

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Thursday, March 6, 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

14-0250 Approve the minutes of the February 19, 2014, 4:00 pm special meeting.

Attachments: [February 19, 2014 Special Meeting Minutes](#)

Public Hearings

14-0257 Conduct a Public Hearing to consider a variance petition submitted by Northland Counseling Center, Inc.

Attachments: [Northland Variance: Staff Report w/Map](#)
[Rules for PH-Variance Considerations](#)
[Northland Variance: Application](#)

14-0251 Conduct a Public Hearing to consider a variance petition submitted by AT & T (New Cingular Wireless PCS).

Attachments: [AT-T Variance: Staff Report w/maps](#)
[Rules for PH-Variance Considerations](#)
[AT-T Variance: Application](#)

General Business

14-0255 Consider a recommendation to the City Council regarding the vacation of platted street & alley right-of-way and adjacent easements within the plat of First Addition to Roy's Acres.

Attachments: [Roys Acres Vacation: Staff Report w/considerations](#)
[Roys Acres Vacation: Map & Review Committee Comments](#)
[Roys Acres Vacation: Application](#)

14-0256 Consider a recommendation to the City Council regarding the vacation of platted street right-of-way and a platted boulevard within the plat of Kearney's First Addition to Grand Rapids.

Attachments: [Itasca County Vacation: Staff Report w/considerations](#)
[Itasca Co. Vacation: Maps & Review Committee Comments](#)
[Itasca Co. Vacation: Application](#)

14-0253

Consider a recommendation to the City Council regarding the vacation of a portion of platted alley right-of-way within the plat of Town of Grand Rapids.

Attachments: [MLB-LLC Vacation: Staff Report w/considerations](#)

[MLB-LLC Vacation: Maps](#)

[MLB-LLC Vacation: Review Committee Comments](#)

[MLB-LLC 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:
[Enter Date Here]



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 14-0250 **Version:** 1 **Name:** Approve the minutes of the February 19, 2014, 4:00 pm special meeting.

Type: Minutes **Status:** Approved

File created: 2/24/2014 **In control:** Planning Commission

On agenda: 3/6/2014 **Final action:**

Title: Approve the minutes of the February 19, 2014, 4:00 pm special meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [February 19, 2014 Special Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
3/6/2014	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the February 19, 2014, 4:00 pm special meeting.

Background Information:

See attached draft meeting minutes.

Staff Recommendation:

Approve the minutes of the February 19, 2014, 4:00 pm special meeting.



CITY OF GRAND RAPIDS

NOTICE OF MEETING
PLANNING COMMISSION

Minutes - Final Planning Commission

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

Wednesday, February 19, 2014

4:00 PM

Council Chambers

Call To Order

Call of Roll

- Present** 5 - Commissioner Julie Fedje-Johnston, Commissioner Shane McKellep, Chairperson Michael Twite, Commissioner Mark Gothard, and Commissioner Marn Flicker
- Absent** 2 - Commissioner Lee Anderson, and Commissioner Katherine Sedore

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 December 5, 2013, 4:00 pm regular meeting.

Approved as Presented by Commission

General Business

Consider a recommendation to the City Council regarding the adoption of the Parks and Trails Master Plan.

Community Development Specialist provided background information. Park and Recreation Director Dale Anderson was in attendance to answer questions. A discussion followed regarding the potential ATV/Snowmobile routes.

Burl Ives of the Timberlake Lodge spoke on tourism in the area.

Motion by Commissioner Twite, second by Commissioner McKellep that, the Planning Commission finds the Parks and Trails Master Plan consistent with the Vision Statement, Community Values, Guiding Principles, Land Use Goals and Objectives outlined within the City's Comprehensive Plan and does hereby forward a favorable recommendation to the City Council regarding the adoption of the updated Parks and Trails Master Plan. The following voted in favor thereof: Gothard, Flicker, Fedje-Johnston, Twite, McKellep. Opposed: None, passed unanimously.

Consider a recommendation to the City Council regarding amendments to Chapter

30 *Land Development Regulations* that would amend two sections of Article V *Subdivisions*.

Mr. Trast provided a power point for the Commissioners. The power point provided tables that showed how the park land dedication fees were figured out for residential and commercial. It was noted that the fees can be used for improvement but not for general maintenance.

Motion by Commissioner Twite, 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 forward a favorable recommendation to the City Council regarding the draft amendments to Article V Subdivisions of Chapter 30 Land Development Regulations more specifically: Section 30-261 Definitions and Section 30-266 Public sites and open spaces.

Commissioner Twite read his considerations for the record.

1. Will the change affect the character of neighborhoods?

Why/Why not?

It will not have an adverse affect on neighborhood because it keeps park/open space dedication relevent to neighborhood density versus gross acres.

2. Would the change foster economic growth in the community?

Why/Why not?

With respect to the fees in lieu of land we can't say that it will help or hurt when looking at other communities but it does help our ability with economic growth due to the fact the fees in lieu of land offer flexiability for business development in the City of Grand Rapids.

3. Would the proposed change be in keeping with the spirit and intent of the ordinance?

Why/Why not?

Yes, it better quantifies payment in lieu of land formulas and it is consistant with state statutes. It also removes an existing formula that may have been harder to defend and could have been perceived as arbitrary and capricious. So now there is a very well defined methodology and that is in the spirit and intent of the ordinance.

4. Would the change be in the best interest of the general public?

Why/Why not?

Yes, when the land per capita goal is met the City has the flexibility to use these funds for improvement to exisiting infrastructure rather than land acquisition. It also has the

restrictions that it can't be used for on going general maintenance which helps the general public with financial restraint and responsibilty within the City.

5. Would the change be consistent with the Comprehensive Plan?

Why/Why not?

Yes, it supports organized defendable methodology for establishing city ordinances and it also helps with respect to orderly land development.

The following voted in favor thereof: McKellep, Twite, Fedje-Johnston, Flicker, Gothard. Opposed: None, passed unanimously.

Public Input

Miscellaneous\Updates

Adjourn

Adjourn



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	14-0257	Version:	1	Name:	Conduct a Public Hearing to consider a variance petition submitted by Northland Counseling Center, Inc.
Type:	Public Hearing	Status:			PC Public Hearing
File created:	2/27/2014	In control:			Planning Commission
On agenda:	3/6/2014	Final action:			
Title:	Conduct a Public Hearing to consider a variance petition submitted by Northland Counseling Center, Inc.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Northland Variance: Staff Report w/Map Rules for PH-Variance Considerations Northland Variance: Application				

Date	Ver.	Action By	Action	Result
3/6/2014	1	Planning Commission		

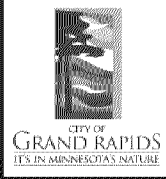
Conduct a Public Hearing to consider a variance petition submitted by Northland Counseling Center, Inc.

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Conduct a Public Hearing to consider a variance petition submitted by Northland Counseling Center, Inc.



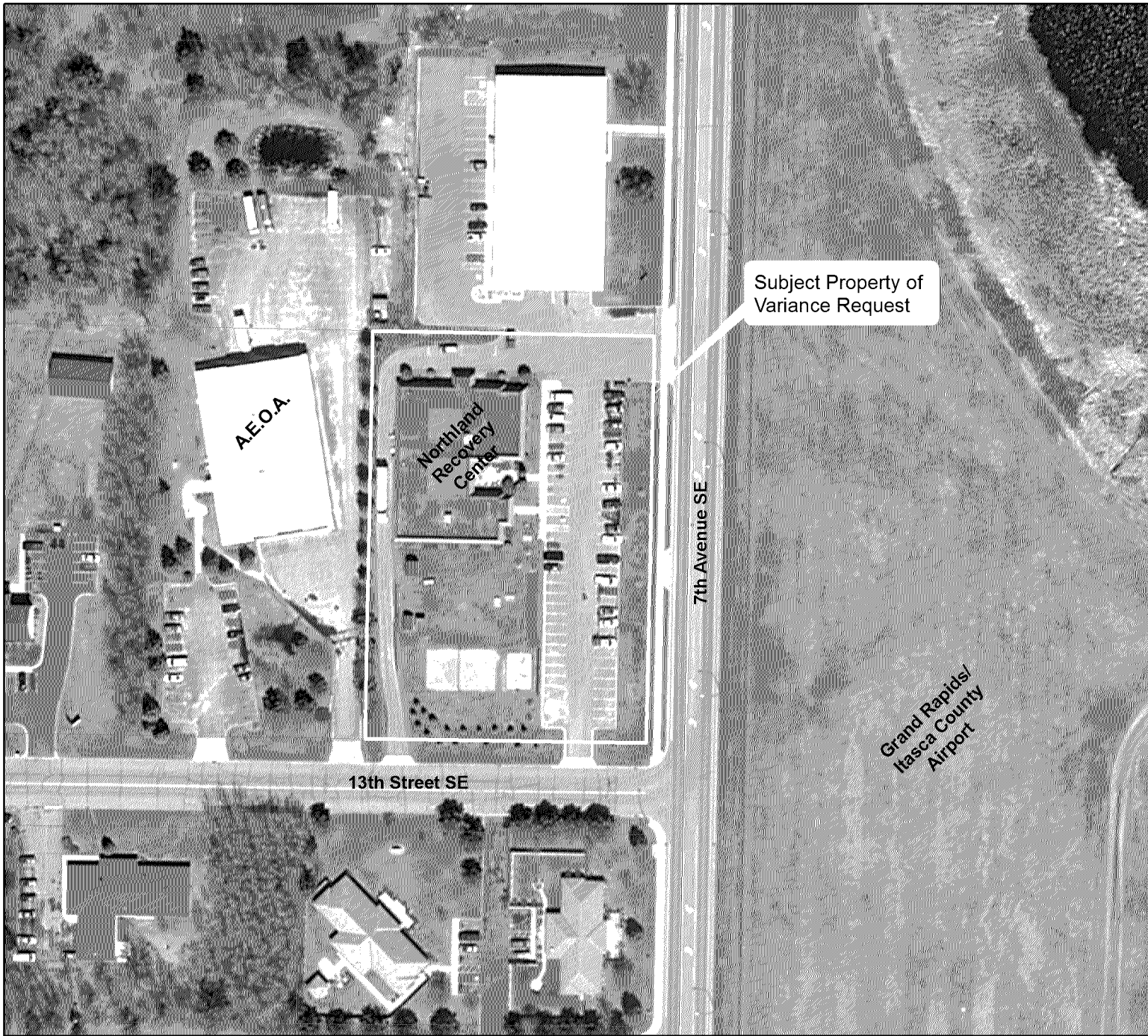
Planning Commission Staff Report

Agenda Item # 3	Community Development Department	Date: 3/6/2014
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Northland Counseling Center, Inc.	
Background:	<p>Ms. Colleen MacKay, Director of Services, on behalf of Northland Counseling Center, Inc. has applied for two variances, which if granted, would allow for an addition to their residential treatment facility located at: 1215 SE 7th Avenue.</p> <p>The subject property is legally described as: <i>E 245 ft. of Lot 10, Industrial Park Addition to Grand Rapids, Itasca County, Minnesota</i>, and is currently zoned SR-3 (Shoreland Multi-family Residential-medium density).</p> <p>Northland Counseling Center has requested the Planning Commission's consideration of one variance from Section 30-809 (of Division 13 Shoreland Management) as referenced in Section 30-512 Table 17C-1 of the Municipal Code, which lists Lot Size Standards within Shoreland Districts, and one variance from Section 30-458(c)1, which addresses alterations to nonconforming structures.</p> <p>If approved, the requested variances would allow for an addition to their existing residential treatment facility, which would increase the residential occupants to 40 persons in the facility, an increase 16 persons. Currently, the existing facility accommodates 24 persons, which is in excess of 20 persons over the maximum 4 persons permitted on a SR-3 (Shoreland Multi-family Residential) zoned lot of its size (87,112 sq. ft.).</p> <p>The current residential treatment facility opened in 1991. At that time, the treatment facility was a use, permitted by right for 16 or more persons, with in a I-1 (Industrial Park).</p> <p>In May of 1994, the City adopted Shoreland Regulation amendments to its Zoning Ordinance, to come into compliance with the State of Minnesota's Shoreland Management Regulations. These amendments established: shoreland zoning districts, lot development requirements (lot size, setbacks, coverage, density), bluff and shore impact zones, vegetative clearing limitations. At the time of these adopted amendments, the subject facility would have been placed in a grandfathered non-conforming status.</p> <p>The 16-person increase to the residential treatment facility, as proposed within the variance application, would require the Planning Commission's approval of two variances from the following areas of the Municipal Code:</p> <ol style="list-style-type: none"> 1. Section 30-809 (of Division 13 Shoreland Management) as referenced in Section 30-512 Table 17C-1 of the Municipal Code, 	

	<p>which lists Lot Size Standards within Shoreland Districts, which establishes a maximum density of 4-persons on the subject lot.</p> <p>2. Section 30-458(c)1, which addresses alterations to nonconforming structures: <i>“Nonconforming uses of structures which do not meet the site development and design standards (division 7 of this article) and/or the off-street parking and loading requirements (divisions 8 and 9 of this article) shall be allowed to be structurally altered or replaced provided there is no further violation of these requirements than lawfully exists at the time of such alteration or replacement”</i>.</p>
<p>Considerations:</p>	<p>When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.</p>
<p>Recommendation:</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 variances.</p>
<p>Required Action:</p>	<p>Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variances.</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 (grant)(deny) the following variances to Northland Counseling Center, Inc. for the property legally described as:</p> <p><i>E 245 ft. of Lot 10, Industrial Park Addition to Grand Rapids, Itasca County, Minnesota</i></p> <ul style="list-style-type: none"> 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, for an addition to their existing residential treatment facility, which would increase the residential occupants to 40 persons in the facility, an increase 16 persons, as described within the variance application submitted by Ms. Colleen MacKay, Director of Services, on behalf of Northland Counseling Center, Inc. <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: • _____
Attachments:	<ul style="list-style-type: none">• Site Map• Copy of the Northland Counseling Center, Inc. variance petition and associated documentation.• List of the Planning Commissions Variance Considerations

Northland Counseling Center Variance Request



Subject Property of Variance Request

A.E.O.A.

Northland Recovery Center

AMERICA'S FIRST FLIGHT

7th Avenue SE

13th Street SE

Grand Rapids/
Itasca County
Airport

180 90 0 180 Feet

Grand Rapids Planning Commission
Grand Rapids - City Hall

RULES FOR A PUBLIC HEARING

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



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:

Colleen MacKay
 Name of Applicant*¹
1215 SE 7th Avenue
 Address
Grand Rapids, MN 55744
 City State Zip
(218) 313-1315 cmackay@northlandcounseling.org
 Business Telephone/e-mail address

Northland Counseling Center, Inc.
 Name of Owner (If other than applicant)
215 SE 2nd Avenue
 Address
Grand Rapids, MN 55744
 City State Zip
(218) 326-1274
 Business Telephone/e-mail address

*¹ If applicant is not the owner, please describe the applicant's interest in the subject property. Director of Services

Parcel Information:

Tax Parcel # 91-565-0102 Property Size: 86,975 sf
 Existing Zoning: SR-3
 Existing Use: Treatment Center
 Property Address/Location: 1215 SE 7th Avenue
 Legal Description: E 245 Ft of Lot 10
 (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.

Colleen MacKay
 Signature(s) of Applicant(s)

2-3-2014
 Date

Signature of Owner (If other than the Applicant)

Date

Date Received FEB - 4 2014 Certified Complete 2/9/14 Office Use Only Fee Paid 1250.00

Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date 3/6/2014

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.

**²The 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:

See attached

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

See attached

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):

See attached

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

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

See attached

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:

See attached

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:

See attached

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

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

See attached

Petition for Variance
Northland Recovery Center
1215 SE 7th Ave
Grand Rapids, MN

Proposed Variance:

A. Describe in detail the proposed/ requested variance.

Per Sec 30-512 Table 1, of the Grand Rapids Zoning Ordinance, the Shoreland Residential District (SR-3) allows up to 16 occupants in Residential Treatment Centers. Currently NRC houses 24 occupants. A variance is requested to allow an additional 16 occupants, for a total of 40 occupants.

B. Provide an itemization of the required regulations pertaining to this variance.

Item #1) Density.

Per Sec 30-512 Table 1, of the Grand Rapids Zoning Ordinance, a variance is requested to allow a maximum of 40 occupants in lieu of a maximum of 16 occupants in SR-3 Residential Treatment Centers.

No further items.

Justification of Requested Variance:

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

True This request is not for a *use* that is excluded from SR-3 zoning. Residential Treatment Centers are allowed in SR-3. This request is only for a *density increase* of an allowable use.

B. The proposal puts the property to use in a reasonable manner?

True The property has been utilized as a Residential Treatment Center since 1991. This proposal will allow Northland Recovery Center to continue and expand its mission "to provide a variety of services to people who may be experiencing mental health, chemical dependency, or co-occurring issues." It is reasonable for NRC to use this property at a higher density level to serve more Itasca County residents. The Grand Rapids Police Department, the Itasca County Sheriff's Department, the Grand Itasca Clinic and Hospital staff, Med's One staff, and the Itasca County Rule 25 assessor have all requested NRC increase their detoxification bed capacity. NRC has a waiting list for treatment beds on an ongoing basis. Free family education on drug and alcohol addiction is offered to the community. The space available for this education is filled to capacity.

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.

True Northland Recovery Center's variance request is not due to any post-ordinance action by the owner. The request, actually, is in response to an increased demand for their services. Northland Recovery Center has a long history of providing critical services to our community, as well as to residents of Itasca County, throughout the State, and even WI. Northland Recovery's "plight" is that they are a non-profit organization whose client number exceeds their allowed occupancy. As a non-profit, NRC must seek efficiencies wherever possible. It is not feasible to create a new facility and move their entire operation. Increasing their occupant load will allow them to provide services to a variety of populations, on one campus, where service providers can maximize their efforts.

D. The variance, if granted:

1) shall be in harmony with the purposes/ intent of the ordinance.

True SR-3 zoning is "a modest density residential district with ... alternatives to traditional single family living." (GR Zoning 3 Sec 30-511 Item (5)) While Northland Recovery Center is certainly an "alternative to traditional single family living," there are significant differences between the proposed use and other alternatives to traditional housing.(i.e. apartments, condominiums, townhouses, etc.) Short-term, beds, vs. family units will have minimal traffic impact since clients are not regularly driving to and from the facility. (In fact, clients are not allowed to have vehicles on the premises.) Clients are monitored 24/7 so noise and behavior issues are minimal. There are no children being housed in the facility.

2) shall not be detrimental to the

a) public welfare

True Northland Recovery Center clients are monitored 24/7 and the proposed expansion presents no added risk to the public welfare. In fact, in 23 years of service, NRC has had zero neighborhood calls into the authorities regarding NRC.

b) property

True Northland Recovery Center maintains its parking lots, green spaces, outdoor activity areas, buildings, etc. in the highest of standards.

c) improvements in the neighborhood

True Northland Recovery Center appreciates their access to public utilities, infrastructure, and the recent improvements to SE 7th Ave. The increased population would not be detrimental to those improvements.

3) shall not alter the essential character of the locality.

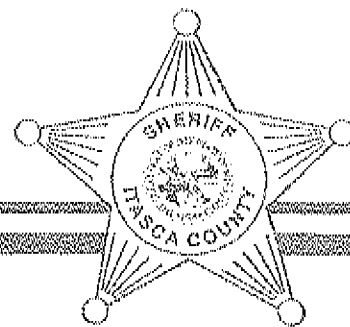
True Northland Recovery Center's proposed addition is virtually a mirror image of the existing building. Existing outdoor sports courts can be relocated, and existing trees along the South property line are to remain. The existing parking lot was expanded several years ago in anticipation of this addition, so no additional parking will be required. The essential character of the property shall remain unchanged.

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

True The SR-3 zoning *allows* Residential Treatment Centers. The variance only requests a difference in density. While all types of residential development within the SR-3 zone have to deal with density, the impact of an increased number of short-term beds, vs. family units is incomparable. The construction of full living units has a much greater impact on the fabric of a neighborhood compared to the requested higher density. At this site, for example, no trees will be removed, more trees will be planted, as well as shrubs and other landscape elements. Minimal excavation will occur. Minimal interruption of services will occur. The fabric of the neighborhood will remain virtually unchanged.

ITASCA COUNTY SHERIFF'S OFFICE

VICTOR J. WILLIAMS, SHERIFF



440 1st Avenue NE • Grand Rapids, MN 55744 • 218-326-3477 • FAX: 218-326-4663

February 3, 2014

Colleen Mackay, Director of Chemical Dependency Services
Northland Recovery Center
1215 SE 7th Avenue
Grand Rapids MN 55744

Dear Colleen,

I am writing in support of the request for expanding the amount of detox beds at Northland Recovery. I have seen a dramatic increase in the demand for these services in the last few years. With the number of individuals that were turned away in the year 2013 the evidence is clear. I would fully support any expansion that would accommodate our increasing needs.

If you have any questions or I can be of further assistance, please feel free to make contact with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victor J. Williams'.

Victor J. Williams
Sheriff, Itasca County



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

GRAND RAPIDS POLICE DEPARTMENT

420 NORTH POKEGAMA AVENUE, GRAND RAPIDS, MINNESOTA 55744-2662

February 3, 2014

Colleen Mackay, Director of Chemical Dependency Services
Northland Recovery Center
1215 SE 7th Avenue
Grand Rapids, MN 55744

Dear Mrs. Mackay,

The Grand Rapids Police Department responds to civilian calls in the most efficient and effective manner possible with our available resources. The need for added Detox beds has become evident in recent years. For the protection of our community, it is important that the Northland Recovery Center obtain more Detox beds.

Currently, there are only 4 Detox beds available. In 2013, the Northland Recovery turned away 142 clients. This number was alarming to me. When individuals are unable to utilize the Detox facility, they must find another place to stay for the night. In many cases, the alternative option is not at a safe environment and could cause harm to themselves or others.

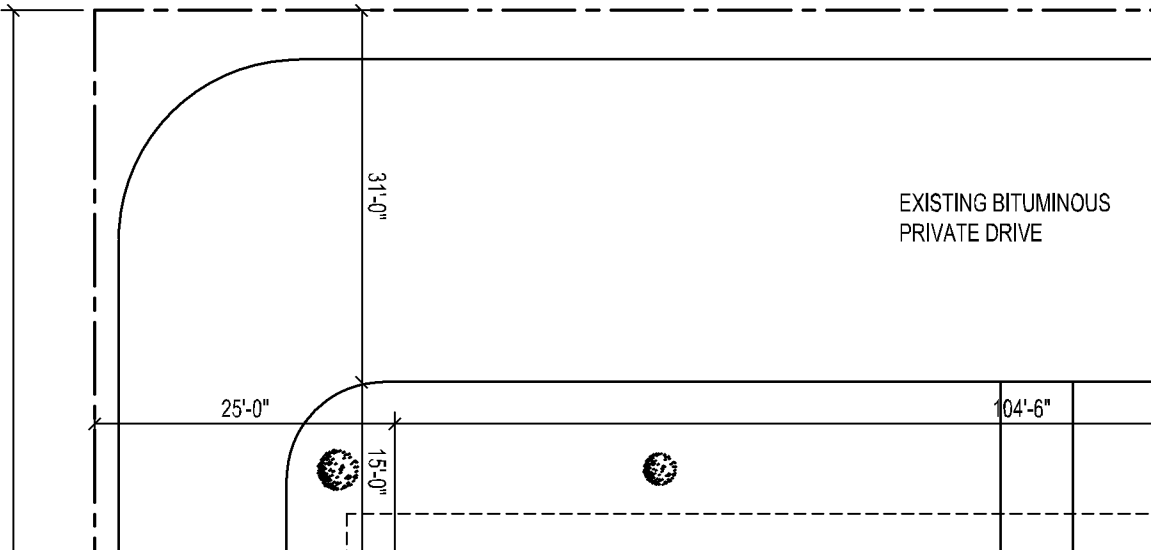
As Chief of Police, I am in full support of acquiring 2-4 additional Detox beds. I feel it would allow us to provide better service and insure the safety of our residents and visitors. Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Denny". The signature is fluid and cursive.

Jim Denny
Chief of Police

EXISTING BITUMINOUS PRIVATE DRIVE



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CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 14-0251 **Version:** 1 **Name:** Conduct a Public Hearing to consider a variance petition submitted by AT & T (New Cingular Wireless PCS).

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

File created: 2/24/2014 **In control:** Planning Commission

On agenda: 3/6/2014 **Final action:**

Title: Conduct a Public Hearing to consider a variance petition submitted by AT & T (New Cingular Wireless PCS).

Sponsors:

Indexes:

Code sections:

Attachments: [AT-T Variance: Staff Report w/maps](#)
[Rules for PH-Variance Considerations](#)
[AT-T Variance: Application](#)

Date	Ver.	Action By	Action	Result
3/6/2014	1	Planning Commission		

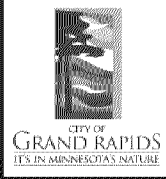
Conduct a Public Hearing to consider a variance petition submitted by AT & T (New Cingular Wireless PCS).

Background Information:

See attached Staff Report and Background information.

Staff Recommendation:

Conduct a Public Hearing to consider a variance petition submitted by AT & T (New Cingular Wireless PCS).

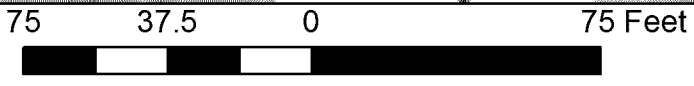


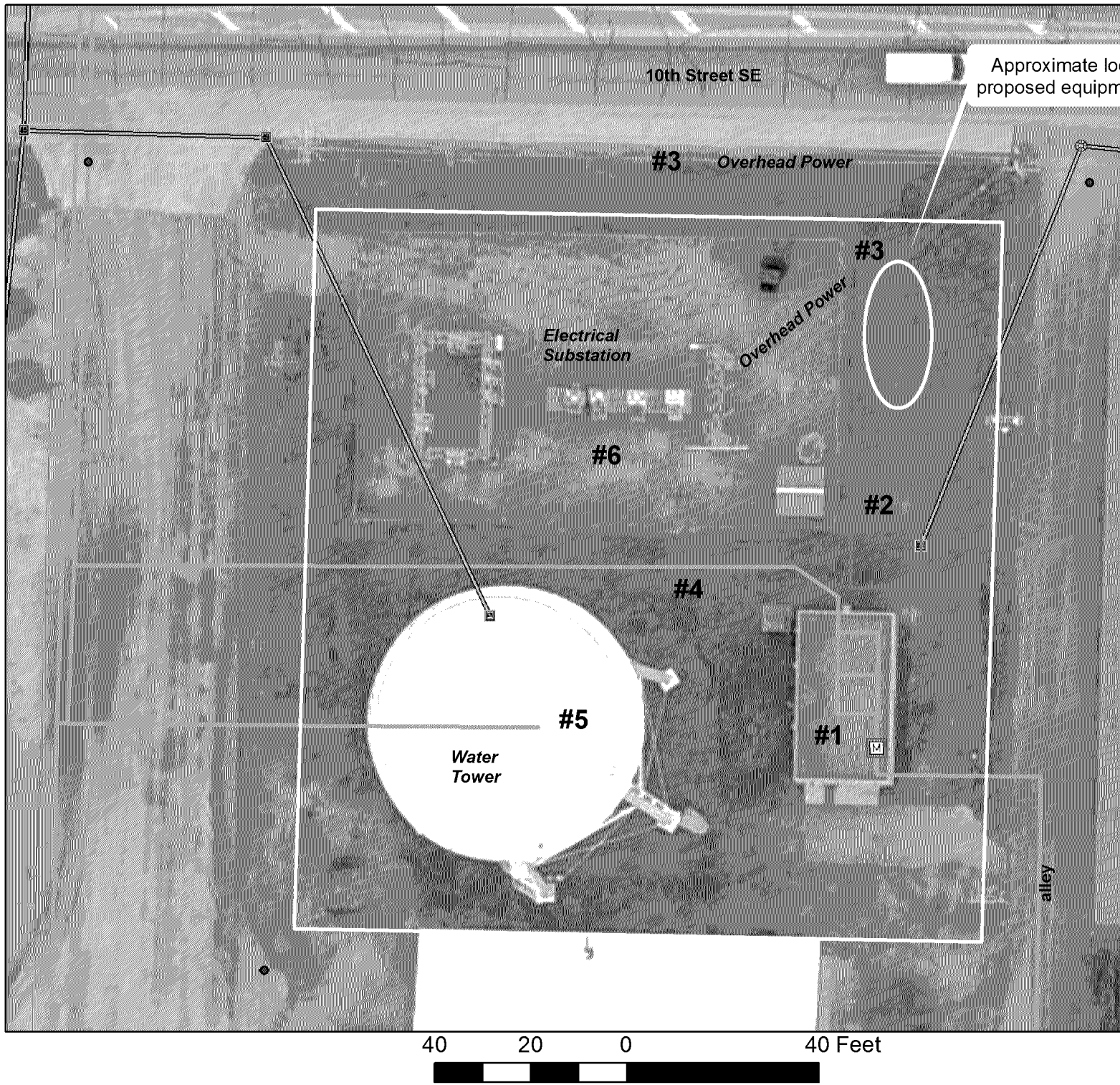
Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 3/6/2014
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by AT & T (New Cingular Wireless PCS).	
Background:	<p>AT & T has applied for one variance, which if approved, would allow for the construction of 12 ft. X 24 ft. equipment building, on property owned by the City of Grand Rapids (Grand Rapids Public Utilities Commission- GRPUC) and legally described as:</p> <p style="text-align: center;"><i>Lots 10-12, Block 3, Crowder Addition to Grand Rapids, Itasca County, Minnesota</i></p> <p>The subject property is .5 acres in area, is currently zoned GB (General Business) and is home to a GRPUC water tower and electrical substation: 1007 SE 1st Avenue.</p> <p>AT & T has requested the Planning Commission's consideration of one variance from Section 30-512 Table 2-B of the Municipal Code, which lists the District Development Regulations for Accessory Structures. If approved, the requested variance would allow for construction of 12 ft. X 24 ft. equipment building (housing equipment related to antennas located on the adjacent water tower). The equipment building, as proposed, would encroach 20 ft. into the required 30 ft. front yard setback area (adjacent to SE 10th Street) for accessory structures.</p> <p>The applicant, within the variance petition, cites the opportunity to co-locate their wireless equipment on the City's water tower, thus avoiding the need for an additional, standalone, communications tower elsewhere in the community.</p> <p>Staff generally agrees with the advantages of co-locating on existing structures. Map #2, as well as the applicants site plan, illustrates the various constraints/challenges the subject site presents, when looking to place the proposed equipment building: #1- Pump Station building, #2- Existing Equipment building, #3- Overhead Power lines, #4- 12" underground water transmission line, #5- 120' Water tower, #6- Fenced Electrical Substation.</p> <p>The construction of the 12 ft. X 24 ft. equipment building, as proposed within the variance application, would require the Planning Commission's approval of one variance;</p> <ol style="list-style-type: none">1. Section 30-512 Table 2-B of the Municipal Code which addresses District Development Regulations for Accessory	

	Structures which establishes a 30' minimum front yard setback within GB (General Business) zoned districts.
Considerations:	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.
Recommendation:	<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>
Required Action:	<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 (grant)(deny) the following variance to AT & T (New Cingular Wireless PCS) on property owned by the City of Grand Rapids (Grand Rapids Public Utilities Commission)for the property described as: <i>Lots 10-12, Block 3, Crowder Addition to Grand Rapids, Itasca County, Minnesota;</i></p> <ul style="list-style-type: none"> • to allow a one time waiver of the requirements of Section 30-512 Table 2-B of the Municipal Code for the construction of a 12 ft. X 24 ft. equipment building that would encroach 20 ft. in to the required 30 ft. front yard setback area, as proposed on the petitioners site plan. <p><i>(If the Planning Commission wishes to place conditions upon their approval, the following should be added to the motion:)</i></p> <p>and that the following condition(s) shall apply:</p> <ul style="list-style-type: none"> • _____
Attachments:	<ul style="list-style-type: none"> • Site Map • Copy of the variance petition and associated documentation • List of the Planning Commissions Variance Considerations

AT & T Variance Request





Grand Rapids Planning Commission
Grand Rapids - City Hall

RULES FOR A PUBLIC HEARING

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



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:

Ronak Desai
Name of Applicant*¹
1515 E. Woodfield Rd. , Suite 860
Address
Schaumburg IL 60173
City State Zip
(847)732-7410
Business Telephone/e-mail address

City of Grand Rapids,
Name of Owner (If other than applicant)
420 North Pokegama Avenue
Address
Grand Rapids MN 55744
City State Zip
2183267601
Business Telephone/e-mail address

*¹ If applicant is not the owner, please describe the applicant's interest in the subject property. Agent for AT&T (New Cingular Wireless PCS) who is lessee

Parcel Information:

Tax Parcel # 91-500-0350 Property Size: .49 acres
Existing Zoning: GR
Existing Use: Water Tank
Property Address/Location: 1007 SE 1ST AVENUE GRAND RAPIDS, MN 55744
Legal Description: Attached
(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.

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

1/23/2014
Date

Signature of Owner (If other than the Applicant)

Date

JAN 27 2014
Office Use Only
Date Received _____ Certified Complete 1/27/14 Fee Paid \$252.00
Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date 3/6/2014
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.

**²The 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:

AT&T would like to construct a prefabricated 12' X 24' equipment building and add 9 antennas
(6 KMW-ET-X-UW-70-18-Ir-AT & 3 ALCATEL-LUCENT
3JR39282AAAA), 15 remote radio heads , and 6 surge suppression systems (RAYCAP) with
supporting cables and equipment to the water tank.

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

Section 30-512 Table 2B – District Development regulations for accessory structures
- Requires a 30 foot setback from the front property line

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):

- Requires a 30 foot setback from the front property line
Proposed construction of a prefabricated 12' X 24' equipment building would not meet setback
requirement

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

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

Yes, this proposal takes advantage of an existing City structure rather than adding a whole new tower
else where.

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:

Location of the water tank, particularly its proximity to residential neighbors, does not provide enough
land space in between to construct a prefabricated 12' X 24' equipment building and meet setback
requirements

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 proposal allows equipment and shelter construction with minimum aesthetic disturbances -
Residents will not know equipment is there.

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

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

Comprehensive plan provides for the general welfare of the public and with proposed use, the general
public is able to take advantage of better cellular connections with minimal intrusion as the proposal
utilizes existing structure thus promoting the comprehensive plan

City Process:

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

Findings for Approval:

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

- Is 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.

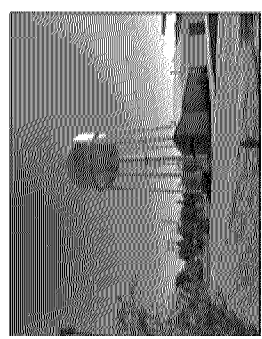
Exhibit A (Legal Description)

ALL THAT PARCEL OF LAND IN ITASCA COUNTY, STATE OF MINNESOTA, AS MORE FULLY DESCRIBED IN DEED DOC # 258668, ID# 91-500-0350, BEING KNOWN AND DESIGNATED AS.

LOTS TEN (10), ELEVEN (11) AND TWELVE (12), BLOCK THREE (3), CROWDER ADDITION TO GRAND RAPIDS ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS OF SAID COUNTY AND STATE.

BY FEE SIMPLE DEED FROM D.M.N., INC. AS SET FORTH IN DOC # 258668 DATED 01/08/1968 AND RECORDED 01/09/1968, ITASCA COUNTY RECORDS, STATE OF MINNESOTA.

SITE PHOTO



AT&T MOBILITY
 4300 MARKET POINTE DR.
 BLOOMINGTON, MN 55435

BLACK & VEATCH
 10000 GRAND RAPIDS AVENUE
 GRAND RAPIDS, MINNESOTA 55744
 (953) 488-2000
 PROJECT NUMBER: 122051

NOT TO BE USED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	10/20/11	ISSUED FOR REVIEW
2	10/20/11	ISSUED FOR REVIEW
3	10/20/11	ISSUED FOR REVIEW
4	10/20/11	ISSUED FOR REVIEW
5	10/20/11	ISSUED FOR REVIEW
6	10/20/11	ISSUED FOR REVIEW
7	10/20/11	ISSUED FOR REVIEW
8	10/20/11	ISSUED FOR REVIEW
9	10/20/11	ISSUED FOR REVIEW
10	10/20/11	ISSUED FOR REVIEW

PROJECT LOCATION:
 GRAND RAPIDS POKEGAMA AVE
 1007 SE 1ST AVE
 GRAND RAPIDS, MN 55744

TITLE PAGE

ZONING-1

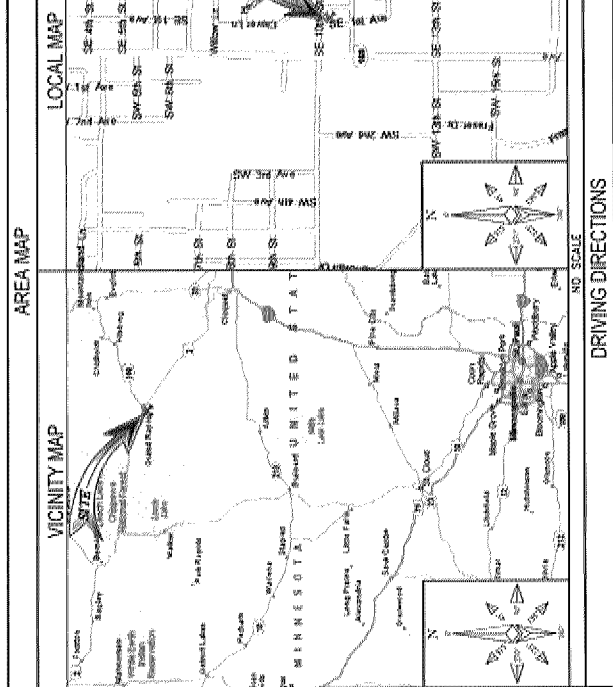
ENGINEERING

1000 INTERNATIONAL BUILDING CODE
 2008 NATIONAL ELECTRICAL CODE
 114V24-2322-F

DRAWING INDEX

SHEET NO.	SHEET TITLE
ZONING-1	TITLE PAGE
ZONING-2	SITE PLAN
ZONING-3	REVISION (OPTION #1)
ZONING-4	REVISION (OPTION #2)

AT&T MOBILITY
PROJECT: NSB - COLOCATE
AT&T SITE ID: MPLSMN5016
AT&T FA#: 11652785
GRAND RAPIDS POKEGAMA AVE
GRAND RAPIDS, MN 55744



DRIVING DIRECTIONS

DIRECTIONS FROM AT&T OFFICE:
 TAKE FRANCE AVE S TO I-494 W 20.7 MILES. TAKE EXIT 27 ON THE LEFT FOR I-94 W. TAKE EXIT 207A-207B FOR MINNESOTA 101 BYPASS. MERGE ONTO MN-101 N. CONTINUE TO FOLLOW MN-101 N. 8.4 MILES. TURN RIGHT ONTO US-169 N. CONTINUE TO FOLLOW US-169 N 31.6 MILES. TURN RIGHT ONTO SE 10TH ST. TAKE THE 1ST RIGHT ONTO SE 1ST AVE. SITE WILL BE ON THE LEFT.

PROJECT INFORMATION

SITE ADDRESS:	1007 SE 1ST AVENUE GRAND RAPIDS, MN 55744
COUNTY:	HENNEPIN
SITE NAME:	GRAND RAPIDS POKEGAMA AVE
SITE NUMBER:	MPLSMN5016
FA NUMBER:	11652785
USD NUMBER:	150788
LATITUDE (NAD 83):	47 17' 14.722" N
LONGITUDE (NAD 83):	92 31' 34.898" W
GROUND ELEVATION:	1,302 ASL
ZONING DISTRICT:	
TOWER OWNER:	107 OF GRAND RAPIDS 500 SE 2TH STREET GRAND RAPIDS, MN 55744
GROUND OWNER:	107 OF GRAND RAPIDS 500 SE 2TH STREET GRAND RAPIDS, MN 55744
LANDLORD CONTACT:	DEBBIE WITTE
ED11:	180
POWER COMPANY:	CENTURY LINK
TELEPHONE COMPANY:	
OCCUPANCY GROUP:	U
CONSTRUCTION TYPE:	N-B
SITE ACQUISITION MANAGER:	JOA BLACKWELL
CONSTRUCTION MANAGER:	JUSTA GESSLER 652-88-0722 REGISTRATION
LEAD ENGINEER:	R. JARON FLANK 562-88-2321 ENRMINN@BVA.COM

PROJECT MANAGER:	TARA BLACKWELL
PHONE:	651-233-6884

11'x17' PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MINNESOTA, CALL Gopher State One Call
 TOLL FREE: 1-888-332-1188 OR
 FAX: 612-344-3487

MINNAPLANS REQUIRES AN 8'x11' SCALE NOTICE BEFORE YOU DIG



THESE PLANS AGREE TO ALL OF THE REQUIREMENTS CALLED OUT IN THE ASSOCIATION UNDERGROUND FACILITIES ACT. THE ASSOCIATION SHALL VERIFY ALL PLANS AND EXISTING CONDITIONS ON SITE. MANUFACTURER OF ANY UNDERGROUND FACILITIES SHALL BE RESPONSIBLE FOR THE DATA.

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