

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Tuesday, July 11, 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

17-0474 Approve the minutes of the June 1, 2017, 4:00 pm regular meeting.

Attachments: [June 1, 2017 Meeting Minutes](#)

Public Hearings

17-0478 Conduct a Public Hearing to consider a variance petition submitted by Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant.

Attachments: [Jerulle Variance Request: Staff Report](#)
[Variance Request: Area Map & Site Plan](#)
[Rules for PH-Variance Considerations](#)
[Jerulle Variance Request: Application](#)

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, August 3rd, 2017*



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 17-0474 **Version:** 1 **Name:** Approve the minutes of the June 1, 2017, 4:00 pm regular meeting.

Type: Minutes **Status:** Approved

File created: 6/27/2017 **In control:** Planning Commission

On agenda: 7/11/2017 **Final action:**

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

Sponsors:

Indexes:

Code sections:

Attachments: [June 1, 2017 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
7/11/2017	1	Planning Commission	Approved as Presented by Commission	

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

Background Information:

See attached meeting minutes.

Staff Recommendation:

Approve the minutes of the June 1, 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

Thursday, June 1, 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 May 4, 2017, 4:00 pm regular meeting.

Approved as Presented by Commission

General Business

Consider a recommendation to the City Council regarding the vacation of 15 ft. of Seventh Street East right-of-way adjacent to Block 1, Grand Rapids Third Division.

Ms. Patricia Potasnak submitted a valid petition on April 26, 2017 requesting the vacation of the following described portion of public right-of-way (and outlined in the attached map):

S 15' of 7th Street East R-O-W ADJ to Lots 1,4,5,8, & 9, Block 1, Third Div. of Grand Rapids, Itasca County, Minnesota

The right-of-way vacation request, if approved, would allow Ms. Potasnak's lot to gain an additional 15 ft. of width on the north edge of her property. The addition to the property, would allow the owner to add a section of fence in the newly acquired yard area.

There were no concerns or objections expressed, regarding the petitioned partial right-of-way 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 Burress, second by Commissioner Zeige 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 a portion of public right-of-way described as;

S 15' of 7th East Street R-O-W ADJ to Lots 1,4,5,8, & 9, Block 1, Third Div. of Grand Rapids, Itasca County, Minnesota

With the following considerations:

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

Why/Why not? No, it is not needed for traffic purposes.

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

Why/Why not? No, there is still plenty of room for a sidewalk.

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

Why/Why not? No, staff review committee indicated 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 an additional 15 feet on the tax rolls.

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

Why/Why not? Yes, buying materials for the fence and deck would increase the value of the home.

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

Opposed: None, passed unanimously.

Public Input

Miscellaneous\Updates

Adjourn

There being no further business the meeting adjourned at 4:18 p.m.



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	17-0478	Version:	1	Name:	Conduct a Public Hearing to consider a variance petition submitted by Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant.
Type:	Public Hearing	Status:			PC Public Hearing
File created:	6/29/2017	In control:			Planning Commission
On agenda:	7/11/2017	Final action:			
Title:	Conduct a Public Hearing to consider a variance petition submitted by Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Jerulle Variance Request: Staff Report Variance Request: Area Map & Site Plan Rules for PH-Variance Considerations Jerulle Variance Request: Application				

Date	Ver.	Action By	Action	Result
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7/11/2017	1	Planning Commission		
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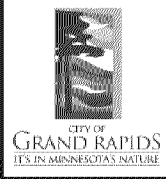
Conduct a Public Hearing to consider a variance petition submitted by Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant.

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

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



Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 7/11/2017
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant.	
Background:	<p>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.</p> <p>The subject property is 1.2 acres in area (4-parcels), and is located within a GB (General Business) zoning district. The property is legally described as: <i>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.</i></p> <p>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. (<i>subject property was rezoned in 2016 from R-1 to GB</i>), both buildings will be removed and the property will be developed into parking lot under the proposed development plan.</p> <p>Currently, the commercial restaurant building (Sammy's Pizza) is setback 13' from the front property line (adjacent to Pokegama Avenue S – <i>By definition the narrowest street dimension on a corner lot is the front yard</i>). Originally, the Sammy's building was developed as a drive-in restraint in the mid-1960's, and then remodeled and added on to in 1990 to the building's current size. At the time of the 1990 addition, the subject property was within a B-1 (Roadside Business District), which had a minimum front yard setback of 15 ft. for principal structures (1985 Zoning Ord.). In 1994, as part of an updating of the City's Zoning Ordinance, the B-1 zoning district was replaced with the current GB (General Business) zoning district, and the minimum front yard setback was increased to 30 ft.</p> <p>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.</p> <p>The addition to the commercial building, as proposed, would require the Planning Commission's approval of two variances.</p> <ol style="list-style-type: none">1. Section 30-512 Table 2-A of the Municipal Code, which lists District	

	<p>Development Regulations for Principal Structures, and establishes a <u>30' front yard setback for principal structures</u> within GB (General Business) zoned districts.</p> <p>2. Section 30-458(c)1, which addresses alterations to nonconforming structures: <i>“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”.</i></p>
Considerations:	<p>When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.</p>
Recommendation:	<p>Staff recommends that the Planning Commissioners visit the site and look at the situation.</p> <p>Prior to making a motion to approve or deny 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 variance(s).</p>
Required Action:	<p>Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variance.</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 (grant)(deny) the following variances to Tony Jerulle, d.b.a. Sammy’s Pizza and Restaurant for the property legally described as: <i>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;</i></p> <ul style="list-style-type: none"> • 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.

	<p><i>(If the Planning Commission wishes to place conditions upon their approval, the following should be added to the motion:)</i></p> <p>and that the following condition(s) shall apply:</p> <ul style="list-style-type: none">• _____
Attachments:	<ul style="list-style-type: none">• Site Map• Copy of the variance petition and associated documentation• List of the Planning Commissions Variance Considerations

Jerulle Variance Request



Subject Property of Variance Request

Approximate footprint of proposed building addition.

Area of 764 sq. ft. additional building encroachment. (green cross-hatch)

(building to be removed)

(building to be removed)

50 25 0 50 Feet

P:\PT\S\SAMMY\41290_5-final-dsgn\51-drawings\10-Civil\ecc\dwg\Exhibit\SA141290_5-Exhibit.dwg 6/8/2017 1:27 PM mmooyr

S POKEGAMA AVENUE / TH 169

WILLOW LANE

RELOCATED ENTRANCE TO WILLOW LANE

CLOSE ENTRANCE TO POKEGAMA AVENUE

CLOSE ENTRANCE TO POKEGAMA AVENUE

EXISTING ENTRANCE TO POKEGAMA AVENUE

SAMMY'S PIZZA
EXISTING BUILDING

BIT
PROPOSED BUILDING

3 - 9' x 17'
PARKING STALLS

EXISTING 6" DIP
WATER SERVICE STUB

22 - 9' x 13'
PARKING STALLS

APPROXIMATE LOCATION
SANITARY SEWER SERVICE

APPROXIMATE LOCATION
SANITARY SEWER SERVICE

APPROXIMATE LOCATION
WATER SERVICE

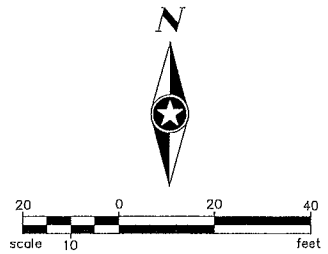
CONC 12 - 9' x 16'
PARKING STALLS

100 PARKING STALLS

APPROXIMATE LOCATION
WATER SERVICE

EXISTING CURB STOP

ARBY'S RESTAURANT



DRAWN BY: _____
DESIGNER: _____
CHECKED BY: _____

DESIGN TEAM	NO.	BY	DATE	REVISIONS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN.
Date: ____/____/____



CITY OF
GRAND RAPIDS
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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

VARIANCE

1. Is this an "Area" variance rather than a "Use" variance?
2. Does the proposal put property to use in a *reasonable manner*?
Why/Why not-
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-
4. Is the variance in *harmony with* the purposes and intent of the *ordinance*?
Why/Why not-
5. Will the variance, if granted, alter the *essential character* of the locality?
Why/Why not-
6. Is the variance *consistent with* the *comprehensive plan*?
Why/Why not-



Petition for Variance

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:

Tony Jerulle
Name of Applicant*1
802 South Pokegama Avenue
Address
Grand Rapids MN 55744
City State Zip
218.326.8551 sammygr@paulbunyan.net
Business Telephone/e-mail address

Name of Owner (If other than applicant)

Address

City State Zip

Business Telephone/e-mail address

*1 If applicant is not the owner, please describe the applicant's interest in the subject property. _____

Parcel Information:

Tax Parcel # 91-505-0210, 91-505-0205, 91-490-0702, 91-490-0704 Property Size: 1.2 Acres for all four parcels

Existing Zoning: GB

Existing Use: Restaurant/Office Space

Property Address/Location: 802 South Pokegama Avenue

LegalDescription: Lot 1 Less N 114' Blk 2 and N 114' of Lot 1 Blk 2 Plat of Doran Addition to Grand Rapids Lot 1 & N 4' of Lot 2 Blk 7 and Lot 2 Less N 4' & Allot 3 Blk 7 of Clover 1st & 2nd Add. To GR

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.

Tony Jerulle
Signature(s) of Applicant(s)

6/8/17
Date

Signature of Owner (If other than the Applicant)

Date

JUN - 8 2017

Office Use Only

Date Received _____ Certified Complete 6/12/17 Fee Paid 252.50

Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date 7/11/17

Summary of Special Conditions of Approval:

Required Submittals:

Application Fee - \$252.50 *2

Site Map- Drawn to scale, showing the property dimensions, existing and proposed, building(s)/addition(s) and their size(s) including: square footage, curb cuts, driveways, access roads, parking spaces, sidewalks and wells & septic systems.

**2 The 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.*

Proposed Variance:

A. Please describe in detail the proposed or requested variance:

Requesting a variance for the 30'-0" front yard setback in GB District. Current building is 13' +/- from front yard property line. Proposed building addition is requesting front yard setback of 14' +/-.

B. Provide an itemization of the required regulations pertaining to this variance (i.e., setback lines, lot coverage ratios, parking requirements).

Front yard building setback – The existing building has a 13 foot setback which was compliant when the building was constructed. The addition is proposed to have a setback of 14 feet which is slightly greater than the existing building setback.

Justification of Requested Variance: Provide adequate evidence indicating compliance with the following provisions of the ordinance concerning variances (Section 30-453(e) "Findings for Variances"). Detailed answers are needed because the Planning Commission shall grant a variation only when they have determined, and recorded in writing, that all of the following provisions have been met.

A. That the requested variance does not allow a use that is otherwise excluded from the particular zoning district in which it is requested.

Applicant justification (refer to Table of Uses in City Code Section 30-512):

Proposed use is allowed in GB District

B. Does the proposal put property to use in a reasonable manner?

Applicant justification - Describe how your situation applies to the above statement:

This proposal allows for the maximum use of the property. After design review, the proposed expansion has been reduced to a minimum that is viable to run a business. Any further reduction in area would make the project financially at risk. Existing building is currently 13' +/- in the front yard setback, the proposed addition is reasonable since it is 1' +/- further back from the existing building. The building setback for the existing building and the proposed building addition are greater than the neighboring building to the south. The improvements to the property bring the parking lot into compliance with the current ordinance.

C. The plight of the landowner is due to circumstances unique to the property in question, and not created by the landowner subsequent to the adoption of this ordinance.

Applicant justification - Describe how your situation applies to the above statement:

The property is a combined lot that included a former restaurant and single family residence. Both would be demolished for the proposed development. Existing parking encroaches on public right-of-way. The project will eliminate the encroachment and meet current parking lot setbacks. Two (2) existing curb cuts are planned to be removed to reduce traffic congestion and improve safety on Pokegama Avenue. The two existing curb cuts on Willow Lane will be consolidated into one, eliminating one (1) curb cut on Willow Lane.

D. That the variance, if granted, shall be in harmony with purposes and intent of the ordinance, and will not be detrimental to the public welfare or the property or improvements in the neighborhood, and will not alter the essential character of the locality.

Applicant justification - Describe how your situation applies to the above statement:

The variance request follows the design intent of the ordinance the proposed development will have landscape buffer for parking that currently does not exist. The parking lot will be reconstructed to meet setbacks and eliminate current encroachment on public right-of-way. The proposed building addition make use of the property that is currently unused with a vacant building. The development eliminates (2) curb cuts on Pokegama Avenue and one (1) on Willow Lane reducing traffic congestion and improving safety.

E. That the variance, if granted, shall be consistent with the comprehensive plan.

Applicant justification - Describe how your situation applies to the above statement:

Current and proposed development are consistent with the comprehensive plan.

City Process:

1. Applicant submits a completed application to the Grand Rapids Community Development Department by the 15th of the month.
2. Review by staff for completeness of application.
3. Notification of adjoining property owners.
4. Publish Notice of Public Hearing.
5. Prepare Staff Report and background information.
6. Public Hearing and action at Planning Commission Meeting (First Thursday of each month).

Findings for Approval:

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

- Is this an "Area" variance rather than a "Use" variance?
- Does the proposal put property to use in a reasonable manner?
- Are there unique circumstances to the property not created by the landowner?
- Is the variance in harmony with the purposes and intent of the ordinance?
- Will the variance, if granted, alter the essential character of the locality?
- Is the variance consistent with the comprehensive plan?

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

More information may be requested by the City of Grand Rapids Planning Commission, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.