NOTICE OF MEETING PLANNING COMMISSION



Meeting Agenda Full Detail

Tuesday, July 12, 2016

4:00 PM

Special Meeting

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

16-0418 Approve the minutes of the June 16, 2016, 4:00 pm special meeting.

Attachments: June 16, 2016 Special Meeting Minutes

Public Hearings

16-0417 Conduct a Public Hearing to consider a variance petition submitted by Mr. and Mrs.

Gary Black.

<u>Attachments:</u> Black Variance: Staff Report w/maps

Rules for PH and Variance Considerations

Black Variance: Application/Petition

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: AUGUST 4, 2016 AT 4:00 PM



Legislation Details (With Text)

File #: 16-0418 Version: 1 Name: Approve the minutes of the June 16, 2016, 4:00 pm

special meeting.

Type: Minutes Status: Approved

File created: 7/1/2016 In control: Planning Commission

On agenda: 7/12/2016 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: June 16, 2016 Special Meeting Minutes

Date	Ver.	Action By	Action	Result
7/12/2016	1	Planning Commission	Approved as Amended by Commission	

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

Background Information:

See attached draft minutes.

Staff Recommendation:

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



NOTICE OF MEETING PLANNING COMMISSION

Minutes - Final Planning Commission

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

Thursday, June 16, 2016 4:00 PM Council Chambers

Call To Order

Call of Roll

Present 6 - Chairperson Julie Fedje-Johnston, Commissioner Mark Gothard,
 Commissioner Charles Burress, Commissioner Lester Kachinske,
 Commissioner Paula Johnson, and Commissioner Tasha Connelly

Absent 1 - Commissioner Susan Lynch

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

Consider approval of the May 5, 2016 Planning Commisssion Meeting Minutes

Motion by Commissioner Fedje-Johnston, second by Commissioner Burress to approve the minutes of the May 5, 2016 regular meeting. The following voted in favor thereof: Gothard, Connelly, Burress, Kachinske, Fedje-Johnston, Johnson. Opposed: None, passed unanimoulsy.

Public Hearings

Mr. Keith McDonald of Shingobee Builders submitted a minor subdivision entitled Hartley Addition on behalf of David Hartley of the Hartley Trust. The property is 12.85 acres and has housed Goldfines Department Store and KMart. The proposed plat consists of 3 lots, two of which will be retail developments. The current zoning is GB which is consistent with the intended uses. The staff review committee provided the following recommendations for additional utility easements:

- 1. A ten foot (10') utility easement within lots 2 and 3 along their west property lines.
- 2. A forty-five foot (45') utility easement adjacent to the west property line of lots 2 and 3. This is necessary because the existing 30' right of way easement in this area does not extend to the boundary of lots 2 and 3.
- 3. A ten foot (10') utility easement within lot 1 along its west property line.

The Parks and Recreation Department also noted there is no need for platted parkland dedication and has asked for money in lieu of the parkland dedication.

City Attorney Sterle noted that we are not here to debate the issue of the underlying cross access agreement on the property but to review the proposed subdivision.

Conduct a public hearing to consider the preliminary plat of Hartley Addition to Grand Rapids.

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

Chris Diederich of American Bank had provided a letter to the Commissioners from their attorney. The concern of American Bank is the accessibilty and parking that would be provided to their customers. There is a cross access easement in place between property owners and the bank would like that to be taken into consideration.

Tony Serratorre of Pokegama Plaza Liquors is concerned that the new development would limit parking, decrease his property value and provide less visability for his business. He has tried to contact the property owner of the adjacent property but has had no response.

Dennis Herdegen of the Boardwalk CIC said he did not receive notice of the public hearing.

David Chesness of Lake Country Furniture was concerned about the limited parking this new development could create.

Motion by Commissioner Connelly, second by Commissioner Fedje-Johnston to close the public hearing.

The Commissioners reviewed the considerations for the record:

- 1. Has there been a change in the development policies of the community? No, there has been no change in the development policies.
- 2. Was there a mistake in the original zoning ordinance? No, there is not a mistake in the original zoning ordinance.
- 3. Is the Zoning Ordinance up to date?
 Yes, the Planning Commission is consistently updating the ordinance.
- Is the proposed subdivision compatible with adjacent land uses?
 Yes, it is zoned general business and will remain general business.
- 5. Will the proposed subdivision cause undue traffic congestion?

 No, the developer has had a new driveway access approved by MNDOT.
- 6. Will the proposed subdivision affect public utilities? No, required easements will be retained.
- 7. Will the proposed subdivision be detrimental to public health, morals, or general welfare?

No, it will not be detrimental to public health, morals, or general welfare.

8. Will the proposed subdivision impede orderly development of other property in the area?

No, the area is already developed.

- 9. Will the proposed subdivision cause a decrease in value of adjacent property? It could have benefits to the adjacent properties or there is a possibility it could decrease the value.
- 10. Will the proposed subdivision increase tax revenues? Yes, the potential development would increase tax revenues.
- 11. Will the proposed subdivision impose an excessive burden on parks and other public facilities?

No, it will not impose a burden on parks and other public facilities.

12. Is the proposed subdivision consistent with the Comprehensive Plan? Yes, is zoned commercial and will remain commercial.

Motion by Commissioner Fedje-Johnston, second by Commissioner Johnson 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 minor subdivision of Hartley Addition to Grand Rapids; (Contingent upon the applicant making the following corrections/clarifications):

- 1. A ten foot (10') utility easement within Lots 2 and 3 along their west property lines.
- 2. A forty-five foot (45') utility easement adjacent to the west property line of Lots 2 and 3. This is necessary because the existing 30' right of way easement in this area does not extend to the boundary of Lots 2 and 3.
- 3. A ten foot (10') utility easement within Lot 1 along its west property line.

and money in lieu of parkland dedication be collected with this minor subdivision.

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

Public Input

Miscellaneous\Updates

Adjourn

There being no further business the meeting adjourned at 4:55 p.m.

Adjourn



Legislation Details (With Text)

File #: 16-0417 Version: 1 Name: Conduct a Public Hearing to consider a variance

petition submitted by Mr. and Mrs. Gary Black.

Type: Public Hearing Status: PC Public Hearing

File created: 7/1/2016 In control: Planning Commission

On agenda: 7/12/2016 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: Black Variance: Staff Report w/maps

Rules for PH and Variance Considerations

Black Variance: Application/Petition

Date Ver. Action By Action Result

7/12/2016 1 Planning Commission

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

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

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

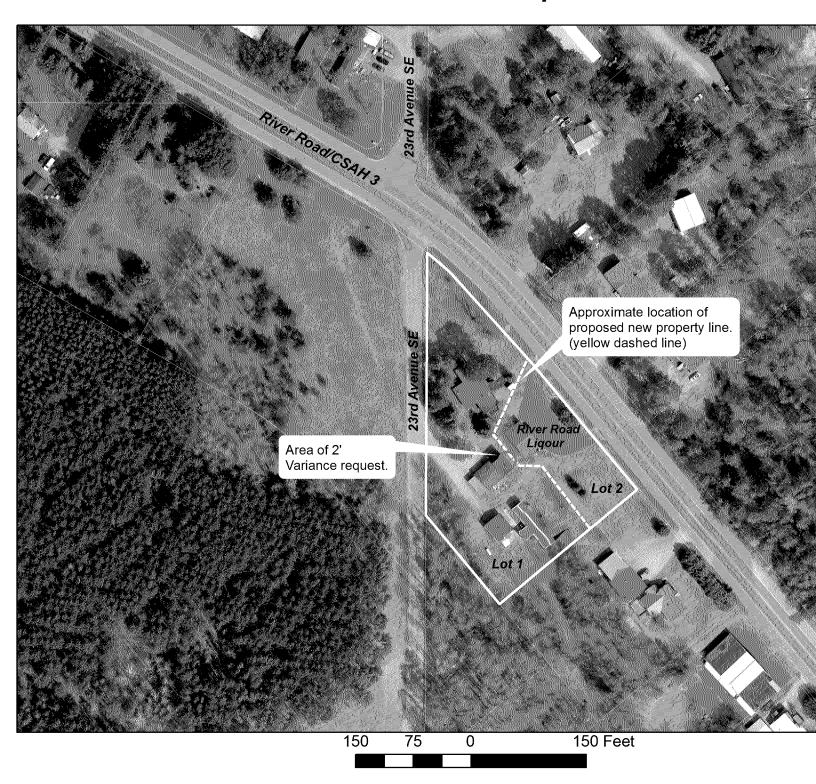


Planning Commission Staff Report

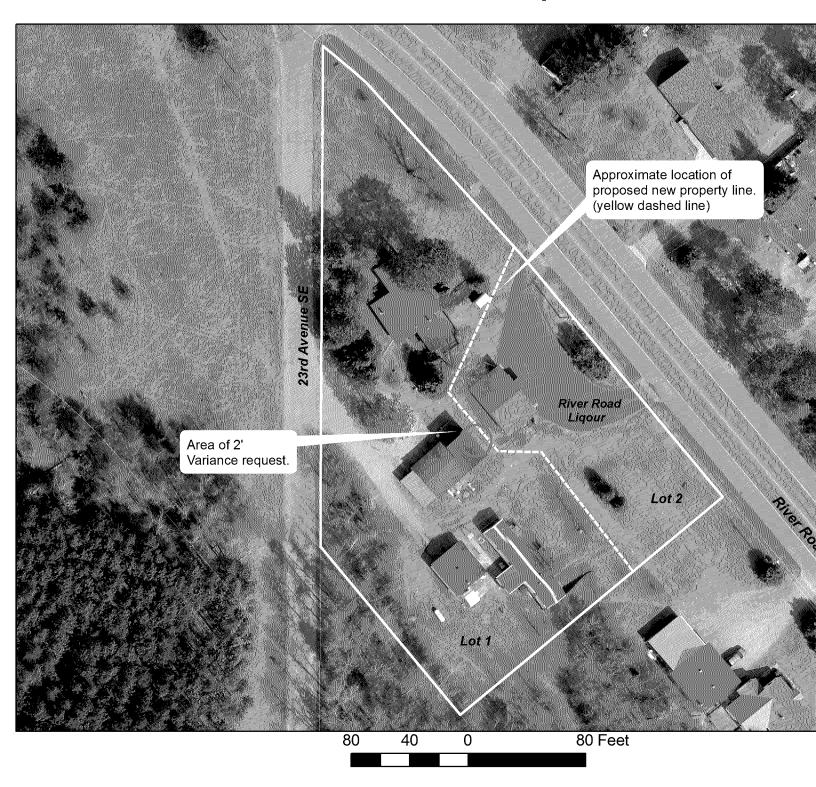
GRAND RAPIDS 17'S IN MINNESOTAS NATURE						
Agenda Item #2	Community Development Department Department Date: 7/12/2016					
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Mr. and Mrs. Gary Black.					
Background:	Mr. and Mrs. Gary Black have applied for one variance, which if granted, would allow for would allow for the splitting of their property, located at 934 SE 23 rd Avenue, into two separate parcels.					
	The subject property is 1.5 acres in area, containing two single family dwellings (and associated accessory buildings) and the River Road Liquor Store (and associated parking lot), and is located within a LB (Limited Business) zoning district. The property is 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.					
	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.					
	The applicant, within the variance petition, cites the potential sale of the of the newly created lot and liquor store as the reason for the variance request. Post lot split, both lots will meet the minimum lot size requirements, and Lot 2 (with liquor store) will have its own well and septic system added to the lot, which will address compliance with Section 30-560 (Water supply and sewage treatment required) of the Municipal Code. Currently, the liquor store which was built in 2000, prior to annexation by the City, is not serviced by water or sewer.					
	The splitting of the subject property as proposed, would require the Planning Commission's approval of one variance: Section 30-512 Table 2-B of the Municipal Code which lists District Development Regulations for Accessory Structures, and establishes a minimum 10 ft. interior side yard setback for accessory structures within LB (Limited Business) zoning districts.					
Considerations:	When reviewing a request for a variance, 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 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).
Required Action:	Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variance.
	Example Motion:
	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 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.
	(If the Planning Commission wishes to place conditions upon their approval, the following should be added to the motion:)
	and that the following condition(s) shall apply: •
Attachments:	 Site Map Copy of the variance petition and associated documentation List of the Planning Commissions Variance Considerations

Black Variance Request



Black Variance Request





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 <i>reasonable manner?</i> 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 <i>harmony with</i> the purposes and intent of the <i>ordinance?</i> Why/Why not-
5. Will the variance, if granted, alter the <i>essential character</i> of the locality? Why/Why not-
6. Is the variance <i>consistent with</i> the <i>comprehensive plan</i> ? 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.grandrapidsmn.org

Required Submittals:

Application Fee - \$252.50 *2

Liste 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.

Propos	sed Variance:
A.	Please describe in detail the proposed or requested variance: A variance is needed because a total of 25 is needed between the liquor store and the garage. The present horizontal distants is 23. a new parcel will be surveyed on this phaperly.
В.	Provide an itemization of the required regulations pertaining to this variance (i.e., setback lines, lot coverage ratios, parking requirements). Rear side of Liquis Store 15 required interior side of garage at present 8 - 10 required Variance Needed
ordinano Plannin <u>o</u>	ation of Requested Variance: Provide adequate evidence indicating compliance with the following provisions of the concerning variances (Section 30-453(e) "Findings for Variances"). Detailed answers are needed because the Commission shall grant a variation only when they have determined, and recorded in writing, that all of the following 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 distance between garage and liquor store does Not comply with Minimum yard Sethacks 2 lacking
	The distance between garage and liquor store does

^{*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.

3.	Does the proposal put property to use in a reasonable manner?
	Applicant justification - Describe how your situation applies to the above statement:
	yes the property in sound residential, Light commerces
•	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:
	de die at a different de la transference de la tran
,	it krand Rapide town this the figure store compared
	of Grand Rapide township the Light slove complied
	till time to the time the transfer of the time of time of the time of time of the time of time
	at the time of the builde
	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:
	OI the to the total of the total
	the variance is granted the property will
/	purcher as the ros in the field
L	1) the second second
	and property ment our our
	That the variance, if granted, shall be consistent with the comprehensive plan.
	Applicant justification - Describe how your situation applies to the above statement:
	you if gunted an addition will be added to the
	store as well as a septie ywell. a building
	aumst will be obtained and all city building
ı	
1	lade will be adheased to
	Code will be adheaved to

City Process:

- 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.



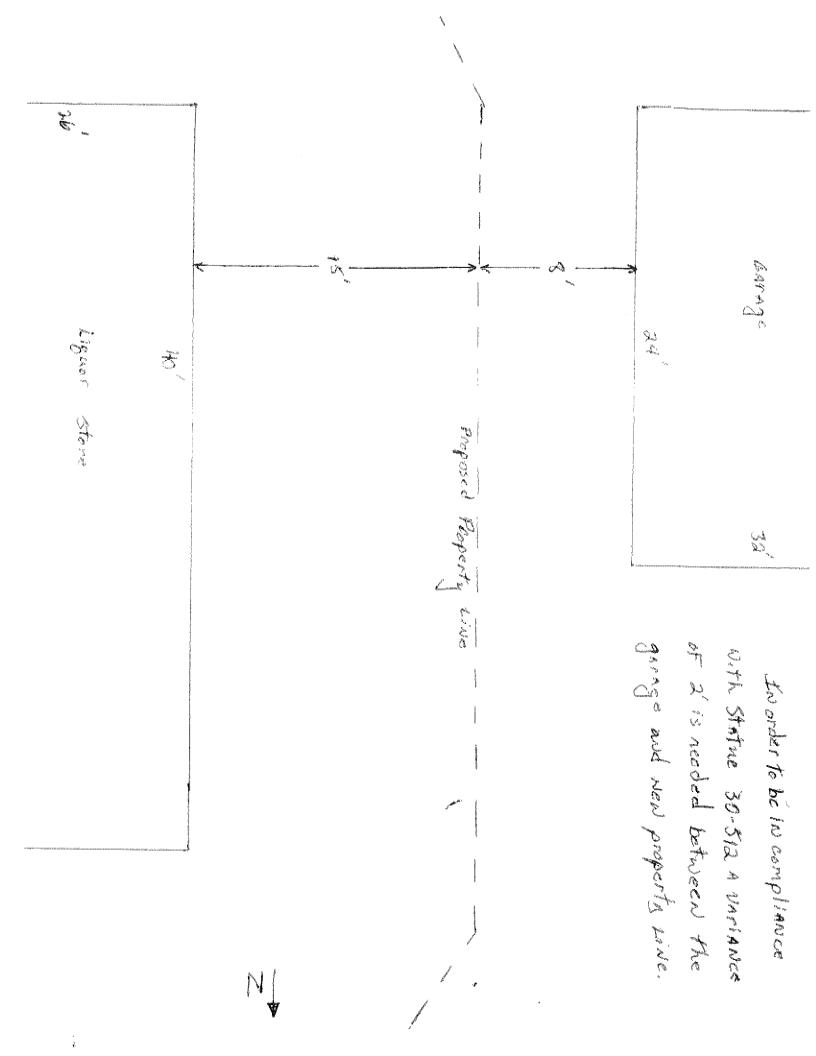


TABLE 2-A DISTRICT DEVELOPMENT REGULATIONS - PRINCIPAL STRUCTURES

	WINIW	MINIMUM LOT SIZE	SIZE	MINI	MUM YA	MINIMUM YARD SETBACKS	CKS	MAXIM	MAXIMUM LOT COVER- AGES	OVER-	BUILDING SIZES	DING ES
201ге	Gross Area	Area S/F Unit	Wielch	Front	Interior Side	Street Side	Rear	Building (percent- age)	Total Sur- face (per- centage)	GUOS Unit	Maximum Height (feet)	Minimum Dimension (feet) ⁵
R	1.5 acre	1.5 AC	200	30	15	30	30	20	N/A		35	ſ
70	8,400	8,400	70	30	$6-9^{1}$	15	30	30	N/A		30	24
R-1a	6,000	6,000	44	30	တ	57	30	40	NA	متلؤ	30	24
R-2	7,0004	5,000	50 ⁴	30	6—91, 4	Ę,	30	30	N/A	1 2-	30	24
R-3	15,000 ⁴	5,000	1004	35	104	P.	မ္မာ	30	Si Cir	400	30	24
Ä	15,000 ⁴	2,500	1004	35	204	30) 24	35	7	400	rC	24
蓝	14,000	3,000	1004	30	$\left(10^{4}\right)$	5	(15)	တ	85	500	ಚ	24
GB	10,500	3,000	ਨੋ	30) T	15	14	40	90	500	S.	N A
CBD	7,000	3,000	50	N/A	N/A	N/A	N/A	100	100	N/A	60	24
MU	40,000	2,500	100	35	20	30	35	40	∂ 7	N/A	45	N2
M.	20,000	3,000	100	30	10	15	15	35	85	500	မှု	N A
RC	1.5 acre	1.5 acre	200	50	25	25	25	25	50	N/A	ಜ್ಞ	N/A
BP	30,000	N/A	150	50	15	25	Þ	40	90	ΝVA	င္မာ	24
	1 2000	N/A	50	50	25	25	25	50	90	N/A	40	24
I-2	1 acre	N/A	150	502	25	252	25	60	90	N/A	110	N/A
PU	1 acre	N/A	50	30	10	15	30		N/A		60	N/A
CD	N/A	P	50	50	50	50	50		N/A		N/A	A
AG	2.5 acres	2.5 acres	50	50	50	50	50		N/A		N/A	A
ΑP	N/A	'A	50	50	50	50	50		N/A		N/A	5
FOOTNOTES:	o hun. Ĉ	The sum of	the two sid	e yards mus	t equal 15 fe	The sum of the two side yards must equal 15 feet, and six feet is the minimum side yard dimension	et is the mi	nimum side	yard dimens	ion.		
	Ço	When a but	When a building in the	medical zor	e is propose	When a building in the medical zone is proposed to abut an existing building, for the purpose of providing a pedestrial linage between the editorent structures a zero foot sothack may be ellowed along the common let line.	existing buil	ding, for the	purpose of p	roviding a g	edestrial lin	age between

the adjacent structures, a zero foot setback may be allowed along the common lot line.

ITASCA COUNTY
Itasca County
Auditor/Treasurer

123 NE 4th Street Grand Rapids, MN 55744

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

Property ID: 91-451-0056

Owner: BLACK, LINDA S & GARY R

Taxpayer(s):

TAXPAYER # 29940 BLACK, LINDA S & GARY R 934 SE 23RD AVE GRAND RAPIDS MN 55744

Property Description:

GRAND RAPIDS CITY SEC:27 TWP: 55.0 RG:25 ACRES:

AUDITORS SUBDIVISION NUMBER 38 LOT 5 LESS SE 100' & LESS PT LYG SW OF A LINE PARA TO & 266' SW OF C/L OF CSAH 3

2015 Property Tax Statement

ITY 1st hout 17284		2015 Prop	erty Tax S	tatement
Pagais extra cerr	nas anterior nation	VALUE	S & CLASSIFICAT	ION
/ No, " y Sec.		Taxes Payat	ole Year: 2014	2015
J. J. C.		Estimated Market Value:	146,800	145,100
R DOMES	STEP			
, of 5		Homestead Exclusion: Taxable Market Value:	27,200 119,600	27,400 117,700
	1	New Improvements/ Expired Exclusions:		,
		Property Classification:	RES HMSTD	RES HMSTD
			COMM	COMM
29940		Sent in March 20		
RY R	STEP	PROPOSED T	AX	
744	2	Proposed Tax:(excluding Sent in November		2,488.00
Francy , summand of the Control of t	STEP	PROPERTY TA	AX STATEMENT	17 77 ESTABLES
Control of the State of State	3		May 15th	1,336.00
BLK: ACRES: 1.53		Total Taxes Due in 2015	October 15th	1,336.00 2,672.00

You may be eligible for one or even two refunds to reduce your property tax.

REFUNDS? Read the back of this statement to find out how to

	Taxes Pavable Year:	2014	2015
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. F	ile by August 15.		The state of the s
If box is checked, you owe delinquent taxes and are not eligible.			1,254.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		1,046.26	
PROPERTY TAX AND CREDITS			The second of the second
3. Property tax before credits		2,441.80	2,781.80
4. Credits that reduce property taxes:			
A. Agricultural market value credit			
B. Taconite tax relief		289.80	289.80
C. Other credits			
5. Property tax after credits		2,152.00	2,492.00
PROPERTY TAX BY JURISDICTION			
6. County		617.88	661.07
7. City or Town		639.36	995.58
8. State General Tax		277.89	
9. School District: A. Voter approved levies		7.57	9.84
0316 B. Other local levies	I I I I I I I I I I I I I I I I I I I	533.64	551.00
10A. Special taxing district		2.95	3.49
B. Tax Increment			
C. Fiscal disparity		72.71	
11. Non-school voter approved referenda levies			
12. Total property tax before special assessments		2,152.00	2,492.00
SPECIAL ASSESSMENTS			
13A. SOLID WASTE ASSMT (COMMERCIAL-1)			135.00
B. SOLID WASTE ASSMT (RESIDENTIAL)			45.00
C. ALL OTHER		180.00	naka eserbik bili ili
14. Total property tax and special assessments		2,332.00	2,672.00
ISSUED: 03/13/2015	TOO	mitania	