

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Thursday, January 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

15-1875 Approve the minutes of the October 1, 2015, 4:00 pm regular meeting and the December 8, 2015, 4:00 pm special meeting/worksession.

Attachments: [October 1, 2015 Meeting Minutes](#)
[December 8, 2015 Worksession Minutes](#)

General Business

16-0001 Consider a recommendation to the City Council regarding the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in May of 1975 through recorded document number 302376.

Attachments: [Easement Vacation: Staff Report w/map](#)
[Easement Vacation Considerations](#)
[Oppidan/LN Real Estate Vacation - Application](#)

Public Input

Individuals may address the Planning Commission about any non public hearing item or any item not included on the Regular Meeting Agenda. Speakers are requested to come to the podium, state their name and address for the record and limit their remarks to three (3) minutes.

Miscellaneous\Updates

16-0002 Compensation/Reimbursement discussion

Adjourn

NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:
Thursday, February 4, 2016



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 15-1875 **Version:** 1 **Name:** Approve the minutes of the October 1, 2015, 4:00 pm regular meeting and the December 8, 2015, 4:00 pm special meeting/worksession.

Type: Minutes **Status:** Approved

File created: 12/22/2015 **In control:** Planning Commission

On agenda: 1/7/2016 **Final action:**

Title: Approve the minutes of the October 1, 2015, 4:00 pm regular meeting and the December 8, 2015, 4:00 pm special meeting/worksession.

Sponsors:

Indexes:

Code sections:

Attachments: [October 1, 2015 Meeting Minutes](#)
[December 8, 2015 Worksession Minutes](#)

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

Approve the minutes of the October 1, 2015, 4:00 pm regular meeting and the December 8, 2015, 4:00 pm special meeting/worksession.

Background Information:

See attached draft meeting minutes.

Staff Recommendation:

Approve the minutes of the October 1, 2015, 4:00 pm regular meeting and the December 8, 2015, 4:00 pm special meeting/worksession.



CITY OF GRAND RAPIDS

NOTICE OF MEETING
PLANNING COMMISSION

Minutes - Final Planning Commission

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

Thursday, October 1, 2015

4:00 PM

Council Chambers

Call To Order

Call of Roll

- Present** 4 - Chairperson Julie Fedje-Johnston, Commissioner Marn Flicker, Commissioner Lester Kachinske, and Commissioner Susan Lynch
- Absent** 2 - Commissioner Mark Gothard, and Commissioner Charles Burress

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 September 3, 2015, 4:00 pm regular meeting.

Approved as Presented by Commission

Public Hearings

Conduct a Public Hearing to consider a variance petition submitted by Zion Lutheran Church.

Community Development Specialist provided the staff report. Zion Lutheran Church has applied for one variance, which if granted, would allow for replacement and reconfiguration of their sign located at: 2901 S. US Hwy 169.

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

Pastor Ben Buchanen of Zion Lutheran Church spoke in regards to the reasoning behind the placement of the new sign.

Pastor Paul Leslie of Zion Lutheran Church questioned whether or not they could move the sign to the north or south.

City Attorney Sterle noted the church could move the sign to the north or south as

long as the grade from the center line to the sign was still six feet.

Motion by Commissioner Kachinske, second by Commissioner Lynch to close the public hearing. The following voted in favor thereof: Fedje-Johnston, Flicker, Lynch, Kachinske.

Motion by Commissioner Lynch, second by Commissioner Flicker that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby grant the following variance to Zion Lutheran Church, for the property legally described as: S 600 ft. of SW NW LYG W of HWY 169, SECTION 33, TOWNSHIP 55N, RANGE 25W, Itasca County, Minnesota;

- to allow a one-time waiver of the requirements of Section 30-680(f) of the Municipal Code for the replacement of a monument sign with a sign that has a digital "reader board" component to it, the bottom portion of which would be 4 ft. above ground, or a 6 ft. reduction in height, above ground, from the required 10 ft. minimum height above ground for lighted signs that give the illusion of movement, as proposed within the petitioners variance application.

With the following considerations presented by the Commission.

1. Is this an "Area" variance rather than a "Use" variance?
This is an area variance.
2. Does the proposal put property to use in a reasonable manner?
Why/Why not-
Yes, the proposed sign would be a welcoming addition to the south US Hwy 169 corridor and would fit in nicely with the rest of the signage in the area.
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-
Due to the topography of the lot it does create a circumstance which is unique to the property.
4. Is the variance in harmony with the purposes and intent of the ordinance?
Why/Why not-
Yes, with the elevation of the sign placement 6ft above the roadway and the bottom of the sign 4ft above ground it does meet the intent of the ordinance which is 10ft and therefore it would not be a distraction to motorists.
5. Will the variance, if granted, alter the essential character of the locality?
Why/Why not-
No, it will not alter the essential character of the locality there is a sign already there, that will be replaced with a new sign.
6. Is the variance consistent with the comprehensive plan?
Why/Why not-
Yes, with the intent of the ordinance being met and the development along the south US Hwy 169 corridor it is consistent with the comprehensive plan.

Public Input

Miscellaneous\Updates

Mr. Trast noted Paula Johnson was appointed to the Planning Commission at the Monday, September 28th City Council Meeting.

Commissioner Kachinske asked if the City had ever considered a per diem for the volunteers on the various boards and commissions. City Attorney Sterle noted the City Council had looked into whether or not monetary compensation should be provided to the various volunteers and at the time decided they did not want to pursue that avenue.

Adjourn

PLANNING COMMISSION WORKSESSION
TUESDAY, DECEMBER 8, 2015 – 4:00 P.M.
GRAND RAPIDS CITY HALL – 420 NORTH POKEGAMA AVE.
GRAND RAPIDS, MINNESOTA 55744

CALL TO ORDER:

Pursuant to due notice and call thereof, a Special Meeting/Worksession of the Grand Rapids Planning Commission was held in Conference Room 2A of City Hall on Tuesday, December 8, 2015 at 4:06 p.m.

CALL OF ROLL: On a Call of Roll the following members were present: Commissioners: Lester Kachinske, Julie Fedje-Johnston, Charles Burress, Marn Flicker, Susan Lynch, Paula Johnson. Absent: Mark Gothard.

The Planning Commission met to discuss the following:

Open Meeting Law, Conflict of Interest, and Findings of Fact.

City Attorney Sterle noted it is very important to document what we are doing and why. When providing considerations make sure the findings are very detailed. When preparing for a meeting they should review the staff reports thoroughly and visit the site. It is also very beneficial if you are able and have finding of facts ready when you attend the meeting. Mr. Sterle discussed conflict of interest, he told the Commissioners if they had any concerns as to whether or not they had a conflict they should talk with staff.

City Building/Development Update.

Community Development Specialist Trast provided a power point highlighting the building and development that has taken place in 2015.

Comprehensive Plan Overview.

Mr. Trast reviewed a power point with the Commissioners which provided an overview of the Comprehensive Plan.

Planning Commission Discussion.

Commissioner Flicker felt it would be beneficial to provide some training for new Commissioners, he found a youtube video that provided a good explanation of the duties of a board member. The Commissioners also discussed the possibility of compensation for mileage and would like to add that topic to the next agenda.

Commission Lynch left the meeting at 5:00 p.m.

There being no further business, the meeting was adjourned at 5:12 p.m.

Respectfully Submitted:

Aurimy Groom, Recorder



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 16-0001 **Version:** 1 **Name:** Consider a recommendation to the City Council regarding the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in May of 1975 through recorded document number 302376.

Type: Agenda Item **Status:** Passed

File created: 12/29/2015 **In control:** Planning Commission

On agenda: 1/7/2016 **Final action:** 1/7/2016

Title: Consider a recommendation to the City Council regarding the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in May of 1975 through recorded document number 302376.

Sponsors:

Indexes:

Code sections:

Attachments: [Easement Vacation: Staff Report w/map](#)
[Easement Vacation Considerations](#)
[Oppidan/LN Real Estate Vacation - Application](#)

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

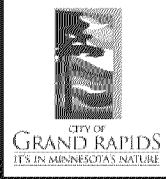
Consider a recommendation to the City Council regarding the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in May of 1975 through recorded document number 302376.

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Consider a recommendation to the City Council regarding the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in May of 1975 through recorded document number 302376.



Planning Commission Staff Report

Agenda Item # 2	Community Development Department	Date: 1/7/2016
Statement of Issue:	Consider a recommendation to the City Council regarding the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in May of 1975 through recorded document number 302376.	
Background:	<p>Oppidan Holdings, LLC., and LN Real Estate, LLC., submitted a valid petition on December 10, 2015 requesting the vacation of the following described <u>public utility and fire lane easement</u>:</p> <p style="text-align: center;"><i>A tract of land located in the unplatted part of the SE ¼ of NW ¼, Section 28, Township 55N, Range 25W, Itasca County, Minnesota, more particularly described as follows: A strip of land 30 ft. wide extending from 12th Street SE to the S boundary of the SE ¼ of NW ¼, the center line of the above strip to be a line 678.86 ft. east of and parallel to the easterly right-of-way of Trunk Highway #169.</i></p> <p>The subject easement is generally located on the east ¼ of the former ProBuild/UPC property (petitioners property) at: 1250 S. Pokegama Ave. and extending north, onto the Itasca County Health and Human Services building property at: 1209 SE 2nd Ave. (see attached map)</p> <p>As stated within the attached Public Vacation Application, the request made by the property owner, would remove an unused easement from the property, thus allowing for future redevelopment to take place.</p> <p>There were no concerns or objections expressed, regarding the petitioned easement vacation, from the staff review committee which consists of: Public Works Department, Engineering Department, Community Development Department, Fire Department, Police Department, and the Grand Rapids Public Utilities Commission.</p> <p>Minnesota Statutes 412.851 governs the procedures for vacating public infrastructure in a statutory city. Generally speaking, under this statute the City Council has the authority to vacate public right-of-way on its own motion or through a petition of the majority of the land owners. The petition presented by Oppidan Holdings, LLC., and LN Real Estate, LLC., represents 56% participation of adjacent land owners, and therefore is valid.</p>	
Considerations:	When considering the vacation of public easements, the Planning Commission must make findings of fact based on the attached list of considerations.	

<p>Recommendation:</p>	<p>Staff recommends that the Planning Commissioners visit the site, review the comments submitted by the Review Committee, and review the relevant sections of the Comprehensive Plan.</p> <p>Prior to making a recommendation to the City Council to approve/not approve the vacations, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or not approve the public utility and fire lane easement vacation.</p>
<p>Required Action:</p>	<p>Pass a motion forwarding a recommendation to the City Council for approval or non-approval of the requested public utility and fire lane easement vacation.</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 (approve) (not approve) the vacation of a public utility and fire lane easement, granted to the City of Grand Rapids in recorded document number 302376 and described as:</p> <p><i>A tract of land located in the unplatted part of the SE ¼ of NW ¼, Section 28, Township 55N, Range 25W, Itasca County, Minnesota, more particularly described as follows: A strip of land 30 ft. wide extending from 12th Street SE to the S boundary of the SE ¼ of NW ¼, the center line of the above strip to be a line 678.86 ft. east of and parallel to the easterly right-of-way of Trunk Highway #169</i></p> <p><u>Contingent on the following stipulation(s)/recommendations:</u></p> <ul style="list-style-type: none"> • _____
<p>Attachments:</p>	<ul style="list-style-type: none"> • Site Map • Public Vacation Application/Petition • List of the Planning Commissions Vacation Considerations

Oppidan Holdings/LN Real Estate Easement Vacation R

(Public Utility and Fire Lane Easement)



100 50 0 100 Feet



PLANNING COMMISSION

Considerations

EASEMENT VACATIONS

1. Is the easement needed for traffic purposes?

Why/Why not?

2. Is the easement needed for pedestrian purposes?

Why/Why not?

3. Is the easement needed for utility purposes?

Why/Why not?

4. Would vacating the easement place additional land on the tax rolls?

Why/Why not?

5. Would vacating the easement facilitate economic development in the City?

Why/Why not?



Public Vacation 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

General Information:

Oppidan Holdings, LLC
 Name of Applicant
400 Water Street, Suite 200
 Address
Excelsior, MN 55331
 City State Zip
952-294-0353
 Business Telephone/e-mail address

LN Real Estate, LLC
 Name of Owner (If other than applicant)
401 Second Avenue, Suite 1300
 Address
Seattle WA 98104
 City State Zip
206-501-4519
 Business Telephone/e-mail address

Please check which of the following you are applying for:

- Street Vacation Alley Vacation Easement Vacation

Provide a legal description of the property to be vacated (for example, the North-South alley adjacent to lots 8-12, block 5, Grand Rapids 5th Division). Attach an exhibit and/or electronic file if the legal description is lengthy.

Attached.

I(we) certify that, to the best of my(our) knowledge, information, and belief, all of the information presented in this application is accurate and complete and includes all required information and submittals, and that I consent to entry upon the subject property by public officers, employees, and agents of the City of Grand Rapids wishing to view the site for purposes of processing, evaluating, and deciding upon this application.

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

12/7/15
 Date

Audrey L. Brown
 Signature(s) of Owner(s)-(If other than applicant)

12/7/15
 Date

Date Received DEC 10 2015 Certified Complete 12/11/2015 Office Use Only Fee Paid \$505.00

Does the boundary of the requested vacation terminate at or abut a public water body: Yes No

Planning Commission Recommendation Approved _____ Denied _____

Meeting Date 1/7/2016

City Council Action Approved _____ Denied _____

Meeting Date _____

Summary of Special Conditions of Approval: _____

Required Submittals:

Application Fee - \$505.00 *1 Location Map Petition for Vacation

Proof of Ownership – (a copy of a property tax statement or deed will suffice)

**1 The application fees charged are used for postage to mail the required notices to adjacent properties, publication of the public hearing notice in the Grand Rapids Herald Review, and for a small portion of staff time for case review and preparation of documents. It is the policy of the City of Grand Rapids to require applicants for land use approvals to reimburse the City for costs incurred by the City in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the City.*

Justification of Proposed Vacation: Please answer the following question (attach additional pages if needed). The Planning Commission and City Council will consider these questions and responses, and other issues (see attached list) in making their findings of fact and recommendation on the proposed rezoning.

- 1. Explain why the proposed vacation would be in the public's best interest. Please refer to the factors being considered by the Planning Commission and City Council that are listed on the final page of this application.

Easement no longer being used
lots slated for development

Additional Instructions:

Prior to submitting your Petition for Vacation, you will need to arrange for one or more preliminary meetings with the Community Development Director. This meeting is intended to ensure that the proposed application is complete, to answer any questions the applicant may have, discuss meeting schedules and, if applicable, the scope of the required submittals.

Findings for Approval:

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

- Is the street right-of-way needed for traffic purposes?
- Is the street right-of-way needed for pedestrian purposes?
- Is the street right-of-way needed for utility purposes?
- Would vacating the street right-of-way place additional land on the tax rolls?
- Would vacating the street right-of-way facilitate economic development in the City?

In cases where a street/alley or public right-of-way is adjacent to a public water (lake or river), the City will also give consideration to comments submitted by the Minnesota Department of Natural Resources.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Complete applications shall be submitted to the Community Development Department one month prior to the Planning Commission's review of the vacation. 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.

Petition for Vacation

PETITION FOR VACATION OF ~~(PART OF)~~ Public Utilities and (STREET/ALLEY/EASEMENT) IN THE CITY OF GRAND RAPIDS.
Five Lane Easement

To the City Council of Grand Rapids, Minnesota:

The undersigned, a majority of the owners of property as set forth opposite their respective names, abutting on PV and Five Lane (Street/Alley/Easement), respectfully petition the City Council to vacate the aforesaid ~~(part of)~~ Public Utilities and Five Lane (Street/Alley/Easement).

Names (If not owner, describe nature of the interest in this property)

Description of Property

Audra Brown
LN Real Estate LLC. / Property Manager

1250 S. Pokegama Ave
#91-028-2407

Received on the 11 day of Dec, 2015


City Clerk

This petition must be signed by at least FIFTY PERCENT (50%) of the property owners, or those with property interests abutting the property (street, alley or easement) to be vacated. Please provide the appropriate number of names and addresses and signatures, as needed to meet this requirement (attach additional sheet if necessary).

302376

PUBLIC UTILITIES AND FIRE LANE
EASEMENT

WE, John L. Saxhaug and Virginia Saxhaug, husband and wife; Roy B. Winberg and Pauline M. Winberg, husband and wife; and C. Dudley Green and Cecil Green, husband and wife, of Itasca County, State of Minnesota, herein called Grantors, for the consideration of One and no/100ths Dollars (\$1.00) to Grantors paid in hand, the receipt is hereby acknowledged by Grantors, and of the covenants and agreements herein expressed, hereby grant unto the City of Grand Rapids, herein called City, a Municipal corporation of the State of Minnesota, a perpetual right of way over and across and an easement in the land hereinafter described, for the purpose of clearing, trenching for, laying, constructing, maintaining and repairing public utilities lines including water, sewer, telephone, gas, electrical and any and other all cables or pipes.

Said land lying in the County, of Itasca, State of Minnesota, more particularly described as follows:

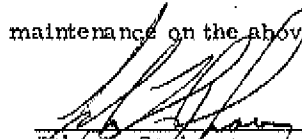
A tract of land located in the unplatted part of the Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4) of Section Twenty-eight (28), Township Fifty-five (55) North, Range Twenty-five (25) West of the Fourth Principal Meridian, more particularly described as follows: A strip of land thirty feet (30') wide extending from twelfth street southeast to the south boundary of the southeast quarter of northwest quarter (SE 1/4 of NW 1/4), the center line of the above strip to be a line 678.86 feet east of and parallel to the easterly right of way Trunk Highway #169.

TO HAVE AND TO HOLD THE SAME UNTO THE CITY for the uses and purposes herein. Grantors, their heirs and assigns, hereby covenant to and with City, its officers, agents or employees, that it may at anytime when necessary or convenient to do so, go over and upon said described land and to do and perform any and all acts necessary or convenient to the caring into

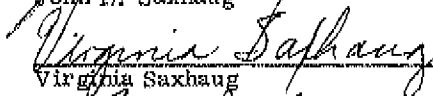
Exempt from State Deed Tax
Dale M. Virden
Dale M. Virden, County Treasurer

effect the purposes for which this grant is made. That neither Grantors, their heirs and assigns, nor any or either of them, shall disturb, injure, molest or in any manner interfere with any public utility or material for laying, maintaining, operating or repairing the same, in, over or upon said described premises.

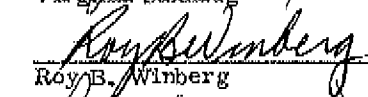
Grantors further herewith covenant and agree that they will not construct any buildings on said premises above described, and Grantors, their heirs and assigns, further covenant that they will maintain the above described premises free and clear of all snow and shall blacktop the same and shall not allow any cars, motor vehicles or any objects to be placed upon the above described premises; the Grantors, their heirs and assigns, further covenant that the above described premises shall be free from any and all obstructions so that there may be a free flow of traffic over the same and further that at all times Grantors, their heirs and assigns, shall remove all snow from the above described premises and shall be responsible for paving the same and repairing any pavement as a result of City herein having to do any maintenance on the above described premises.



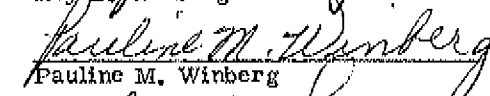
John L. Saxhaug



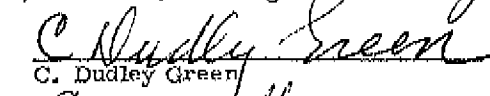
Virginia Saxhaug



Roy B. Winberg



Pauline M. Winberg



C. Dudley Green



Cecil Green

302376

STATE OF MINNESOTA)
) ss
COUNTY OF ITASCA)

On this 16th day of May, 1975, before me, a notary public within and for said county, personally appeared John L. Saxhaug and Virginia Saxhaug, husband and wife; Roy B. Winberg and Pauline M. Winberg, husband and wife; and C. Dudley Green and Cecil Green, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.



William A. Roberts
Notary Public Itasca County, Minn.
My commission expires 12 June 1975

OFFICE OF REGISTER OF DEEDS
STATE OF MINNESOTA)
County of Itasca) ss.

I hereby certify that the within instrument was filed in this office for record as

Document No. 302376
Date JUN 2 1975 at 12:05 P. M.

DORIS L. BURTON
Register of Deeds
By John C. Hillard
Deputy

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, except that part thereof lying Easterly of the following described line:

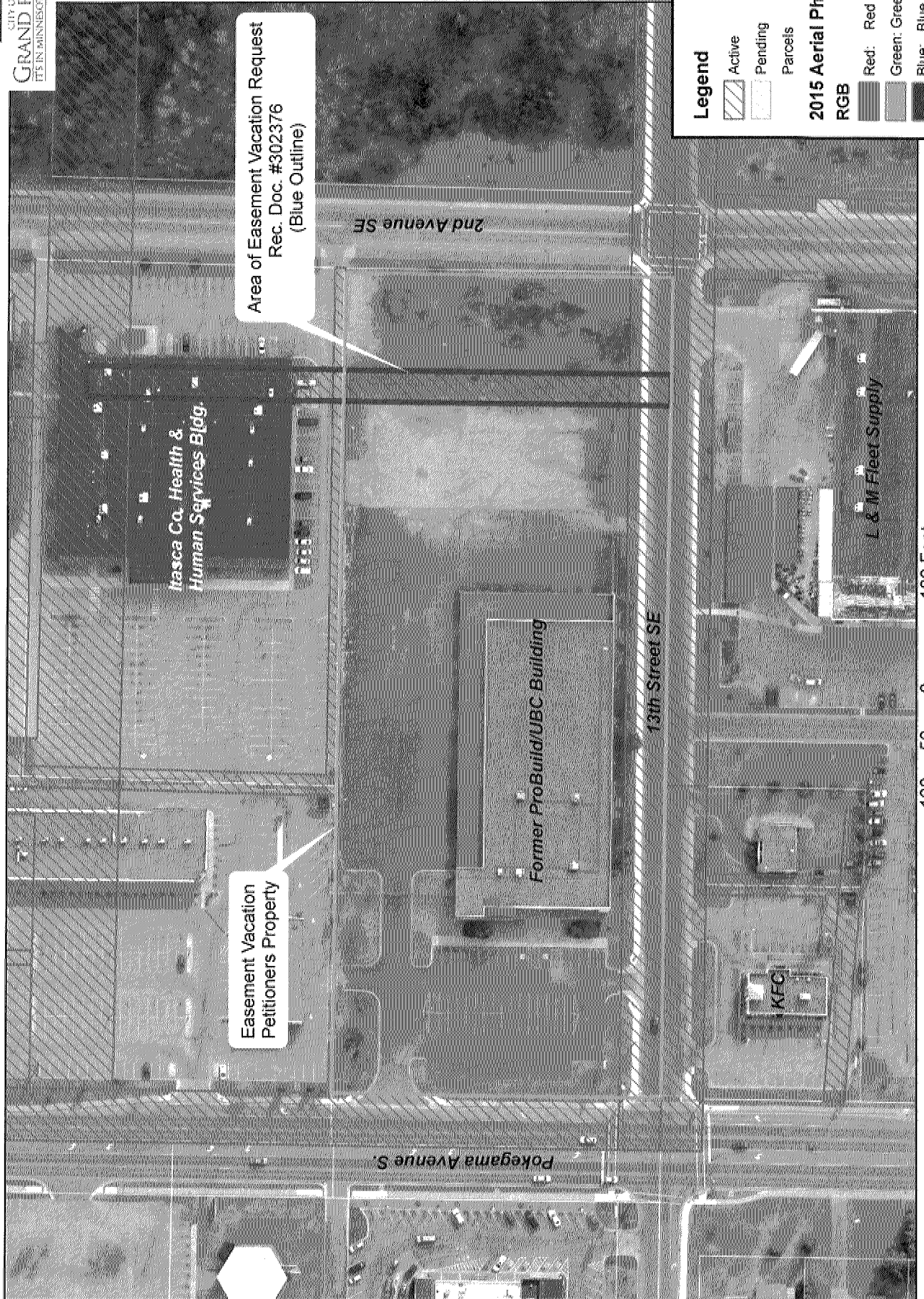
Commencing at the Southwest corner of the Southeast Quarter of the Northwest Quarter; thence North 89 degrees 45 minutes 26 seconds East assumed bearing along the South line of said Southeast Quarter of the Northwest Quarter a distance of 837.38 feet to the point of beginning of the line to be described; 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.

Oppidan Holdings/LN Real Estate Easement Vacation Request



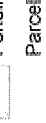
(Public Utility and Fire Lane Easement)



CITY OF
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IT'S IN MINNESOTA'S NATURE






Legend

-  Active
-  Pending
-  Parcels

2015 Aerial Photo

RGB

-  Red: Red
-  Green: Green
-  Blue: Blue

100 50 0 100 Feet





CITY OF
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CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 16-0002 **Version:** 1 **Name:** Compensation/Reimbursement discussion
Type: Reports **Status:** Miscellaneous
File created: 12/29/2015 **In control:** Planning Commission
On agenda: 1/7/2016 **Final action:**
Title: Compensation/Reimbursement discussion
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Compensation/Reimbursement discussion

Background Information:

Planning Commission discussion.

Staff Recommendation:

Compensation/Reimbursement discussion