

# **CITY OF GRAND RAPIDS**

*NOTICE OF MEETING  
PLANNING COMMISSION*



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

## **Meeting Agenda Full Detail**

**Thursday, May 1, 2014**

**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**

14-0438 Approve the minutes of the April 3, 2014, 4:00 pm regular meeting.

**Attachments:** [April 3, 2014 Meeting Minutes](#)

**Public Hearings**

14-0451 Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.

**Attachments:** [AutoZone Variance: Staff Report w/map](#)

[Rules for PH-Variance Considerations](#)

[AutoZone Variance: Application](#)

**General Business**

14-0450 Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.

**Attachments:** [GRSB Vacation: Staff Report w/considerations](#)

[GRSB Vacation: Maps & Staff Comments](#)

[GRSB 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****Adjourn**

*NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:  
Thursday, June 5, 2014*



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 14-0438      **Version:** 1      **Name:** Approve the minutes of the April 3, 2014, 4:00 pm regular meeting.

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

**File created:** 4/23/2014      **In control:** Planning Commission

**On agenda:** 5/1/2014      **Final action:**

**Title:** Approve the minutes of the April 3, 2014, 4:00 pm regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [April 3, 2014 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
5/1/2014	1	Planning Commission	Approved as Amended by Commission	

Approve the minutes of the April 3, 2014, 4:00 pm regular meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the April 3, 2014, 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, April 3, 2014

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

**Present** 7 - Chairperson Julie Fedje-Johnston, Commissioner Shane McKellep, Commissioner Michael Twite, Commissioner Mark Gothard, Commissioner Marn Flicker, Commissioner Katherine Sedore, 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 March 6, 2014, 4:00 pm regular meeting.

**Motion by Commissioner Flicker, Second by Commissioner Twite to adjourn the meeting at 6:10 p.m. there being no further business the meeting adjourned.**

### General Business

Reconvene consideration of a variance petition submitted by Northland Counseling Center, Inc.

*Chair Fedje-Johnston opened the floor to the public.*

*Doug Hanson, HAWK Construction provided correspondence, in his letters he outlined the plight of landowner and the setting of precedent. Mr. Hanson felt there were several circumstances that can be cited as reasons to grant the variance. The zoning classification was I-1 and changed to SR-3 in 2013, also the proposed addition will have zero impact on Lily Lake. Mr. Hanson also stated that the addition to the existing facility will maintain the same low profile look.*

*City Attorney Sterle addressed the circumstances brought forward by Mr. Hanson. In 1994 the State mandated Shoreland Overlay Districts be enacted throughout the State. Lily Lake is deemed a natural environment lake which means within a 1000 foot perimeter around Lily Lake there needs to be a Shoreland Overlay District. Since the State has designated Lily Lake as a natural environment lake the City has to protect it accordingly. The City, through the Comprehensive Plan, created at Business Park*

designation in 2013, in doing so they didn't want to create an island of I-1 therefore the property through public process was rezoned to SR-3. Attorney Sterle reviewed the density requirements for R-3 and R-4 zoning. Northland Counseling is asking for a 1000% relief from the zoning ordinance. If the Commission were to grant this variance they would have to find that there is something so unique about this property that when you apply the five considerations you would find that to grant a variance is prudent or there is something wrong with the ordinance and it may need to be revisited or overhauled.

Greg Walker, Executive Director Northland Counseling Center, Inc., provided background information on the history of the building and building site.

Colleen McKay, Director of Recovery Northland Counseling Center, Inc., reviewed the plans for the proposed addition.

While reviewing the proposed plans it was determined the applicant is requesting a modification from 12 to 20 units not 16 to 40.

Colleen McKay, Director of Recovery Northland Counseling Center, Inc., amended the variance petition to state Northland Counseling is requesting a modification from 12 to 20 units.

Pat Crawford, local contractor is in favor of the proposed variance. Mr. Walker felt that the owner's plight is unique to the property and not self created.

Greg Walker, Executive Director Northland Counseling Center, Inc., Clarified they have not added on to the original building.

Doug Hanson, HAWK Construction, also felt that the owner's plight was not self created due to the change in zoning.

Greg Walker, Executive Director Northland Counseling Center, Inc., explained the parking lot expansion layout and the reasoning behind it.

The Commissioners reviewed the considerations.

**Motion by McKellep, second by Twite that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby deny the following variances to Northland Counseling Center, Inc. for the property legally described as:**

**E 245 ft. of Lot 10, Industrial Park Addition to Grand Rapids, Itasca County, Minnesota**

- to allow a one time waiver of the requirements of Section 30-809 (of Division 13 Shoreland Management) as referenced in Section 30-512 Table 17C-1 and Section 30-458(c)1 a & b, for an addition to their existing residential treatment facility, which would increase the units from 12 to 20 in the facility, an increase of 8, as described within the variance application amended by Ms. Colleen MacKay, Director of Services, on behalf of Northland Counseling Center, Inc.

Commissioner McKellep read his considerations for the record.

1. Is this an "Area" variance rather than a "Use" variance?  
This is an "Area" variance.

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

**Why/Why not-**

The use is reasonable there is no change.

**3. Is the owner's plight due to circumstances which are unique to the property and**

**which are not self-created by the owner?**

**Why/Why not-**

The owner's plight is not significantly unique.

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

**Why/Why not-**

No, it is not in harmony with the ordinance it is a non-conforming use.

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

**Why/Why not-**

There is no evidence that it would alter the character of the neighborhood.

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

**Why/Why not**

It is consistent with the comprehensive plan.

**The following roll call vote was taken.**

**Aye:** 5 - Chairperson Julie Fedje-Johnston  
Commissioner Shane McKellep  
Commissioner Michael Twite  
Commissioner Katherine Sedore  
Commissioner Charles Burress

**Nay:** 2 - Commissioner Mark Gothard  
Commissioner Marn Flicker

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

**Motion by Commissioner Twite to nominate Commissioner Fedje-Johnston as Chair, second by Commissioner McKellep, motion carried.**

**Motion by Commissioner Twite to nominate Commissioner McKellep as Vice Chair, second by Commissioner Fedje-Johnston, motion carried.**

**Public Input**

**Miscellaneous\Updates**

**Adjourn**

**Adjourn**



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

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<b>File #:</b>	14-0451	<b>Version:</b>	1	<b>Name:</b>	Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.
<b>Type:</b>	Public Hearing	<b>Status:</b>			PC Public Hearing
<b>File created:</b>	4/24/2014	<b>In control:</b>			Planning Commission
<b>On agenda:</b>	5/1/2014	<b>Final action:</b>			
<b>Title:</b>	Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">AutoZone Variance: Staff Report w/map</a> <a href="#">Rules for PH-Variance Considerations</a> <a href="#">AutoZone Variance: Application</a>				

Date	Ver.	Action By	Action	Result
5/1/2014	1	Planning Commission		
5/1/2014	1	Planning Commission		
5/1/2014	1	Planning Commission		

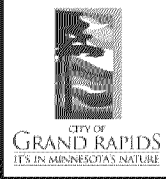
Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.

**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.



# Planning Commission Staff Report

<b>Agenda Item #2</b>	<b>Community Development Department</b>	<b>Date:</b> 5/1/2014
<b>Statement of Issue:</b>	Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.	
<b>Background:</b>	<p>AutoZone has applied for two variances, which if approved, would allow for the construction of a 6,446 sq. ft. retail building and associated parking lot, as part of a redevelopment project on property located at: 2101 S. Pokegama Avenue and legally described as:</p> <p style="text-align: center;"><i>S 176.1 ft. of the N 196.7 ft. of the E 237 ft. of the NW ¼ NW ¼ of Section 33, Township 55 N, Range 25 W, LESS the S 20 ft. of the N 40.6 ft. of the E 237 ft. of the NW ¼ NW ¼ of Section 33, Township 55 N, Range 25 W, Itasca County, Minnesota</i></p> <p>The subject property is .6 acres in area, is currently zoned GB (General Business) and currently occupied by a multi-tenant building containing a mix of commercial and residential uses.</p> <p>AutoZone has requested the Planning Commission’s consideration of two variances from Section 30-512 Table 2-C of the Municipal Code, which lists the District Development Regulations for Surface Parking, and from Section 30-594(C) which outlines Landscaping and Bufferyard Requirements.</p> <p>If approved, the requested variances would allow for construction of a 6,446 sq. ft. retail building and associated parking lot. The parking lot, as proposed, would encroach approximately 10 ft. into the required 10 ft. street side yard setback area for surface parking, and as such, the required landscaping and bufferyard plantings could not be accommodated in that yard area.</p> <p>The applicant, within the variance petition, cites the benefits of the entrance consolidations to the property off of 21<sup>st</sup> Street SW, as well as the need for area on the north side of the building for an off-street loading zone to accommodate delivery vehicles, as reasons for the variance request.</p> <p>The redevelopment of the subject property, as proposed within the variance application, would require the Planning Commission’s approval of two variances;</p> <ol style="list-style-type: none"> <li>1. Section 30-512 Table 2-C of the Municipal Code, which lists the District Development Regulations for Surface Parking, which establishes a 10’ minimum street side yard setback</li> </ol>	



	<p>within GB (General Business) zoned districts.</p> <p>2. Section 30-594(C) which outlines Landscaping and Bufferyard Requirements, and which requires the installation of bufferyards in the front, side and rear yard areas of properties, in accordance with Table 3-A of Section 30-512.</p>
<p><b>Considerations:</b></p>	<p>When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.</p>
<p><b>Recommendation:</b></p>	<p>Staff recommends that the Planning Commissioners visit the site and look at the situation.</p> <p>Prior to making a motion to approve or deny the request, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or deny the variance(s).</p>
<p><b>Required Action:</b></p>	<p>Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variance(s).</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 <b>(grant)(deny)</b> the following variances to AutoZone for the property described as: <i>S 176.1 ft. of the N 196.7 ft. of the E 237 ft. of the NW ¼ NW ¼ of Section 33, Township 55 N, Range 25 W, LESS the S 20 ft. of the N 40.6 ft. of the E 237 ft. of the NW ¼ NW ¼ of Section 33, Township 55 N, Range 25 W, Itasca County, Minnesota;</i></p> <ul style="list-style-type: none"> <li>to allow a one time waiver of the requirements of Section 30-512 Table 2-C and Section 30-594(C) of the Municipal Code for the construction of a 6,446 sq. ft. retail building and associated parking lot, in which the parking lot would encroach approximately 10 ft. into the required 10 ft. street side yard setback area for surface parking, and as such, the required landscaping and bufferyard plantings could not be accommodated in that yard area, as proposed on the petitioners site plan.</li> </ul> <p><i>(If the Planning Commission wishes to place conditions upon their approval, the following should be added to the motion:)</i></p>

	and that the following condition(s) shall apply: <ul style="list-style-type: none"><li>• _____</li></ul>
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Site Map</li><li>• Copy of the variance petition and associated documentation</li><li>• List of the Planning Commissions Variance Considerations</li></ul>

# ***AutoZone Variance Request***



Subject Property of  
Variance Request

21st Street SW

21st Street

Birchwood Apartments

T.H. Hwy. #169 S./Pokegama Avenue S.

150 75 0 150 Feet



**Grand Rapids Planning Commission**  
Grand Rapids - City Hall

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**RULES FOR A PUBLIC HEARING**

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

# PLANNING COMMISSION

## Considerations

### VARIANCE

1. Is this an "Area" variance rather than a "Use" variance?
2. Does the proposal put property to use in a *reasonable manner*?  
Why/Why not-
3. Is the owner's plight due to circumstances which are unique to the property and which are not self-created by the owner?  
Why/Why not-
4. Is the variance in *harmony with* the purposes and intent of the *ordinance*?  
Why/Why not-
5. Will the variance, if granted, alter the *essential character* of the locality?  
Why/Why not-
6. Is the variance *consistent with* the *comprehensive plan*?  
Why/Why not-



GRAND RAPIDS  
MINNESOTA

**Petition for Variance**

Community Development Department  
420 North Pokegama Ave.  
Grand Rapids, MN 55744  
Tel. (218) 326-7601 Fax (218) 326-7621  
Web Site: www.grandrapidsmn.org

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

Brandon Elegert, P.E.  
Name of Applicant\*<sup>1</sup>  
2550 University Ave. West, Suite 238N  
Address  
Saint Paul MN 55114  
City State Zip  
(651) 643-0488 / brandon.elegert@kimley-horn.com  
Business Telephone/e-mail address

Jeff Kauerz  
Name of Owner (If other than applicant)  
123 S. Front Street, 3rd Floor  
Address  
Memphis TN 38103  
City State Zip  
(901) 495-8771 / jeff.kauerz@autozone.com  
Business Telephone/e-mail address

\*<sup>1</sup> If applicant is not the owner, please describe the applicant's interest in the subject property. Owner's civil engineering consultant.

**Parcel Information:**

Tax Parcel # 91-330-2240 Property Size: 0.849 acres  
Existing Zoning: General Business  
Existing Use: Mixed retail and office space that has been vacated.  
Property Address/Location: 2101 South US Highway 169, Grand Rapids, MN 55744  
Legal Description: See attached legal description.  
(attach additional sheet if necessary)

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

Brandon Elegert / Kimley-Horn & Associates. 4/9/2014  
Jeff Kauerz FOR AUTOZONE 4/10/14  
Signature(s) of Applicant(s) Date  
Signature of Owner (If other than the Applicant) Date

Date Received: APR 11 2014 Fee Paid: 125.00  
Approved \_\_\_\_\_ Denied \_\_\_\_\_ Meeting Date: 5/1/14  
Summary of Special Conditions of Approval: \_\_\_\_\_

**Required Submittals:**

Application Fee - \$252.50 \*2

Site Map- Drawn to scale, showing the property dimensions, existing and proposed, building(s)/addition(s) and their size(s) including: square footage, curb cuts, driveways, access roads, parking spaces, sidewalks and wells & septic systems.

*\*2 The application fees charged are used for postage to mail the required notices to adjacent properties, publication of the public hearing notice in the Grand Rapids Herald Review, and for a small portion of staff time for case review and preparation of documents. It is the policy of the City of Grand Rapids to require applicants for land use approvals to reimburse the City for costs incurred by the City in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the City.*

**Proposed Variance:**

**A.** Please describe in detail the proposed or requested variance:

The proposed variance request is in regards to the 10' landscape side street yard setback as required by Table T-2 of Section 30-512 of the Zoning Ordinance. Due to the area required to make deliveries to the Site, the northerly landscape setback varies from 0.8'-1.8'.

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

The side street yard setback is 10' as required by Table T-2 located in Section 30-512 of the Zoning Ordinance.

**Justification of Requested Variance:** Provide adequate evidence indicating compliance with the following provisions of the ordinance concerning variances (Section 30-453(e) "Findings for Variances"). Detailed answers are needed because the Planning Commission shall grant a variation only when they have determined, and recorded in writing, that all of the following provisions have been met.

**A.** That the requested variance does not allow a use that is otherwise excluded from the particular zoning district in which it is requested.

Applicant justification (refer to Table of Uses in City Code Section 30-512):

The proposed AutoZone retail store complies with the permitted uses as specified in Section 30-512 to the City Code.

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

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

The proposed development is a reasonable use for property. The Site is zoned General Business, and the use is compliant with that zoning designation. Due to the visibility and frontage along Highway 169, the Site is a favorable location for a retail use.

**C. The plight of the landowner is due to circumstances unique to the property in question, and not created by the landowner subsequent to the adoption of this ordinance.**

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

Due to the depth of the Site and the required area to navigate the delivery zone, a variance is requested from the Zoning Ordinance along the northerly property line.

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

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

The proposed plan would eliminate the existing 170 foot curb cut and replace it with two-33 foot curb cuts and a proposed 24 foot deep island. This would increase safety for site circulation and vehicles entering and exiting the Site. The creation of the island would also allow for the City to install a future sidewalk if desired. The proposed plan is in conformance with the existing zoning district and is a similar use as the existing site (General Business).

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

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

The variance, if granted, could assist in achieving the City's Comprehensive Plan goals for improved pedestrian facilities. The elimination of the 170 foot curb cut allows for the creation of an approximate 24 foot landscaped island, of which 23 feet is within public right-of-way.



**City Process:**

1. Applicant submits a completed application to the Grand Rapids Community Development Department by the 15<sup>th</sup> of the month.
2. Review by staff for completeness of application.
3. Notification of adjoining property owners.
4. Publish Notice of Public Hearing.
5. Prepare Staff Report and background information.
6. Public Hearing and action at Planning Commission Meeting (First Thursday of each month).

**Findings for Approval:**

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

- Is the variance in harmony with the purposes and intent of the ordinance?
- Is the variance consistent with the comprehensive plan?
- Does the proposal put property to use in a reasonable manner?
- Are there unique circumstances to the property not created by the landowner?
- Will the variance, if granted, alter the essential character of the locality?

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

More information may be requested by the City of Grand Rapids Planning Commission, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

Legal Description

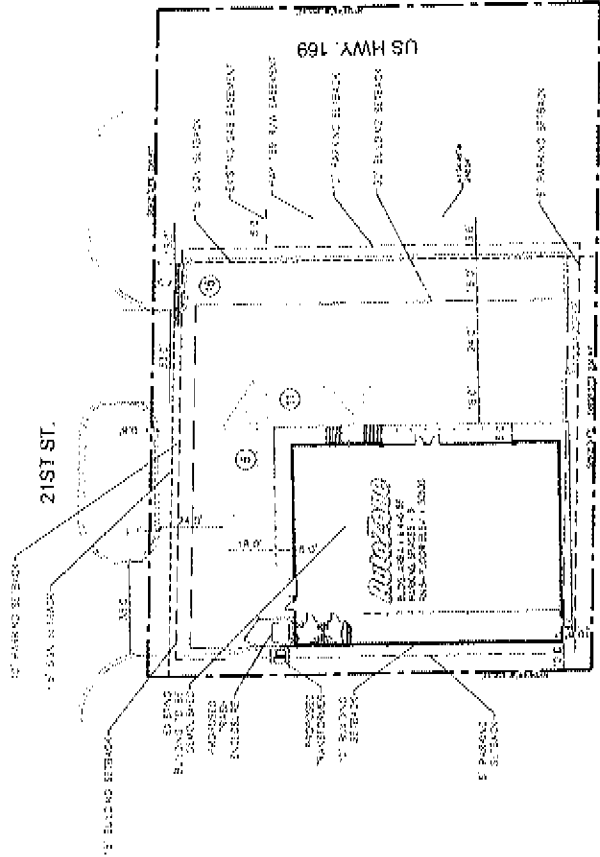
The South 176.1 feet of the North 196.7 feet of the East 237.0 feet of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Thirty-three (33), Township Fifty-five (55) North, Range Twenty-five (25) West of the Fourth principal meridian, LESS the South 20.0 feet of the North 40.6 feet of the East 237 feet of the NW 1/4 NW 1/4, Section 33-55-25.

<b>REVISIONS</b> DATE: _____ BY: _____ CHECKED BY: _____ APPROVED BY: _____ PROJECT NO.: 04-09-0014 DRAWN BY: _____ SCALE: _____ <b>BSWZL</b>	SOUTH SIDE HIGHWAY GRAND RAPIDS 2101 S. US HIGHWAY 169 State No. 6324 Prepared For: <b>Autozone STORE DEVELOPMENT</b> MN 55744
	<b>SITE PLAN</b> AUTOZONE, INC. 123 South Front Street, 3rd Floor Memphis, Tennessee 38103 TEL: (901) 955-8714 FAX: (901) 495-8424

PRELIMINARY - NOT FOR CONSTRUCTION



<b>DATA SUMMARY</b> 22,500 SQ. FT. GROSS FLOOR AREA 22,500 SQ. FT. NET FLOOR AREA 22,500 SQ. FT. TOTAL FLOOR AREA 100% COMPLETE	<b>PARKING SUMMARY</b> TOTAL SPACES: 11 TOTAL SPACES: 11 TOTAL SPACES: 11 TOTAL SPACES: 11
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GOPHER STATE CALL ONE  
 1-800-368-3688



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 14-0450      **Version:** 1      **Name:** Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.

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

**File created:** 4/24/2014      **In control:** Planning Commission

**On agenda:** 5/1/2014      **Final action:**

**Title:** Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [GRSB Vacation: Staff Report w/considerations](#)  
[GRSB Vacation: Maps & Staff Comments](#)  
[GRSB Vacation: Application](#)

Date	Ver.	Action By	Action	Result
5/1/2014	1	Planning Commission		

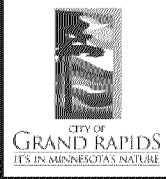
Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.

**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.



# Planning Commission Staff Report

<b>Agenda Item #3</b>	<b>Community Development Department</b>	<b>Date:</b> 5/1/2014
<b>Statement of Issue:</b>	Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.	
<b>Background:</b>	<p>Grand Rapids State Bank submitted a valid petition on March 31, 2014 requesting the vacation of the following described public right-of-way:</p> <p style="text-align: center;"><i>N/S ADJ to Lots 16-17, Block 21, Grand Rapids Third Division, Itasca County, Minnesota</i></p> <p>The requested vacation would help facilitate a redevelopment project on the southern portion of the property.</p> <p>In addition to the normal staff review of vacation requests, Community Development Department staff requested of the review committee, to consider the impacts on the City initiated vacation of the remaining 75' of the platted alley. <i>Depicted in the "white cross-hatch" in the attached aerial photo map.</i></p> <p>There were no concerns or objections (to date) regarding the right-of-way vacation, as proposed or <u>expanded</u>, from the staff review committee which consists of: Police Department, Engineering Department, Grand Rapids Public Utilities Commission, Community Development Department, Public Works Department, and Fire Department.</p> <p>Minnesota Statutes 412.851 governs the procedures for vacating right-of-way 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 Grand Rapids State Bank represents 50% of the maximum level of participation of adjacent land owners, and therefore is valid.</p>	
<b>Considerations:</b>	When considering the vacation of public right-of-way, the Planning Commission must make findings based on the attached list of considerations.	
<b>Recommendation:</b>	<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 vacation, the Planning Commission should make specific</p>	

	findings to support its recommendation and reference those specific findings in their motion to either approve or not approve the right-of-way vacation.
<b>Required Action:</b>	<p>Pass a motion forwarding a recommendation to the City Council for approval or non-approval of the proposed public right-of-way 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 <b>(approve) (not approve)</b> the vacation of public right-of-way described as;</p> <p style="text-align: center;"><i>N/S ADJ to Lots 16-17, Block 21, Grand Rapids Third Division, Itasca County, Minnesota</i></p> <p><u>And additionally if deemed appropriate: the City initiated vacation of the remaining 75’ of the platted (N/S) alley right-of-way. *Legal description, including expanded alley vacation:</u></p> <p style="text-align: center;"><i>N/S alley LYG between 8-12 &amp; Lots 13-17, Block 21, Grand Rapids Third Division, Itasca County, Minnesota</i></p> <p><u>Contingent on the following stipulation:</u></p> <ul style="list-style-type: none"> <li>• _____</li> </ul>
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• Site Maps</li> <li>• Public Vacation Application/Petition</li> <li>• Staff Review Committee Comments</li> <li>• List of the Planning Commissions Vacation Considerations</li> </ul>

# **PLANNING COMMISSION**

Considerations

## **RIGHT-OF-WAY VACATIONS**

1. Is the right-of-way needed for traffic purposes?  
Why/Why not?

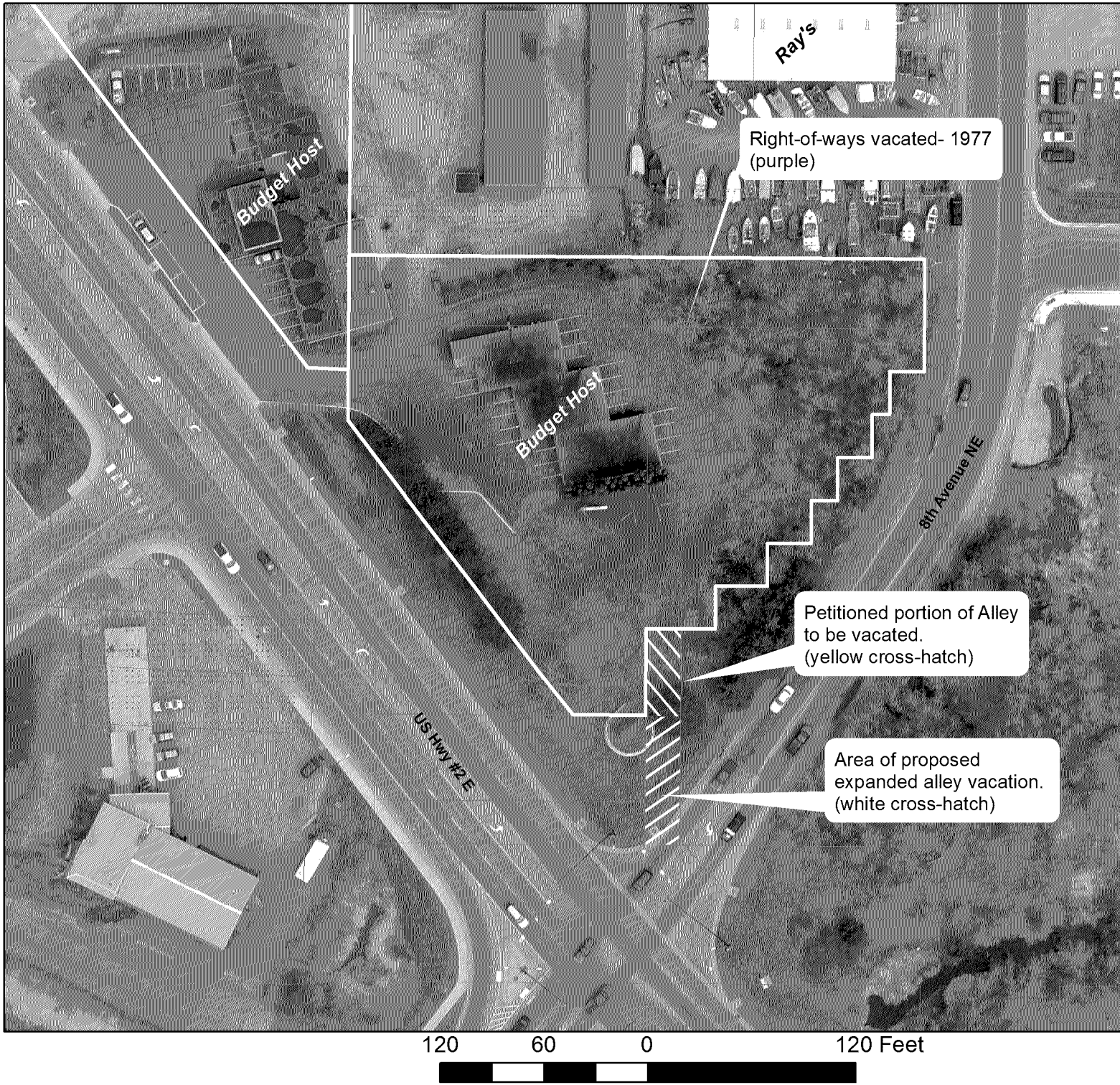
2. Is the right-of-way needed for pedestrian purposes?  
Why/Why not?

3. Is the right-of-way needed for utility purposes?  
Why/Why not?

4. Would vacating the right-of-way place additional land on the tax rolls?  
Why/Why not?

5. Would vacating the right-of-way facilitate economic development in the City?  
Why/Why not?

# GRSB - Alley Vacation Request







## Eric Trast

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**From:** Rob Mattei  
**Sent:** Wednesday, April 23, 2014 5:55 PM  
**To:** Eric Trast  
**Subject:** Fwd: Block 21, Lots 16-17 Alley Vacation

FYI

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** [atward@grpuc.org](mailto:atward@grpuc.org)  
**Date:** 04/23/2014 2:20 PM (GMT-06:00)  
**To:** Rob Mattei  
**Subject:** Fw: Block 21, Lots 16-17 Alley Vacation

**From:** Dennis M Doyle/grpuc  
**To:** Anthony T Ward/grpuc@grpuc  
**Date:** 04/03/2014 09:32 AM  
**Subject:** Grand Rapids State Bank Vacation Request

Tony,

I have no issues with the above mentioned vacation request of the N/S platted alley within Block 21, Grand Rapids Third Division.

Denny  
Water and Wastewater Collection Department Manager

----- Forwarded by Anthony T Ward/grpuc on 04/23/2014 02:18 PM -----

**From:** Jeremy J Goodell/grpuc  
**To:** [rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)  
**Cc:** Anthony T Ward/grpuc@grpuc  
**Date:** 04/17/2014 03:30 PM  
**Subject:** Block 21, Lots 16-17 Alley Vacation

Hi Rob,

I have reviewed Grand Rapids State Bank's petition to abandon this alley and do not have any concerns with this abandonment. GRPUC does not have any electrical lines in this area, and do not have any plans to develop this in the future.

Thanks,

Jeremy Goodell  
Electric Department Manager  
500 SE 4th Street

## Eric Trast

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**From:** Rob Mattei  
**Sent:** Thursday, April 03, 2014 12:28 PM  
**To:** Eric Trast  
**Subject:** FW: Vacation Request

### Rob Mattei

Community Development Director  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-7622  
**Mobile:** 218-244-2924  
**Fax:** 218-326-7621  
[rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)  
[www.cityofgrandrapidsmn.com](http://www.cityofgrandrapidsmn.com)



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

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**From:** Jeff Davies  
**Sent:** Thursday, April 03, 2014 11:06 AM  
**To:** Rob Mattei  
**Subject:** Vacation Request

I reviewed the petition to vacate the portion of platted alley within Block 21, Grand Rapids Third Division west of 8<sup>th</sup> Avenue NE.

The Public Works Department has no issues and supports the vacation requests

### Jeff Davies

Public Works Director  
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  
[jdavies@ci.grand-rapids.mn.us](mailto:jdavies@ci.grand-rapids.mn.us)  
[www.cityofgrandrapidsmn.com](http://www.cityofgrandrapidsmn.com)

## Eric Trast

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**From:** Rob Mattei  
**Sent:** Friday, April 04, 2014 8:42 AM  
**To:** Eric Trast  
**Subject:** FW: Petitioned Vacation

### Rob Mattei

Community Development Director  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-7622  
**Mobile:** 218-244-2924  
**Fax:** 218-326-7621  
[rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)  
[www.cityofgrandrapidsmn.com](http://www.cityofgrandrapidsmn.com)



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---

**From:** Jim Denny  
**Sent:** Thursday, April 03, 2014 6:53 PM  
**To:** Rob Mattei  
**Subject:** Petitioned Vacation

Rob,

I have reviewed the petitioned vacation of platted alley within Block 21 GR Third Division and see no public safety concerns.

Thanks,

### Jim Denny

Chief of Police  
Grand Rapids Police Department  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-3464  
**Mobile:** 218-360-0174  
**Fax:** 218-326-7610  
[jdenny@ci.grand-rapids.mn.us](mailto:jdenny@ci.grand-rapids.mn.us)  
[www.cityofgrandrapidsmn.com](http://www.cityofgrandrapidsmn.com)



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

**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.grandrapidsmn.org

**General Information:**

GRAND RAPIDS STATE BANK

Name of Applicant

Name of Owner (If other than applicant)

Address

523 NW 12<sup>1</sup> Avenue

Address

City

State

Zip

GRAND RAPIDS MN 55744

City

State

Zip

Business Telephone/e-mail address 218-326-9414

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 5<sup>th</sup> Division). Attach an exhibit and/or electronic file if the legal description is lengthy.

N/S Alley Adj to Lots 16-17, Block 21, Grand Rapids Third Division

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.

Walter Bauer VP Business Banker  
Signature(s) of Applicant(s)

3/31/14  
Date

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

Date

**MAR 31 2014**

Date Received \_\_\_\_\_ Certified Complete 3/31/2014 **Office Use Only** Fee Paid \$505<sup>00</sup>

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

Planning Commission Recommendation

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Meeting Date 5/1/14

City Council Action

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Meeting Date 5/12/14

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.

The proposed vacation would tag to an existing alley that was vacated by the City of Grand Rapids in 1977. Vacation of alley would allow for development by corner of U.S Hwy 2 and 8<sup>th</sup> Avenue NE.

**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) W/S Alley Block 21 (STREET/ALLEY/EASEMENT) IN THE CITY OF GRAND RAPIDS.  
GR 3rd Division

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 W/S Alley (Street/ALLEY/Easement), respectfully petition the City Council to vacate the aforesaid (part of) \_\_\_\_\_ (Street/ALLEY/Easement).

Names (If not owner, describe nature of the interest in this property)	Description of Property
<u>Wayne Brown VP Bus Building</u>	<u>Parcel # 91-425-2110</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Received on the 31 day of April, 2014.  
[Signature]  
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).*



GRAND RAPIDS  
THIRD DIVISION

NE 7th Ave

NE 4th St

NE 3rd St

NE 2nd St

NE 1st St

E 23rd St

Vacate

44

13

20

1

21

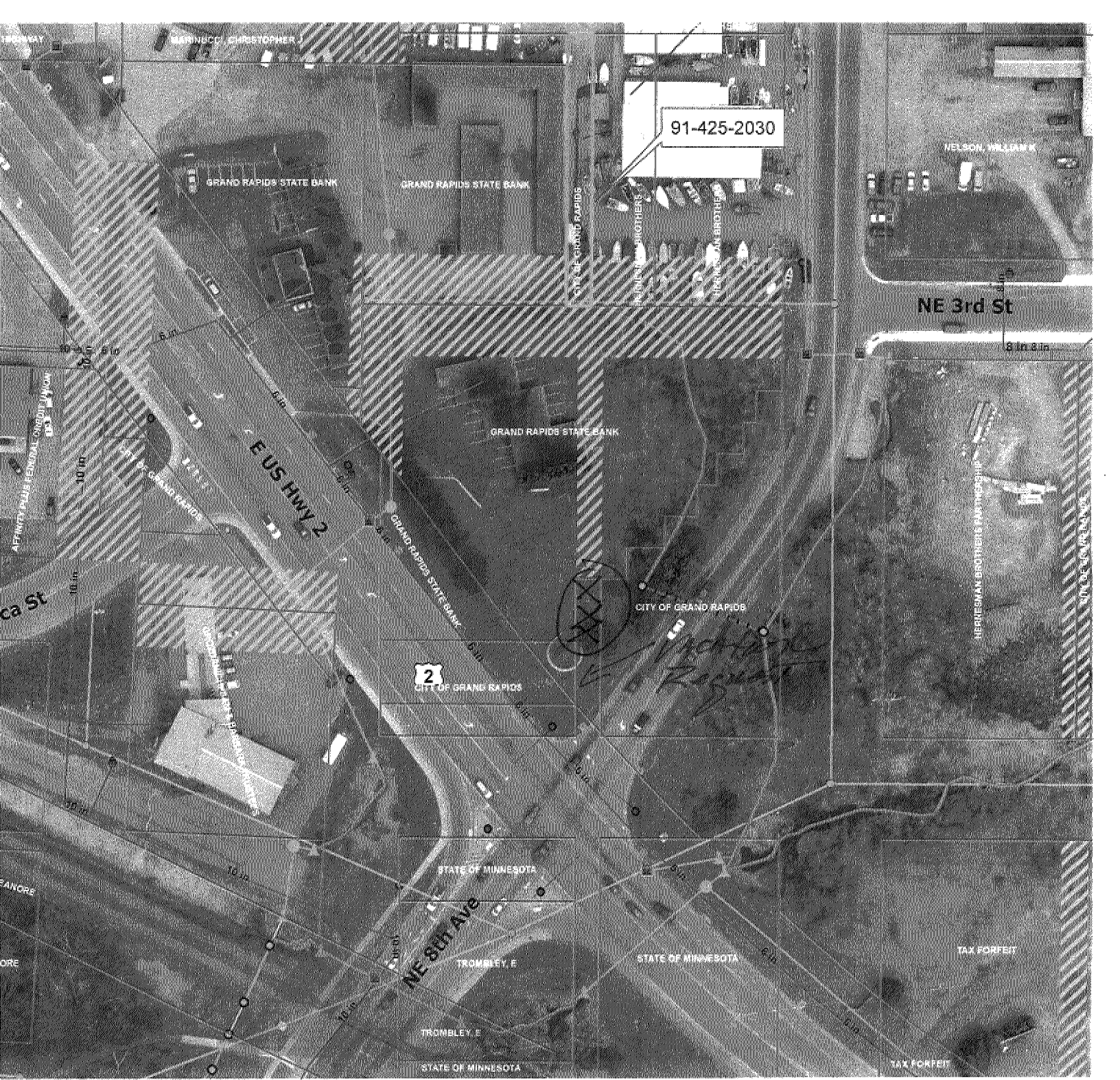
28

22

8

27





91-425-2030

GRAND RAPIDS STATE BANK

GRAND RAPIDS STATE BANK

NE 3rd St

E US HWY 2

GRAND RAPIDS STATE BANK

2  
CITY OF GRAND RAPIDS

CITY OF GRAND RAPIDS

STATE OF MINNESOTA

NE 8th Ave

TROMBLEY, E

STATE OF MINNESOTA

TAX FORFEIT

STATE OF MINNESOTA

TAX FORFEIT

*W. 1/2 Section 10*