

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Thursday, June 6, 2019

4:00 PM

Grand Rapids Area Library

Planning Commission

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

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

19-0361 Approve the minutes of the May 2, 2019, 4:00 pm meeting.

Attachments: [May 2, 2019 Planning Commission Mtg. Minutes](#)

General Business

19-0363 Preliminary review of Lakewood Estates First Addition Planned Unit Development (PUD).

Attachments: [P.U.D Review: Staff Report w/area maps](#)
[Section 30-703- Planned Unit Development](#)
[Meeting Request Letter & Wetland Mitigation Plan Letter](#)
[Lakewood Estates PUD Layout Drawings](#)

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:
Tuesday, July 9th, 2019



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 19-0361 **Version:** 1 **Name:** Approve the minutes of the May 2, 2019, 4:00 pm meeting.

Type: Minutes **Status:** Approved

File created: 5/29/2019 **In control:** Planning Commission

On agenda: 6/6/2019 **Final action:**

Title: Approve the minutes of the May 2, 2019, 4:00 pm meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [May 2, 2019 Planning Commission Mtg. Minutes](#)

Date	Ver.	Action By	Action	Result
6/6/2019	1	Planning Commission		

Approve the minutes of the May 2, 2019, 4:00 pm meeting.

Background Information:

See attached meeting minutes.

Staff Recommendation:

Approve the minutes of the May 2, 2019, 4:00 pm 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, May 2, 2019

4:00 PM

Public Works/Public Utilities Service Center
500 SE 4th Street, Grand Rapids, MN

Call To Order

Call of Roll

Present 7 - Chairperson Susan Lynch, Commissioner Molly MacGregor, Commissioner Patrick Goggin, Commissioner Mark Gothard, Commissioner Lester Kachinske, Commissioner Ted Hubbes, 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 Kachinske, second by Commissioner Goggin to approve the agenda as presented. The following voted in favor thereof: Lynch, MacGregor, Kachinske, Hubbes, Johnson, Goggin, Gothard. Opposed: None, passed unanimously.

Approval of Minutes

Approve the minutes of the April 16, 2019, 4:00 pm special meeting.

Motion by Commissioner Goggin, second by Commissioner Gothard to approve the minutes of the April 16th, 2019 Regular Meeting. The following voted in favor thereof: Lynch, MacGregor, Kachinske, Hubbes, Johnson, Goggin, Gothard. Opposed: None, passed unanimously.

Public Hearings

Conduct a public hearing to consider the preliminary plat of Rebound Commercial Addition.

A preliminary plat entitled Rebound Commercial Addition was submitted by the planning firm: LJA (Lightowler-Johnson Associates) on behalf Rebound Hospitality (property owners Grand Rapids Sawmill Redevelopment, LLC, and Big Ten Real Estate, LLC). The property included within the preliminary plat is approximately 10.46 acres in area, including proposed right-of-way, and is located on the former Sawmill Inn property (2301 S US HWY 169). A complete legal description of the subject property is included within the preliminary plat documents.

Upon completion of removal of the former Sawmill Inn building and surface parking area, the property will be reconfigured with city streets, water, sanitary sewer, and

storm sewer system, and will generally be developed as follows:

- Block 1
 - o Lot 1: 1.76 acres, hotel proposed for future use.
 - o Lot 2: 1.81 acres, potential restaurant for future use.
 - o Lot 3: 2.81 acres, mixture of potential future uses- bank, fast food restaurant, daycare center.

- Block 2
 - o Lot 1: .58 acres, undetermined commercial future use.
 - o Lot 2: 1.03 acres, combination of retail space and potential coffee shop w/drive-thru for future use.

- Outlot A, 1.46 acres dedicated for a storm-water retention pond, serving several lots with in Rebound Commercial Add., and potentially from future development on 15 acre lot owned by Big Ten Real Estate, LLC. An association will be formed (for ownership, maintenance and tax purposes), which will include all lots within the plat, draining storm water to the holding pond

- 23rd Street SW, will provide access to the plat area from US Highway 169 and extend west to 1st Avenue SW. The two access points to the former Sawmill Inn property, will be consolidated into one access point (23rd St. SW) which will be aligned with the entrance drive to the Target (and Super One) properties on the east side of Hwy 169. Additionally, a right turn lane will be added to Hwy. 169, for the southbound entrance onto 23rd Street.

- 1st Avenue SW, will extend to the northern edge of the plat from its intersection point with 23rd St. SW. Proposed road extension to the north will depend on future development. An easement will be established in the area north of 1st Avenues end point, for city maintenance vehicle/snow plow turn-around and snow storage.

The staff review committee, consisting of the City Engineer, Public Works Director, Fire Chief, Grand Rapids PUC, Parks and Recreation Director, and Community Development Department, has reviewed the preliminary plat for technical standards and found that it substantially complies with the City's subdivision requirements. However, there are a few comments identified by the review committee that should be addressed. Those items are as follows:

1. Update legal description of plat area on cover page, to incorporate new area of Outlot A.
2. Verify/update ownership signature lines on cover page.
3. Graphically depict public easements consistently.
4. Add 20' utility easement along north side of Block 2.
5. Add 15' utility easement along west side of Lot 3, Block 1 – project north through portion of Lot 2, Block 1.
6. Add 30' utility easement along south side of Lot 2, Block 1.
7. Add 20' utility easement along south side of Lot 3, Block 1.
8. All road should be shown as 40' wide, face of curb to face of curb.
9. 6' sidewalks should be shown on both sides of public roads.
10. Confirm use (or lack of) of existing sanitary sewer line within the SE area of the plat (Lot 3, Block 1).
11. Confirm plan for storm water treatment on Lots 1 & 2, Block 2.
12. Storm sewer laterals from Lot 2 & 3, Block 1 should connect to a manhole.
13. Existing electrical infrastructure located on private property to be relocated or

abandoned.

14. Electric lines on public right-of-way to be reconstructed on public right-of-way.
15. Cap waterline and remove old hydrant (location of new entrance to site).
16. Add new valve and hydrant (south side of new entrance to site)
 - a. New hydrant spec's: top of hydrants set between 36" – 42" above grade
17. Individual water shut-offs at each site.
18. Class 52 ductile or C900 plastic on water main.

Additionally, the preliminary plat was circulated to the MN Department of Transportation, as the plat is accessed off of US Trunk Highway 169 (review comment attached), as required by Minnesota Statute 505.03.

Motion by Commissioner MacGregor, second by Commissioner Kachinske to open the public hearing. The following voted in favor thereof: Gothard, Goggin, Johnson, Hubbes, Kachinske, MacGregor, Lynch. Opposed: None, passed unanimously.

Scott Koester, Rebound Hospitality provided background information on Rebound and the proposed project.

Nathan Anderson, LJA Architecture addressed items 1-18 and said they are working on getting the revisions taken care of.

Motion By Commissioner Goggin, second by Commissioner MacGregor to close the public hearing.

The Commissioners reviewed the considerations for the record.

1. Has there been a change in the development policies of the community?
No, there has not.
2. Was there a mistake in the original zoning ordinance?
No, there was not a mistake in the original ordinance.
3. Is the Zoning Ordinance up to date?
Yes, it is up to date.
4. Is the proposed subdivision compatible with adjacent land uses?
Yes, it falls in line with the current zoning of General Business.
5. Will the proposed subdivision cause undue traffic congestion?
No, the entrance will be realigned and turn lanes will be put in.
6. Will the proposed subdivision affect public utilities?
Yes, accommodations have been made for the new utilities.
7. Will the proposed subdivision be detrimental to public health, morals, or general welfare?
No, it will not.
8. Will the proposed subdivision impede orderly development of other property in the area?
No, plans have been made for further development.
9. Will the proposed subdivision cause a decrease in value of adjacent

property?

No, it should increase the value of adjacent property.

10. Will the proposed subdivision increase tax revenues?

Yes, new development will increase tax revenues.

11. Will the proposed subdivision impose an excessive burden on parks and other public facilities?

No, it will not.

12. Is the proposed subdivision consistent with the Comprehensive Plan?

Yes, it is consistent with the Comprehensive Plan.

Motion by Commissioner MacGregor, second by Commissioner Gothard 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 preliminary plat of Rebound Commercial Addition, contingent upon the applicant making the following corrections/clarifications:

Items 1-18 in the staff report.

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

General Business

Consider a recommendation to the City Council regarding the vacation of a platted alley right-of-way within the Remer-DeSchepper Addition to Grand Rapids.

Stanton and Sandra South submitted a valid petition, on April 8, 2019 requesting the vacation of the following described public right-of-way:

N/S alley LYG between Lots 15 and 16, Block 3, Remer-DeSchepper Addition to Grand Rapids, Itasca County, Minnesota.

As stated within the attached Public Vacation Application, if approved, the vacation would allow the South’s more options for property development and building/home placement in the future.

As described in the attached email correspondence, the Engineering Department and the Public Works Department support the petitioned vacation.

There were no concerns or objections regarding the petitioned right-of-way vacation from the remaining members of the staff review committee which consists of the Public Works Department, Engineering Department, Community Development Department, Fire Department, Police Department, and the Grand Rapids Public Utilities Commission.

The Commissioners reviewed the considerations for the record.

1. Is the right-of-way needed for traffic purposes?

Why/Why not? No it is not intended to be used for traffic purposes.

2. Is the right-of-way needed for pedestrian purposes?

Why/Why not? No, it is not used for pedestrian purposes.

3. Is the right-of-way needed for utility purposes?

Why/Why not? No, PUC reviewed and it is not needed for utility purposes.

4. Would vacating the right-of-way place additional land on the tax rolls?

Why/Why not? Yes, it would place additional land on the tax rolls.

5. Would vacating the right-of-way facilitate economic development in the City?

Why/Why not? Yes, it would allow for the construction of one if not two homes.

Motion by Commissioner Kachinske, second by Commissioner MacGregor 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 right-of-way described as: N/S alley LYG between Lots 15 and 16, Block 3, Remer-DeSchepper Addition to Grand Rapids, Itasca County, Minnesota.

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

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

Commissioner Kachinske nominated Commissioner MacGregor as Chair.

Motion by Commissioner Kachinske, second by Commissioner Johnson to appoint Commissioner MacGregor as Chair. The following voted in favor thereof: Lynch, MacGregor, Kachinske, Hubbes, Johnson, Goggin, Gothard. None, passed unanimously.

Commissioner Gothard nominated Commission Goggin as Vice Chairperson/Secretary.

Motion by Commissioner Gothard, second by Commissioner MacGregor to appoint Commissioner Goggin to Vice Chairperson/Secretary. The following voted in favor thereof: Gothard, Goggin, Johnson, Hubbes, Kachinske, MacGregor, Lynch. Opposed: None, passed unanimously.

Public Input

Miscellaneous\Updates

Adjourn

Motion by Commissioner Goggin, second by Commissioner MacGregor to adjourn the meeting at 4:50 p.m. The following voted in favor thereof: Gothard, Goggin, Johnson, Hubbes, Kachinske, MacGregor, Lynch. Opposed: None, passed unanimously.



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	19-0363	Version:	1	Name:	Preliminary review of Lakewood Estates First Addition Planned Unit Development (PUD).
Type:	Agenda Item	Status:		Status:	General Business
File created:	5/30/2019	In control:		In control:	Planning Commission
On agenda:	6/6/2019	Final action:		Final action:	
Title:	Preliminary review of Lakewood Estates First Addition Planned Unit Development (PUD).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	P.U.D Review: Staff Report w/area maps Section 30-703- Planned Unit Development Meeting Request Letter & Wetland Mitigation Plan Letter Lakewood Estates PUD Layout Drawings				

Date	Ver.	Action By	Action	Result
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Preliminary review of Lakewood Estates First Addition Planned Unit Development (PUD).

Background Information:

See Attached Staff Report and Background Information.

Staff Recommendation:

Preliminary review of Lakewood Estates First Addition Planned Unit Development (PUD).



Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 6/6/2019
Statement of Issue:	Preliminary review of Lakewood Estates First Addition Planned Unit Development (PUD).	
Background:	<p>Dr. Dan Margo, on behalf of Horseshoe Properties LLC., recently submitted a letter to the Planning Commission, requesting a meeting involving a preliminary review of a proposed Planned Unit Development (PUD) entitled “Lakewood Estates First Addition”. This required initial step in the PUD process, is intended to allow the Planning Commission and proposer an opportunity to discuss the potential for PUD approval, and to provide the Planning Commission an opportunity to preliminarily evaluate the PUD plan’s level of consistency with City plans.</p> <p>The total area of the subject property is 5 acres, and the tract is legally described as: <i>Lots 5-10, Block 3, Plat of Lakewood Heights</i>. The subject property is located within an R-3 (Multi-Family Residential- <i>medium density</i>), with the exception of the eastern most lot, which is within an R-1 (One-Family Residential) zoning district. Proposed uses within the PUD are that of eight single-family residential homes, which would cooperate in “an association” for lawn care and snow removal services.</p> <p>The subject properties of the PUD were part of the 68-acre plat of Lakewood Heights Addition approved in 2005, and additionally, the plat area was previously petitioned for early annexation into the City of Grand Rapids. Lots 8-9 of the proposed PUD, were part of a larger Zoning Map Amendment request in 2015 that shifted several of the properties in the Lakewood Heights plat from a M (Medical) zoning designation to that of R-4 (Multi-family Residential- high density) and in the case of Lots 8-9, Block 3 (previously zoned R-1), and extension of the adjacent R-3 (Multi-family Residential- medium density) zoning.</p> <p>Staff has reviewed the preliminary plat drawing of Lakewood Estates First Addition PUD, and, given the level of detail within the sketch, can provide the following initial observations:</p> <ul style="list-style-type: none"> ▪ Section 30-703(a)(3) stipulates that a PUD conveys no right to the use of land other than is permitted by the underlying zoning district. The PUD proposes one-family residential units, and, with single-family detached listed in Table 1, Section 30-512 as a use that is permitted by right in R-3 & R-1 districts, there is no overall issue with the planned proposed use. 	

- One of the listed intents/benefits of using the PUD process is preservation of open space and natural features. The proposed layout plan depicts the clustering of units 5-8, sharing a common driveway, and individually connecting to a single sanitary sewer and water extension. As proposed, this layout preserves 45% of the site for open space, which appears to be consistent with the intent of the PUD process.
- Through the PUD process, new utility easements shall be granted to the City, with feedback provided from the Staff Review committee. **Easements dedicated within the plat of Lakewood Heights Addition, will be vacated through the PUD process.*

As the City does not often receive PUD applications (most recently in 2009: Pokegama Fairways PUD), therefore, staff would like to summarize the PUD process. *Staff has attached the section of the Grand Rapids Municipal Code that applies to Planned Unit Developments: Section 30-703.*

Section 30-703. Planned Unit Development:

Purpose: A PUD is established to permit flexibility in the regulations of land development; to encourage innovation and variety in the design, layout and type of structures constructed; to achieve an efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; to encourage usable open space; and to provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city and state.

Planned Unit Development Procedures:

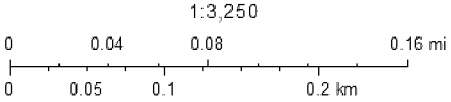
- *Preliminary discussion.* Prior to filing a petition, the proponent must request a meeting with the City Planning Commission to discuss the potential for PUD approval and consistency with City plans, etc.
- *Application and fees.* Depending on the outcome of the preliminary discussion, the proponent shall initiate the PUD process by filing an application, providing the required written and graphic plan requirements, and paying the established fee.
- *Planning commission review.* The Planning Commission shall review the application at its next regular meeting. Within 60 days of the application date, the Planning Commission shall recommend approval, disapproval or modification of the preliminary development plan and the phase I final development plan to the City Council.
- *City Council consideration.* The City Council will hold a public hearing, consider the advice of the Planning Commission, and the public, and shall approve, disapprove or suggest modifications to the preliminary and final development plans based on the following considerations:
 - The proposed development is consistent with the City's Comprehensive Plan.

	<ul style="list-style-type: none"> ○ The development is more compatible, having used PUD, with surrounding development than if PUD had not been used. ○ The open space gain warranted the use of PUD to grant variances. ○ The final development plan is in substantial conformance with the approved preliminary development plan. <p>▪ <i>Building permits.</i> At the time of building permit approval, the building plans shall be reviewed by the zoning administrator and building official to establish their compliance with the approved preliminary and final development plans.</p>
Considerations:	
Recommendation:	Review the sketch plan of Lakewood Estates First Addition PUD and Section 30-703 of the Municipal Code.
Required Action:	Provide comments/guidance to proponent to assist with preparation of a preliminary development plan.
Attachments:	<ul style="list-style-type: none"> ● Preliminary plat layout drawing of Lakewood Estates First Addition PUD. ● Meeting request letter. ● Site/Area maps. ● Section 30-703 of the Municipal Code.

Lakewood Estates 1st Add. - Planned Unit Development



May 24, 2019



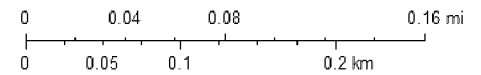
City of Grand Rapids

Lakewood Estates 1st Add. - P.U.D. w/zoning layers



May 24, 2019

1:3,242



City of Grand Rapids

(c) *Applicable regulations.* Refer to article III of this chapter.
(Code 1978, § 23.9(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-702. (PUD) overlay regulations (mandatory).

(a) *Purpose and intent.* There are certain areas within the city that have very unique natural characteristics (wooded), are environmentally sensitive (wetlands), or are marginally developable due to such adverse external influences as high traffic volumes and/or nonresidential uses. It is very desirable to encourage the clustering of development within these areas in an effort to preserve larger expanses of open space.

(b) *Jurisdiction.* Within the areas so designated on the official zoning map of the city the use of PUD shall be mandatory except for lots or parcels of record consisting of two or less acres at the time of adoption of the ordinance from which this article is derived. Where such lots or parcels of record exist, residential development may be allowed by the city in accordance with the existing zoning.

(c) *Applicable regulations.* Refer to section 30-703.
(Code 1978, § 23.9(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-703. Planned unit development (PUD).

(a) *Purpose, ownership, uses, eligibility.*

- (1) *Purpose and intent.* PUD is established to permit flexibility in the regulations of land development; to encourage innovation and variety in the design, layout and type of structures constructed; to achieve an efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; to encourage usable open space; and to provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city and state. It is the intent of PUD to provide a process for rezoning which results in real property development utilizing a comprehensively prepared site plan which allows for flexibility and variances in building sites, densities and yards; allows for the mixing of uses and housing types and provides for usable open space as well as the preservation of natural features.
- (2) *Eligibility requirements.* PUD may be applied within any district provided the following requirements are met:
 - a. The site shall be not less than two acres in size.
 - b. Land to be incorporated in a PUD shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- (3) *Uses permitted.* As a process, PUD conveys no right to the use of land other than permitted by the district within which located. Zoning shall be required to be in accordance with the city comprehensive plan and uses permitted are those allowed by the zoning district.

- (4) *Development guidelines.* Within a PUD, the basic zoning district regulations may be negotiated and variances granted by mutual consent of the city and the land owner(s) in accordance with the uses established by the city comprehensive plan. The following shall apply:
- a. No variance shall be negotiated for yards adjacent to exterior property lines or public streets.
 - b. No variances shall be negotiated for off-street parking or screening except as provided for in section 30-625.

- c. A maximum variance from basic density requirements of up to 25 percent may be negotiated provided the findings under subsection (b)(7) of this section can be made.
- (b) *Planned unit development procedures.*
- (1) *Preliminary discussion.* Prior to filing a petition, the proponent must request a meeting with the city to discuss the potential for PUD approval and consistency with city plans, etc. Such requests shall be made by addressing a letter to the city planning commission. Such letter shall be accompanied by a preliminary sketch plan which indicates the density; street pattern; building square footage, height and type and a time schedule. The proposal will be discussed at the next regular planning commission meeting. Guidance will be provided in concept by the planning commission to assist the proponent with the preparation of a preliminary development plan.
 - (2) *Application and fees.* Depending on the outcome of the preliminary discussion, the proponent shall initiate the PUD process by filing an application signed by the owner with and paying the established fee to the zoning administrator not less than 15 days prior to the planning commission meeting on a form provided by the city and including the information required in section subsection (b)(3) of this section.
 - (3) *Plan requirements.* The following information shall be provided in graphic and written form:
 - a. An existing conditions map showing property boundaries, topography; existing natural features, including trees, watercourses, ponds; soil conditions; buildings; streets, etc.
 - b. Preliminary development plan indicating the proposed uses of land; acreage; densities; building square footage, types and heights; public and private street locations; walkway locations; recreation areas and facilities; and any other information that will be necessary to evaluate the proposal.
 - c. A staging plan indicating the proposed sequence of development and a general grading scheme. This plan can be indicated on the overall plan sheet.
 - d. A preliminary plat which shall include all of the information required in article V of this chapter.
 - e. Final development plan for phase 1. Plans and support information shall be as prescribed for conditional use permits (refer to section 30-531(b)) plus such protective covenants or agreements as might be intended or required by the city. This information shall be provided in a neat package stapled together and accompanied by the application and 15 copies of a transmittal letter.
 - (4) *Planning commission review.* The zoning administrator shall distribute the material to the planning commission for review at the next planning commission meeting. Within 60 days of the application date, the planning commission shall recommend approval, disapproval or modification of the preliminary development plan and the phase I final

development plan to the city council. If the proposal is within a shoreland area, the plans will also be forwarded to the commissioner of the department of natural resources for review and comment.

- (5) *City council receipt.* The city council will consider the recommendations of the planning commission at its next meeting and may require modifications to the plan at that time. The city council will then set a date for a public hearing.
- (6) *Hearing and mailed notices.* The city clerk or zoning administrator shall give notice of the public hearing in accordance with the procedures established for rezoning. Refer to section 30-454(c).
- (7) *City council action and findings.* The city council shall consider the advise of the planning commission, the commissioner of the department of natural resources and the public and shall approve, disapprove or suggest modifications to the preliminary and final development plans. If the city council approves such plans it shall also approve the rezoning for phase I. The city council shall not approve a PUD unless it finds as follows:
 - a. The proposed development is consistent with the city comprehensive plan.
 - b. The development is more compatible, having used PUD, with surrounding development than if PUD had not been used.
 - c. The open space gain warranted the use of PUD to grant variances.
 - d. The final development plan is in substantial conformance with the approved preliminary development plan.
- (8) *Conditions and records.* The city council may impose such conditions as it deems necessary on the preliminary and final development plans and shall maintain a record of all approved plans, amendments and conditions for continuing reference.
- (9) *Final development plans - Subsequent phases.* As rezoning is needed for subsequent development phases, the proponent shall prepare final development plans for each phase and shall petition the city for rezoning in accordance with the procedures of this section. The application for rezoning shall be accompanied by the information specified for final development plans in subsection (b)(3) of this section. The planning commission shall review and recommend on each development phase and the city council shall, prior to action on the request, hold a public hearing in accordance with the procedures established for rezoning. Each proposed phase shall be in substantial conformance with the approved preliminary development plan.
- (10) *Resubmission.* No application for PUD 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.
- (11) *Lapse and extension.* If within one year after the date of rezoning a building permit has not been issued, the planning commission may review the zoning and recommend to the council that the rezoning be extended or rescinded. Before acting on the planning commission recommendation, the city council shall conduct a public hearing and notice

shall be given in the same manner as the original petition. The city council may rescind or extend the zoning previously granted and the preliminary and final development plans for up to one year upon finding that:

- a. A good faith effort has been made to use the PUD;
- b. There is reasonable expectation that the PUD will be used; and
- c. The facts upon which the original PUD was issued are essentially unchanged.

(12) *Building permits.* At the time of building permit approval, the building plans shall be reviewed by the zoning administrator and building official to establish their compliance with the approved preliminary and final development plans. If they do not comply, the plans shall be reviewed by the planning commission and city council and a public hearing shall be conducted by the city council all in accordance with the procedures established in subsection (b) of this section.

(Code 1978, § 23.10(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

Sec. 30-704. Mining overlay district.

(a) *Purpose and Intent.* The purpose of the mining overlay district is to provide for current or future heavy mining activities that may be governed by Minn. Stat. §§ 93.44—93.51, and separate these uses from incompatible uses.

(b) *Lands subject to overlay district.* The mining overlay district is defined by the official zoning map and may overlay other zoning districts.

(c) *Conditional Uses.* Following the date of adoption of the ordinance from which this section derives no entity shall engage in new or expand existing operations, or renew operations that have not been active within five years of the effective date of this section without first obtaining a conditional permit. Any operation begun prior to the adoption of the ordinance from which this section derives and which is active on the effective date of this section may continue operations for five years at which time the operation shall have obtained a permit or ceased operation. The following are conditional uses in the mining overlay district:

- (1) Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining and mineral processing waste materials and byproducts, storage of mining and processing equipment and includes those facilities and activities regulated by Minn. Stat. §§ 93.44—93.51.
- (2) Structures necessary for mining, mineral processing, and metals production operations and ancillary facilities and activities.
- (3) Transmission and distribution lines, and pipelines of public and private utility companies within existing public rights-of-way.
- (4) Towers.
- (5) Extractive use operations.

May 6, 2019

Dear Grand Rapids Planning Commission:

Please see the enclosed application for a "Preliminary Plat". The proposed plat would create eight home sites at the described property in Grand Rapids, Minnesota. The proposed category would be "Planned Unit Development" (PUD). All lots would be used as single family residential. The eight home owners would cooperate in "an association" for lawn care and snow removal. Please see the list of proposed covenants (enclosed).

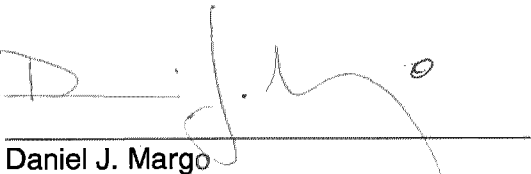
Our understanding is that all assessments have been paid. However, we propose that any existing or future assessments would be shared appropriately by the eight future homeowners.

To supplement the application, please see...

- Enclosed check, application fee.
- Copy of tax statement (lots 5 through 10).
- Three copies of the preliminary plan concept.
- Copies of satellite view showing known wetlands.
- A letter from the county recorder verifying that the subdivision name is not duplicated elsewhere in the county is forthcoming.
- Documentation from Soil and Water confirming the two small wetlands on the property.
- Copy of current year tax statement.
- Current assessment certificate from our city clerk showing whether or not there are any current assessments on the property is forthcoming.
- A list of proposed protective covenants.

We are hopeful that this application is on time and sufficient to initiate preparation for the Planning Commission Meeting that is scheduled for June 6, 2019. We look forward to working with you on the project.

Sincerely,



Daniel J. Margo

Dan Margo signing on behalf of Daniel Margo, Jerry Mariano, Dean Piri, Horseshoe Properties, and Central Builders, LLC



Building a Better World
for All of Us®

May 20, 2019

RE: Horseshoe Properties
14th Ave SW
Preliminary PUD/CIC
Wetland Permit Plan

Rob Mattei
City of Grand Rapids
420 North Pokegama Avenue
Grand Rapids, MN 55744

Dear Rob,

There are two delineated wetlands within the proposed development on the north side of 14th Ave SW. Included in a previous submittal to the City of Grand Rapids is a letter dated October 25, 2018, from the Army Corps of Engineers stating their concurrence with the site delineation. There is a larger wetland on the north property line that is included in the dedicated open space that will not be disturbed. There is a smaller wetland in the southwest region of the development that will be disturbed.

The smaller wetland is listed as Wetland 1 in the Delineation Report and is classified as a Type 1 Seasonally Flooded (wooded) Basin with an area of 870 square feet. The permit plan is to request a De Minimis Exemption. The exemption is allowed for a wetland up to 400 square feet, outside the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone of a Minnesota Public Water. This amount may be increased to 1000 square feet by the local government unit if the wetland is isolated and determined to have no direct surficial connection to the public water. The exemption does not require a wetland replacement plan. This is our case with the proximity of Horseshoe Lake.

If you have any questions or require additional information, please call me at 218-322-4502.

Sincerely,
Short Elliott Hendrickson Inc.

A handwritten signature in black ink, appearing to read 'Bob Beaver', is written over a horizontal line.

Bob Beaver, PE
Principal | Project Manager

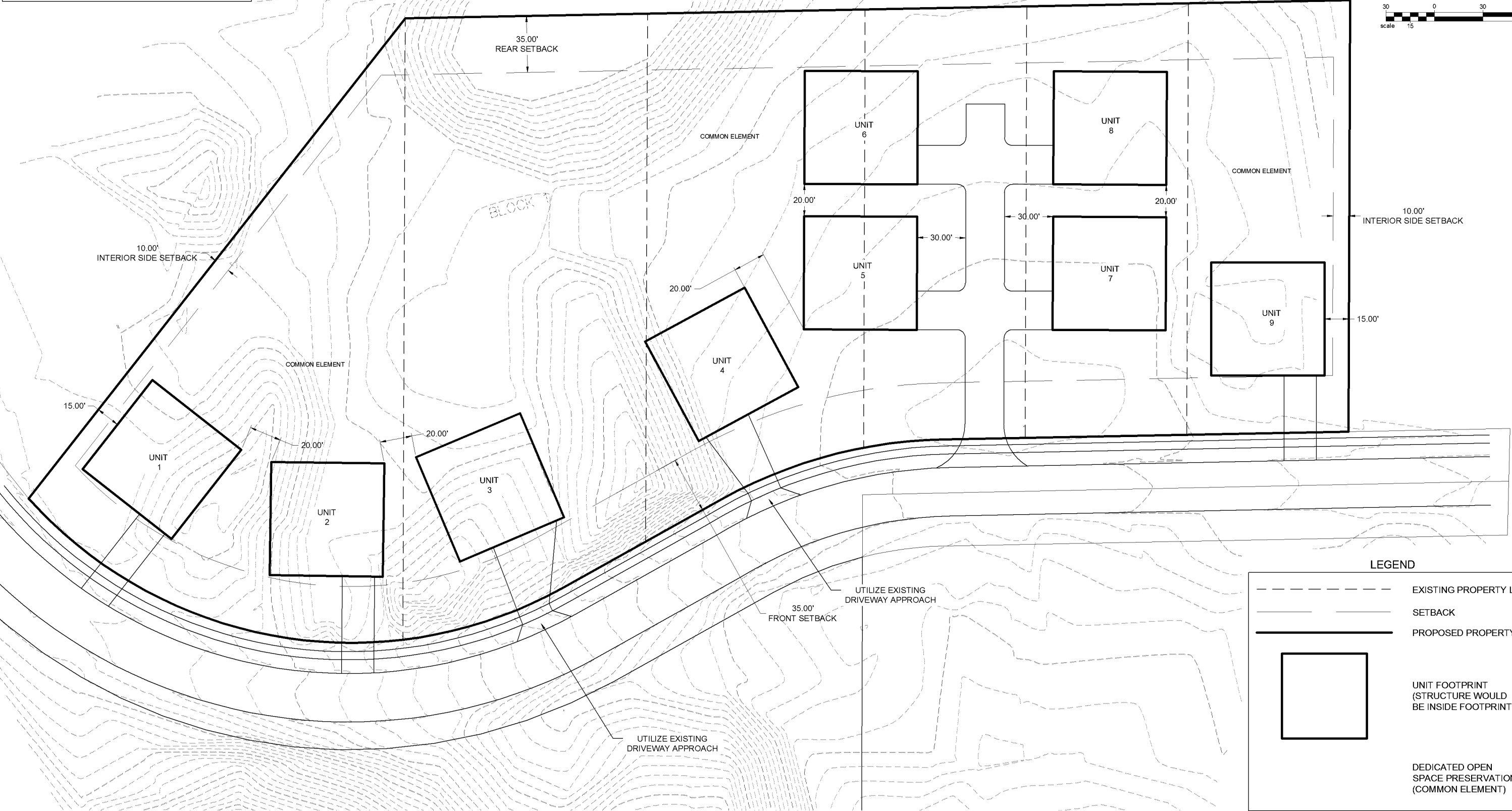
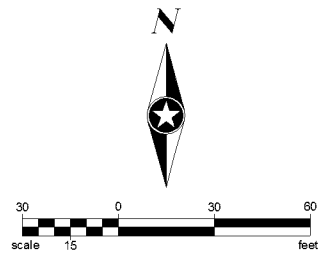
P:\FJH\HORSP\146525\1-gen\14-corr\0520 Wetland Mitigation Plan ltr.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 21 NE 5th Street, Suite 200, Grand Rapids, MN 55744-2601

SEH is 100% employee-owned | sehinc.com | 218.322.4500 | 888.908.8166 fax

ZONING DISTRICT: R-3
 GR ZONING ORDINANCE SETBACKS
 FRONT: 35'
 INTERIOR SIDE: 10'
 STREET SIDE: 15'
 REAR: 35'



LEGEND

- EXISTING PROPERTY LINE
- SETBACK
- PROPOSED PROPERTY
- UNIT FOOTPRINT (STRUCTURE WOULD BE INSIDE FOOTPRINT)
- DEDICATED OPEN SPACE PRESERVATION (COMMON ELEMENT)

14TH AVENUE SW

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DRAWN BY:				
DESIGNER:				
CHECKED BY:				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

PHONE: 218.322.4500
 21 NE 5TH ST STE 200
 GRAND RAPIDS, MN 55744
 www.sehinc.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date: _____ ROBERT BEAVER, PE
 Lic. No. 26399

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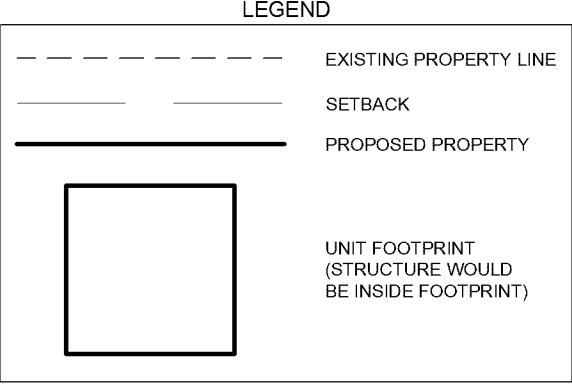
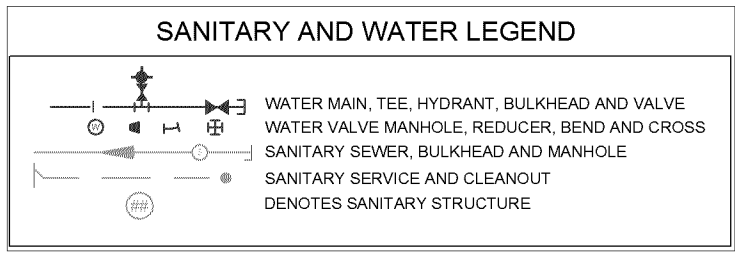
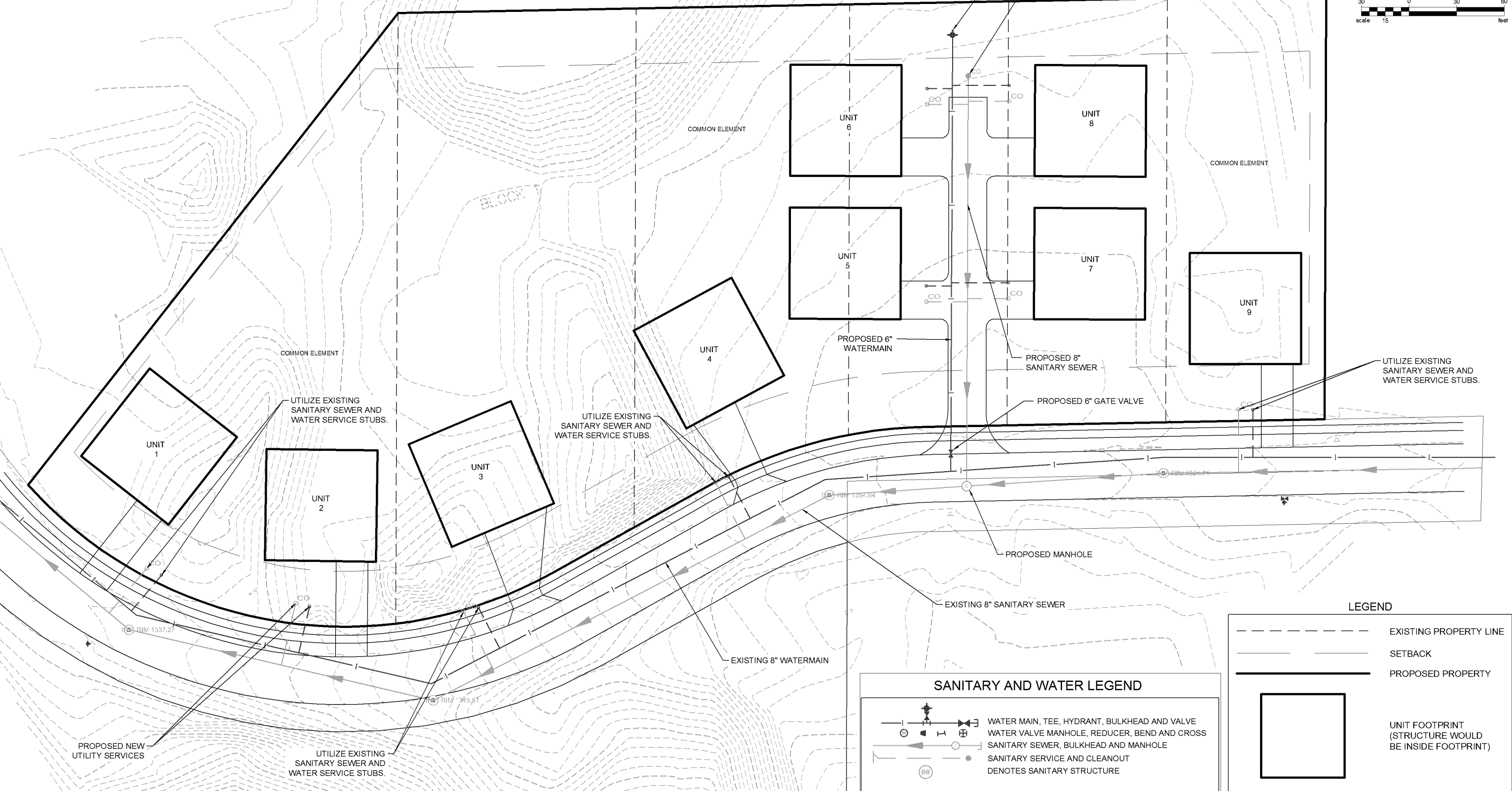
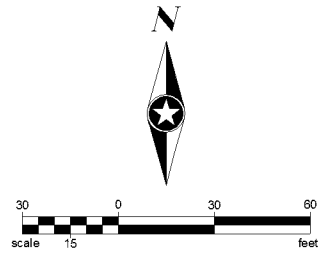
PRELIMINARY PLAT LAYOUT DRAWING
 GENERAL LAYOUT
 HORSESHOE PROPERTIES

FILE NO.
 HORSP 146525

1
 4

ZONING DISTRICT: R-3
 GR ZONING ORDINANCE SETBACKS
 FRONT: 35'
 INTERIOR SIDE: 10'
 STREET SIDE: 15'
 REAR: 35'

EXISTING UTILITY EASEMENTS ON THE EXISTING PLAT WILL BE VACATED. A NEW UTILITY EASEMENT WILL BE DEFINED FOR THE UTILITIES THAT SERVE UNITS 5-8.



14TH AVENUE SW

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CHECKED BY:				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

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 GRAND RAPIDS, MN 55744
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ROBERT BEAVER, PE
 Lic. No. 26399

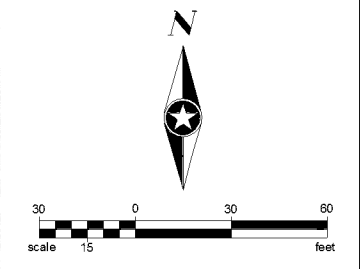
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PRELIMINARY PLAT LAYOUT DRAWING
 UTILITY LAYOUT
 HORSESHOE PROPERTIES




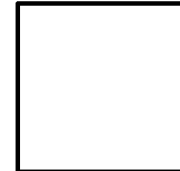

FILE NO.
 HORSP 146525

2
 4

ZONING DISTRICT: R-3
 GR ZONING ORDINANCE SETBACKS
 FRONT: 35'
 INTERIOR SIDE: 10'
 STREET SIDE: 15'
 REAR: 35'



LEGEND

-  EXISTING PROPERTY LINE
-  SETBACK
-  PROPOSED PROPERTY
-  UNIT FOOTPRINT
(STRUCTURE WOULD BE INSIDE FOOTPRINT)
-  DELINEATED WETLAND

14TH AVENUE SW

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DESIGN TEAM	NO.	BY	DATE	REVISIONS



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Date: _____ ROBERT BEAVER, PE
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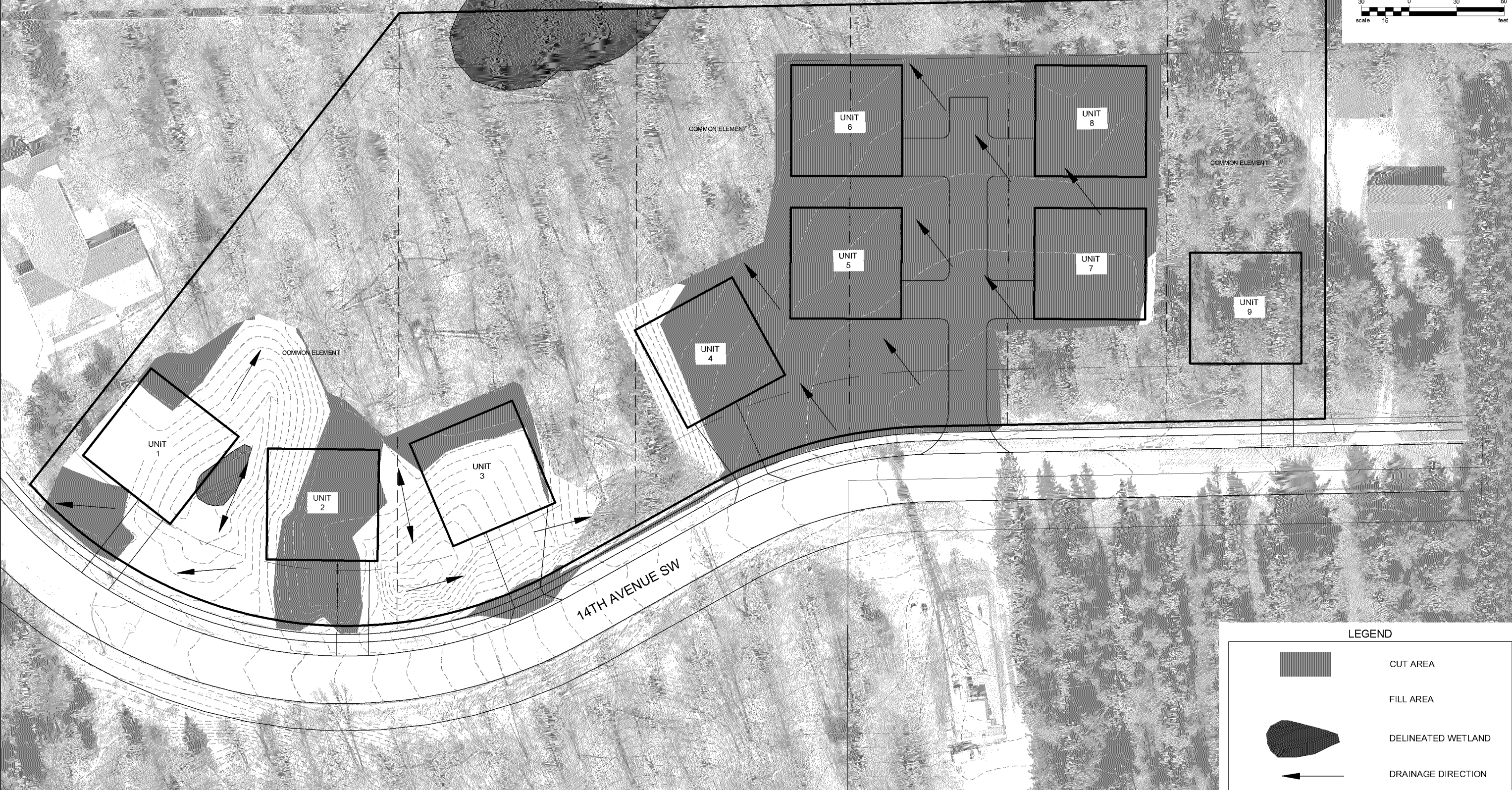
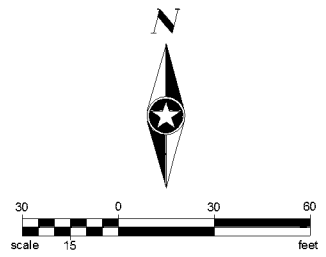
**GRAND RAPIDS,
 MINNESOTA**

**PRELIMINARY PLAT LAYOUT DRAWING
 DELINEATED WETLANDS
 HORSESHOE PROPERTIES**





FILE NO.
 HORSP 146525

3
4

ZONING DISTRICT: R-3
 GR ZONING ORDINANCE SETBACKS
 FRONT: 35'
 INTERIOR SIDE: 10'
 STREET SIDE: 15'
 REAR: 35'



LEGEND

-  CUT AREA
-  FILL AREA
-  DELINEATED WETLAND
-  DRAINAGE DIRECTION

14TH AVENUE SW

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DESIGNER:				
CHECKED BY:				
DESIGN TEAM	NO.	BY	DATE	REVISIONS



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Date: _____ Lic. No. 26399

GRAND RAPIDS,
 MINNESOTA

PRELIMINARY PLAT LAYOUT DRAWING
 CUT/FILL PROPOSED GRADING
 HORSESHOE PROPERTIES

FILE NO.
 HORSP 146525

4
4