

# **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 4, 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**

16-0482 Approve the minutes of the July 12, 2016, 4:00 pm special meeting.

**Attachments:** [July 12, 2016 \(Special\) Meeting Minutes](#)

**General Business**

16-0483 Consider a recommendation to the City Council regarding the rezoning of .3 acres of land from R-1 (One-family Residential) to GB (General Business).

**Attachments:** [Zoning Map Amendment: Staff Report](#)

[Zoning Maps and Site Plan Exhibit](#)

[Zoning Map Amendment Considerations w/checklist](#)

[Jerulle Zoning Map Amendment: Petition/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, September 1st, 2016



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 16-0482      **Version:** 1      **Name:** Approve the minutes of the July 12, 2016, 4:00 pm special meeting.

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

**File created:** 7/27/2016      **In control:** Planning Commission

**On agenda:** 8/4/2016      **Final action:**

**Title:** Approve the minutes of the July 12, 2016, 4:00 pm special meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [July 12, 2016 \(Special\) Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
8/4/2016	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the July 12, 2016, 4:00 pm special meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the July 12, 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**

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Tuesday, July 12, 2016

4:00 PM

Council Chambers

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### Special Meeting

#### Call To Order

#### Call of Roll

- Present** 5 - Commissioner Julie Fedje-Johnston, Commissioner Charles Burress, Chairperson Lester Kachinske, Commissioner Susan Lynch, and Commissioner Paula Johnson
- Absent** 2 - Commissioner Mark Gothard, 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

**Motion by Commissioner Fedje-Johnston, second by Commissioner Johnson to approve the minutes with the amendment changing the chair from Fedje-Johnston to Kachinske. The following voted in favor thereof: Burress, Kachinske, Fedje-Johnston, Johnson, Lynch. Opposed: None, passed unanimously.**

Approve the minutes of the June 16, 2016, 4:00 pm special meeting.

#### Approved as Amended by Commission

#### Public Hearings

Conduct a Public Hearing to consider a variance petition submitted by Mr. and Mrs. Gary Black.

*Mr. and Mrs. Gary Black have applied for one variance, which if granted, would allow for would allow for the splitting of their property, located at 934 SE 23rd Avenue, into two separate parcels. The requested variance, if approved, would allow for the splitting of the subject property into two separate parcels: Lot One occupied by 2-residential structures & associated accessory buildings (all existing), and Lot Two occupied by River Road Liquor Store and associated parking lot (both existing). The result of the proposed lot split would be an encroachment of 2 ft., from the required 10 ft. interior side yard setback, for one of the existing accessory buildings on Lot 1.*

*Motion by Commissioner Lynch, second by Commissioner Fedje-Johnston to open the public hearing. The following voted in favor thereof: Lynch, Johnson,*

*Fedje-Johnston, Kachinske, Burress. Opposed: None, passed unanimously.*

*Gary Black, 934 SE 23rd Avenue, Grand Rapids said the reason for the request is so he and his wife would be able to sell the liquor store and have it separate from their home.*

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

*The Commissioners reviewed the considerations for the record.*

*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 allows for the home and business to exist without being problematic.*

*3. Is the owner's plight due to circumstances which are unique to the property and which are not self-created by the owner?*

*Yes, when created it was in compliance which changed with annexation.*

*Why/Why not-*

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

*Why/Why not-*

*Yes, the hillside will create a natural barrier which will provide a buffer between the residence and business.*

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

*Why/Why not-*

*No, the buildings already exist.*

*6. Is the variance consistent with the comprehensive plan?*

*Why/Why not*

*Yes, there was nothing specific called out for the future land use and it's realistic to sell the business and have it separate from the home.*

**Motion by Commissioner Fedje-Johnston, 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 grant the following variance to Mr. and Mrs. Gary Black, for the property legally described as: LOT 5 LESS SE 100' & LESS PT LYG SW OF A LINE PARA TO & 266' SW OF C/L OF CSAH 3, AUDITORS SUBDIVISION NUMBER 38, Itasca County, Minnesota;**

- to allow a one-time waiver of the requirements of Section 30-512 Table 2-B of the Municipal Code, allowing for the splitting of the subject parcel of land into two lots, as depicted in the variance application submitted by Mr. and Mrs. Black. The result of the proposed lot split would be an encroachment of 2 ft., from the required 10 ft. interior side yard setback, for one of the existing accessory buildings on Lot 1.

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

## Public Input

Miscellaneous\Updates

Adjourn



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 16-0483      **Version:** 1      **Name:** Consider a recommendation to the City Council regarding the rezoning of .3 acres of land from R-1 (One-family Residential) to GB (General Business).

**Type:** Agenda Item      **Status:** General Business

**File created:** 7/28/2016      **In control:** Planning Commission

**On agenda:** 8/4/2016      **Final action:**

**Title:** Consider a recommendation to the City Council regarding the rezoning of .3 acres of land from R-1 (One-family Residential) to GB (General Business).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Zoning Map Amendment: Staff Report](#)  
[Zoning Maps and Site Plan Exhibit](#)  
[Zoning Map Amendment Considerations w/checklist](#)  
[Jerulle Zoning Map Amendment: Petition/Application](#)

Date	Ver.	Action By	Action	Result
8/4/2016	1	Planning Commission		

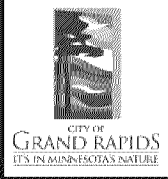
Consider a recommendation to the City Council regarding the rezoning of .3 acres of land from R-1 (One-family Residential) to GB (General Business).

**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

Consider a recommendation to the City Council regarding the rezoning of .3 acres of land from R-1 (One-family Residential) to GB (General Business).



# Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 8/4/2016
<b>Statement of Issue:</b>	Consider a recommendation to the City Council regarding the rezoning of .3 acres of land from R-1 (One-family Residential) to GB (General Business).	
<b>Background:</b>	<p>Tony Jerulle, d.b.a. Sammy's Pizza and Restaurant, and David Treat, property owner, have filed a petition for a Zoning Map Amendment with the City on July 14, 2016. The petition for rezoning requests the City's consideration of a Zoning Map amendment to the following described parcel; from its current R-1 (One-family Residential) to GB (General Business):</p> <p style="text-align: center;"><i>Lot 2 LESS N 4 ft. &amp; All of Lot 3, Blk. 7, Clover 1<sup>st</sup> and 2<sup>nd</sup> Addition to Grand Rapids, Itasca County, Minnesota</i></p> <p>The petition submitted by Mr. Jerulle, involves a residentially zoned property at 805 Clover Lane (occupied by a single family home), which is adjacent to properties 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 and south (<i>though there is a parking lot for Arby's restaurant here</i>), GB (General Business) to the west, and directly north.</p> <p>The Zoning Map Amendment, if approved, would facilitate the purchase of the subject property by Mr. Jerulle, and ultimately the development of an expanded parking lot which would service customers of both Sammy's Pizza and the property formerly occupied by Pizza Hut, also owned by Mr. Jerulle.</p> <p>As described within Section 30-454 <i>Amendments/rezoning procedures</i>, of the Municipal Code (<i>see below</i>), review of a site plan, depicting a future use of the requested property to be rezoned from that of a residential district to that of a commercial district is required.</p> <p style="padding-left: 40px;">(e) <u>Site plan review required for rezoning from residential to commercial districts when adjacent to existing R-1 or R-2 districts.</u> <i>When property is rezoned from a residential district to a commercial district and is adjacent to existing R-1 and R-2 districts, the application shall be accompanied by a site plan as stipulated by Section 30-456. The site plan shall emphasize additional screening and buffering of conflicting land uses in the areas directly adjacent residential uses. The screening and buffering requirements are beyond what is required by section 30-512 and section 30-594.</i></p> <p>Exhibit No. 1, provided with the rezoning petition, depicts a future layout of the subject property; residential structure removed, parking lot (20 stalls) with</p>	



access points from the north and west parking areas added, 6 ft. privacy fence along the eastern side of the property (setback 15 ft. from property line), additional bufferyard trees added to the eastern side of the property, bufferyard trees added to the southern side of property, interior landscaping trees added to western edge of property, and relocated dumpster pad with screened enclosure.

	Type "D"+ Bufferyard*	Proposed Site Plan
Canopy Trees	1	7
Understory/Evergreen Trees	5	6
Shrubs	10	0
Fence	Required**	6' privacy fence

*\*required plant material per 100 linear feet*

*\*\*fence required when parking area abuts a residential zone*

*+ where GB zoned property abuts Residential zoned property Type "D" bufferyard is required for the minimum landscaping requirements.*

Some past history regarding the subject area:

- The subject property (and area to the south) was located within a R-B (Residential – Business) zoning district, a zoning designation which was discontinued, until approximately 1987 when it was changed to R-1.
- Arby's parking lot (formerly owned by Hardee's), adjacent to and south of subject property, was ultimately developed in 1983 after approximately 5-6 years of discussion, consideration and debate by the City pertaining to the development of a parking lot on the property. The debate generally revolved around whether the City should enforce restrictive covenants (permitting only a single family dwelling on the lots that were placed on the lots of Clover 1<sup>st</sup> Add. at the time of platting) or if the parking lot expansion could be permitted through a Conditional Use Permit.
- In 1993, the subject property was the subject of a rezoning consideration: R-1 to LB (Limited Business). The petition failed due to a lack of a motion at the City Council level.

A sample listing of the uses permitted by right in an GB zoning district are as follows:

- Accessory apartments, multi-family housing, bed and breakfast accommodations daycare/nurseries, accessory buildings, pet shops, veterinary services, farm equipment/supplies sales, automotive sales, auto-truck fleet storage, transportation dispatch, construction material suppliers, equipment/truck sales & service, banks, restaurants, clinics, offices, administrative & support services, indoor recreation, health/fitness clubs, communication services, general sales & service, nursery/landscaping, grocery stores, medical equipment & supplies,

pharmacy's, and educational service institutes, post-high schools, general warehousing, mini-storage, motor freight terminal, cultural facilities, monument work/sales and wholesale distribution facilities.

A sampling of other uses permitted in GB with additional restrictions includes:

- Emergency housing facilities, outdoor storage, auto repair/service, car/truck wash, gas stations, contractors yard, equipment/tool rental, clubs/lodges, temporary outdoor sales, churches, essential service structures, light manufacturing, and recycling centers.

In addition to the previously mentioned permitted uses and uses permitted w/restrictions: junk/salvage yards, interim uses, outdoor recreation facilities, and general retail sales and service- *buildings w/footprint greater than 70,000 sq. ft.* 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 GB and R-1 zoning, and illustrates the minor difference between the two zoning districts, being larger lot size and surface coverage requirements in GB zoning.

	GB	R-1
Min. Lot Size	<u>gross area-10,500 sq. ft., area (unit)-3,000 sq. ft., width-75 ft.</u>	<u>gross area-8,400 s.f. area (unit)-8,400 s.f., width- 70 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-40%, total surface-90%, GUOS (unit)- 500	building-30%, total surface-N/A, GUOS- N/A
Building Size	max. height- 35 ft., min. dimension- 24 ft	max. height- 30 ft., 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 Traditional Neighborhood, and adjacent to Highway Commercial. The designations, in this area, are and were reflective of the existing uses of properties at the time the Future Land Use Map was developed in 2011.

**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

	<p>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>
<p><b>Required Action:</b></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 <b>(approve)(deny)</b> the Zoning Map Amendment, as petitioned by Tony Jerulle, d.b.a. Sammy’s Pizza and Restaurant, and David Treat, property owner, described within the Staff Report and as shown in the maps presented here today, from R-1 (One-Family Residential) to GB (General Business);</p> <p><i><u>Contingent on the following stipulation(s):</u></i></p> <ul style="list-style-type: none"> <li>• _____</li> </ul>
<p><b>Attachments:</b></p>	<ul style="list-style-type: none"> <li>• Site Maps</li> <li>• Copy of the rezoning petition and associated documentation.</li> <li>• List of the Planning Commissions Rezoning Considerations.</li> </ul>

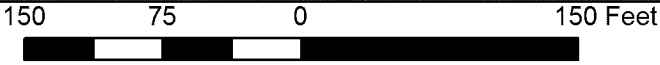
# Jerulle Zoning Map Amendment Request (R-1 to GB Proposed)

Location Map #1



Petitioner's Property  
(red outline)

Subject Property: (blue-green outline)  
(Requested GB Zoning)



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**SEH**  
 PHONE: 218.322.4500  
 21 NE 5TH ST STE 200  
 GRAND RAPIDS, MN 55744-2601  
 www.sehinc.com

FILE NO. -
DATE: 7/26/16

**PROPOSED ADDITIONAL  
 SAMMY'S PIZZA  
 GRAND RAPIDS, MN**

# Jerulle Zoning Map Amendment Request (Comprehensive Plann Future Land Use Map)



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 PROMISE TO EXCELLENCE

**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:

Tony Terulle  
Name of Applicant  
802 S. Pokegama Ave.  
Address  
Grand Rapids MN 55744  
City State Zip  
218 326 8552  
Business Telephone/e-mail  
simmygr@paulburgsa.net

David Trest  
Name of Owner (If other than applicant)  
805 Clover Lane  
Address  
Grand Rapids MN 55744  
City State Zip  
Business Telephone/e-mail

**Parcel Information:**

Tax Parcel # 91-490-0704 Property Size: .3 Acres  
Existing Zoning: Residential R-1 Requested Zoning: GB IFN  
Existing Use: Single Family home  
Proposed Use: Parking Lot  
Property Address/Location: 805 Clover LN  
Legal Description: Lot 2, less N 4ft & All Lot 3, Blk 7, Clover 1st & 2nd Add.  
(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.

Tony Terulle  
Signature(s) of Applicant(s)

\_\_\_\_\_ Date

David Trest  
Signature(s) of Owner(s)-(If other than applicant)

7-17-16  
Date

**JUL 14 2016**

**Office Use Only**

Date Received \_\_\_\_\_ Certified Complete 7/14/16 Fee Paid \$505<sup>00</sup>

Planning Commission Recommendation Approved \_\_\_\_\_ Denied \_\_\_\_\_

Meeting Date 8/4/2016

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 \*<sup>1</sup>
- Location Map
- Map Showing Surrounding Zoning
- Proof of Ownership – (a copy of a property tax statement or deed will suffice)

*\*<sup>1</sup>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.*

**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.

Parking lots on N & S sides. Business on  
West side - GB Residential to the East.

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

Yes - because it's already general  
business on three sides.

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

Yes, there is already a street  
and utilities in the area.

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

It would provide additional needed  
parking for two existing businesses.  
Parking now is not adequate.

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? Increasing parking availability will have a positive impact on both growth and development in this area by providing more space for customers and potential job growth.

F. Demonstrate that the proposed rezoning is the minimum change needed to allow a reasonable use of the property. The rezoning of this property to make it a viable parking lot will require minimal change to make this property an asset to business and business growth. It is reasonable to assert that ample parking is needed for business growth.

G. How does the proposed rezoning conform to the City's Comprehensive Plan? It would be rezoned to general business. This proposed rezoning would assist the two businesses come into compliance, provide a growth in city tax base and neighborhood development.

H. Is the timing proper for the proposed rezoning? Positive changes to any neighborhood that increase business, city beautification and job growth are always good timing.

I. Any additional information that the Petitioner would like to supply. Please note that a development of a buffer (trees) would exist between the back end of the parking lot and the residents of Clover Lane that does not exist now. In other words, residents close to this new development will view trees.

**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.