

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Thursday, August 3, 2017

4:00 PM

Council Chambers

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

17-0545 Approve the minutes of the July 11, 2017, 4:00 pm regular meeting.

Attachments: [July 11, 2017 Meeting Minutes](#)

General Business

17-0546 Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).

Attachments: [MN Power Rezoning Request: Staff Report](#)
[MN Power Rezoning Request: Location Maps #1 & #2](#)
[Zoning Map Amendment Considerations w-checklist](#)
[MN Power Rezoning Request: Application](#)

17-0553 Consider a recommendation to the City Council regarding amendments to Division 13 Shoreland Management of the Zoning Ordinance that would decrease lot size requirements of General Development lakes.

Attachments: [Staff Report: Shoreland Lot Size Amendments](#)
[Draft Amendments: Sect. 30-512 Tables 17 C-1 & 2-A](#)
[Section 30-803\(c\)4](#)
[Current City Shoreland Lot Size Requirements](#)
[Text Amendment Considerations](#)
[Text Amendment: Kellin Application](#)
[Kellin: "Draft" site plan](#)

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, September 7th, 2017*



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 17-0545 **Version:** 1 **Name:** Approve the minutes of the July 11, 2017, 4:00 pm regular meeting.

Type: Minutes **Status:** Approved

File created: 7/25/2017 **In control:** Planning Commission

On agenda: 8/3/2017 **Final action:**

Title: Approve the minutes of the July 11, 2017, 4:00 pm regular meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [July 11, 2017 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
8/3/2017	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the July 11, 2017, 4:00 pm regular meeting.

Background Information:

See attached meeting minutes.

Staff Recommendation:

Approve the minutes of the July 11, 2017, 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

Tuesday, July 11, 2017

4:00 PM

Council Chambers

Call To Order

Call of Roll

- Present** 4 - Commissioner Charles Burress, Chairperson Lester Kachinske, Commissioner Michelle Toven, and Commissioner Sue Zeige
- Absent** 3 - Commissioner Mark Gothard, Commissioner Susan Lynch, and Commissioner Paula 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.

Approved As Presented

Approval of Minutes

Approve the minutes of the June 1, 2017, 4:00 pm regular meeting.

Approved as Presented by Commission

Public Hearings

Conduct a Public Hearing to consider a variance petition submitted by Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant.

Community Development Specialist Trast provided the background information.

Mr. Jerulle has applied for two variances, which if granted, would allow for the construction of a 3,892 sq. ft. addition to the commercial building (Sammy's Pizza) located at: 802 S. Pokegama Avenue.

Mr. Jerulle would like to construct a 54' X 74' addition (approximate size) to the south side of the Sammy's Pizza building located on the north end of the block, which as proposed, would encroach 16' in to the required 30' front yard setback for principal structures. The subject building, is one of three, owned by the applicant in the adjacent area, the others being; the former Pizza Hut building, and a single family home at 805 Clover Ln. (subject property was rezoned in 2016 from R-1 to GB), both buildings will be removed and the property will be developed into parking lot under the proposed development plan.

The applicant, within the variance petition, cites that the addition to the building, as

well as the proposed parking lot improvements, would maximize the use of the property as well as the investment into the property, as reasons for the variance request.

The addition to the commercial building, as proposed, would require the Planning Commission's approval of two variances.

1. *Section 30-512 Table 2-A of the Municipal Code, which lists District Development Regulations for Principal Structures, and establishes a 30' front yard setback for principal structures within GB (General Business) zoned districts.*

2. *Section 30-458(c)1, which addresses alterations to nonconforming structures: "Nonconforming uses of structures which do not meet the site development and design standards (division 7 of this article) and/or the off-street parking and loading requirements (divisions 8 and 9 of this article) shall be allowed to be structurally altered or replaced provided there is no further violation of these requirements than lawfully exists at the time of such alteration or replacement".*

Motion by Commissioner Toven, second by Commissioner Zeige to open the public hearing. The following voted in favor thereof: Zeige, Kachinske, Burress, Toven. Opposed: None, passed unanimously.

Mr. Tony Jerulle, Owner of Sammy's Pizza felt this project would enhance the area by adding more of a buffer to the parking lot as well as making it safer by closing off two of the entrances. Mr. Jerulle is also hoping the addition would create more jobs.

Motion by Commissioner Burress, second by Commissioner Toven to close the public hearing. The following voted in favor thereof: Toven, Burress, Kachinske, Zeige. Opposed: None, motion passed unanimously.

Motion by Commissioner Burress, second by Commissioner Toven that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby grant the following variances to Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant for the property legally described as: Lot 1, Block 2, Doran Addition to Grand Rapids, and Lots 1-3, Block 7, Clover 1st and 2nd Addition to Grand Rapids, Itasca County, Minnesota;

- **to allow a one-time waiver of the requirements of Section 30-512 Table 2-A and Section 30-458(c)1.b of the Municipal Code for the construction of a 54' X 74' addition to the existing Sammy's Pizza restaurant building, which would encroach 16 ft. into the required 30 ft. front yard setback. As proposed, the addition to the nonconforming building, would add an additional 764 sq. ft. of building encroachment within the required 30 ft. front yard setback for principal structures, as depicted in the variance application submitted by Mr. Jerulle.**

With the following considerations:

1. **Is this an "Area" variance rather than a "Use" variance?**
This is an area variance.

2. **Does the proposal put property to use in a reasonable manner?**
Why/Why not-
Yes, it would enhance the area and also make it safer.

3. **Is the owner's plight due to circumstances which are unique to the property**

and which are not self-created by the owner?

Why/Why not-

Yes, at the time it was built it met the setbacks and rather than tear down and start over the addition is a more viable option.

4. Is the variance in harmony with the purposes and intent of the ordinance?

Why/Why not-

Yes, it will be making other aspects such as parking more compliant.

5. Will the variance, if granted, alter the essential character of the locality?

Why/Why not-

No, it will not alter the essential character and it will have a positive impact on parking and traffic flow.

6. Is the variance consistent with the comprehensive plan?

Why/Why not-

Yes, it will allow for economic development, more green space and also improve the safety of traffic flow.

The following voted in favor thereof: Zeige, Kachinske, Burress, Toven.

Opposed: None, passed unanimously.

Public Input

Miscellaneous\Updates

Adjourn

Adjourn



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	17-0546	Version:	1	Name:	Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).
Type:	Agenda Item	Status:			General Business
File created:	7/25/2017	In control:			Planning Commission
On agenda:	8/3/2017	Final action:			
Title:	Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	MN Power Rezoning Request: Staff Report MN Power Rezoning Request: Location Maps #1 & #2 Zoning Map Amendment Considerations w-checklist MN Power Rezoning Request: Application				

Date	Ver.	Action By	Action	Result
8/3/2017	1	Planning Commission		

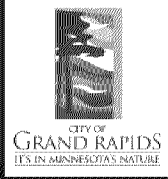
Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).



Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 8/3/2017
Statement of Issue:	Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).	
Background:	<p>MN Power has filed a petition, for a Zoning Map Amendment, with the City on July 11, 2017. The petition for rezoning requests the City's consideration of a Zoning Map amendment to the following described parcel from its current SR-1 (Shoreland One-family Residential) designation to that of a SPU (Shoreland Public Use):</p> <p style="text-align: center;"><i>LOT 2 S OF GN RY LESS E 500' LESS GOVT FLOW, Itasca County, Minnesota</i></p> <p>The petition submitted by MN Power, involves a residentially zoned property at: 1404 E US Hwy. 2, which was previously occupied by an electrical substation owned by the applicant. <i>Location map #1</i>, illustrates the subject property, with the requested area to be rezoned outlined, and the surrounding zoning: R-1 (One-family Residential) to the east (<i>property owner- Gustafson</i>) and south (<i>property owner- City of La Prairie & tax forfeit</i>), SPU (Shoreland Public Use) to the west (<i>property owner- City for GR – Veteran's Park</i>), and a Residential zoning designation within the City of La Prairie to the north.</p> <p>As the substation has been removed from the property, MN Power no longer has a need for this property. The Zoning Map Amendment, if approved, would allow, potentially for limited recreation opportunities on the property (a snowmobile trail currently crosses a corner of the property), and possibly the sale of the property in the future. The previous use of the property, adjacency to the river, as well as the rail crossing - for access, limits future use of this property.</p> <p>A sample listing of the uses permitted by right in an PU zoning district, as provided for in Sect. 30-512 Table 1, are as follows:</p> <ul style="list-style-type: none"> ▪ Daycare/nurseries, accessory buildings, auto-truck fleet storage, health/fitness clubs, elementary-secondary schools, educational service institutes, post-high schools, athletic facilities, cemeteries, cultural facilities, water/sewage treatment facilities, power substations, neighborhood parks, railroad rights-of-way, streets, transit shelters, military posts. <p>A sampling of other uses permitted in PU with additional restrictions includes:</p>	

- Emergency housing facilities, essential services, temporary buildings, satellite dish/solar collectors, clinic – outpatient treatment centers, essential service structures, temporary outdoor sales, warehouse, outdoor storage of land-sea container, golf course.

In addition to the previously mentioned permitted uses and uses permitted w/restrictions: interim uses, commercial outdoor recreation facilities, and mining of sand and gravel are permitted provided a CUP (Conditional Use Permit) is petitioned for and granted by the City. These uses, however, are not a driving factor in the petitioned rezoning request of the subject property.

The following table shows a comparison of the yard and bulk requirement of SPU and SR-1 zoning, and illustrates the minor difference between the two zoning districts; being larger lot size, lot width, and building height requirements in SPU zoning.

<i>(Urban River Classification)</i>	SPU	SR-1
Min. Lot Size	gross area- <u>1 acre</u> , area (unit)- N/A sq. ft., <u>width-200 ft.</u>	gross area- <u>20,000 s.f.</u> , area (unit)- <u>20,000 s.f.</u> , <u>width- 100 ft.</u>
Min. Yard Setbacks	front-30 ft, int. side-10 ft, street side-15 ft, rear- 10 ft.	front-30 ft, int. side-6 ft., 9 ft, street side-15 ft, rear- 30 ft.
Max. Lot Coverage	building- N/A, total surface-90%, GUOS (unit)- N/A	building-N/A, total surface-35%, GUOS- N/A
Building Size	<u>max. height- 60 ft.</u> , min. dimension- 24 ft	<u>max. height- 25 ft.</u> , min. dimension- 24 ft.

The Future Land Use map contained within the Comprehensive Plan (*see map #2*) shows the subject property located within a larger area shown as future Resource Management, and adjacent to Parks & Recreation. The designation RM, in this area, is likely reflective of its adjacency to the Mississippi River, and the steep slopes on the southern edge of the property - ranging from 18-36%, as identified in the Comprehensive Plan; figure 5-15 *Grand Rapids Steep Slopes*.

Considerations:

When reviewing a request for a Zoning Map Amendment, the Planning Commission must make findings based on the attached list of considerations.

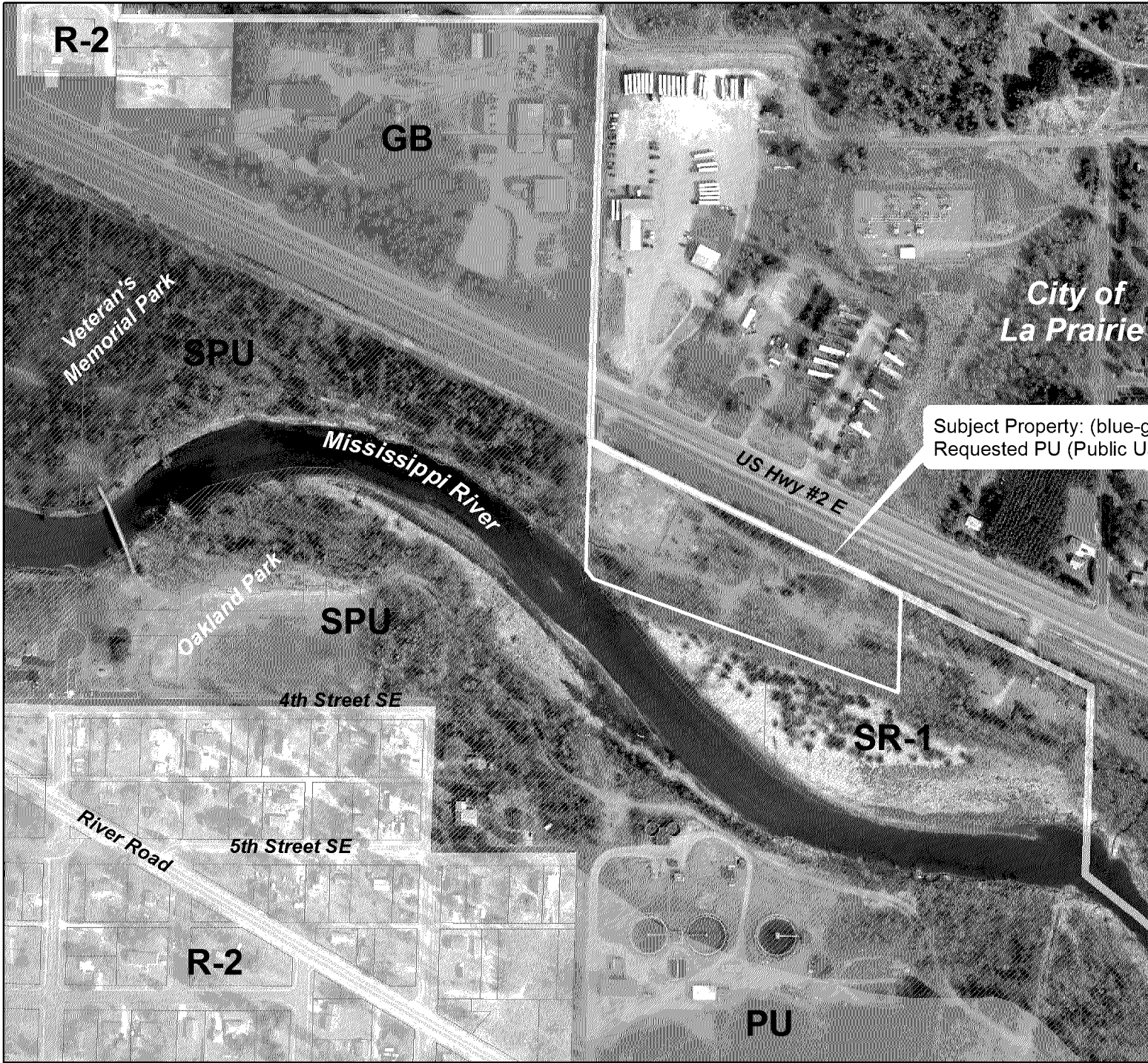
Recommendation

Staff recommends that the Planning Commissioners visit the site and look at the situation.

Prior to making a motion to recommend to the City Council approval or denial of the request, 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 Zoning Map Amendment.

<p>Required Action:</p>	<p>Pass a motion forwarding a recommendation to the City Council for approval or denial of the requested Zoning Map Amendment.</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 forward to the City Council a recommendation to (approve)(deny) the Zoning Map Amendment, as petitioned by MN Power, described within the Staff Report and as shown in the maps presented here today, from SR-1 (Shoreland One-Family Residential) to SPU (Shoreland Public Use);</p> <p><i><u>Contingent on the following stipulation(s):</u></i></p> <ul style="list-style-type: none"> • _____
<p>Attachments:</p>	<ul style="list-style-type: none"> • Site Maps • Copy of the rezoning petition and associated documentation. • List of the Planning Commissions Rezoning Considerations.

MN Power Zoning Map Amendment Request (SR-1 to SPU Proposed)



MN Power Zoning Map Amendment Request

(Comprehensive Plan Future Land Use)



PLANNING COMMISSION

Considerations

ZONING MAP AMENDMENT

1. Will the change affect the character of neighborhoods?

Why/Why not?

2. Would the change foster economic growth in the community?

Why/Why not?

3. Would the proposed change be in keeping with the spirit and intent of the ordinance?

Why/Why not?

4. Would the change be in the best interest of the general public?

Why/Why not?

5. Would the change be consistent with the Comprehensive Plan?

Why/Why not?

SUPPLEMENTAL CHECKLIST FOR REZONING

When considering rezoning property, the following questions should also be considered:

1. Has there been a change in the development policies of the community?
2. Are there changed conditions in the community that would change the proper zoning of the property?
3. Was there a mistake in the original zoning ordinance?
4. Is the zoning ordinance up to date?
5. Is similarly zoned land currently available?
6. Does the proposed rezoning (or amendment) conform to the comprehensive plan?
7. Is the proposed use compatible with adjacent land uses?
8. Is the proposed rezoning (or amendment) spot zoning?
9. Is the timing proper for the proposed rezoning (or amendment)?
10. What is the effect of the proposed rezoning on public utilities?
11. Will the proposed rezoning place an undue financial burden on the community?
12. Will the rezoning increase tax revenues?



CITY OF GRAND RAPIDS
ITS IN MINNESOTA'S NATURE

Petition for Rezoning (Zoning Map Amendment)

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

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

<u>MN Power</u>			Name of Applicant			Name of Owner (If other than applicant)		
<u>30 W Superior St.</u>			Address			Address		
<u>Duluth, MN</u>	<u>55802</u>		City	State	Zip	City	State	Zip
<u>218-355-3505 jhelmeremnpower.com</u>			Business Telephone/e-mail			Business Telephone/e-mail		

Parcel Information:

Tax Parcel # <u>91-022-3101</u>	Property Size: <u>5.75 acres</u>
Existing Zoning: <u>SR-1</u>	Requested Zoning: <u>SPL</u>
Existing Use: <u>old-remained substation site - snowmobile trails</u>	
Proposed Use: <u>recreational</u>	
Property Address/Location: <u>1404 E. US Hwy 2 Grand Rapids, MN 55744</u>	
Legal Description: <u>Section 22, Township 55 North, Range 25 W</u> (attach additional sheet if necessary) <u>see actual sheet</u>	

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>Bradley D. Oaks</u>	Date <u>6/30/17</u>
Signature(s) of Applicant(s)	Date
Signature(s) of Owner(s)-(If other than applicant)	Date

JUL 11 2017 **Office Use Only**

Date Received _____ Certified Complete 7/11/2017 Fee Paid \$505

Planning Commission Recommendation Approved _____ Denied _____ Meeting Date 8/3/2017

City Council Action Approved _____ Denied _____ Meeting Date _____

Summary of Special Conditions of Approval: _____

Required Submittals (5 copies of each & electronic versions of all pertinent information):

Application Fee - \$505.00 *¹

Location Map

Map Showing Surrounding Zoning

Proof of Ownership - (a copy of a property tax statement or deed will suffice)

**¹The application fees charged are used for postage to mail the required notices to adjacent properties, publication of the public hearing notice in the Grand Rapids Herald Review, and for a small portion of staff time for case review and preparation of documents. It is the policy of the City of Grand Rapids to require applicants for land use approvals to reimburse the City for costs incurred by the City in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the City.*

Justification of Proposed Rezoning: Please answer all of the following questions (attach additional pages if needed). The planning Commission will consider these questions and responses, and other issues (see attached list) in making their findings of fact and recommendation on the proposed rezoning.

A. What are the Surrounding land uses? Describe the existing uses and zoning classifications in the area surrounding the subject property.

Shoreland Public Use - open green space, public use
snowmobile crosses through this property

B. Would the uses permitted by the proposed zoning map change be appropriate for the surrounding area?

yes, same or similar to adjacent property

C. Is the property adequately served by public infrastructure (streets, sidewalks, utilities, etc)?

Right off US Hwy 2 yes

D. Demonstrate the need for additional property in the proposed zoning district.

follows local zoning

E. What effect will the proposed rezoning have on the growth and development of existing neighborhoods, other lands in the proposed district, commercial and industrial neighborhoods? fits in to the

City's Comprehensive Plans

F. Demonstrate that the proposed rezoning is the minimum change needed to allow a reasonable use of the property. no longer used for commercial substation-

proposed use is for public recreation

G. How does the proposed rezoning conform to the City's Comprehensive Plan? follows

local zoning in area, park recreation area

H. Is the timing proper for the proposed rezoning? ~~no~~ at this time for

MIW Power, yes - we no longer need to hold on to property ownership and with different zoning hope to sell to city or related recreation area or company or agency.

I.

Any additional information that the Petitioner would like to supply.

~~MN Power~~ MN Power recently removed our substation equipment and no longer have plans for use of this property. We would like to eventually sell this property.

Additional Instructions:

Prior to submitting your Petition to Rezone, you will need to arrange for one or more preliminary meetings with the Community Development Director. 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. Completed applications required to be submitted to the Grand Rapids Community Development Department by the 15th of the month.

Findings for Approval:

The Planning Commission, in formulating its recommendation, and the City Council, in support of its action will make findings of fact based on their responses to the following list of considerations:

- Will the change affect the character of the neighborhoods?
- Would the change foster economic growth in the community?
- Would the proposed change be in keeping with the spirit and intent of the ordinance?
- Would the change be in the best interest of the general public?
- Would the change be consistent with the Comprehensive Plan?

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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.



ITASCA COUNTY

Itasca County
Auditor/Treasurer
123 NE 4th Street
Grand Rapids, MN
55744

218-327-2859
www.co.itasca.mn.us

Property ID: 91-022-3101

Owner: MINN POWER & LIGHT CO

2015 Property Tax Statement

VALUES & CLASSIFICATION

Taxes Payable Year: 2014		2015
Estimated Market Value:		183,900
Homestead Exclusion: Taxable Market Value: New Improvements/ Expired Exclusions:		185,400
STEP 1	PROPERTY CLASSIFICATION: UTILITY	UTILITY
STEP 2	PROPOSED TAX Proposed Tax: (excluding special assessments) Sent in November 2014	
STEP 3	PROPERTY TAX STATEMENT First-half Taxes: May 15th Second-half Taxes: October 15th Total Taxes Due in 2015:	3,881.00 3,881.00 7,762.00

\$\$\$ You may be eligible for one or even two refunds to reduce your property tax.
\$\$\$ **REFUNDS?** Read the back of this statement to find out how to apply.

Taxes Payable Year: 2014 2015

1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15, if box is checked, you owe delinquent taxes and are not eligible.
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.

PROPERTY TAX AND CREDITS

PROPERTY TAX BY JURISDICTION	2014	2015
3. Property tax before credits	7,713.00	7,762.00
4. Credits that reduce property taxes:		
A. Agricultural market value credit		
B. Taxonite tax relief		
C. Other credits		
5. Property tax after credits	7,713.00	7,762.00
6. County	1,438.80	1,612.44
7. City or Town	2,120.26	2,327.96
8. State General Tax	1,918.28	1,884.93
9. School District: A. Voter approved levies 0318	1,781.29	1,951.29
B. Other local levies	493.66	503.95
10A. Special taxing district	6.95	8.59
B. Tax increment		
C. Fiscal disparity	1,556.76	1,228.80
11. Non-school voter approved referenda levies		
12. Total property tax before special assessments	7,713.00	7,762.00
SPECIAL ASSESSMENTS		
13A. SOLID WASTE ASSWT (INDUSTRIAL-1)	225.00	
B.		
C.		
14. Total property tax and special assessments	7,938.00	7,762.00

ISSUED: 11/03/2015



2ND HALF PAYMENT STUB

*910223101

TAXPAYER # 17084
MINN POWER & LIGHT CO

UTILITY ACCT# 73129
Property ID Number: 91-022-3101

Full Tax for Year 7,762.00
Balance Due .00
Penalty

Total Paid

Pay on or before October 15th to avoid penalty
Real Estate ITASCA COUNTY

Payable in 2015

Make checks payable to:
Jeffrey T. Walker
County Auditor/Treasurer

CASH
CHECK
COUNTER
MAIL

Mail to: Itasca County
Auditor/Treasurer
123 NE 4th Street
Grand Rapids, MN
55744

Check if address change on bank
If box is checked you owe delinquent taxes
Detach stub and include with second half payment

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