

# **CITY OF GRAND RAPIDS**

*NOTICE OF MEETING  
PLANNING COMMISSION*



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

## **Meeting Agenda Full Detail**

**Thursday, April 7, 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**

16-0154 Approve the minutes of the February 4, 2016, 4:00 pm regular meeting.

**Attachments:** [February 4, 2016 Meeting Minutes](#)

**Public Hearings**

16-0225 Conduct a public hearing to consider the preliminary plat of Thunderhawk Addition to Grand Rapids.

**Attachments:** [Staff Report: Thunderhawk Add. w/Area Map & Review Committee Comments](#)  
[Thunderhawk Add. Preliminary Plat](#)  
[Considerations: Subdivisions](#)  
[Application: Thunderhawk Add. Minor Subdivision](#)

**General Business**

16-0155 Consider initiating the process to review and update/amend the text of several sections of the Zoning Ordinance.

**Attachments:** [Staff Report: Review and Initiation of Text Amendments](#)  
[Section 30-563 Acc. Buildings](#)  
[Section 30-564\(34\) Outdoor Storage w/replacement sections](#)  
[Section 30-592 Height regulations](#)

16-0153 Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

**Attachments:** [Staff Report: Election of PC Officers](#)

**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, May 5, 2016*



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 16-0154      **Version:** 1      **Name:** Approve the minutes of the February 4, 2016, 4:00 pm regular meeting.

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

**File created:** 2/24/2016      **In control:** Planning Commission

**On agenda:** 4/7/2016      **Final action:**

**Title:** Approve the minutes of the February 4, 2016, 4:00 pm regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [February 4, 2016 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
4/7/2016	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the February 4, 2016, 4:00 pm regular meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the February 4, 2016, 4:00 pm regular meeting.



# CITY OF GRAND RAPIDS

NOTICE OF MEETING  
PLANNING COMMISSION

## Minutes - Final Planning Commission

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

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Thursday, February 4, 2016

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

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

**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 January 7, 2016, 4:00 pm regular meeting.

**Motion by Commissioner Lynch, second by Commissioner Burress to approve the minutes of the January 7, 2016 regular meeting. The following voted in favor thereof: Johnson, Kachinske, Lynch, Fedje-Johnston, Burress. Opposed: None, passed unanimously.**

### General Business

Consider a recommendation to the City Council regarding the vacation of certain portions of two retained public easements within Blocks 20 and 21, Plat of Town of Grand Rapids.

*Community Development Specialist Trast provided the staff report. The City Council initiated the process to consider the partial vacation of two utility easements within Blocks 20 and 21. The site currently has two retained easements, that are not needed for infrastructure, as newly established easement have been added to the property to accommodate existing infrastructure. There were no concerns or objections regarding the easement vacations from the staff review committee.*

*The Commissioners reviewed the considerations for the record.*

1. *Is the easement needed for traffic purposes?  
Why/Why not?  
No, it is not needed for traffic purposes there is road access.*

2. *Is the easement needed for pedestrian purposes?  
Why/Why not?  
No, it is not needed for pedestrian purposes there is adequate sidewalks.*
3. *Is the easement needed for utility purposes?  
Why/Why not?  
No, the Public Utilities redefined the necessary easements for utility purposes.*
4. *Would vacating the easement place additional land on the tax rolls?  
Why/Why not?  
Yes, it would allow the potential for a new building.*
5. *Would vacating the easement facilitate economic development in the City?  
Why/Why not?  
Yes, it could make it more attractive to a developer.*

**Motion by Commissioner Kachinske, 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 portions of two public easement described as:**

**S 125 ft. of the W ½ of the VAC 2nd Avenue E LYG ADJ to Block 20, in the Plat of Town of Grand Rapids**

**And;**

**That portion of VAC N/S Alley in Block 21, Plat of Town of Grand Rapids, LYG S of a line extending from a point along the E boundary of Block 21, 30 ft. N of the SE corner of Lot 1 to a point the W boundary of Block 21 of Block 21, 130 ft. N of the SW corner of Lot 24**

**With the considerations presented by the Planning Commissioners.**

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

**Public Input**

**Miscellaneous\Updates**

*Commissioners Kachinske, Flicker, Fedje-Johnston and City Administrator Pagel along with Community Development Specialist Trast met to discuss compensation for boards and commissions. There is a form for mileage reimbursement the Commissioners can fill out monthly and turn in if they would like reimbursement. Mr. Pagel is going to look into what other cities are doing with their boards and commissions as far as compensation for attendance and other costs associated with being a volunteer and set up a follow up meeting with the Commissioners.*

*Mr. Trast noted there will be election of officers at the next meeting. Commissioners Flicker and Johnson's terms will also expire. Commissioner Johnson will stay on and Commissioner Flicker has chose to step down. If there is any interest in the vacancy please contact the City Clerk.*

Adjourn

Adjourn



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 16-0225      **Version:** 1      **Name:** Conduct a public hearing to consider the preliminary plat of Thunderhawk Addition to Grand Rapids.

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

**File created:** 3/31/2016      **In control:** Planning Commission

**On agenda:** 4/7/2016      **Final action:**

**Title:** Conduct a public hearing to consider the preliminary plat of Thunderhawk Addition to Grand Rapids.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Staff Report: Thunderhawk Add. w/Area Map & Review Committee Comments](#)  
[Thunderhawk Add. Preliminary Plat](#)  
[Considerations: Subdivisions](#)  
[Application: Thunderhawk Add. Minor Subdivision](#)

Date	Ver.	Action By	Action	Result
4/7/2016	1	Planning Commission		
4/7/2016	1	Planning Commission		
4/7/2016	1	Planning Commission		

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

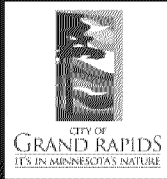
**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

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





# Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 4/7/2016
<b>Statement of Issue:</b>	Conduct a public hearing to consider the preliminary plat of Thunderhawk Addition to Grand Rapids.	
<b>Background:</b>	<p>A proposed minor subdivision entitled Thunderhawk Addition to Grand Rapids was submitted by Mr. Drew Johnson, on behalf of KTJ 284, LLC. and filed with the City on March 7, 2016. The property included within the preliminary plat is 6.07 acres in area, including proposed right-of-way, and its location can generally be described as: 1250 S. Pokegama Avenue (former ProBuild/UBC property). A complete legal description of the subject property is included with the proposed minor subdivision documents.</p> <p>The previously unplatted area, has been home to Lampert Home Building Center (1989-90), UBC, and then ProBuild (closing in 2015). The plat petitioner has indicated that the three proposed lots will be utilized for commercial development, and thus the current GB (General Business) zoning designation is appropriate and no additional changes are needed.</p> <p>The Comprehensive Plan's general vision for land use in the area of this proposed minor subdivision is that of Highway Commercial, which is consistent with the current zoning and proposed uses of the property.</p> <p>The staff subdivision review committee, consisting of the City Engineer, Public Works Director, Fire Chief, Grand Rapids PUC, Parks and Recreation Dept. and Community Development Dept., has reviewed the preliminary plat/minor subdivision for technical standards and found that it substantially complies with the City's subdivision requirements. However there was one comment identified by the review committee that should be addressed. That item is as follows:</p> <ol style="list-style-type: none"> <li>1. <u>GR PUC</u>: Will require easements for the installation of any primary electric distribution system as well as for access to any distribution transformers required to serve future development. <i>(This has been accommodated already)</i></li> </ol>	
<b>Considerations:</b>	When reviewing the minor subdivision, the Planning Commission needs to make findings as to whether or not the preliminary plat conforms to the subdivision ordinance and if it is consistent with the Comprehensive Plan.	
<b>Recommendation:</b>	Staff recommends that the Planning Commissioners; review the preliminary plat/minor subdivision and associated documents, review the comments submitted by the Review Committee, and review the relevant sections of the Comprehensive Plan and Subdivision Ordinance.	

	<p>Prior to making a motion to recommend to the City Council approval or denial of the minor subdivision, the Planning Commission should make specific findings to support their recommendation in the topical areas outlined within their list of considerations, and giving consideration, also, to the supplemental list provided.</p> <p>If those findings are favorable, the Planning Commission should pass a motion to recommend approval to the City Council. (See example motion) If the findings are unfavorable, and the Planning Commission feels that significant changes are necessary, the matter could be tabled to a future meeting date allowing sufficient time for revisions to be made and reviewed.</p>
<p><b>Required Action:</b></p>	<p>Pass a motion forwarding a recommendation to the City Council for approval of the minor subdivision.</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</b> the minor subdivision of Thunderhawk Addition to Grand Rapids; <i>(Contingent upon the applicant making the following corrections/clarifications):</i></p> <ul style="list-style-type: none"> <li>• <i>Any additional revisions the Planning Commission sees as necessary</i></li> </ul>
<p><b>Attachments:</b></p>	<ul style="list-style-type: none"> <li>• Proposed Minor Subdivision and associated documents</li> <li>• Review Committee comments</li> <li>• Site Map</li> </ul>

# ***Thunderhawk Addition***

**(Minor Subdivision)**



100 50 0 100 Feet



## Eric Trast

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**From:** Rob Mattei  
**Sent:** Thursday, March 10, 2016 3:25 PM  
**To:** Eric Trast  
**Subject:** FW: Minor Subdivision: Thunderhawk Addition

-----Original Message-----

**From:** [atward@grpuc.org](mailto:atward@grpuc.org) [<mailto:atward@grpuc.org>]  
**Sent:** Thursday, March 10, 2016 3:22 PM  
**To:** Rob Mattei <[rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)>  
**Cc:** Denny Doyle <[dmdoyle@grpuc.org](mailto:dmdoyle@grpuc.org)>; [JJGoodell@grpuc.org](mailto:JJGoodell@grpuc.org)  
**Subject:** Minor Subdivision: Thunderhawk Addition

Rob,

Staff of the Grand Rapids Public Utilities Commission reviewed the above referenced minor subdivision and do not have any objections. GRPU will need easements for the installation of any primary electric distribution system as well as for access to any distribution transformers required to serve future development.

Please contact Jeremy Goodell, Electric distribution Manager or me if you have any further questions. Thank you for the opportunity to review and comment on the proposed subdivision.

Anthony T. Ward | General Manager  
Grand Rapids Public Utilities Commission P. O. Box 658 | 500 SE 4th St. | Grand Rapids, MN 55744  
218-326-7188 direct | 218-349-0658 cell | 218-326-7698 fax [www.grpuc.org](http://www.grpuc.org) GRPUC - Service Is Our Nature

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## Eric Trast

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**From:** Tom Pagel  
**Sent:** Tuesday, March 15, 2016 1:37 PM  
**To:** Rob Mattei  
**Cc:** Eric Trast  
**Subject:** Thunderhawk Addition

Rob;

I have review the proposed plat of Thunderhawk Addition and have no issues or comments.

### **Tom Pagel**

City Administrator/Interim City Engineer

City of Grand Rapids

420 North Pokegama Avenue

Grand Rapids, MN 55744-2662

**Office:** 218-326-7626

**Mobile:** 218-398-0584

**Fax:** 218-326-7608

[www.cityofgrandrapidsmn.com](http://www.cityofgrandrapidsmn.com)

## Eric Trast

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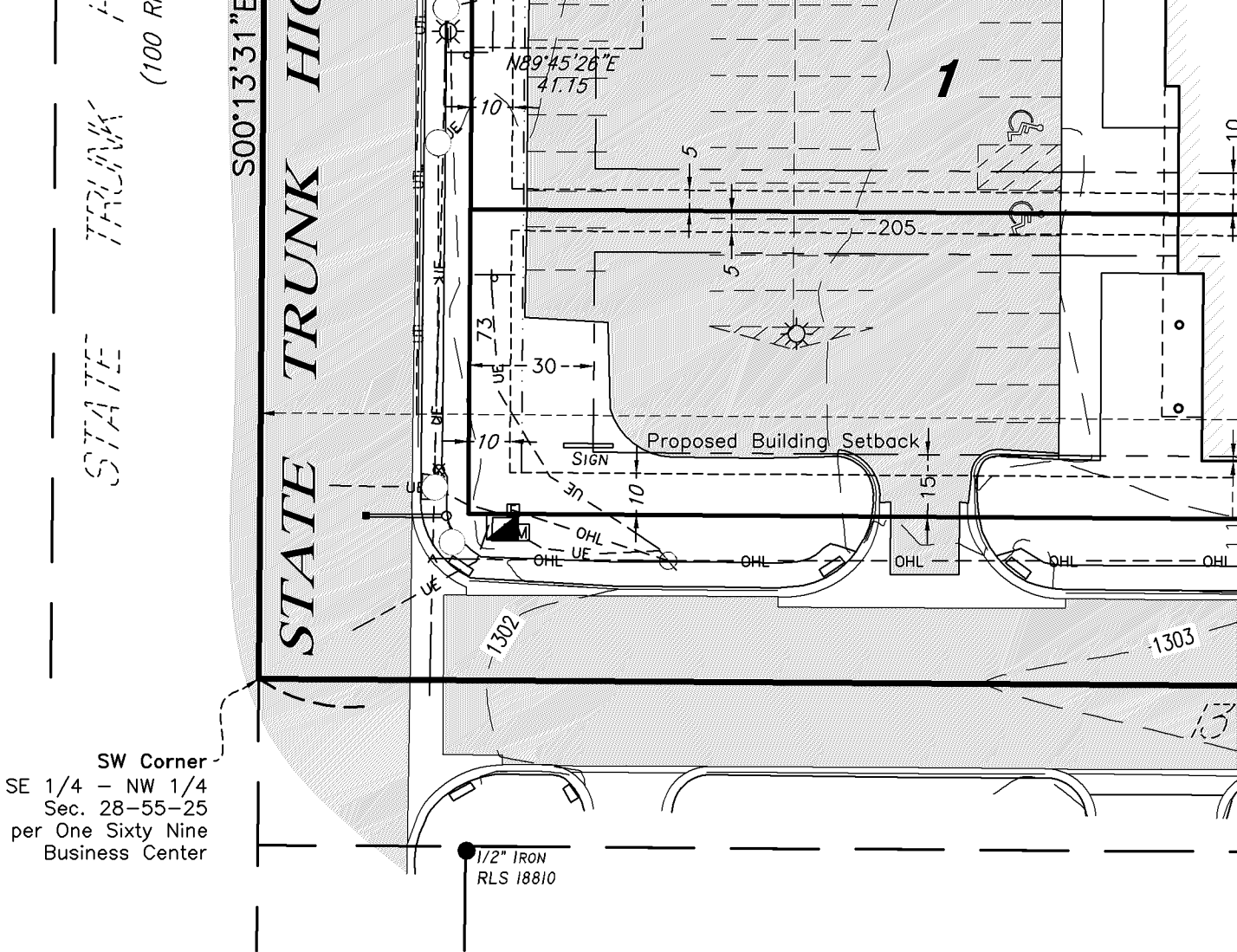
**From:** Jeff Davies  
**Sent:** Thursday, March 17, 2016 4:23 AM  
**To:** Rob Mattei  
**Cc:** Eric Trast  
**Subject:** Minor Subdivision: Thunderhawk Addition

Rob,

I have reviewed the information provided dated 3/7/16 and Public Works has no objection to the minor subdivision.

**Jeff Davies**

Director of Public Works  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-7480  
**Mobile:** 218-259-8688  
**Fax:** 218-326-7688  
[www.cityofgrandrapidsmn.com](http://www.cityofgrandrapidsmn.com)



SW Corner  
SE 1/4 - NW 1/4  
Sec. 28-55-25  
per One Sixty Nine  
Business Center

**EXISTING LEGAL DESCRIPTION:**  
(per client)

The West 842.00 feet of the South 315.00 feet of the Southeast Quarter of the Northwest Quarter, Section 28, Township 55 North of Range 25 West of the Fourth Principal Meridian, Itasca County, Minnesota, except that part thereof lying Easterly of the following described line:

Commencing at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 89 degrees 45 minutes 26 seconds East assumed bearing along the South line of said Southeast Quarter of the Northwest Quarter a distance of 837.38 feet to the point of beginning of the line to be described; thence North 00 degrees 30 minutes 17 seconds East 315.03 feet to Intersect the North line of said South 315 feet and there terminate.

**OWNERS / DEVELOPERS:**  
KTJ 284, LLC  
400 Water Street, Suite 200  
Excelsior, MN 55331  
(952)-484-8923

**SURVEYOR:**  
ISG  
115 E. Hickory Street Suite 300  
Mankato, MN 56001  
(507)-387-6651

**AREA TABLE:**

Lot 1 Block 1	=	46,863 sq. ft.	1.076 acres
Lot 2 Block 1	=	80,065 sq. ft.	1.838 acres
Lot 3 Block 1	=	90,223 sq. ft.	2.071 acres
Right of Way	=	47,255 sq. ft.	1.085 acres
Total	=	264,406 sq. ft.	6.07 acres



## **PLANNING COMMISSION**

### **CONSIDERATIONS**

#### **SUBDIVISIONS**

1. Has there been a change in the development policies of the community?
2. Was there a mistake in the original zoning ordinance?
3. Is the Zoning Ordinance up to date?
4. Is the proposed subdivision compatible with adjacent land uses?
5. Will the proposed subdivision cause undue traffic congestion?
6. Will the proposed subdivision affect public utilities?
7. Will the proposed subdivision be detrimental to public health, morals, or general welfare?
8. Will the proposed subdivision impede orderly development of other property in the area?
9. Will the proposed subdivision cause a decrease in value of adjacent property?
10. Will the proposed subdivision increase tax revenues?
11. Will the proposed subdivision impose an excessive burden on parks and other public facilities?
12. Is the proposed subdivision consistent with the Comprehensive Plan?



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

All subdivisions in the City of Grand Rapids shall be in compliance with the Grand Rapids City Code, Articles V (Subdivisions) and VI (Zoning). The City Code can be viewed on the City of Grand Rapids web site, cityofgrandrapidsmn.com (follow the prompts for City Code).

**PLAT NAME:** Thunderhawk Addition

Applicant/Business Name: KTJ 284, LLC

Contact Person: Drew Johnson

Address: 400 Water Street, Excelsior, MN Zip: 55331

Telephone:(Work) 952-540-4180 (Other) \_\_\_\_\_ (Fax) \_\_\_\_\_

E-mail Address: drew @ oppidan . com

Interest In Property: owner

Property Owner(s) of record: same as above

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone:(Work) \_\_\_\_\_ (Other) \_\_\_\_\_ (Fax) \_\_\_\_\_

Surveyor or Engineer: ISG

Address: 115 E. Kickory Street # 300, Mankato, MN

Telephone:(Work) 507-387-665 (Other) \_\_\_\_\_ (Fax) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Office Use Only**

Date Received MAR 07 2016 Certified Complete 3/7/2016 Fee Paid \$1,200<sup>00</sup>  
 Planning Commission Recommendation: Approved \_\_\_\_\_ Denied \_\_\_\_\_ Meeting Date 4/7/2016  
 City Council Action: Approved \_\_\_\_\_ Denied \_\_\_\_\_ Meeting Date 4/25/2016

**Parcel Information:**

Tax Parcel #(s) 91-028-2407 Property Size(acres): 4.985  
Number of Existing Lots: 1 Number of Proposed Lots: 3  
Existing Zoning: CB Proposed Zoning\*1: CB  
Existing Use: Commercial Proposed Use(s): Commercial  
Property Address/Location: 1250 S. Potugama AVE  
Legal Description: attached  
(Include electronic version with application)

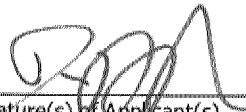
Does the proposed subdivision meet the following criteria:

- Does not require the dedication of rights of way or construction of new streets;
- Does not require the creation of any public utility easements other than the standard required easements of platted lots;
- Does not create a need for any public improvements;
- Does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not fall within the corridors of any planned or proposed street as shown upon the official map or approved area plans; and
- Does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

Applications must be received no later than the end of the first week of the month, to allow sufficient time for review by staff and the department head review committee. Planning Commission meetings are held on the first Thursday of each month.

*\*1 If a zoning change is required, a petition for rezoning must be filed separately.*

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(s) of Applicant(s)

3/2/16  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Owners Signature (if different than applicant)

\_\_\_\_\_  
Date

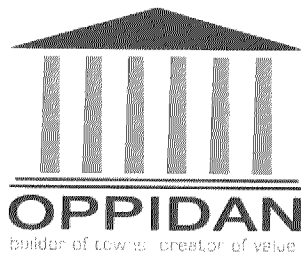
**Required Submittals:** The following items must be provided with your application, unless the Community Development director waives the requirement.

- Application Fee - \$1,200.00 \*<sup>2</sup>
- Proof of Ownership – (a copy of a property tax statement or deed will suffice)
- 2 copies of the Preliminary Plat (D- size--22" X 34")
- 1 copy of the Preliminary Plat (B size—11" x 17")
- A letter from the County Recorder verifying that the subdivision name is not duplicated elsewhere in the County.
- A typed letter, addressed to the Grand Rapids Planning Commission, indicating the following:
  - A statement of the proposed use of all of the lots
  - A listing of any proposed protective covenants.
  - Proposed reapportionment of any existing assessments.
- A letter from the Itasca County Soil and Water Conservation District verifying the presence/or lack of wetlands.
- A copy of an updated Title Opinion or Title Insurance Policy showing proof of ownership of the property being subdivided.
- A copy of a current Assessment Certificate from the City Clerk showing whether or not there are any current assessments on the property.
- Copy of current year's Tax Statement.
- Electronic files of any written project statements, legal descriptions, or narratives, and plans in Microsoft Word format and pdf.

*\*<sup>2</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.*

**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.



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400 Water Street · Suite 200 · Excelsior, MN 55331 · T: 952.294.0353 · F: 952.294.0151 · [www.oppidan.com](http://www.oppidan.com)

March, 4, 2016

Grand Rapids Planning Commission  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662

RE: Minor Subdivision Approval Request

Dear members of the Planning Commission,

We respectfully request that you approve our minor subdivision for the redevelopment of the former Pro-build building on SE 13<sup>th</sup> Street and Pokegama Avenue. Proposed usage for the development are to include grocery and general commercial users.

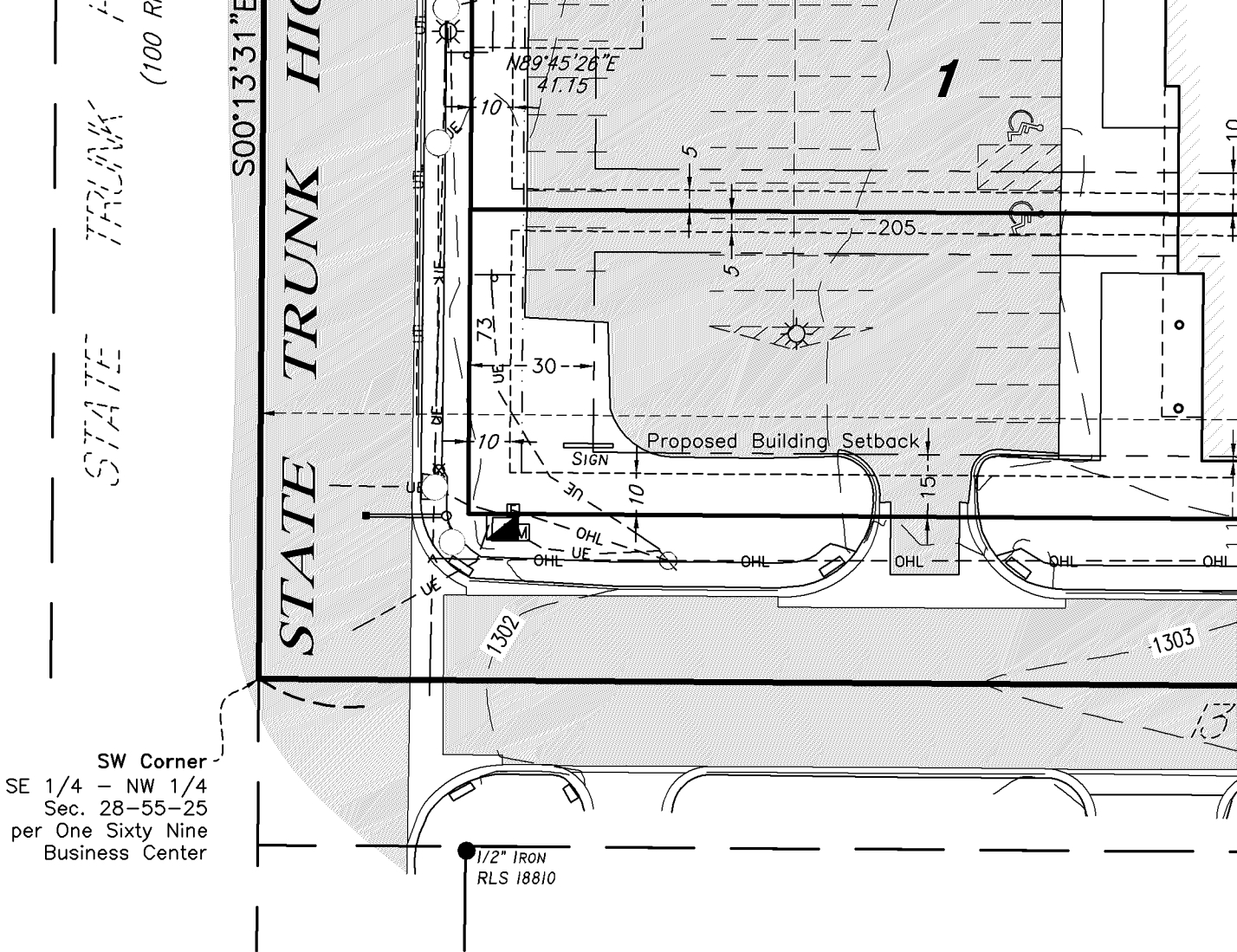
Additionally, we plan to include a general declaration of restrictions and easements, which is the industry standard for new shopping centers.

We are excited to bring this proposed development to the city of Grand Rapids.

Please feel free to reach out to me with any questions regarding this request. I can be reached at 952-540-4180.

Sincerely,

Drew Johnson  
Oppidan Investment Company



SW Corner  
 SE 1/4 - NW 1/4  
 Sec. 28-55-25  
 per One Sixty Nine  
 Business Center

**EXISTING LEGAL DESCRIPTION:**

(per client)

The West 842.00 feet of the South 315.00 feet of the Southeast Quarter of the Northwest Quarter, Section 28, Township 55 North of Range 25 West of the Fourth Principal Meridian, Itasca County, Minnesota, except that part thereof lying Easterly of the following described line:

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 400 Water Street, Suite 200  
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 (952)-484-8923

**SURVEYOR:**  
 ISG  
 115 E. Hickory Street Suite 300  
 Mankato, MN 56001  
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**AREA TABLE:**

Lot 1 Block 1	=	46,863 sq. ft.	1.076 acres
Lot 2 Block 1	=	80,065 sq. ft.	1.838 acres
Lot 3 Block 1	=	90,223 sq. ft.	2.071 acres
Right of Way	=	47,255 sq. ft.	1.085 acres
Total	=	264,406 sq. ft.	6.07 acres



**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

**1. Effective Date:** September 24, 2015 at 7:00 a.m. **Commitment No.:** 237729

**2. Policy or Policies to be issued:**

ALTA Owner's Policy - 2006

**Proposed Insured:** Oppidan Holdings, LLC

**Amount:** \$1,750,000.00

**3. The estate or interest in the land described or referred to in the Commitment and covered herein is fee simple and is at the effective date hereof vested in:**

LN Real Estate LLC, a Washington limited liability company

**4. The land referred to in this Commitment is situated in the County of Itasca, State of Minnesota, and is described as follows:**

See Exhibit "A" Attached

Note for Information: Property is Abstract

**Fidelity National Title Insurance Company**

Authorized Signature

Note: If there are any questions concerning the content of this Commitment, please contact Savon Daum, the Underwriter, at 612-573-2591 or at [savon.daum@ctt.com](mailto:savon.daum@ctt.com).

Note: For assistance in obtaining copies of documents referred to in Schedule B, please contact Gloria Kottom at (612) 573-2587 or at [gloria.kottom@ctt.com](mailto:gloria.kottom@ctt.com).



## SCHEDULE B - SECTION 1 REQUIREMENTS

**The following are the requirements to be complied with:**

1. Instrument creating the estate or interest to be insured must be executed and filed for record, to-wit:
  - (a) Deed from the party described at Item 3 of Schedule A to the Proposed Insured (Owner).

Note: Complete the Minnesota Electronic Certificate of Real Estate Value online at ([www.taxes.state.mn.us/crv/](http://www.taxes.state.mn.us/crv/)) and provide the Company with the following information:

- a. Receipt number for the Electronic Certificate of Real Estate Value; and
- b. Printout of the completed Electronic Certificate of Real Estate Value

NOTE: The printout must be made when the form is completed. It cannot be accessed after the preparer leaves the system. Once the eCRV is submitted online, the ONLY way to go back in and edit is if you print off or write down the eCRV ID AND the Edit pin (a box pops up with this information as soon as it is submitted). If someone wants to start this ahead of time, they can always save a partial eCRV and come back to it (again as long as they write down the ID number and pin).

Note: One of the following statements must be made within the deed: (1) The Seller certifies that the Seller does not know of any wells on the described real property; (2) A well disclosure certificate accompanies this document; or (3) I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

2. Pay the full consideration to, or for the account, of the grantors or mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Tell us in writing the name of anyone not referred to in the Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
5. If the transaction is closed by Fidelity National Title Insurance Company or its agents, the Social Security Number of Seller or Federal ID Number of Seller entities and forwarding address must be provided at or prior to closing to comply with the Tax Reform Act of 1986 and the 1099S Form executed at closing unless the Sellers is a corporation or a governmental unit.
6. For all entities **CONVEYING, BORROWING OR LEASING**, furnish formation and operational documentation and a resolution authorizing the transaction, together with a certificate of good standing from the State in which the entity was created (and in which the property is located, if available);



For all entities **ACQUIRING PROPERTY FOR CASH**, furnish formation and operational documentation, together with a certificate of good standing from the State in which the entity was created (and in which the property is located, if available).

7. Item Nos. 1, 2, 4 and 5 of Schedule B-Section 2 may be deleted from the final policy, conditioned upon receipt and review of an executed standard form of the Company's affidavit or affidavits.
8. Furnish a current, signed and dated, survey of the subject property, certified to Fidelity National Title Insurance Company and conforming to all current Minimum Standard Detail Requirements for the 2011 ALTA/ACSM Land Title Survey Standards to delete Item No. 3 of Schedule B - Section 2.
9. No recorded mortgages appear in the property records for the subject property. Confirm that there are no unrecorded mortgages affecting the subject property.

END OF SCHEDULE B - SECTION 1



## **SCHEDULE B - SECTION 2 EXCEPTION**

**The Policy or Policies to be issued will contain exception to the following unless the same are disposed of to the satisfaction of the Company.**

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. Real estate taxes for 2015 due and payable in 2015 in the total amount of \$62,258.00 are first half paid; second half unpaid and due and payable on or before October 15, 2015. Property Tax Identification No. 91-028-2407

Note: There are no delinquent taxes of record.

The above tax amount may include annual recurring fees charged by the municipality and/or county, which are automatically certified to the real estate taxes.

8. Levied and pending special assessments hereafter levied.
9. Levied special assessments now of record:
  - (1) Street 2014 - Certified to 2015 taxes \$788.22; balance \$7,259.08There are no pending special assessments now of record.
10. Rights of tenants in possession under the terms of unrecorded leases.
11. Electric line easement, dated August 20, 1937, in favor of Water, Light, Power and Building Commission of the Village of Grand Rapids, recorded recorded October 5, 1951 as Document No. 182283. Defined by Resolution No. 89-34, dated June 30, 1989, recorded July 17, 1989 as Document No. 405885.
12. Public Utilities and Fire Lane Easement, dated May 16, 1985, in favor of the City of Grand Rapids, recorded June 2, 1975 as Document No. 302376.
13. Right of the public into Highway No. 169.



14. Easement for street and utility purposes, dated February 19, 1981, in favor of the City of Grand Rapids, recorded March 17, 1989 as Document No. 402811.
15. Easement for Electric Line, dated November 18, 2005, in favor of the City of Grand Rapids, recorded December 19, 2005 as Document No. A000583837.
16. Terms and conditions of Lease, by and between LN Real Estate LLC, a Washington limited liability company, Landlord, and Lanoga Corporation, a Minnesota corporation, Tenant, as evidenced by that certain Memorandum of Lease, dated January 31, 2006, recorded February 2, 2006 as Document No. A000595179.

END OF SCHEDULE B - SECTION 2



**SCHEDULE B - SECTION 3  
INFORMATION**

1. Any charges for municipal services (i.e., water, sewer, correction of nuisance conditions, etc.) are the responsibility of the parties to this transaction. For information regarding the existence of any such bills contact the appropriate municipal office.
  
2. In the event a zoning endorsement is requested, we will require a zoning letter from the municipality or a zoning report specifying the current or proposed use, specifying the zoning classification, and stating whether the property is in compliance with all applicable zoning ordinances. Parking must be addressed in the letter or report if it is to be included in the zoning endorsement.



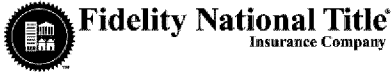
## EXHIBIT A

The West 842.00 feet of the South 315.00 feet of the Southeast Quarter of the Northwest Quarter, Section 28, Township 55 North of Range 25 West of the Fourth Principal Meridian, Itasca County, Minnesota, except that part thereof lying Easterly of the following described line:

Commencing at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 89 degrees 45 minutes 26 seconds East assumed bearing along the South line of said Southeast Quarter of the Northwest Quarter a distance of 837.38 feet to the point of beginning of the line to be described; thence North 00 degrees 30 minutes 17 seconds East 315.03 feet to Intersect the North line of said South 315 feet and there terminate.

# Commitment For Title Insurance

Issued by **FIDELITY NATIONAL TITLE INSURANCE COMPANY**



**Fidelity National Title Insurance Company**, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate Six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

**IN WITNESS WHEREOF**, the Company has caused this Commitment to be signed with the facsimile signatures of its President and Secretary and sealed as required by its By-Laws.

Attest:

Secretary

**FIDELITY NATIONAL TITLE INSURANCE COMPANY**

By:



President

## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/>.*



**CITY OF GRAND RAPIDS  
420 N POKEGAMA AVE  
GRAND RAPIDS MN 55744**

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I N V O I C E

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Invoice Date:3/4/16 Invoice #: 16/209 Invoice Amount: \$15.00

Due Date: Upon Receipt

I + S Group  
7900 International Drive, Suite 550  
Minneapolis, MN 55425

DESCRIPTION	HRS/QTY	COST/UNIT	AMOUNT
ASSESSMENT CERTIFICATE Parcel #91-028-2407	1		15.00

Amount Due: \$15.00

Accounts are due thirty (30) days from the date of the invoice. A FINANCE CHARGE at a periodic rate of 1.5% per month, equaling an annual percentage rate of 18%, will be imposed upon any unpaid balance after the due date

**PLEASE REMIT PAYMENT WITH SECOND COPY OF INVOICE**

ASSESSMENT CERTIFICATE

STATE OF MINNESOTA )  
COUNTY OF ITASCA ) SS  
CITY OF GRAND RAPIDS )

I, the Assistant Finance Director of the City of Grand Rapids, do hereby certify that I have carefully examined the records of my office for the purpose of ascertaining the existence of assessments levied for local improvements upon the real property herein described and that at the date of this certificate there are assessments or installments thereof charged against the following described premises:

**Parcel No. 91-028-2407**

**Legal Description: W 837.38' of S 315' of SE-SW**

IMPROVEMENT PROJECT	YEAR	INTEREST AMOUNT	TOTAL ASSESSED	YEARS REMAINING	UNPAID BALANCE
2010-2	2014	2.94%	\$8,375.86	12	\$6,700.69

This certificate is made as to the above property description, supplied by the person requesting this certificate, and we do not certify as to assessments against the same property leveled under another description. **This amount is accurate for pay off on or before November 15, 2016.**

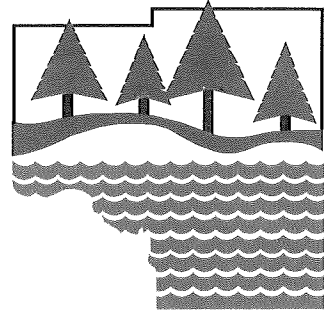
Our records do not reveal, and we do not certify, whether any PAST DUE Installments have not been paid. This information should be obtained from the Itasca County Auditor.

WITNESS my hand and official seal at Grand Rapids, this 4<sup>th</sup> day of March, 2016.

  
\_\_\_\_\_  
Laura Pfeifer, Assistant Finance Director



**LINDA NIELSEN**  
COUNTY RECORDER/REGISTRAR  
Itasca County Courthouse  
123 N.E. 4th Street  
GRAND RAPIDS, MINNESOTA 55744-2600  
(218) 327-2856 • FAX (218) 327-0689



March 3, 2016

Ryan Anderson  
[Ryan.Anderson@IS-GRP.com](mailto:Ryan.Anderson@IS-GRP.com)

Dear Ryan,

Let it be known that there is no recorded plat in the office of the Itasca County Recorder or Itasca County Registrar of Titles in the name of **THUNDERHAWK ADDITION**.

Sincerely,

A handwritten signature in cursive script that reads "Linda Nielsen". The signature is written in dark ink and is positioned above the typed name and title.

Linda Nielsen  
Itasca County Recorder/Registrar

91-028-2407

CERTIFICATE OF REAL  
ESTATE VALUE FILED  
JEFFREY T. WALKER AUDITOR/TREASURER  
Linda Nielsen  
Deputy

**A000700343**  
**OFFICE OF THE COUNTY RECORDER**  
**ITASCA COUNTY, MINNESOTA**

**CERTIFIED, FILED, AND  
RECORDED ON  
1/14/2016 3:19:47 PM**

No Delinquent Taxes and Transfer Entered  
This 14 Day of January, 202016  
Jeffrey T. Walker County Auditor/Treasurer  
By: Linda Nielsen  
Deputy Auditor/Treasurer

**PAGES: 4  
REC FEES: 46.00**

**LINDA NIELSEN  
ITASCA COUNTY RECORDER  
RECORDED ELECTRONICALLY**

**SPECIAL WARRANTY DEED**

eCRV number: 454438

DATE: 1-13-2016

DEED TAX DUE: \$ 5,775.00

KNOW ALL MEN BY THESE PRESENTS:

THAT LN REAL ESTATE LLC, a Washington limited liability company ("Grantor"), with an address of 801 Second Avenue, Suite 1300, Seattle, Washington, 98104, in consideration of the amount of \$1.00 and other valuable goods, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, and convey unto KTJ 284, LLC, a Minnesota limited liability company ("Grantee"), with an address of 400 Water Street, Suite 200, Excelsior, MN 55331, the real property located at 1250 South Pokegama Avenue, Grand Rapids, Minnesota, Itasca County, Minnesota, and described on Exhibit A attached hereto, together with all improvements thereon and all rights and appurtenances thereunto belonging, LESS AND EXCEPT any interests in and to oil, gas, casinghead gas, distillate, coal, metallic ores, and other minerals therein, thereon, or thereunder previously reserved or conveyed and all rights, interests, and estates of any nature incident thereto or arising thereunder (the "Property"). Grantor, for itself, its successors and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof by, through or under Grantor, except for the Permitted Encumbrances set forth in the attached Exhibit B and subject to the express reservations, restrictions, rights, covenants and agreements contained in this Deed.

TO HAVE AND TO HOLD the Property unto Grantee, Grantee's successors and assigns, forever.

[Signature on following page]

STATE DEED TAX REC. # 72893  
\$ 5,775.00 PAID 01/14/2016  
Amount Date  
Jeffrey T. Walker, Itasca Co. Auditor/Treasurer  
By: [Signature] Deputy

EXECUTED and delivered this 13<sup>th</sup> day of January, 2018.

**GRANTOR:**

LN REAL ESTATE LLC, a Washington limited liability company  
By Laird Norton Real Estate Inc., a Washington Corporation as Its Manager

By: [Signature]  
Name: Nick A. Pavelich  
Title: President

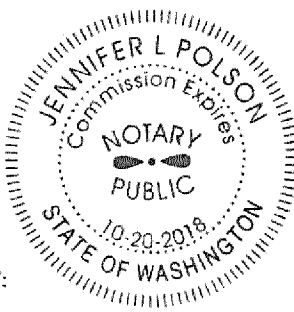
- The Seller certified that the Seller does not know if any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed (If electronically filed, insert WDC number: \_\_\_\_\_)
- I am familiar with the property described in the instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

STATE OF WASHINGTON            )  
                                                  ) ss:  
COUNTY OF King            )

I certify that I know or have satisfactory evidence that NICK A. PAVELICH is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as the President of Laird Norton Real Estate Inc., the Washington corporation that is the Manager of LN Real Estate LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 1/11/16

(Seal)



[Signature]  
Notary Public  
Print Name Jennifer Polson  
My Commission Expires: 10/20/18  
Commission # 123359

THIS INSTRUMENT DRAFTED BY:  
[Signature]  
Audra Brown  
LN Real Estate LLC  
801 Second Ave, #1300  
Seattle, Washington 98104

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:  
KTJ 284, LLC  
400 WATER STREET SUITE 200  
EXCELSIOR, MN 55331

Exhibit A

**Legal Description**

The West 842.00 feet of the South 315.00 feet of the Southeast Quarter of the Northwest Quarter, Section 28, Township 55 North of Range 25 West of the Fourth Principal Meridian, Itasca County, Minnesota, except that part thereof lying Easterly of the following described line:

Commencing at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 89 degrees 45 minutes 26 seconds East assumed bearing along the South line of said Southeast Quarter of the Northwest Quarter a distance of 837.38 feet to the point of beginning of the line to be described; thence North 00 degrees 30 minutes 17 seconds East 315.03 feet to Intersect the North line of said South 315 feet and there terminate.

Exhibit B  
Permitted Exceptions

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. The lien of real estate taxes not yet due and payable.
8. Levied and pending special assessments hereafter levied.
9. Levied special assessments now of record.
10. Rights of tenants in possession under the terms of unrecorded leases.
11. Electric line easement, dated August 20, 1936, in favor of Water, Light, Power and Building Commission of the Village of Grand Rapids, recorded recorded October 5, 1951 as Document No. 182283. Defined by Resolution No. 89-34, dated June 30, 1989, recorded July 17, 1989 as Document No. 405885.
12. Public Utilities and Fire Lane Easement, dated May 16, 1985, in favor of the City of Grand Rapids, recorded June 2, 1975 as Document No. 302376.
13. Right of the public into Highway No. 169.
14. Easement for street and utility purposes, dated February 19, 1981, in favor of the City of Grand Rapids, recorded March 17, 1989 as Document No. 402811.
15. Easement for Electric Line, dated November 18, 2005, in favor of the City of Grand Rapids, recorded December 19, 2005 as Document No. A000583837.

# ITASCA COUNTY

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

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

Property ID: 91-028-2407  
Owner: LN REAL ESTATE LLC

### Taxpayer(s):

TAXPAYER # 112121  
LN REAL ESTATE LLC  
801 2ND AVE SUITE 1300  
SEATTLE WA 98104

### Property Description:

GRAND RAPIDS CITY  
SEC:28 TWP: 55.0 RG:25 LOT: BLK: ACRES: 6.06  
W 837.38' OF S 315' OF SE-NW

# 2015 Property Tax Statement

		VALUES & CLASSIFICATION	
		Taxes Payable Year: 2014 2015	
STEP 1	Estimated Market Value:	1,499,200	1,499,200
	Homestead Exclusion:		
	Taxable Market Value:	1,499,200	1,499,200
	New Improvements/ Expired Exclusions:		
	Property Classification:	COMM	COMM
Sent in March 2014			
STEP 2	<b>PROPOSED TAX</b>		
	Proposed Tax:(excluding special assessments)		
	Sent in November 2014		
STEP 3	<b>PROPERTY TAX STATEMENT</b>		
	First-half Taxes:	May 15th	31,129.00
	Second-half Taxes:	October 15th	31,129.00
	Total Taxes Due in 2015:		62,258.00

\$\$\$

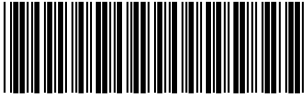
You may be eligible for one or even two refunds to reduce your property tax.

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

	Taxes Payable Year: 2014 2015	
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.	<input type="checkbox"/>	
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		
<b>PROPERTY TAX AND CREDITS</b>		
3. Property tax before credits	61,347.56	61,244.78
4. Credits that reduce property taxes:		
A. Agricultural market value credit		
B. Taconite tax relief		
C. Other credits		
5. Property tax after credits	61,347.56	61,244.78
<b>PROPERTY TAX BY JURISDICTION</b>		
6. County	11,433.49	12,712.53
7. City or Town	16,848.74	18,353.68
8. State General Tax	15,248.67	14,862.40
9. School District: A. Voter approved levies	1,416.76	1,539.69
0318 B. Other local levies	3,959.06	4,016.59
10A. Special taxing district	55.20	67.68
B. Tax increment		
C. Fiscal disparity	12,385.64	9,692.21
11. Non-school voter approved referenda levies		
12. Total property tax before special assessments	61,347.56	61,244.78
<b>SPECIAL ASSESSMENTS</b>		
13A. CITY WIDE OVERLAYS-URBAN	871.44	788.22
B. SOLID WASTE ASSMT (COMMERCIAL-2)		225.00
C. ALL OTHER	225.00	
14. Total property tax and special assessments	62,444.00	62,258.00

ISSUED: 12/03/2015

## 2 ND HALF PAYMENT STUB



\*910282407

TAXPAYER # 112121  
LN REAL ESTATE LLC

COMM ACCT# 73247

Property ID Number:	91-028-2407
Full Tax for Year	62,258.00
Balance Due	.00
Penalty	
Total Paid	

\$30.00 service charge for all returned checks.

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

Note: When you provide a check as payment you authorize the County to use information from your check to make a one-time electronic fund transfer from your account. The funds may be withdrawn from your account the same day. You will not receive your check back from your financial institution.

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

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

Payable in **2015**

R

CASH   
CHECK   
COUNTER   
MAIL

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

ISSUED: 12/03/2015



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

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**File #:** 16-0155      **Version:** 1      **Name:** Consider initiating the process to review and update/amend the text of several sections of the Zoning Ordinance.

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

**File created:** 2/26/2016      **In control:** Planning Commission

**On agenda:** 4/7/2016      **Final action:**

**Title:** Consider initiating the process to review and update/amend the text of several sections of the Zoning Ordinance.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Staff Report: Review and Initiation of Text Amendments](#)  
[Section 30-563 Acc. Buildings](#)  
[Section 30-564\(34\) Outdoor Storage w/replacement sections](#)  
[Section 30-592 Height regulations](#)

Date	Ver.	Action By	Action	Result
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4/7/2016	1	Planning Commission		
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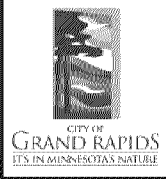
Consider initiating the process to review and update/amend the text of several sections of the Zoning Ordinance.

**Background Information:**

*See attached Staff Report and Background information.*

**Staff Recommendation:**

Consider initiating the process to review and update/amend the text of several sections of the Zoning Ordinance.



# Planning Commission Staff Report

Agenda Item # 3	Community Development Department	Date: 4/7/16
<b>Statement of Issue:</b>	Consider initiating the process to review and update/amend the text of several sections of the Zoning Ordinance.	
<b>Background:</b>	<p>Over the past year, staff has accumulated a short list of sections within Article VI (Zoning) of Chapter 30 (Land Development of the Municipal Code) that could use review, and if deemed necessary, updating due to inconsistencies, duplication, need of further clarification, or simply being outdated.</p> <p>At this time, staff will provide an overview of the areas of the Zoning Ordinance suggested for review and examination. Additionally, we recommend the formation of a Planning Commission Sub-Committee (3 Commissioners) to work with staff to bring possible draft amendments to the full Planning Commission for consideration at a later date, and potentially the forwarding of a recommendation to the City Council for adoption.</p> <p>Sections of Zoning Ordinance suggested for review and justification for consideration:</p> <ol style="list-style-type: none"> <li>1. Section 30-563. <i>Supplementary use regulations</i>. Subparts 2 and 3 (attached)               <ol style="list-style-type: none"> <li>a. #2 Garages in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts</li> <li>b. #3 Tool sheds in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts</li> </ol> <p><i>*Consider combining the two subparts, titled "Accessory buildings in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts" for the purpose of consistency with other subparts in section and eliminate duplication.</i></p> </li> <li>2. Section 30-564. <i>Uses with restrictions</i>. Subpart 34               <ol style="list-style-type: none"> <li>a. #34 Outdoor storage (within RR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2 zone): <i>Of not more than two portable recreation buildings or vehicles provided they are owned by the resident(s), are maintained in a neat, safe and orderly fashion and further provided that they are not stored in the front yard or nearer the front lot line than the principal building, or less than five feet from any other lot line.</i></li> </ol> <p><i>*Consider deleting subpart. This subpart was reconfigured and combined into another section (Sect. 30-597 and Section 30-624(d)) as part of the City initiated one and two family residential parking ordinance project in 2015. Deletion of this subpart was overlooked during the final stages of the</i></p> </li> </ol>	



	<p style="text-align: center;"><i>amendment process.</i></p> <p>3. Section 30-592. <i>Supplementary height regulations. Subpart a. Permitted exceptions. #3 Security fences or walls in the R-3, SR-3, R-4, SR-4, GB, SGB, CBD, BP, SBP and I zones, shall be permitted to a height of 12 feet provided that any fence or wall over six feet in height meets the setback requirements for buildings. No barbed wire shall be permitted on any fence at a height of less than seven feet from the finished grade level.</i>  <i>*Looking to clarify minimum setback for a 6’ fence under this provision.</i></p> <p>4. Consider the amendment of the “roomer” use within the single and two family zoning districts, which would allow for additional persons to stay at a residence under this use. Currently, the Ordinance allows “roomers” within one and two-family residential districts subject to the following restrictions: <u><i>The leasing of rooms to not more than two roomers provided no signs are displayed, the rooms are not equipped with kitchen facilities of any kind and one on-site parking space is provided for each roomer in addition to the minimum number required for the residence.</i></u></p> <p>Consideration of an amendment to this use in the Ordinance will look to bring consistency to similar residential housing uses already permitted within single and two family districts: Senior Housing with services – 6 or fewer persons, Group homes/Foster homes/Residential Treatment Centers – 6 or fewer persons, Bed &amp; Breakfast Accommodations (R-2) – 4 persons (subject to addition requirements: signage, parking, guest rooms).</p> <p>Upon establishment of a Subcommittee of Planning Commissioners to work with staff on exploring the proposed amendments, staff will begin gathering zoning information from other communities, as well as drafting text amendments as a starting point for discussions.</p>
<b>Considerations:</b>	
<b>Recommendation:</b>	Pass a motion initiating the review and updating/amendments to the text of several sections of the Zoning Ordinance, and establish a Subcommittee of three Planning Commissioners to work with staff on developing amendments.
<b>Required Action:</b>	
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• Sections 30-563, 30-564(34), and 30-592</li> </ul>

**Sec. 30-560. Water supply and sewage treatment required.**

(a) Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the state department of health and the state pollution control agency. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:

- (1) Publicly-owned sewer systems must be used where available. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way shall be required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety days after official notice to do so, provided that the public sewer is within 150 feet of the property line. See chapter 70, section 70-92 of the City of Grand Rapids Municipal Code.
- (2) All private sewage treatment systems must meet or exceed the Itasca County Zoning Ordinance and Itasca County Sanitation Ordinance, as amended.
- (3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in section 30-803.

(Code 1978, § 23.3(B)(13); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Cross reference**—Utilities, ch. 70.

**Sec. 30-561. Parking of commercial vehicles.**

Except as permitted by chapter 66 of this Code, the parking of commercial trucks, commercial trailers, or delivery vehicles is not permitted in any residential district unless housed within an accessory structure.

(Code 1978, § 23.3(B)(14); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Cross reference**—Traffic and vehicles, ch. 66.

**Sec. 30-562. Performance standards.**

In addition to the requirements of this division, uses shall comply with all of the provisions of this Code and all state and federal laws.

(Code 1978, § 23.3(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-563. Supplementary use regulations.**

In addition to other requirements of this division, the following shall apply:

- (1) *Accessory buildings.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. Only two detached accessory buildings shall be allowed, except as provided for in subsection d. Accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway or similar structure or it may be completely detached. If attached to the principal building, an accessory building

shall be structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made part of the principal building shall not be nearer than six feet from any other separate structure on the same lot.

- a. Membrane structures shall be permitted uses in all residential, districts subject to the following:
    1. All membrane structures shall meet the standards of the building code. Refer to article IV of this chapter
    2. All membrane-covered buildings shall be neutral colored (i.e. dark green, tan, brown, etc.)
    3. There shall be no more than one membrane-structure per property
    4. The size shall not exceed 400 square feet.
    5. Membrane structures shall be included in hardcover calculations.
    6. Membrane structures shall be adequately anchored and/or secured to the ground.
    7. Membrane structures shall meet setback requirements for accessory buildings.
    8. Membrane structures shall not be located in the front or side yards.
- (2) *Garages in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* The following shall apply:
- a. Structural space may be provided as accessory to a principal use not to exceed 1,000 square feet for lots smaller than 7,000 square feet and 1,300 square feet for lots greater than 7,000 square feet, total space, including an attached garage, provided:
    1. The building height does not exceed the height of the principal structure or 18 feet, whichever is greater, and the wall height does not exceed ten feet.
    2. The total building coverage does not exceed the limits outlined in Table 2-A in section 30-512.
    3. No other storage buildings shall be allowed.
  - b. Where the lot size equals or exceeds 15,000 square feet, up to 1,500 square feet of structural accessory space, including an attached garage, may be provided, subject to the limitations of subsection (2)a.1—3. of this section.
  - c. An accessory building shall not be located any closer to the front lot line than the principal building.
- (3) *Tool sheds in R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* Tool sheds and other similar buildings for the storage of domestic supplies shall require a building permit and shall conform to the following standards:
- a. The area shall not exceed 160 square feet.

- b. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.
- (4) *Accessory buildings in RR, SRR, and AG districts.* Accessory buildings shall conform to the following standards:
- a. Structural space may be provided as accessory to a principal use not to exceed the lesser of three percent of the lot area or 10,000 square feet.
  - b. No single accessory building shall exceed 25 feet in height.
  - c. Accessory buildings not used for agricultural purposes shall be limited to the height of the principal residential structure with no more than 14 foot sidewalls
  - d. Accessory buildings shall be designed to be compatible with the principal building and general neighborhood environments, including but not limited to exterior finish, color, materials, overhangs, soffits, and fascia.
  - e. Accessory buildings located in the front or side yard shall be allowed subject to the following requirements:
    - 1. The accessory building is designed to architecturally match the existing principal structure including roof pitch, windows, trim, shingles, color and side materials. The roof overhang and eaves shall be at least 12 inches but no more than 30 inches.
    - 2. Accessory building overhead doors must be perpendicular to the road.
    - 3. The height of the accessory structure shall not exceed that of the principal structure and the maximum sidewall height shall not exceed 12 feet.
    - 4. Must be setback no less than 75 feet from the public right-of-way.
    - 5. The principal structure and accessory structure must share a common driveway.

(Code 1978, § 23.5(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-564. Uses with restrictions.**

The following restrictions apply in this article as indicated:

- (1) Accessory apartments (within the CBD zone): Shall be required to have one off-street parking stall per unit.
- (2) Administrative and support services (within the LB, SLB zone): Maximum size of structure 5,000 square feet GFA.
- (3) Automotive/RV repair (within GB, SGB, BP, SBP zone) provided:
  - a. No repair work shall take place outside of the principal structure; and
  - b. Any damaged or disassembled (partially or wholly) vehicle stored overnight shall be kept in an enclosure screening the vehicle and/or other materials from public view in such manner as described in section 30-594(h).

- (27) Health and fitness club (within LB, SLB zone): Maximum size of structure 3,000 square feet GFA.
- (28) Individual manufactured homes with a minimum dimension of less than 24 feet (within AG zone): Provided:
- a. They are occupied by members of the family or an employee.
  - b. Not more than two such units are permitted on each farm.
- (29) Manufactured housing as defined by Minn. Stat. § 327.31 and further subject to the following:
- a. Manufactured homes will conform to Minn. Stat. §§ 327.31—327.35 (the Manufactured Home Building Code, July 1972 to present) and shall bear the state inspectors seal.
  - b. Manufactured home foundation installations shall comply with the state building codes.
- (30) Manufacturing, custom (within LB, SLB zone): Subject to the following:
- a. Not to exceed a gross floor area of 1,000 square feet with at least one-third of such space to be used for retail sales and display purposes.
  - b. No outdoor storage permitted.
  - c. No hazardous materials used in the fabrication of materials.
- (31) Manufacturing, custom (within GB, SGB, CBD zone): Subject to the following:
- a. Not to exceed a gross floor area of 6,000 square feet with at least one-third of such space to be used for retail sales and display purposes.
  - b. No hazardous materials used in the fabrication of materials.
- (32) Multifamily residential (within CBD zone): Shall provide one off-street parking space per unit.
- (33) Office—Business (within LB, SLB zone): Maximum size of structure 5,000 square feet GFA.
- (34) Outdoor storage (within RR, R-1, SR-1, R-1a, SR-1a, R-2, SR-2 zone): Of not more than two portable recreation buildings or vehicles provided they are owned by the resident(s), are maintained in a neat, safe and orderly fashion and further provided that they are not stored in the front yard or nearer the front lot line than the principal building, or less than five feet from any other lot line.
- (35) Outdoor storage (within R-3 SR-3, R-4, SR-4, LB, SLB zone): Subject to the following:
- a. All outdoor storage shall be accommodated within a central storage area.
  - b. Such outdoor storage area shall not be within a required yard.

**Sec. 30-597. Driveway and surface parking standards (for single and two-family residential uses).**

(a) *Permit requirements.* Unless having been issued a building permit for new residential home construction, all new driveway construction, re-construction or alteration, driveway extensions or parking area construction for vehicles and equipment stored outside must file and receive zoning permit approval by the zoning administrator or their designee.

(b) *Surface parking and driveways in RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* Surface parking shall not be permitted within the setbacks required for accessory buildings (refer to Table 2-B in section 30-512) except within a normal driveway area.

(c) *Maximum width.* Residential lots are allowed one driveway with a maximum width of 24 feet at the property line and 36 feet within the lot. Loop or U-shaped driveways are permitted at the discretion of the city engineer or other authorized agent, so long as the total driveway width at the property line does not exceed 24 feet (example: width of 12 feet at the property line for each access point).

(d) *Vehicular turn-around.* One 12-foot by 20-foot hard surfaced area for vehicular turn-around purposes adjacent to the driveway shall be permitted in the front yard. The vehicular turn-around is in addition to the maximum requirement for driveway width within the property, but is not allowed to be built in such a way that would exceed the driveway width at the property line of 24 feet.

(e) *Parking area.* One 400-square-foot hard surfaced area adjacent to a garage or driveway for parking purposes shall be permitted. Such area shall not be located in front of the living area of the dwelling. The parking area is in addition to the maximum requirement for driveway width within the property, but is not allowed to be built in such a way that would exceed the driveway width at the property line of 24 feet.

(Ord. No. 15-07-05, Exh. C, 7-27-2015)

**Secs. 30-598—30-620. Reserved.**

## DIVISION 8. OFF-STREET PARKING

**Sec. 30-621. Purpose and intent.**

It is the intent of the regulations of this division that off-street parking be provided and maintained by each property owner for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage, circulation and channelization of motor vehicles on-site to avoid undue congestion of the public streets.

(Code 1978, § 23.7(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-622. Compliance required.**

In all districts under this article, except where exempt by section 30-630, off-street parking shall be provided as follows:

- (1) *New construction.* Full off-street parking compliance is required for all newly erected buildings.
- (2) *Enlargement.* Whenever a use of building requiring off-street parking is increased in floor area or when interior building modifications or structural alterations result in an increase in effective capacity for any use, additional parking shall be provided in proper ratio to the increase in floor area or capacity.
- (3) *Change in use.* Whenever a building or use or part thereof is changed in usage, such that the new use requires more parking than the old, the extent to which the use is changed shall be required to comply fully with the provisions of this section.
- (4) *Parking lot construction and expansion.* All new parking lots and improvements and extensions to existing lots shall comply fully with the requirements of this section.
- (5) Parking lots in RR, SRR, R-1, SR-1, R1-a, SR-1a, R-2 and SR-2 Districts. Parking lots, as a principal use, for uses other than single-family residential dwellings are prohibited.

(Code 1978, § 23.7(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-623. Permits required.**

Building permits shall be required for parking lot construction in all districts except for one- and two-family residences in the R districts which require a zoning permit per section 30-597. (Code 1978, § 23.7(C); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 15-07-05, Exh. D, 7-27-2015)

**Sec. 30-624. Limitations on use.**

(a) No commercial repair work or service of any kind, or sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant, employees and patrons shall be conducted in such parking area.

(b) Any area once designated as required off-street parking shall not be changed to any other use until equal facilities as required by this article are provided elsewhere. Exceptions for the use of required off-street parking areas include seasonal sales areas as approved by the city.

(c) Off-street parking existing at the date of adoption of the ordinance from which this article is derived in connection with the operation of an existing building or use shall not be reduced to an amount less than required in this article for a similar new building or use.

(d) Recreational vehicle parking in residential districts shall be limited to the side or rear yards. No parking is allowed in the front yard. Parking surfacing shall be provided as in this section.

(Code 1978, § 23.7(D); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-625. Joint use of parking areas.**

Two or more buildings or uses may collectively provide off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off-street parking spaces where operating hours do not overlap, the planning commission may grant an exception to allow the total parking required to be reduced below the sum total of the individual uses provided a copy of an agreement between joint users is filed with the application.

(Code 1978, § 23.7(E); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-626. Location and lease arrangements.**

All off-street parking required by this division for other than R districts shall be located on the same lot or within 300 feet as measured from the nearest point of the parking lot to the nearest point of the property intended to be served. The owner of the property to be served shall own or hold at least a five-year lease to all property utilized to meet minimum parking requirements. Such lease shall not be cancelable without the permission of the city. Off-street parking shall be located in the same district as the use it is intended to serve. In R districts, all required parking shall be located on the lot it is intended to serve.

(Code 1978, § 23.7(F); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-627. Backing into a street.**

Parking lots shall be designed to allow full internal vehicular movement. Parking lots shall connect to street by maneuvering isles. No parking stall shall be allowed to directly connect to a street where vehicles would back into a street.

(Code 1978, § 23.7(G); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-628. Minimum number.**

The minimum number of off-street parking spaces by type of use shall be required in accordance with the following schedule. When determining the number of required parking spaces results in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half require one parking space.

<i>RESIDENTIAL USES</i>	<i>MINIMUM PARKING REQUIRED</i>
1. One- and two-family units	2 per dwelling unit
2. Multiple-dwellings	2 per dwelling unit <sup>1</sup>
3. Senior citizens housing	0.5 per dwelling unit
4. Boarding and roominghouses	1 per sleeping room



- (7) Any other conditions shall be imposed that the city deems necessary to assure compatibility with surrounding structures or to assure a reasonable division of property.

(Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Secs. 30-566—30-590. Reserved.**

DIVISION 7. SITE DEVELOPMENT DESIGN STANDARDS

**Sec. 30-591. Yard and bulk requirements.**

Please refer to Tables 2-A, 2-B and 2-C in section 30-512 for a listing of the yard and bulk requirements. Refer to Tables 17C-1 and 17C-2 in section 30-512 for yard and bulk requirements for shoreland districts.

(Code 1978, § 23.6(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)

**Sec. 30-592. Supplementary height regulations.**

(a) *Permitted exceptions.* The following structural appurtenances shall be permitted to exceed the height restrictions for the district provided they do not impair the solar access of buildings on adjoining properties and are not used for human occupancy or commercial enterprise:

- (1) Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.
- (2) Mechanical appurtenances such as solar collectors, chimneys, smoke stacks, public utility facilities, elevator and stairwell penthouses, aerials, radio and television antennae and cooling towers.
- (3) Security fences or walls in the R-3, SR-3, R-4, SR-4, GB, SGB, CBD, BP, SBP and I zones, shall be permitted to a height of 12 feet provided that any fence or wall over six feet in height meets the setback requirements for buildings. No barbed wire shall be permitted on any fence at a height of less than seven feet from the finished grade level.

(b) *Required reduction.* Refer to airspace overlay regulations, section 30-701.

(Code 1978, § 23.6(B); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007; Ord. No. 12-06-07, Exh. D, 6-11-2012)

**Sec. 30-593. Supplementary yard regulations.**

(a) *Permitted yard encroachments.* No yard or required open space shall be so reduced in area or dimension so as to make any such area or dimension less than required by this article. If already less than the minimum required, a yard shall not be further reduced. The following encroachments into required yards shall be permitted:

- (1) Special structural elements attached to the principal building such as chimneys, solar collectors, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves and gutters provided they do not extend more than two and one-half feet into a yard.



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 16-0153      **Version:** 1      **Name:** Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

**Type:** Agenda Item      **Status:** Passed

**File created:** 2/24/2016      **In control:** Planning Commission

**On agenda:** 4/7/2016      **Final action:** 4/7/2016

**Title:** Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Staff Report: Election of PC Officers](#)

Date	Ver.	Action By	Action	Result
4/7/2016	1	Planning Commission	Approved	

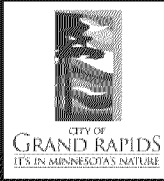
Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

**Background Information:**

*See attached Staff Report.*

**Staff Recommendation:**

Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.



# Planning Commission Staff Report

<b>Agenda Item # 3</b>	<b>Community Development Department</b>	<b>Date: 3/3/2016</b>
<b>Statement of Issue:</b>	Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.	
<b>Background:</b>	<p>Section 30-31 of the City Code requires the Planning Commission to elect a Chairperson and a Vice Chairperson/Secretary, as well as any other officers it deems necessary.</p> <p>To date, the Planning Commission's slate of officers has consisted of a Chairperson and a Vice Chairperson/Secretary, with Commissioner Fedje-Johnston currently serving as Chairperson (<u>3<sup>rd</sup> Term</u>), and the Vice Chairperson/Secretary position currently vacant, as Commissioner Flicker's term expired March 1<sup>st</sup> and he did not reapply.</p> <p>Per Article I, Section E(4) of the Planning Commission Bylaws, the Planning Commission may re-elect the current Chair and/or Vice-Chair/Secretary to a second term, <u>but may only re-elect either officer to a third successive term if no other nominations are put forth.</u></p> <p>The Planning Commission Bylaws call for the election of officers to take place at the first meeting of the year; however, in the past several years the Planning Commission has chosen to wait until the March or April meeting.</p>	
<b>Considerations:</b>		
<b>Recommendation:</b>	After staff reads this short introduction, the Chair will request nominations for Chairperson first; it is customary to nominate one or more candidates. When all nominations have been made, then the vote is taken on each, in the order in which they were nominated, until one is elected. The nominations need not be seconded.	
<b>Required Action:</b>	Consider nominations to elect a Chairperson and Vice Chairperson/Secretary.	