

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Thursday, October 20, 2016

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

16-0688 Approve the minutes of the September 22, 2016, 4:00 pm special meeting.

Attachments: [September 22, 2016 Special Meeting Minutes](#)

Public Hearings

16-0689 Conduct a Public Hearing to consider a variance petition submitted by Jim Shear, d.b.a. GRP, LLC.

Attachments: [GRP, LLC. Variance: Staff Report](#)
[GRP, LLC. Variance: Maps](#)
[Rules for Public Hearing & Variance Considerations](#)
[GRP, LLC. Variance: Application & site plan](#)

16-0691 Conduct a Public Hearing to consider a variance petition submitted by Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal.

Attachments: [Wernimont/Hartley Variance: Staff Report](#)
[Wernimont/Hartley Variance: Maps](#)
[Rules for Public Hearing & Variance Considerations](#)
[Wernimont/Hartley Variance: 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, November 3rd, 2016



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 16-0688 **Version:** 1 **Name:** Approve the minutes of the September 22, 2016, 4:00 pm special meeting.

Type: Minutes **Status:** Approved

File created: 10/11/2016 **In control:** Planning Commission

On agenda: 10/20/2016 **Final action:**

Title: Approve the minutes of the September 22, 2016, 4:00 pm special meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [September 22, 2016 Special Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
10/20/2016	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the September 22, 2016, 4:00 pm special meeting.

Background Information:

See attached draft meeting minutes.

Staff Recommendation:

Approve the minutes of the September 22, 2016, 4:00 pm special 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, September 22, 2016

2:00 PM

Council Chambers

Call To Order

Call of Roll

- Present** 4 - Commissioner Julie Fedje-Johnston, Commissioner Charles Burress, Chairperson Lester Kachinske, and Commissioner Susan Lynch
- Absent** 3 - Commissioner Mark Gothard, Commissioner Paula Johnson, and Commissioner Tasha Connelly

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 August 4, 2016, 4:00 pm regular meeting.

Motion by Commissioner Burress, second by Commissioner Fedje-Johnston to approve the minutes of the August 4, 2016 regular meeting. The following voted in favor thereof: Burress, Kachinske, Fedje-Johnston, Lynch. Opposed: None, passed unanimously.

Public Hearings

Conduct a Public Hearing to consider a variance petition submitted by the Colony Square Cooperative.

Community Development Specialist Trast provided the staff report. The members of Colony Square Cooperative have applied for one variance, which if approved, would allow for an unpermitted, 8 ft. high security fence, to remain in its current state and location on the Cooperative's property at: 1850 SE 2nd Avenue and legally described as:

S. 325 ft. of Outlot A, Plat of Roy's Acres, Grand Rapids, Minnesota

The applicants, within the variance petition, cite the potential foot traffic from an adjacent development, as a perceived security risk to the Cooperative's residents, as need/justification for the security fence on the property. Additionally, the application references miscommunication as the reason a permit was not obtained prior to the fence being erected.

Generally, review of a fence permit application consists of: verification of fence height in relation to proposed location on property, and review of proposed fence setbacks in relation to property lines. The majority of fence permits issued, are to properties with single family residential uses. Most common are: 4 ft. chain link or picket fences and 6 ft. privacy fences (6 ft. is the maximum fence height permitted in 1 & 2 family res. zoning districts).

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

Chair Kachinske noted that 18 letters were received from the residents at Colony Square in support of the fence. A letter was also received from Beacon Hill addressing some of the false information regarding the development.

Bruce Aiton, president of the Colony Square Association provided background as to why the fence was erected in it's current location without a permit.

Motion by Commissioner Lynch, Second by Commissioner Fedje-Johnson to close the public hearing. The following voted in favor thereof: Burress, Kachinske, Fedje-Johnson, Lynch. Opposed: None, passed unanimously.

Attorney Sterle advised the Commissioners to look at this request as if the fence was not already there.

The Commissioners reviewed the 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-
The fence will not impact reasonable use of the property.
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-
The owner's plight is self created by placing the fence in a location that does not meet setbacks.
4. Is the variance in harmony with the purposes and intent of the ordinance?
Why/Why not-
It's not in harmony, in the current location the fence does not allow for the 35 feet of buffering which would be nice for the neighbors.
5. Will the variance, if granted, alter the essential character of the locality?
Why/Why not-
Yes, it's not very neighborly and a security fence does change the essence of the neighborhood.
6. Is the variance consistent with the comprehensive plan?
Why/Why not-
The comprehensive plan talks about security as a value which is the reason for the fence but it also talks about affordable

housing and housing diversity which is what the Beacon Hill project provides therefore there isn't a lot of guidance.

Motion by Commissioner Fedje-Johnston, second by Commissioner Burress that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby deny the following variance to the Colony Square Cooperative for the property legally described as: S. 325 ft. of Outlot A, Plat of Roy's Acres, Grand Rapids, Minnesota;

- to allow a one time waiver of the requirements of Section 30-592(a)3 of the Municipal Code which would allow the 8 ft. high security fence, to remain in its current location on property at: 1850 SE 2nd Avenue, encroaching 29 to 33 ft. into the required 35 ft. rear yard setback and encroaching 14 to 18 ft. into the required 20 ft. interior side yard setback for security fences in excess of 6 ft. in height, as proposed on the petitioners site plan.

with the considerations provided in discussion from the Commissioners.

The following voted in favor thereof: Burress, Kachinske, Fedje-Johnston, Lynch. Opposed: None, passed unanimously.

General Business

Consider a recommendation to the City Council regarding the vacation of a portion of platted Houghton Avenue right-of-way adjacent to Block 65, Town of Grand Rapids.

Mr. Trast provided the background information. Ms. Lola Pohl submitted a valid petition on August 17, 2016 requesting the vacation of the following described portion of public right-of-way (and outlined in the attached maps):

That part of Houghton Avenue LYG westerly and ADJ to Lots 13-19, Block 65, as dedicated in the Plat of Town of Grand Rapids, Itasca County, Minnesota

The right-of-way vacation request, if approved, would be another step in the process of providing clear access to the property/single family dwelling located at 318 SW 3rd Avenue for future sale. The dwelling, purchased by the current owner in 1976, was completely located within the platted (but, unimproved) right-of-way which was Houghton Avenue, within the Plat of Town of Grand Rapids.

The Commissioners reviewed the following considerations.

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

Why/Why not?

No, there is only one home therefore it's not needed for traffic purposes.

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

Why/Why not?

No, again there is only one home and the ROW is not needed for pedestrian

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

Why/Why not?

No, 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 will add land and value to the tax rolls.

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

Why/Why not?

Yes, it makes the property more valuable, which in turn increases the tax base.

Motion by Commissioner Burress, second by Commissioner Lynch 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;

That part of Houghton Avenue LYG westerly and ADJ to Lots 13-19, Block 65, as dedicated in the Plat of Town of Grand Rapids, Itasca County, Minnesota

With the considerations discussed by the Commissioners.

The following voted in favor thereof: Lynch, Fedje-Johnston, Kachinske, Burress. Opposed: None, passed unanimously.

Public Input

Miscellaneous\Updates

Adjourn

Adjourn



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 16-0689 **Version:** 1 **Name:** Conduct a Public Hearing to consider a variance petition submitted by Jim Shear, d.b.a. GRP, LLC.

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

File created: 10/12/2016 **In control:** Planning Commission

On agenda: 10/20/2016 **Final action:**

Title: Conduct a Public Hearing to consider a variance petition submitted by Jim Shear, d.b.a. GRP, LLC.

Sponsors:

Indexes:

Code sections:

Attachments: [GRP, LLC. Variance: Staff Report](#)
[GRP, LLC. Variance: Maps](#)
[Rules for Public Hearing & Variance Considerations](#)
[GRP, LLC. Variance: Application & site plan](#)

Date	Ver.	Action By	Action	Result
10/20/2016	1	Planning Commission		

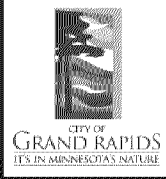
Conduct a Public Hearing to consider a variance petition submitted by Jim Shear, d.b.a. GRP, LLC.

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Conduct a Public Hearing to consider a variance petition submitted by Jim Shear, d.b.a. GRP, LLC.



Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 10/20/2016
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Jim Shear, d.b.a. GRP, LLC.	
Background:	<p>Mr. Shear has applied for two variances, which if granted, would allow for the construction of a 1,920 sq. ft. addition to the commercial building located at: 951 NW 4th Street.</p> <p>The subject property is a 0.4 acre parcel, and is located within a SGB (Shoreland General Business) zoning district. The property is legally described as: <i>W 137 ft. of Lots 13-17 & W 137 ft. of Lot 18 LESS the N 9 ft., all in Block 23, Grand Rapids Second Division, Itasca County, Minnesota.</i></p> <p>Mr. Shear would like to construct a 32' X 60' addition to the north end of the commercial building located on the west end of the block, which as proposed, would encroach 30' in to the required 30' front yard setback for principal structures. The subject building, is one of two, owned by the applicant in the adjacent area, the other being Lake Woods Chrysler. Currently, the commercial building is setback 0' from the front property line (adjacent to 10th Avenue NW – <i>By definition the narrowest street dimension on a corner lot is the front yard</i>).</p> <p>The applicant, within the variance petition, cites the additional building space needs of a potential, future tenant, of the subject building as reason 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 17C-2 of the Municipal Code, which lists Minimum Setbacks/Coverage Standards in Shoreland Districts, and establishes a <u>30' front yard setback for principal structures</u> within SGB (Shoreland General Business) zoned districts. 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>. 	

Considerations:	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.
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 Jim Shear, d.b.a. GRP, LLC. for the property legally described as: <i>W 137 ft. of Lots 13-17 & W 137 ft. of Lot 18 LESS the N 9 ft., all in Block 23, Grand Rapids Second Division, 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 17C-2 and Section 30-458(c)1.b of the Municipal Code for the construction of a 32’ X 60’ addition to the existing commercial building located on the property, which currently encroaches 30 ft. into the required 30 ft. front yard setback. As proposed, the addition to the nonconforming building, would add an additional 960 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. Shear. <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

GRP, LLC. Variance Request



Approximate footprint of proposed building addition. (yellow-dashed line)

Subject Property of Variance Request

Floor to Ceiling

10th Avenue NW

US Hwy #2/4th Street NW

Lake Woods C

Itasca Farm Service

75 37.5 0 75 Feet

GRP, LLC. Variance Request

(General Area Map w/Zoning Layer)



GRP, LLC. Variance Request





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

Grand Rapids Planning Commission

Grand Rapids, MN – City Hall

RULES FOR A PUBLIC HEARING

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



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.grandrapidsmn.org

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

<u>GRP, LLC</u>			Name of Applicant*1		
<u>5125 Minneapolis Ave</u>			Name of Owner (If other than applicant)		
Address			Address		
<u>Minnetonka MN 55364</u>			City State Zip		
City State Zip			City State Zip		
<u>612-840-7817</u>			Business Telephone/Telephone (other)/e-mail		
Business Telephone/Telephone (other)/e-mail			Business Telephone/Telephone (other)/e-mail		

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

Parcel Information:

Tax Parcel # 91-420-2315 Property Size: 4 Acres

Existing Zoning: S6B

Existing Use: Vacant building (Former Rock around the Clock Paycase)

Property Address/Location: 951 NW 4th St. G.R.

Legal Description: W137' OF Lots 13-17, + W137' OF LU 718, ...
 (attach additional sheet if necessary)

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.

[Signature] Signature(s) of Applicant(s) 9-26-16 Date

Signature of Owner (If other than the Applicant) _____ Date _____

SEP 27 2016 Date Received

Official Use Only Fee Paid \$252.00

Planning Commission Recommendations Approved _____ Denied _____ Meeting Date 10/20/2016

Summary of Special Conditions of Approval: _____

Required Submittals:

Application Fee - \$252.00²

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.

²The 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:

CHANGE 30' FRONT BLDG SETBACK LINE
ALONG 10TH AVE MW TO 0' FRONT
BLDG SETBACK

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

30' FRONT 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):

PROFESSIONAL SERVICES ARE PERMITTED IN S6B
DISTRICTS

- B. Strict application of the provisions of the zoning ordinance would prohibit the owner of the property from realizing a reasonable use of the land.

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

THE SERVICES BEING PROVIDED REQUIRE A
LARGER BUILDING FOOTPRINT THAN CURRENTLY
EXISTS. MAINTAINING THE 30' SETBACK
WOULD CREATE A LONG NARROW ADDITION
WHICH WOULD NOT MEET THE PROPOSED
TENANTS PROGRAM AND SPACE REQUIREMENTS.

- 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 PROP. IS UNIQUE IN

THAT THE EXISTING BUILDING IS NON-CONFORMING,
IN THAT ITS FOOTPRINT FALLS WITHIN THE WEST
30' SETBACK. THE PROPOSED ADDITION HAS A
WEST WALL THAT ALIGNS WITH THE EXISTING
BUILDING, AND WOULD EXTEND NO FURTHER INTO
THE SETBACK THAN THE EXISTING BUILDING.

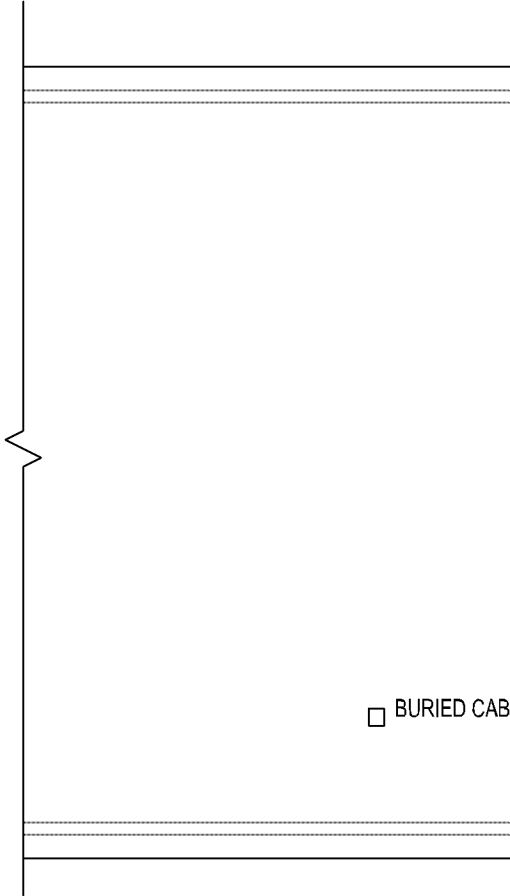
- D. That the variance, if granted, shall be in keeping with the spirit and intent of the ordinance, and will not be detrimental to the public welfare or the property or improvements in the neighborhood, and will not alter the essential character of the neighborhood.

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

THE VARIANCE IS IN KEEPING W/ THE SPIRIT OF THE
ORDINANCE. THE ADDITION WILL NOT EXTEND ANY
FURTHER INTO THE SETBACK THAN THE EXIST. BLDG.
THE PROPOSED ADDITION WILL NOT BE DETRIMENTAL TO
THE PUBLIC, IN FACT THE SERVICES TO BE PROVIDED
THEREIN WILL BE LIFE-SAVING, BECAUSE THE
PROPOSED ADDITION WILL ALIGN WITH THE EXISTING
WEST WALL. THE ESSENTIAL CHARACTER (GREENSCAPE)
BEYOND THE WEST PROPERTY LINE, WILL REMAIN.

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).



BURIED CAB

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CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	16-0691	Version:	1	Name:	Conduct a Public Hearing to consider a variance petition submitted by Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal.
Type:	Public Hearing	Status:			PC Public Hearing
File created:	10/13/2016	In control:			Planning Commission
On agenda:	10/20/2016	Final action:			
Title:	Conduct a Public Hearing to consider a variance petition submitted by Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Wernimont/Hartley Variance: Staff Report Wernimont/Hartley Variance: Maps Rules for Public Hearing & Variance Considerations Wernimont/Hartley Variance: Application				

Date	Ver.	Action By	Action	Result
10/20/2016	1	Planning Commission		

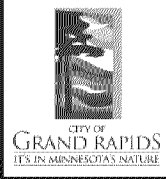
Conduct a Public Hearing to consider a variance petition submitted by Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal.

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Conduct a Public Hearing to consider a variance petition submitted by Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal.



Planning Commission Staff Report

Agenda Item #3	Community Development Department	Date: 10/20/2016
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal.	
Background:	<p>Mr. Wernimont and property owner David Hartley, have applied for two variances, which if granted, would allow for a freestanding sign to be added to Lot 3, Block 1, Hartley Addition, to service a proposed restaurant.</p> <p>The subject property is a 1.23 acre parcel, which was recently created through the subdivision of the former K-Mart property, and is located within a GB (General Business) zoning district. The property is legally described as: <i>Lot 3, Block 1, Hartley Addition, Itasca County, Minnesota.</i></p> <p>Mr. Wernimont and Mr. Hartley have requested the Planning Commission's consideration of two variances. One variance from Section 30-678(f) of the Municipal Code, which establishes a 30 ft. setback for off-premises advertising signs in GB (General Business) zoning districts, and one variance from Section 30-679(3)d. of the Municipal Code, which stipulates that "There shall be no more than one freestanding sign per 300 feet of street frontage on any lot".</p> <p>The requested variances, if approved, would allow for a freestanding sign to be added to Lot 3, Block 1, Hartley Addition, to service a proposed restaurant. The subject lot currently has the vacated, former K-Mart freestanding sign on it, which is proposed to be an off-premises sign for Lot 1, Blk. 1, Hartley Add., and is currently setback approximately 17 ft. from the front lot line; Variance #1: 13 ft. setback reduction from the required 30 ft. front yard setback for off-premises signs and; Variance #2: 130 ft. reduction, from the required 300 ft. separation, between freestanding signs on the same lot.</p> <p>The applicant, within the variance petition, cites the need for individual business signage for both the lot (Lot 3, Block 1 – adjacent to, and having direct access to Hwy 169) with a proposed restaurant, and for the future redevelopment of the lot (Lot 1, Block 1 – indirect access to Hwy 169) with the former K-Mart building , as reason for the variance request.</p> <p>The placement of an additional freestanding sign on Lot 3, Block 1, Hartley Add., as proposed, would require the Planning Commission's approval of two variances.</p> <ol style="list-style-type: none"> 1. Section 30-678(f) of the Municipal Code, which establishes a 30 ft. setback for off-premises advertising signs in GB (General Business) 	

	<p>zoning districts.</p> <p>2. Section 30-679(3)d. of the Municipal Code, which stipulates that <i>“There shall be no more than one freestanding sign per 300 feet of street frontage on any lot”</i>.</p>
<p>Considerations:</p>	<p>When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.</p>
<p>Recommendation:</p>	<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>
<p>Required Action:</p>	<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 Steve Wernimont dba Wernimont Properties, LLC. and property owner David Hartley, etal. for the property legally described as: <i>Lot 3, Block 1, Hartley Addition, Itasca County, Minnesota;</i></p> <ul style="list-style-type: none"> • to allow a one-time waiver of the requirements of Section 30-678(f) and Section 30-679(3)d. of the Municipal Code allowing for the placement of a 2nd freestanding sign to be added to Lot 3, Block 1, Hartley Addition, which as proposed in the variance application requires: <ol style="list-style-type: none"> 1. Variance #1: 13 ft. setback reduction from the required 30 ft. front yard setback for off-premises signs and; 2. Variance #2: 130 ft. reduction, from the required 300 ft. separation, between freestanding signs on the same lot. <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
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Wernimont Properties, LLC. Variance Request



Subject Property of
Variance Request

150 75 0 150 Feet



Wernimont Properties, LLC. Variance Request



Subject Property of
Variance Request

Former K-Mart Sign
Now off-premises sign
Currently setback 17
30 ft. req. for off-pre

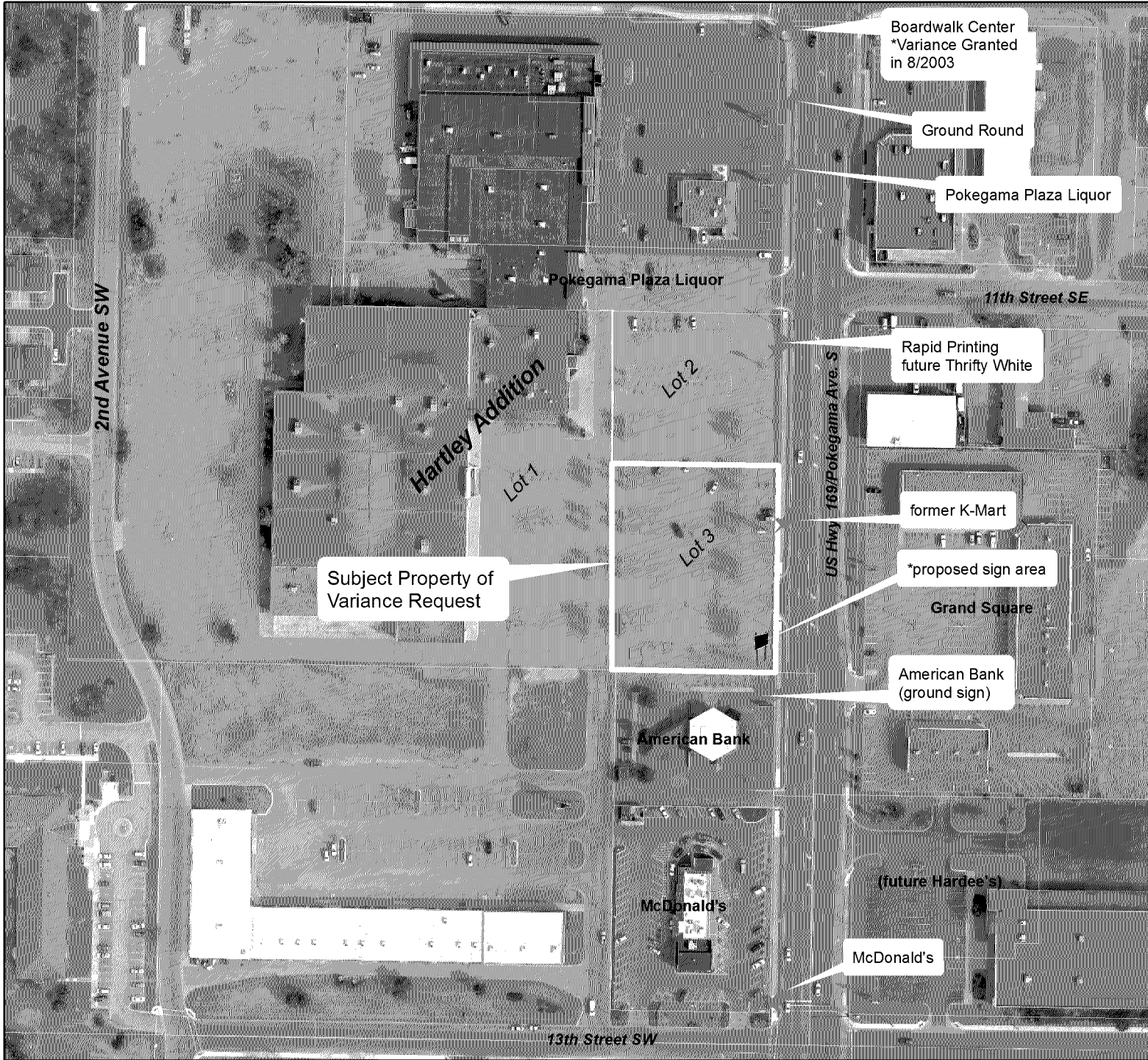
Area of propos
new sign

American Bank

50 25 0 50 Feet



Wernimont Properties, LLC. Variance Request



Boardwalk Center
*Variance Granted
in 8/2003

Ground Round

Pokegama Plaza Liquor

Pokegama Plaza Liquor

11th Street SE

Rapid Printing
future Thrifty White

Hartley Addition

Lot 2

US Hwy 169/Pokegama Ave. S

former K-Mart

Subject Property of
Variance Request

Lot 3

*proposed sign area

Grand Square

American Bank
(ground sign)

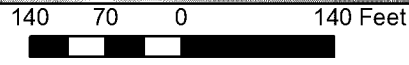
American Bank

(future Hardee's)

McDonald's

McDonald's

13th Street SW





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

Grand Rapids Planning Commission

Grand Rapids, MN – City Hall

RULES FOR A PUBLIC HEARING

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

PLANNING COMMISSION

Considerations

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:

Wernimont Properties, LLC (Steve Wernimont)
Name of Applicant*1
1137 Baird Lane NE
Address
Rochester, MN 55906
City State Zip
507-250-6143
Business Telephone/e-mail address

David Hartley etal
Name of Owner (If other than applicant)
740 East Superior St
Address
Duluth MN 55802
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. _____

Assignable purchase agreement via Brian Polister

Parcel Information:

Tax Parcel # 91-544-0130 Property Size: 206' x 260'
Existing Zoning: General Business
Existing Use: Parking lot of former Kmart
Property Address/Location: 1111 S Pokegama Ave
Legal Description: Lot 3 block 1 of Hartley subdivision Legal attached _____
(attach additional sheet if necessary)

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.

[Signature]
Signature(s) of Applicant(s)

9-27-16
Date

[Signature]
Signature of Owner (If other than the Applicant)

9-28-16
Date

SEP 29 2016
Date Received _____ Certified Complete 11/30/16 Office Use Only Fee Paid 252.00
Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date: 10/30/16
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:

To allow a second pylon sign on the parcel with less than the specified 300' separation

Additionally, to allow the existing Kmart pylon sign to remain in its current location for future Kmart redevelopment plans.

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

Multiple pylon signs on one parcel are to have a 300' separation.

An off premise pylon sign is to have a 30' 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):

The intended use of this parcel is a restaurant. This is a permitted use of the general business zone. The specific brand of restaurant is Culver's. Developing a Culver's on this site will be a great step in the direction of redeveloping the closed Kmart center. However, in order to effectively redevelop this site, signage needs to be available on Pokegama for future concepts developing behind our restaurant. By leaving that pylon for other uses, we need a variance to the city code which requires 300' separation between pylon signs on a single parcel. Culver's has rejected the sight if sharing the existing pylon is the design. (see attached letter)

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

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

The proposal allows for future concepts on the back lot of this subdivision to have signage on Pokegama and will result in a site approval from Culver franchising allowing us to develop a Culver's restaurant on this site.

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:

This is a unique circumstance in Grand Rapids since a previous Kmart center is being divided into separate parcels in order to redevelop the subdivision. To have adequate space, parking and traffic flow on the parcel for Culver's the lot needed to use the remaining Pokegama frontage. In order to attract possible users to the back lot it's critical that signage be available on Pokegama. By keeping the existing pylon sign for future use, any sign Culver's erects will be less than 300' away.

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:

Our plan (see attached sight plan) is to place our sign on the extreme south east corner of the lot; creating maximum space between signs.

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

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

By granting the variance we will be assisting in the process of redeveloping a piece of downtown that can be currently seen as an eyesore. The ability to keep the existing sign and allow Culver's to have its own sign will increase the likelihood of finding a buyer for the back parcel of land where Kmart current sits empty.

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.

Part of the Southwest Quarter (SW ¼) of Northwest Quarter (NW ¼). Section 28, Township 55, Range 25 described as follows: Commencing at the northeast corner of said SW ¼ of NW ¼; thence go south along the East of said SW ¼ of NW ¼ a distance of 407.79 feet to the place of beginning of the parcel here described; thence deflect to the right 90 degrees 13 minutes and go west 600 feet; thence deflect to the right 89 degrees 46 minutes 30 seconds and go west 338.26 feet; thence deflect to the left 90 degrees 13 minutes 30 seconds and go south 840.95 feet; thence deflect to the left 89 degrees 58 minutes 04 seconds and go east 938.25 feet; thence deflect to the left 90 degrees 01 minutes 56 seconds and go 450.00 feet to the place of beginning of the here described.

Now Platted as Hartley Addition

Plat Approval Date 09/12/2016
Document Number 706482

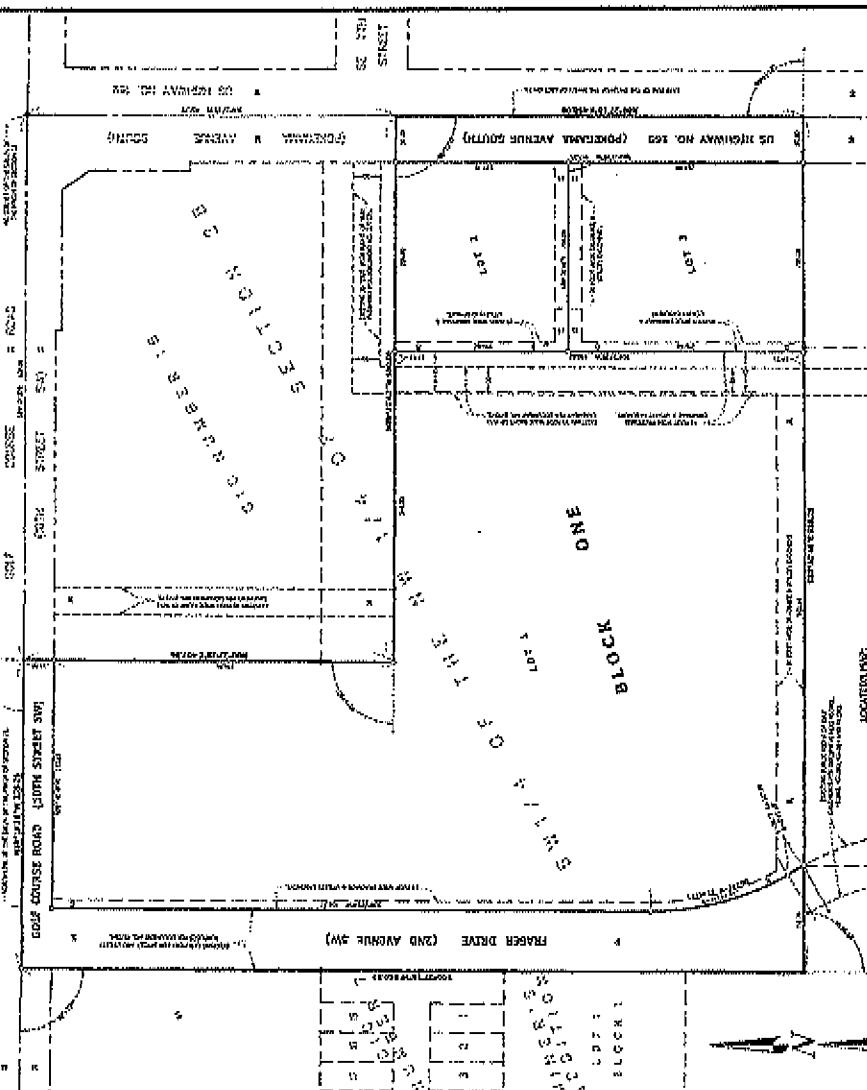
New CT is 91-544

<u>Lot</u>	<u>Block</u>	<u>Parcel</u>
1	1	91-544-0110
2	1	91-544-0120
3	1	91-544-0130

Delete Parcel # 91-028-2309

HARTLEY ADDITION

Part of the SW1/4 of the NW1/4 of Section 28, Township 55 North, Range 25 West, Itasca County, Minnesota.



Engineering, Inc.
 1000 1st Avenue SW, Grand Rapids, MN 55743
 (763) 881-1111

LEGEND:

- 1. Shaded (Section 28B, 28C, 28D)
- 2. Section 28A, 28B, 28C, 28D
- 3. Section 28A, 28B, 28C, 28D
- 4. Section 28A, 28B, 28C, 28D

LOCATION MAP:

ITASCA COUNTY, MINNESOTA

Scale: 1" = 100'

North Arrow

BEFORE ALL RECORDS OF THIS RECORD... THE CITY OF GRAND RAPIDS, MINNESOTA, HAS BEEN ADVISED BY THE CITY ENGINEER THAT THE CITY ENGINEER HAS REVIEWED THE RECORD AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT RECORDS AND THAT THE CITY ENGINEER HAS NO OBJECTION TO THE RECORDING OF THIS RECORD.

STATE OF MINNESOTA
 COUNTY OF GRAND RAPIDS
 I, the undersigned, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in the office of the County Clerk.

WITNESSED my hand and the seal of said County at Grand Rapids, Minnesota, this 15th day of August, 2011.

 County Clerk

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 County Clerk



September 26, 2016

Brian Polister via brianpolister@gmail.com

Re: Site Rejection for Culver's®

Dear Brian,

I regret to inform you, Culver Franchising System, Inc. can no longer support your site for potential approval, located at the 1100 block of Pokegama Avenue in Grand Rapids, Minnesota, due to recent signage concerns.

As your franchisor, we are greatly concerned with your potential success in opening your small business in your hometown. The last thing we want to do is to have you open your Culver's already disadvantaged. Driving Grand Rapids with you, your competition seemingly all have free-standing pylon signage unencumbered by any other neighboring businesses. We must consider protecting the brand and do not know who or what business may locate behind you. We cannot be supportive of something that is unknown. We do not want your signage to be confusing, thus suggesting your Culver's as being owned by someone other than your own family. As it sounds like the property owner may have someone interested in the property, but will not happen in the near future, quite frankly, your sign will look "ugly" with the Culver's logo and empty sign to go along with it. Your Culver's Restaurant would add an attractive looking business to that development. Having empty signage will only make the area look blighted. Lastly, as you are aware, our desserts are a big part of what the Culver's brand represents. The "Flavor of the Day" is a critical component to your potential success.

I hope you can understand our concerns for your potential site and for the Culver's brand.

Please call me when you have another location to be considered.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. O'Brien".

David J. O'Brien
Director of Real Estate

C: Steve Wernimont

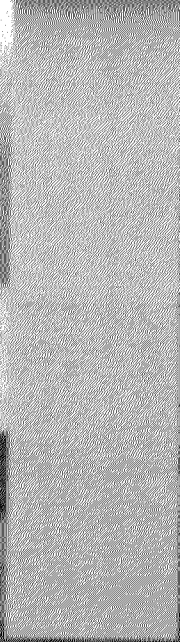
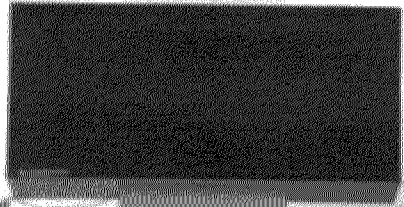






09/22/2016





09/22/2016

105-L-64x128-19-RGB Illuminated Signage

monument to be installed. Main oval aluminum cabinet with pan-formed
 signed sign faces. Translucent film applied first surface matching PMS 294C

Materials

Translucent film applied first surface
 PMS 294C

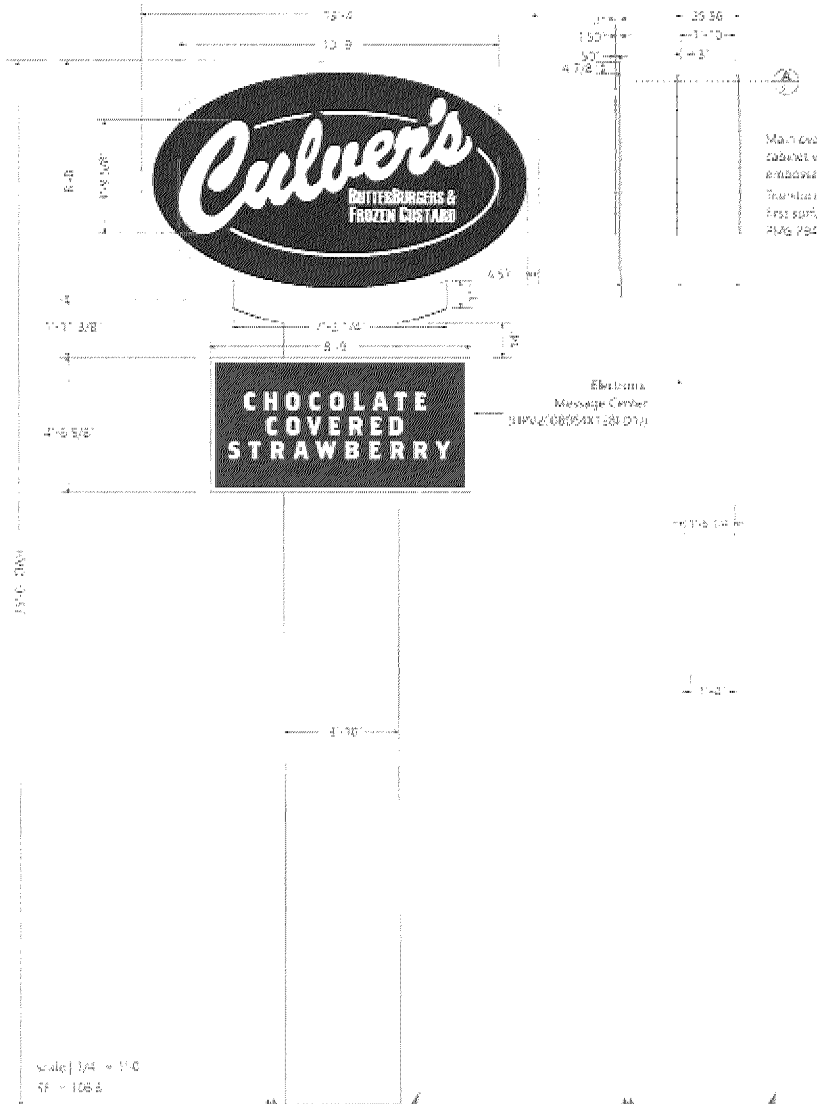


Weathered vinyl
 (reverse face)

White text face with vinyl applied

HES 12' x 12' x 8'9"

Footing Detail
 see 107-1



Main oval aluminum cabinet with pan-formed embossed sign faces. Translucent film applied first surface matching PMS 294C

Electronic Message Center
 (HPU2708054X1 581 D1)

scale: 1/4" = 1'-0"
 TP = 108.5

<p>Revisions</p> <p>1 2 3</p>	<p>Revisions</p> <p>1 2 3</p>	<p>Date: 2-29-06</p> <p>City/State: Grand Rapids, MN</p>	<p>Drawing #: 008713</p>
<p>File Location: Android Cool Colors Curves</p>	<p>Designer: PG</p> <p>PM: MC</p>	<p>Address: 11 Postgraduate Ave</p>	<p>Site Name: _____</p>