

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Thursday, September 19, 2013

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.

Public Hearings

13-0553 Conduct a Public Hearing to consider a variance petition submitted by Ron and LeAnn Hardy.

Attachments: [Hardy Variance: PC Staff Report & Background Info](#)
[PH Rules and Variance Considerations](#)
[Hardy Variance: Application](#)
[CityLimits-Building Pictures](#)

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, October 3rd, 2013*



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 13-0553 **Version:** 1 **Name:** Conduct a Public Hearing to consider a variance petition submitted by Ron and LeAnn Hardy.

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

File created: 9/10/2013 **In control:** Planning Commission

On agenda: 9/19/2013 **Final action:**

Title: Conduct a Public Hearing to consider a variance petition submitted by Ron and LeAnn Hardy.

Sponsors:

Indexes:

Code sections:

Attachments: [Hardy Variance: PC Staff Report & Background Info](#)
[PH Rules and Variance Considerations](#)
[Hardy Variance: Application](#)
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Date	Ver.	Action By	Action	Result
9/19/2013	1	Planning Commission		

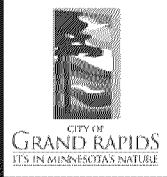
Conduct a Public Hearing to consider a variance petition submitted by Ron and LeAnn Hardy.

Background Information:

Please see Planning Commission Staff Report and Background information.

Staff Recommendation:

Conduct a Public Hearing to consider a variance petition submitted by Ron and LeAnn Hardy.



Planning Commission Staff Report

Agenda Item # 1	Community Development Department	Date: 9/19/2013
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Ron and LeAnn Hardy.	
Background:	<p>Mr. and Mrs. Hardy have applied for three variances, which if granted, and contingent on a pending text amendment to the zoning ordinance, would allow for the addition of a mini storage building at their place of business at: 3414 Trout Road.</p> <p>The subject property is legally described as: N 300' OF S 333' OF W 375' OF SW SW LESS HWY 38 ROW, Section 4, Township 55N, Range 25W, Itasca County, Minnesota, and is currently zoned I-1 (Industrial Park).</p> <p>Mr. and Mrs. Hardy have requested the Planning Commission's consideration of three variances from Section 30-707(c)4. a & b of the Municipal Code, which lists site development requirements, or more specifically, building setbacks & building design requirements, within the Scenic Byway Commercial Overlay District.</p> <p>The proposed building addition is part of the Hardy's business expansion plan at the subject property. The Hardy's have expressed a desire to align the proposed building with the three existing mini storage buildings on the site, which are wood framed, with metal siding, fronting on Hwy. 38 and accessed off of Trout Road.</p> <p>As you recall from a past discussion regarding a petitioned zoning map amendment, in addition to the current zoning district requirements set forth in Section 30-512, the property is subject to the requirements of the Scenic Byway Commercial Overlay District as outlined in Section 30-707 of the Municipal Code (see attached). The areas having the most impact on any development (existing or proposed) are described in subsection 4 pertaining to site development requirements.</p> <p>Generally, the purpose of the Scenic Byway commercial overlay district is to ensure commercial development along designated scenic byway corridors is in keeping with the intrinsic environmental qualities of the corridors as articulated by established corridor management plans such as, the Minnesota Trunk Highway 38 Edge of the Wilderness Corridor Management Plan.</p> <p>The requested variances, if approved, would allow for the construction of a 50 ft. X 80 ft. metal, mini storage building, which after applying the setback requirements established within Section 30-707(c)4, would encroach 32 ft. into the required front setback and 10 ft. into the required side yard setback.</p>	

	<table border="1" data-bbox="496 226 1406 558"> <thead> <tr> <th data-bbox="496 226 769 348"></th> <th data-bbox="769 226 1081 348">I-1 (Industrial Park)</th> <th data-bbox="1081 226 1406 348">Setbacks when applying requirements in Sect. 30-707(c)4.a (X 2)</th> </tr> </thead> <tbody> <tr> <td data-bbox="496 348 769 558">Min. Yard Setbacks (Sect. 30-512 Table-2A)</td> <td data-bbox="769 348 1081 558">front-50 ft. int. side-25 ft. street side-25 ft. rear- 25 ft.</td> <td data-bbox="1081 348 1406 558">front-100 ft. int. side-50 ft. street side-50 ft. rear- 50 ft.</td> </tr> </tbody> </table> <p data-bbox="496 632 1430 730">The mini storage building addition to the subject property, as proposed within the variance application, would require the Planning Commission’s approval of three variances from the following areas of the Municipal Code:</p> <ol data-bbox="545 772 1430 1293" style="list-style-type: none"> 1. Section 30-707(c)4. a, of the Municipal Code, which establishes site development requirements Scenic Byway Commercial Overlay District. <i>a. <u>Building setbacks shall be twice the required zoning district setback as provided for in Table 2-B of section 30-512.</u></i> 2. Section 30-707(c)4. b, of the Municipal Code, which establishes site development requirements Scenic Byway Commercial Overlay District. <i>b. <u>Building design: Buildings shall incorporate high quality materials that provide long term durability and design appeal and shall incorporate the use of natural materials or materials of natural appearance whenever possible. Concrete cinder block and metal siding are prohibited on building facades that face Trunk Highway 38. Facade colors shall be low reflectance and subtle. High intensity colors are prohibited but complementary colors that accent primary colors are acceptable. Alterations or enlargements to any building or structure within the district shall meet the same standards as new construction.</u></i> 		I-1 (Industrial Park)	Setbacks when applying requirements in Sect. 30-707(c)4.a (X 2)	Min. Yard Setbacks (Sect. 30-512 Table-2A)	front-50 ft. int. side-25 ft. street side-25 ft. rear- 25 ft.	front-100 ft. int. side-50 ft. street side-50 ft. rear- 50 ft.
	I-1 (Industrial Park)	Setbacks when applying requirements in Sect. 30-707(c)4.a (X 2)					
Min. Yard Setbacks (Sect. 30-512 Table-2A)	front-50 ft. int. side-25 ft. street side-25 ft. rear- 25 ft.	front-100 ft. int. side-50 ft. street side-50 ft. rear- 50 ft.					
Considerations:	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.						
Recommendation:	<p data-bbox="496 1451 1406 1514">Staff recommends that the Planning Commissioners visit the site and look at the situation.</p> <p data-bbox="496 1556 1422 1692">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>						
Required Action:	<p data-bbox="496 1736 1398 1799">Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variances.</p> <p data-bbox="496 1808 699 1839"><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 Ron and LeAnn Hardy for the property legally described as:</p> <p><i>N 300' OF S 333' OF W 375' OF SW SW LESS HWY 38 ROW, Section 4, Township 55N, Range 25W, Itasca County, Minnesota</i></p> <ul style="list-style-type: none"> • to allow a one time waiver of the requirements of Section 30-707(c)4. a & b for the construction of a 50 ft. X 80 ft. metal, mini storage building, which after applying the setback requirements established within Section 30-707(c)4, would encroach 32 ft. into the required front setback and 10 ft. into the required side yard setback, as described within the variance application submitted by Mr. and Mrs. Ron Hardy. <p>and that the following condition(s) shall apply:</p> <ul style="list-style-type: none"> • Contingent on City Council approval of a pending text amendment to the zoning ordinance, which would add the mini storage use, as a permitted use, within the I-1 zoning district. <p><i>Any additional conditions if deemed appropriate by the Planning Commission.</i></p> <ul style="list-style-type: none"> • _____
<p>Attachments:</p>	<ul style="list-style-type: none"> • Site Map • Copy of the Hardy variance petition and associated documentation. • Section 30-707 of the Municipal Code • List of the Planning Commissions Variance Considerations

Hardy Variance Request



Subject Property of
Variance Request

Peterson Road

State Hwy. #38

400 200 0 400 Feet



(b) *Applicability:* The Minnesota Trunk Highway 38 overlay district is intended for areas along Trunk Highway 38 extending from the centerline, 600 feet in either direction from the northerly boundary of Grand Rapids Township to the east/west quarter section line of Section 9. In cases where the City of Grand Rapids existing ordinances and policies conflict with the Minnesota Trunk Highway 38 Overlay District, the more restrictive provision applies.

(c) *Administration and enforcement:* All duties as outlined in Section 11 of the County's ordinance shall be carried out by the City of Grand Rapids Zoning Administrator and administrative ordinances or policies.

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

Sec. 30-707. Scenic byway commercial overlay district.

(a) *Purpose and intent:* The purpose of the Scenic Byway commercial overlay district is to ensure commercial development along designated scenic byway corridors is in keeping with the intrinsic environmental qualities of the corridors as articulated by established corridor management plans such as, the Minnesota Trunk Highway 38 Edge of the Wilderness Corridor Management Plan.

(b) *Jurisdiction:* The scenic byway commercial overlay zone shall encompass all lands shown as such on the official zoning map of the city.

(c) *Applicable regulations:* All regulations set forth under this chapter shall apply with the following additions and clarifications:

- (1) *Allowed uses.* Permitted, conditional or restricted uses within the scenic byway commercial overlay district shall be as allowed under section 30-512 for the underlying zoning district.
- (2) *Subdivision.* Lands within scenic byway commercial overlay districts shall be subdivided in accordance with this chapter and will be subject to the following additional requirements:
 - a. *Access and circulation plan.* In order to improve safety and preserve the effective movement of traffic along the highway corridor, subdivision of the property shall, to the maximum extent possible, provide for access to the individual properties from a centralized access point or points by way of publicly dedicated frontage or backage roads. All public easements and road right-of-way that are needed to allow the construction of service roads, trails and/or the needed expansion of highway right-of-way shall be dedicated to the city or state.
 - b. *Ghost platting.* If the lands within the Scenic Highway overlay district are not currently served with municipal sewer and water, nor planned to be immediately served, as part of the subdivision application process, a "ghost plat" shall be developed and provided for review. The ghost plat shall illustrate how commercial uses may be developed in such a manner that the parcels may be efficiently subdivided at a future date to facilitate a denser, urban development pattern,

when municipal sewer and water service becomes available. The ghost plat shall demonstrate how municipal sewer and water services may be engineered to serve the site as if it were part of the approved project.

- (3) *Stormwater management.* Site drainage plans must be submitted to ensure consistency with the stormwater management objectives of the city. Plans will be carefully reviewed to ensure both that proposed stormwater ponding areas contain sufficient storage capacity and whatever additional measures are necessary to guarantee that the quality of runoff from the site meets or exceeds the city's standards.
- (4) *Site development requirements.* The purpose of these requirements is to ensure that the commercial development provide compatible design, size and layout considerations to the unique character and natural environment along a scenic byway.
 - a. Building setbacks shall be twice the required zoning district setback as provided for in Table 2-B of section 30-512.
 - b. Building design: Buildings shall incorporate high quality materials that provide long term durability and design appeal and shall incorporate the use of natural materials or materials of natural appearance whenever possible. Concrete cinder block and metal siding are prohibited on building facades that face Trunk Highway 38. Facade colors shall be low reflectance and subtle. High intensity colors are prohibited but complementary colors that accent primary colors are acceptable. Alterations or enlargements to any building or structure within the district shall meet the same standards as new construction.
 - c. Accessory buildings. No building or structure of a temporary character, trailer, tent or shack shall be constructed, placed or maintained upon the property except as accessory to and during the construction of permanent buildings.
 - d. Parking lot requirements. Parking lots shall be located in the rear and/or side yard areas of the properties. Lighting shall not produce unnecessary glare or light pollution.
 - e. Public utilities on site shall be placed underground to the extent possible.
 - f. To the extent possible, and consistent with the tree preservation requirements in section 30-595, mature trees along the perimeter of the site shall be preserved to maintain the natural and rural character of the development.
 - g. Bufferyard requirements. A Type "D" bufferyard shall be applied to all yards in the overlay district.
 - h. Signage. All signage shall be in compliance with the requirements referenced within section 30-706 (Minnesota Trunk Highway 38 Overlay District).

(Ord. No. 08-03-02, 3-10-08)

Secs. 30-708—30-730. Reserved.

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*?
3. Is the owner's plight due to circumstances which are unique to the property and which are not self-created by the owner?
4. Is the variance in *harmony with* the purposes and intent of the *ordinance*?
5. Will the variance, if granted, alter the *essential character* of the locality?
6. Is the variance *consistent with* the *comprehensive plan*?



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:

<u>RON & LeANN HARDY</u>			Name of Applicant*1		
<u>25107 COMMERCIAL DRIVE</u>			Name of Owner (If other than applicant)		
<u>GRAND RAPIDS MN 55744</u>			Address		
<u>218-244-4058</u>	<u>grcitylimits@gmail.com</u>		City	State	Zip
Business Telephone/e-mail address			Business Telephone/e-mail address		

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

Parcel Information:

Tax Parcel # <u>91-004-3301</u>	Property Size: <u>2.13 ACRES</u>
Existing Zoning: <u>I1</u>	
Existing Use: <u>MINI STORAGE</u>	
Property Address/Location: <u>3414 Trout Road</u>	
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.

<u>Tom Hardy</u>	<u>8-27-13</u>
Signature(s) of Applicant(s)	Date

_____	_____
Signature of Owner (If other than the Applicant)	Date

Date Received <u>8/28/13</u>	Certified Complete <u>8/29/13</u>	Office Use Only	Fee Paid <u>\$252.00</u>
Planning Commission Recommendation:	Approved _____	Denied _____	Meeting Date <u>9/19/2013</u>
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:

CHANGE FRONT SET BACK FROM 50' TO 30'
CHANGE SIDE/REAR SET BACK FROM 30' TO 10'

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

I, SET BACK IS 50' FROM FRONT (DOUBLE PIR OVERLAY)
I, SET BACK IS 25' FROM SIDE (DOUBLE PIR OVERLAY)
↓
BACK

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):

Section 30-512 Table 2A and Section 30-207(c)4.a and b.
→ Building setbacks and materials on front.

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

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

YES BUSINESS VIABILITY

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:

SEVERAL YEARS OF BUSINESS PRIOR TO ANNEXATION

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:

ONLY ENLARGING BUSINESS/BUILDINGS NOT ENCROACHING
FURTHER THAN EXISTING WORDS

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

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

ECONOMIC GROWTH

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.



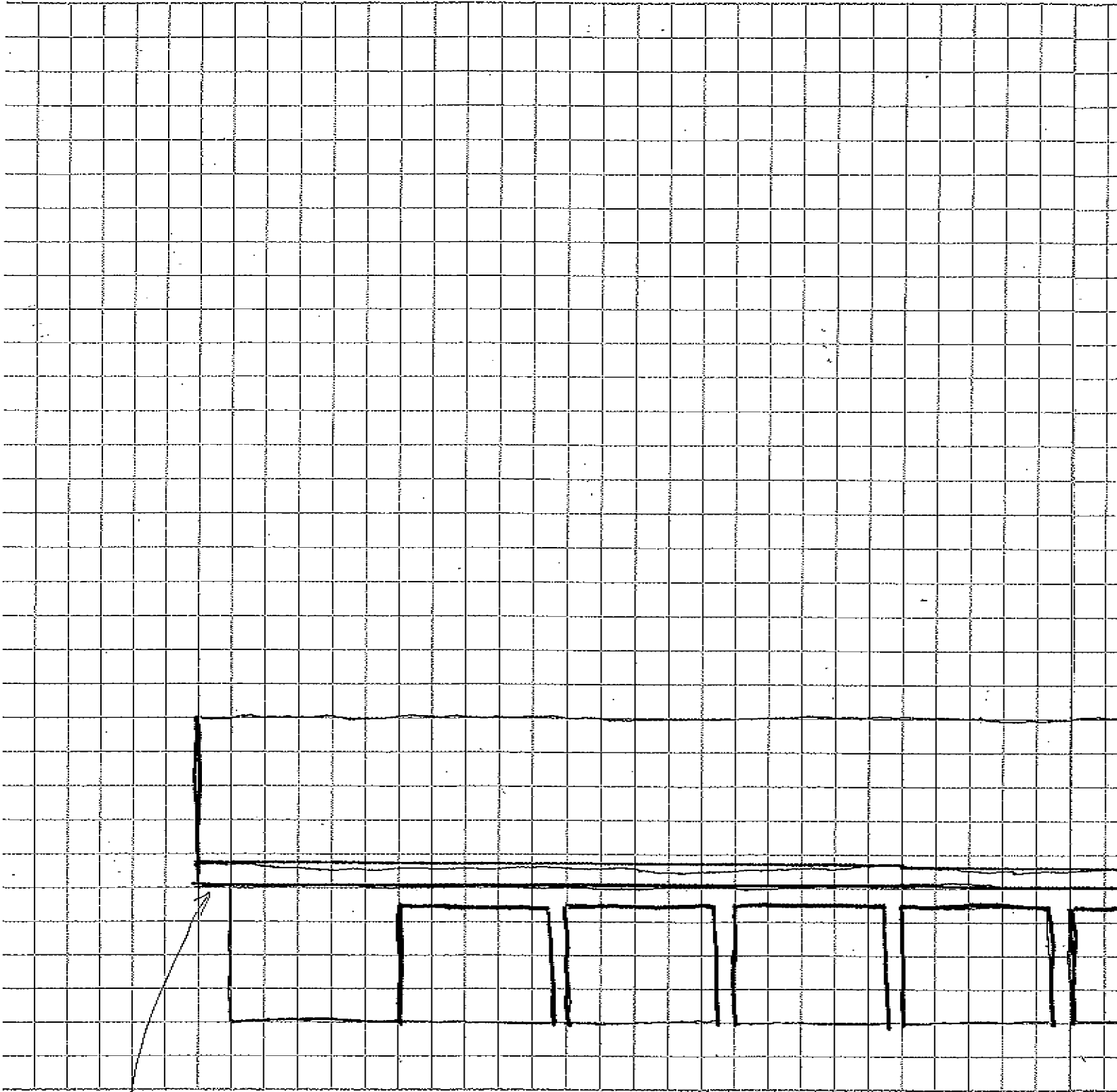
NOT TO SCALE!

Sub Hwy 8

133'
62 1/2'

Co R4 603

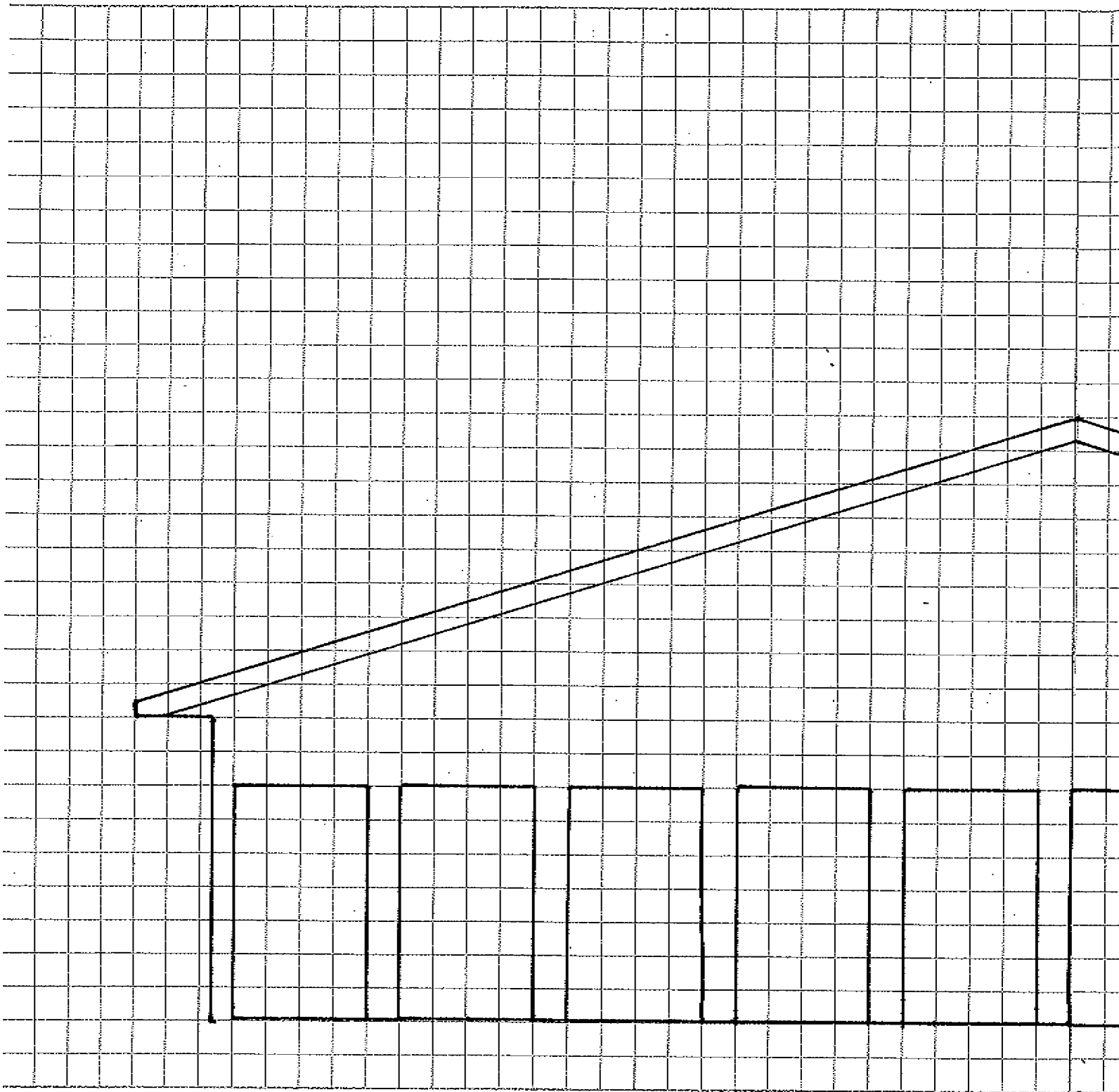




2' OUTRIG

SOUTH SIDE VIEW

80'



FRONT
50'

Nov 70















