment, maintenance and operation of the use:

- Will not be detrimental to the public health, safety, morals and general welfare;
- Will not cause undue traffic congestion, or hazards and will not result in a parking shortage;
- Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
- Will not impede the orderly development of other property in the area;
- Will not impose an excessive burden on parks and other public facilities and utilities;
- Is consistent with the Comprehensive Plan.

In addition to the general requirements for all Conditional Use Permit listed above, the City Council will also consider the requirements specific to each designated conditional use as contained within the Grand Rapids City Code.

The attached Section 30-531 of the Grand Rapids City Code provides additional detail with respect to Conditional Use Permit process.

**Additional Instructions:**

Prior to submitting your Conditional Use Permit Application, you will need to arrange for one or more preliminary meetings with the Director of Community Development. This meeting is intended to ensure that the proposed application is complete, to answer any questions the applicant may have, discuss meeting schedules and, if applicable, the scope of the required submittals.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

Complete applications shall be submitted to the Community Development Department one month prior to the Planning Commission's review of the CUP. More information may be requested by the City of Grand Rapids Planning Commission or City Council, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.



345 Riverview, Suite 200  
Wichita, Kansas 67203  
T 316.268.0230  
F 316.268.0205  
LK-Architecture.com

March 20, 2020

City of Grand Rapids  
Community Development Department  
420 North Pokegama Ave.  
Grand Rapids, MN 55744

Attention: Eric Trast, Community Development Specialist

Dear Trast.

Our company, LK Architecture on behalf of the property owner, Walmart RE Business Trust. is submitting this letter to respectfully request the changes of the exterior colors and signage update of the liquor store adjacent to building located at 100 SE 29th Street, Parcel # 91-718-0110.

The request includes updating exterior paint color from a dark gray, to the current brand standard for the liquor store of dark blue and updating the existing signage to the current brand standard.

The new scheme color will provide a new design appeal, with high quality materials to the building; incorporating subtle complementary colors complying with city ordinance.

Please contact me at (316) 268-0230 or [sdelatorre@lk-architecture.com](mailto:sdelatorre@lk-architecture.com) should you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read 'Sequius De la Torre'.

Sequius De la Torre  
Project Manager



This record is currently unavailable.

This record is currently unavailable.

This record is currently unavailable.

This record is currently unavailable.

This record is currently unavailable.