

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 6, 2012

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

12-0538 Approve the minutes of the June 7, 2012, 4:00 pm regular meeting.

Attachments: Draft Minutes-June 7, 2012 Reg. Meeting

Public Hearings

12-0548 Conduct a public hearing to consider a recommendation to the City Council regarding a request to amend the approved Conditional Use Permit granted to Teridon Properties, LLP. d.b.a. L & M Fleet Supply in September 2008.

Attachments: Staff Report- L & M CUP Amendment 9-6-12
L & M CUP Amendment Staff Review Worksheet 2012
RULES FOR A PUBLIC HEARING
L & M Supply CUP Application-9-6-12

12-0550 Consider a recommendation to the City Council regarding a request to amend the approved Conditional Use Permit granted to Teridon Properties, LLP. d.b.a. L & M Fleet Supply in September 2008.

Attachments: CUP Considerations

12-0545 Conduct a Public Hearing to consider a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.

Attachments: Staff Report Peterson-Ward Variance 9-6-12
RULES FOR A PUBLIC HEARING
Variance Considerations
Peterson Ward Variance Application-9-6-12

12-0549 Consider the approval or denial of a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.

Attachments: Variance Considerations

General Business

12-0544

Consider a recommendation to the City Council regarding amendments to the text of the Zoning Ordinance, which would permit the sale of automobiles within the BP/SBP (Business Park/Shoreland Business Park) zoning district.

Attachments: [Staff Report-Auto Sales in BP- TEXT AMD- 9-6-12](#)
[Business Park Background Info](#)
[Wheelchairs Plus Letter to Council 6-11-12](#)

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

12-0546 Comprehensive Plan

Adjourn

*NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:
Thursday, October 4, 2012*



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

CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 12-0538 **Version:** 1 **Name:** Approve the minutes of the June 7, 2012, 4:00 pm regular meeting.

Type: Minutes **Status:** Approved

File created: 8/23/2012 **In control:** Planning Commission

On agenda: 9/6/2012 **Final action:**

Title: Approve the minutes of the June 7, 2012, 4:00 pm regular meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [Draft Minutes-June 7, 2012 Reg. Meeting](#)

Date	Ver.	Action By	Action	Result
9/6/2012	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the June 7, 2012, 4:00 pm regular meeting.

Background Information:

See attached "draft" minutes.



CITY OF GRAND RAPIDS

NOTICE OF MEETING
PLANNING COMMISSION

Minutes - Final Planning Commission

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

Thursday, June 7, 2012

4:00 PM

Council Chambers

Call To Order

Call of Roll

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

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

Approve the minutes of the May 3, 2012 3:30 pm worksession, and 4:00 pm regular meeting.

A motion was made by Commissioner Ron Niemala, seconded by Commissioner Marn Flicker, that this Minutes be Approved as Presented by Commission . The motion PASSED by an unanimous vote.

General Business

Consider a recommendation to the City Council regarding the vacation of the platted Division Avenue right-of-way within McKinney Lake Addition to Grand Rapids.

Motion by Commissioner Niemala, second by Commissioner McKellep that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward to the City Council a recommendation to approve the vacation of public right-of-way described as:

That part of Division Avenue lying southerly of the easterly extension of the north line of Lot 17, McKinney Lake Addition, Itasca county, Minnesota.

Commissioner Niemala read his considerations for the record:

- 1. Is the street right-of-way needed for traffic purposes?
No, the street right-of-way is not needed for traffic purposes.**
- 2. Is the street right-of-way needed for pedestrian purposes?
No, the street right-of-way is not needed for pedestrian purposes.**
- 3. Is the street right-of-way needed for utility purposes?
No, the street right-of-way is not needed for utility purposes.**
- 4. Would vacating the street right-of-way place additional land on the tax rolls?
Yes, the vacated street right-of-way would increase the tax base.**
- 5. Would vacating the street right-of-way facilitate economic development in the City?
Yes, the proposed vacation is in the best interest of the City due to increasing the tax roll and fostering additional development on the vacated right-of-way.**

The following voted in favor thereof: McKellep, Niemala, Twite, Gothard, Flicker.

Opposed: None, passed unanimously.

Consider a recommendation to the City Council regarding the rezoning of a 9.9 acre parcel of land from I-2 (General Industrial Park) to R-4 (Multiple-family Residential-high density).

Motion by Commissioner Niemala, 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 to the City Council a recommendation to approve the rezoning of property, as petitioned by Mr. Harley Edverson, and as expanded by the Planning Commission, legally described as;

E 440ft. of W 880ft. of the N 30 acres of the NW NE, AND N 318ft. of NW NE LYG E of W 880ft. Thereof, all in Section 33, Township 55N, Range 25W, Itasca County, Minnesota

AND

E 766.9 ft. of S 563ft. of SW SE Less N 284.5ft. of E 346.9ft. Thereof, and as shown in the maps presented here today, from the established I-2 (General Industrial Park) to R-4 (Multiple-Family Residential-high density), as recommended by the Comprehensive Plan

AND

additionally extend the 60 day rule an additional 30 days, as per Minnesota statute 15.99,subd.3 (f).

Commissioner Niemala read his considerations for the record:

- 1. Will the change affect the character of the neighborhoods?
No, not at all the character will remain the same.**
- 2. Would the change foster economic growth in the community?
Yes, it allows other uses rather than just industrial.**
- 3. Would the proposed change be in keeping with the spirit and intent of the ordinance?
Yes, it matches everything that we have been looking for and coordinates with the existing R-4.**
- 4. Would the change be in the best interest of the general public?
Yes, it would, it will provide another area for high density housing.**
- 5. Would the change be consistent with the Comprehensive Plan?
Yes, it will provide additional areas that will meet the considerations of the Comprehensive Plan.**

Public Input

Miscellaneous\Updates

Adjourn

Motion by Commissioner Niemala, Second by Commissioner McKellep to adjourn the meeting at 4:32 p.m.

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



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 12-0548 **Version:** 1 **Name:** Conduct a public hearing to consider a recommendation to the City Council regarding a request to amend the approved Conditional Use Permit granted to Teridon Properties, LLP. d.b.a. L & M Fleet Supply in September 2008.

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

File created: 8/27/2012 **In control:** Planning Commission

On agenda: 9/6/2012 **Final action:**

Title: Conduct a public hearing to consider a recommendation to the City Council regarding a request to amend the approved Conditional Use Permit granted to Teridon Properties, LLP. d.b.a. L & M Fleet Supply in September 2008.

Sponsors:

Indexes:

Code sections:

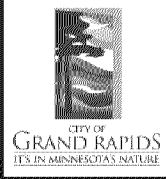
- Attachments:** [Staff Report- L & M CUP Amendment 9-6-12](#)
[L & M CUP Amendment Staff Review Worksheet 2012](#)
[RULES FOR A PUBLIC HEARING](#)
[L & M Supply CUP Application-9-6-12](#)

Date	Ver.	Action By	Action	Result
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Conduct a public hearing to consider a recommendation to the City Council regarding a request to amend the approved Conditional Use Permit granted to Teridon Properties, LLP. d.b.a. L & M Fleet Supply in September 2008.

Background Information:

See attached Planning Commission Staff Report and Background Information.



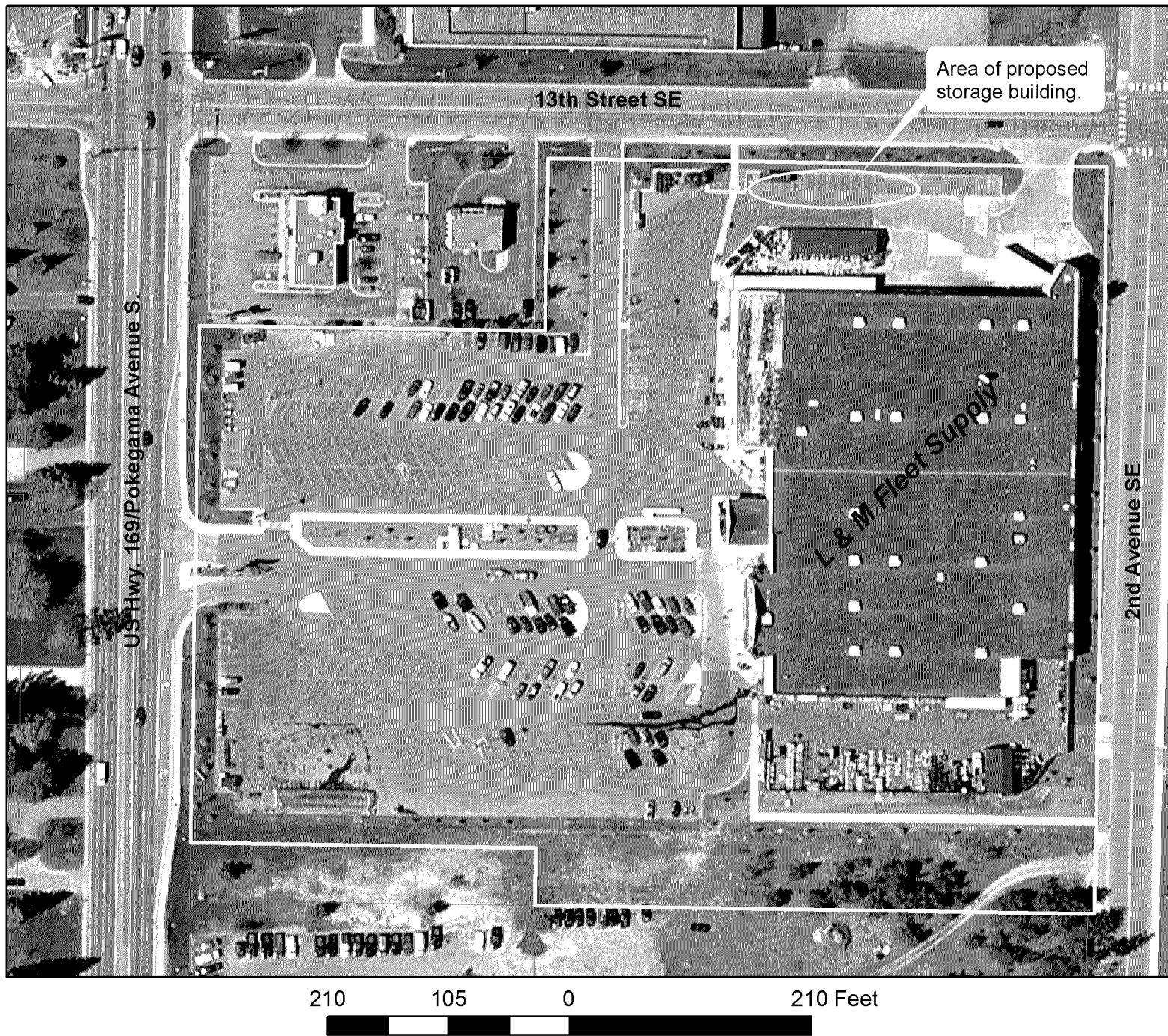
Planning Commission Staff Report

Agenda Item #	Community Development Department	Date: 9/6/2012
Statement of Issue:	<p>Conduct a public hearing to consider a recommendation to the City Council regarding a request to amend the approved Conditional Use Permit granted to Teridon Properties, LLP. d.b.a. L & M Fleet Supply in September 2008.</p>	
Background:	<p>On September 22, 2008 the City Council adopted Resolution No. 08-119 granting TeriDon Properties, L.L.P. a Conditional Use Permit (CUP) for the interior and exterior remodeling and site modifications of the former Wal-Mart property, for L & M Fleet Supply's relocation from their previous retail facility in LaPrairie, as set forth in the Large Scale Commercial Design Standards, Division 14, of the City Code..</p> <p>As some of the Commissioner's may recall, the City amended its Zoning Ordinance in 2005 establishing the General Sales and Service (building footprint over 70,000 s.f.) use, as a conditional use, in GB (General Business) zoning districts, and further established building and site design standards intent upon influencing the development of these uses in a manner that creates a smaller scale, feel and relationship to the small town atmosphere of Grand Rapids.</p> <p>On August 14, 2012 TeriDon Properties, L.L.P., after discussions with city staff, applied for an amendment their 2008 CUP. As described within their application, L & M is proposing to add a 20' X 112' storage building in the north, street-side yard area of their facility, to house overflow lawn equipment in for repair. Currently, the equipment circulates between the inside of the service bays on the northwest corner of the facility and the sidewalk area in front of the service bays.</p> <p>With the establishment of the CUP process set forth within Division 14, the review and approval of new projects, as well as modifications/amendments to approved facilities, is no longer administered by staff, but is issued through a Conditional Use Permit approved by the City Council, with recommendations received from the Planning Commission.</p> <p>When reviewing Conditional use application and considering their recommendation to the City Council, the Planning Commission should make specific findings based upon their standard list of considerations, which are found in Section 30-531e of the City Code. The Planning Condition must also consider the degree to which the proposed project meets the criteria and objectives established within the new Large Scale Commercial Design Standards, Division 14, of the City Code, and if certain conditions or</p>	

	<p>restrictions should be recommended to the City Council to ensure that the project meets those objectives and criteria.</p> <p>Staff has reviewed the application and submittal documents, and has provided comments on the attached review worksheet, which summarize the relevant portions of the Large Scale Commercial Design Standards, Division 14, of the City Code related to the amendment.</p>
<p>Considerations:</p>	<p>When reviewing a request for a Conditional Use Permit, the Planning Commission must make findings based on the attached list of considerations. Section 30-531(e):</p> <ul style="list-style-type: none"> • Will not be detrimental to the public health, safety, morals, or general welfare; • Will not cause undue traffic congestion or hazards and will not result in a parking shortage; • Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area; • Will not impede the orderly development of other property in the area; • Will not impose an excessive burden on parks and other public facilities and utilities; • Is consistent with the Comprehensive Plan. <p>The Planning Commission must also consider the proposals compliance with the criteria and objectives established within the Large Scale Commercial Design Standards, Division 14, of the City Code.</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 recommend approval or denial, the application, 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 Conditional Use Permit.</p>
<p>Required Action:</p>	<p>Approve a motion to either recommend: approval, approval with additional conditions, or deny the applied for Conditional Use Permit.</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 recommend that the City Council (grant)(deny) the following amendment to the Conditional Use Permit, approved under City Resolution No. 08-119, to TeriDon Properties, L.L.P., for the property legally described within the petition attachments:</p>

	<ul style="list-style-type: none">• For the placement of one 20' X 112' storage building as described within the CUP application. <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 conditions shall apply:</p> <ul style="list-style-type: none">• _____
Attachments:	<ul style="list-style-type: none">• Copy of the TeriDon Properties, L.L.P., application and associated documentation.• List of the Planning Commissions CUP Considerations• City Resolution No. 08-119• Staff Review Worksheet• Site Map

L & M Fleet Supply CUP Amendment



Councilmember McInerney introduced the following resolution and moved for its adoption:

RESOLUTION NO. 08-119

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, APPLIED FOR BY TERIDON PROPERTIES, L.L.P., FOR GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) TO ALLOW INTERIOR & EXTERIOR REMODELING AND SITE MODIFICATIONS ON A SITE FORMERLY OCCUPIED BY WAL-MART STORES, INC.

WHEREAS, a petition was received for a Conditional Use Permit for the purpose of allowing General Sales and Service (greater than 70,000 sq. ft. building footprint), on property legally described as:

That part of the Northeast Quarter of the Southwest Quarter of Section 28, Township 55 North, Range 25 West of the Fourth Principal Meridian, in Grand Rapids, Minnesota, described as follows:

Commencing at the Northwest corner of said Northeast Quarter of the Southwest Quarter; thence North 89 degrees 45 minutes 26 seconds East, assumed bearing along the North line of said Northeast Quarter of the Southwest Quarter, a distance of 50.00 feet to the Easterly right of way line of Minnesota Trunk Highway No. 169; thence South 0 degrees 11 minutes 00 seconds East, 190.00 feet along said right of way line to the point of beginning of the tract to be described; thence continue South 0 degrees 11 minutes 00 seconds East, 434.00 feet along said right of way line; thence North 89 degrees 45 minutes 26 seconds East, 779.90 feet; thence North 0 degrees 30 minutes 17 seconds East, 584.05 feet; thence South 89 degrees 45 minutes 26 seconds West, 486.90 feet; thence South 0 degrees 11 minutes 00 seconds East 150.00 feet; thence South 89 degrees 45 minutes 26 seconds West, 300.00 feet to the point of beginning.

Together with benefits under Agreement between Ryan Development, Inc. and the City of Grand Rapids, Minnesota dated November 6, 1989, recorded November 16, 1989, as Document No. 409017.

WHEREAS, the Planning Commission reviewed the request for a CUP and conducted a public hearing on this request on September 15th, 2008, and all were heard who wished to speak on the matter.

WHEREAS, the Planning Commission made certain findings that the request for a CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Code if certain conditions were applied; and

WHEREAS, the Planning Commission recommended approval of the CUP with the following conditions:

- (1) Require new entrance on to 2nd Ave. S.E. be signed for delivery vehicles only.
- (2) Addition of two raised parking islands, as shown in revised site plan dated 9/12/08..
- (3) Applicant to pursue amendment to Hwy 169 access agreement with MN DOT and supply City with executed agreement.
- (4) Sign cross walks in parking lot.
- (5) New driveway entrance, onto 2nd Ave Se, shall have a concrete apron crossing the existing city trail.


WHEREAS, the City Council, upon review of the draft minutes, findings and recommendations of the Planning Commission, accepts and specifically adopts the findings and recommendation of the Planning Commission; that the establishment, maintenance and operation of the use contemplated by the proposed CUP:

1. Will not be detrimental to the public health, safety, morals or general welfare, as the retail use is remaining consistent and the proposed changes will improve compliance with the City's general goals;
2. Will not cause undue traffic congestion or hazards and will not result in a parking shortage, as adequate on-site parking is provided and over all traffic flow will be less the under previous property owner;

3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area, as proposed, the property will be improved and local ownership will be advantageous in the long run;
4. Will not impede the orderly development of other property in the area, but may entice other development in the area;
5. Will not impose an excessive burden on parks and other public facilities and utilities, as the retail use is remaining consistent;
6. Is very consistent with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that a Proposed Conditional Use Permit be granted to Teridon Properties, L.L.P., to allow for the interior and exterior remodeling, and site modifications to property previously occupied by Wal-Mart Stores, Inc., on property legally described above and subject to the recommended conditions listed above.

Adopted by the Council this 22nd day of September 2008.



Jim Millis, Mayor

ATTEST:



Karen Alto, Interim City Clerk

Councilmember Schlauderaff seconded the foregoing resolution and the following voted in favor thereof McInerney, Adams, Schlauderaff, Millis; and the following voted against same; None, whereby the resolution was declared duly passed and adopted.

**Conditional Use Permit Amendment – L & M (addition of storage bldg.)
Staff Review Worksheet**

<i>Code Section</i>	<i>Topic of Code Section & Generalized Intent</i>	<i>Design Elements Proposed by Applicant to Address Code Requirement</i>	<i>Staff Review</i>
30-902b	Building Setbacks – compliance with other sections of the code required.	15 ft. street side yard setback proposed.	The proposed storage building with building setbacks for accessory building.
30-902c(1)	Parking and Vehicular Circulation – compliance with min. parking ratios, lot space sizes and interior landscaping	Removal of 13 parking stalls proposed. The bufferyard plantings & interior landscaping are unaffected. Drive lane between proposed storage building and adjacent storage area to remain above minimum standards.	Required parking ratio 1:250 s.f. (97,642/250 = 390 stalls) Required parking ratio 1:175 s.f. (97,642/175 = 558 stalls) Provided – 1 stall/226 s.f. (97,642/226 = 432 stalls) Parking stalls and minimum dimensions continue to meet requirements.
30-902c(3)	Parking and Vehicular Circulation – Parking to be provided in two yard areas.	Removal of 13 parking stalls proposed in north parking area.	Parking continues to be provided in two yard areas; side street yard area (W).
30-903b	Materials and Colors – quality and durability of exterior materials, no high intensity colors.	A dark, forest green color is proposed for storage building, matching existing paint scheme of retail building.	The associated elements for the storage building see this section.

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.



CITY OF GRAND RAPIDS
115 INDEPENDENCE AVENUE

Conditional Use Permit 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

Community Development
Office Use Only

Date Received AUG 14 2012
Certified Complete
Fee Paid SOS

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

TERIDON PROPERTIES, LLP
Name of Applicant
P.O. BOX 280
Address
GRAND RAPIDS, MN 55744
City State Zip
218-326-9451
Business Telephone/e-mail address

ERIK ANDERSEN
Name of Owner
Address
City State Zip
Business Telephone/e-mail address

Parcel Information:

Tax Parcel # 91-028-3103 Existing Zoning: 233 COMMERCIAL
Existing Use: RETAIL STORE Proposed Use: RETAIL STORE
Property Size: 10.42 ACRES
Property Address / Location: 1400 S. POKEGAMA AVE. GRAND RAPIDS, MN 55744
Legal Description: ATTACHED
(attach additional sheet if necessary)

Permit Type:

The following type of Conditional Use Permit is, hereby, requested:

- Mobile Home Parks
- Mining of Sand and Gravel
- Interim Use of Buildings
- Land Reclamation
- General Sales and Service (greater than 70,000 sq. ft. building footprint) ~ Amendment
- Group and Foster Homes (7-8 residents in R-1 and R-2)
- Telecommunication Towers and Facilities
- Primary, Secondary, and Post High schools in R districts
- Junk and Salvage Operations
- Bed and Breakfast Accommodations (up to 5 guest rooms/10 persons in R2)
- Essential Service Structure (within any residential zone or CBD)

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)

8/14/12
Date

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

Date

Required Submittals (25 copies of each):

- Application Fee - \$505.00
- Site Plan *(as per 30-531b1)*
- Drainage Plan *(as per 30-531b2)*
- Landscape Plan *(as per 30-531b3)*
- Building Plans *(as per 30-531b4)*
- Written description of proposed use *(as per 30-531b5)*

Additional Required Submittals, if applicable, (25 copies of each):

If the proposed use is classified as General Sales and Service (greater than 70,000 sq. ft. building footprint), and is, thus, regulated by Division 14, Article IV, Chapter 30 of the Grand Rapids City Code, the following additional submittals are required:

- Application Fee – Total Actual Cost Incurred by the City (\$3,500.00 deposit required via escrow agreement)
- Traffic Study *(as per 30-902c4)*
- Written explanation of how the proposed development adheres to the individual elements of the Site Design Standards in 30-902, and the Building Design Standards in 30-903.
- The Landscaping Plan required under 30-531b3 shall include sufficient detail to demonstrate the proposed developments compliance with 30-902e.
- The Site Plan required under 30-531b4 shall include sufficient detail to demonstrate the proposed developments compliance with sections: 30-902a, 30-902b, 30-902c, 30-902d, 30-902f, 30-902g, 30-902h, and 30-902i.
- The Building Plans required under 30-531b4 shall include sufficient detail to demonstrate the proposed developments compliance with sections 30-903a through 30-903h.
- Adaptability for Reuse Plan *(as per 30-904a1)*
- Environmental Assessment Worksheet, if applicable, *(as per 30-904b)* and RGU Notice of Decision – Negative Declaration, or, if the RGU Notice of Decision on the EAW is a Positive Declaration, a copy of the Environmental Impact Statement and RGU Notice of Adequacy.

Findings for Approval:

In accordance with Section 30-531e of the Grand Rapids City Code, the City Council shall not approve a Conditional Use Permit unless it shall find that the establishment, maintenance and operation of the use:

- Will not be detrimental to the public health, safety, morals and general welfare;
- Will not cause undue traffic congestion, or hazards and will not result in a parking shortage;
- Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area;
- Will not impede the orderly development of other property in the area;
- Will not impose an excessive burden on parks and other public facilities and utilities;
- Is consistent with the Comprehensive Plan.

In addition to the general requirements for all Conditional Use Permit listed above, the City Council will also consider the requirements specific to each designated conditional use as contained within the Grand Rapids City Code.

The attached Section 30-531 of the Grand Rapids City Code provides additional detail with respect to Conditional Use Permit process.

Additional Instructions:

Prior to submitting your Conditional Use Permit Application, 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.

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 CUP. 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.



“QUALITY AT A DISCOUNT”

August 14, 2012

P.O. Box 280
1200 E. Hwy. 169
GRAND RAPIDS, MN 55744
218-326-9783
FAX 218-326-1110

1101 East 37th St., Ste. 2
HIBBING, MN 55746
218-262-4406
FAX 218-262-6477

8497 Enterprise Dr. N.
VIRGINIA, MN 55792
218-749-3430
FAX 218-749-6336

620 Hwy. 33 South
CLOQUET, MN 55720
218-879-0281
FAX 218-878-0001

2740 Paul Bunyan Dr. N.W.
BEMIDJI, MN 56601
218-751-0471
FAX 218-751-7418

1307 First Street East
PARK RAPIDS, MN 56470
218-732-9195
FAX 218-732-9470

1100 Hwy. 59 South
DETROIT LAKES, MN 56501
218-847-1171
FAX 218-847-4070

E-mail Address:
info@landmsupply.com

Web Site:
www.landmsupply.com

City of Grand Rapids Community Development
Attn: Rob Mattei
420 North Pokegama Avenue
Grand Rapids, MN 55744

Dear Mr. Mattei:

Enclosed is our application, check, and required attachments for an amendment to our existing Conditional Use Permit (granted under Resolution No. 08-119 on 9/28/08) for the L&M Fleet Supply retail store located at 1400 S. Pokegama Ave. I have outlined the proposed project and how it will benefit our operation below. If I have overlooked something or if you have any questions or concerns, please don't hesitate to call me at 218-326-9451 at your earliest convenience.

- **Proposal:** Construction of a storage shed on the north side of the existing building to accommodate customer riding lawn mowers brought into L&M Fleet Supply for repair and/or service. Please see attachments for exact location of building. The color of the building will be a dark forest green color to match our existing color scheme. The building will be a metal frame building with metal siding and conform to applicable building codes. Per our conversation and your assistance, we propose to locate the existing building in compliance with current set back requirements.

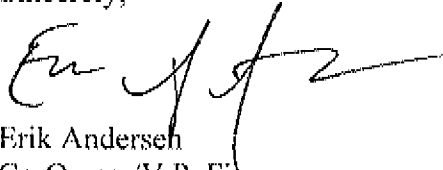
- **Problem:** Our retail site includes 5 service bays, 2 of which are dedicated to light vehicle maintenance while the other 3 are dedicated to outdoor power equipment and small engine repair. In the normal course of business, servicing of outdoor power equipment requires customers to drop off their riding mowers, snowblowers, etc for repair, with wide swings in volume due to the seasonality of the business. Currently, we store these units in the service bays after hours, but due to continued growth of the retail operation, particularly an overall increase in our repair business, we are forced to store many of these units outside in front of the service bays during business hours. At certain times of the year, there can be 50+ riding lawn mowers in front of the service bays. In addition to the significant amount of labor each day to move these units inside and outside, it also exposes customer units to the elements, creates congestion in front of the building and is sometimes unsightly.

Equal Opportunity Employer

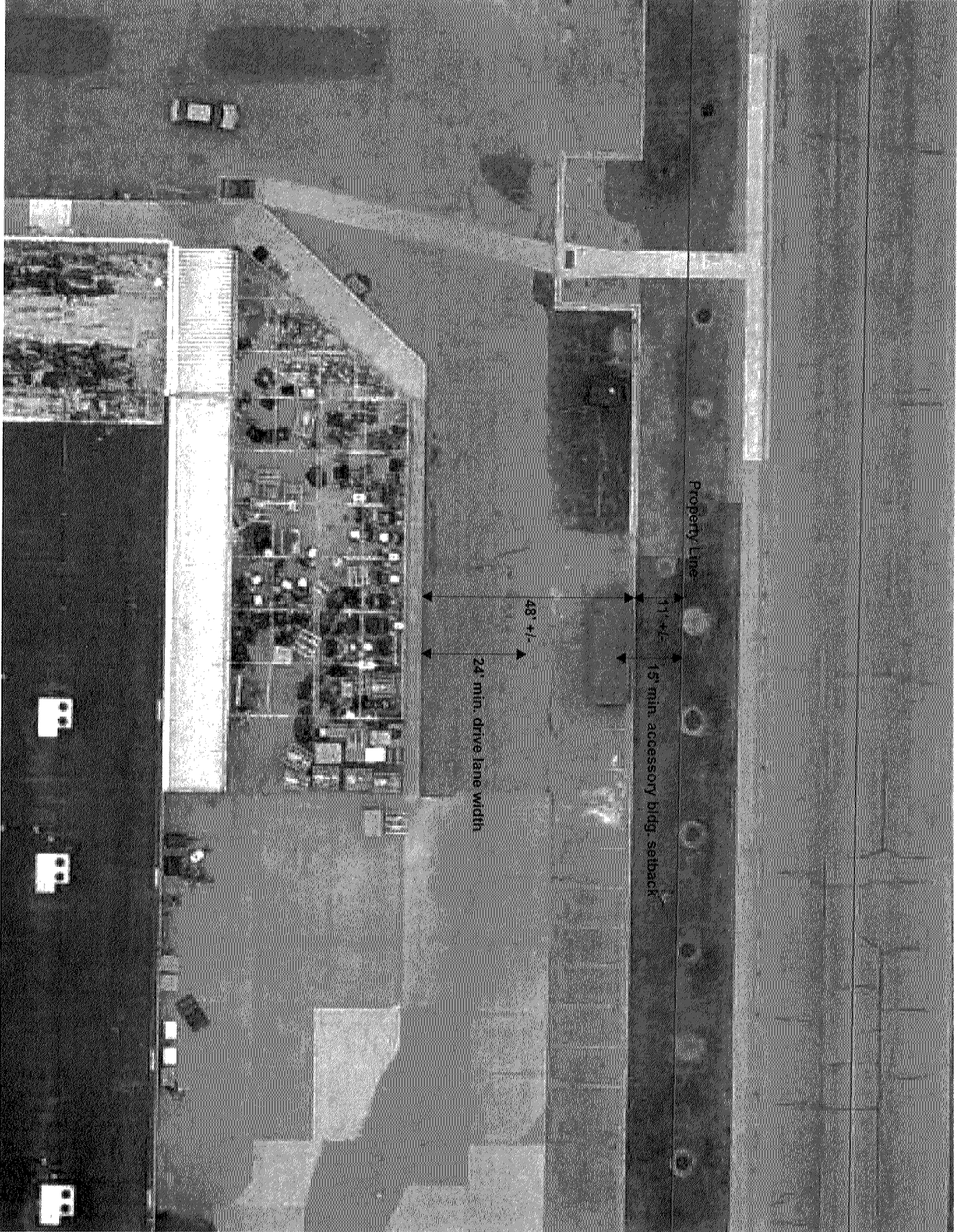
- **Solution:** The new storage building would create a covered & secure space off to the side of the current building, in an area of the current site that is little used. It would protect customer units from the elements, eliminate the daily intensive labor of moving equipment, relieve congestion inside the service bays, eliminate the sometimes unsightly nature of units waiting for repair out front, relieve traffic congestion in front of the service bays, and better facilitate loading/unloading of the equipment.

We feel that the proposed solution and amendment to our CUP will be beneficial to all parties involved, including the City. Please let me know the next step in the amendment process and/or meeting times. I can be reached via email at erik@landmsupply.com or phone at 218-326-9451.

Sincerely,



Erik Andersen
Co-Owner/V.P. Finance
L&M Supply, Inc.
PO Box 280
Grand Rapids, MN 55744

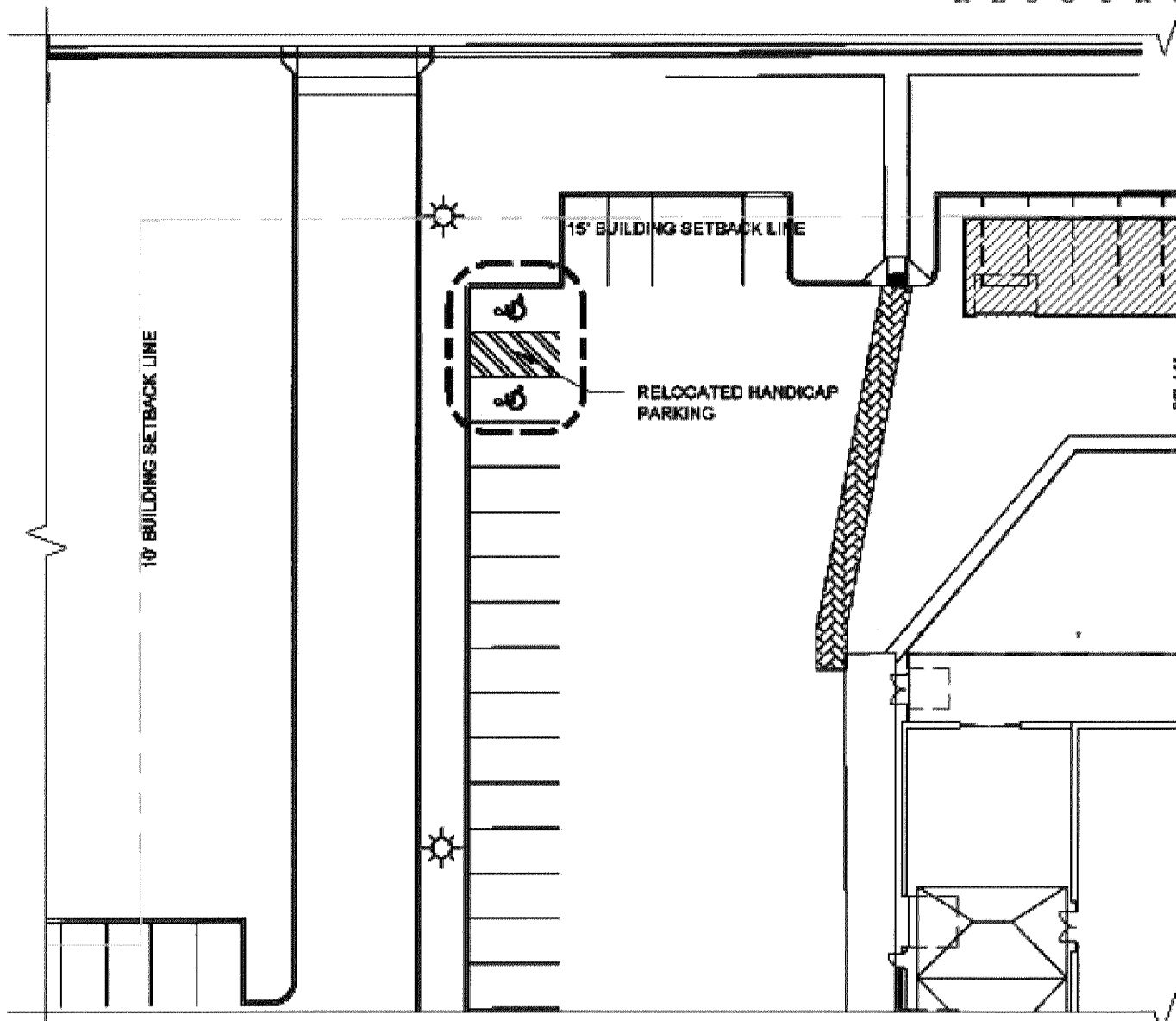


Property Line

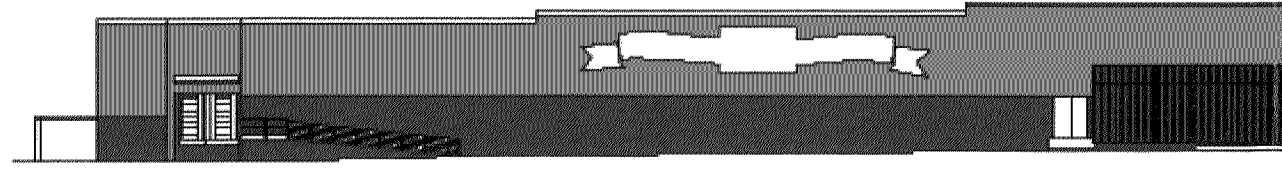
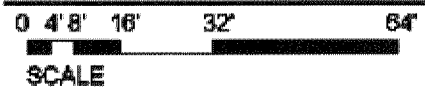
48' +/-
15' min. accessory bldg. setback

24' min. drive lane width

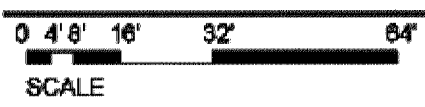
Area	Area (sq. ft.)	Area (sq. yds.)
Lot	10,000	230
Driveway	1,000	23
Accessory Bldg.	500	11.5
Other	100	2.3
Total	11,600	266.8



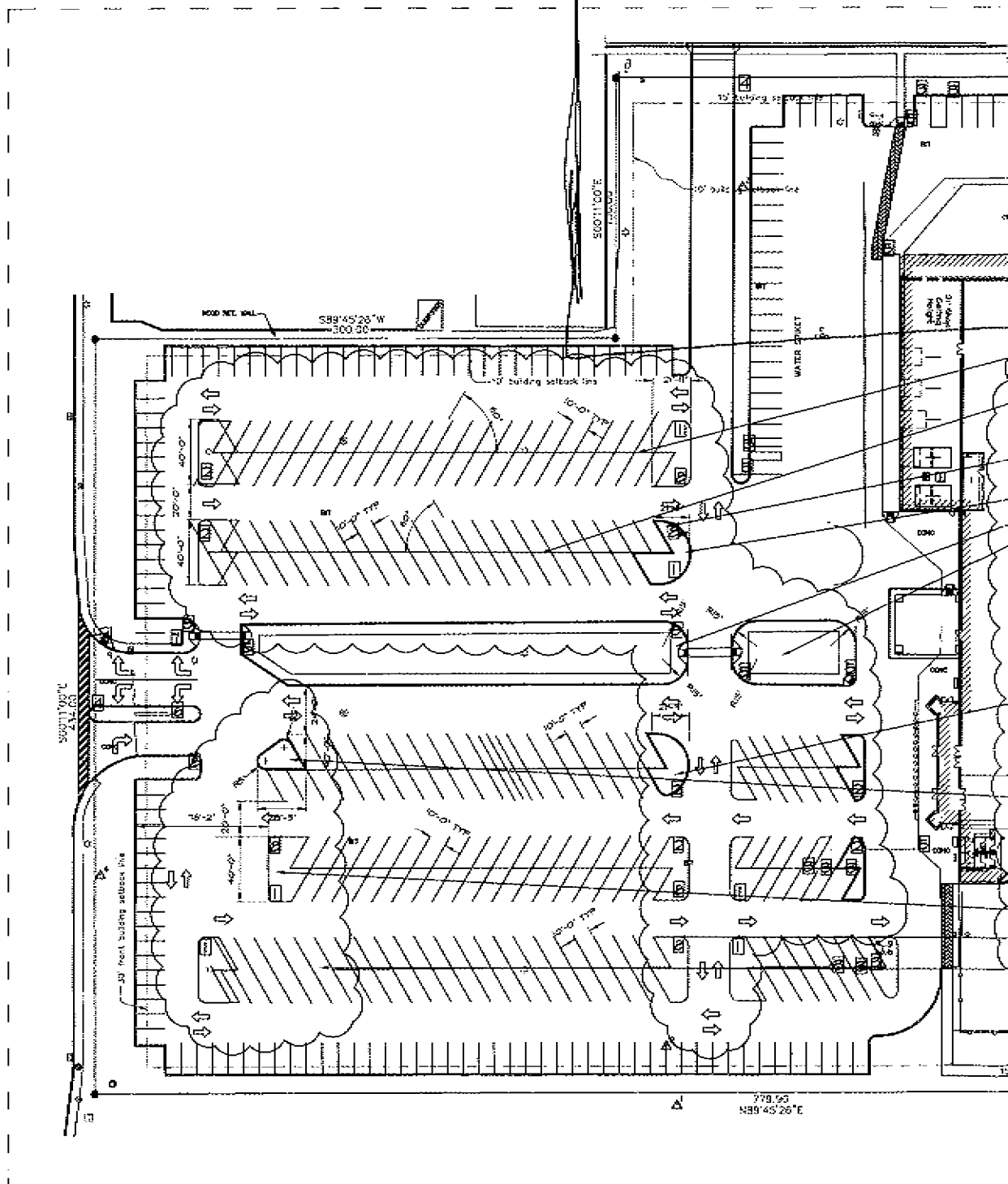
PROPOSED ADDITION



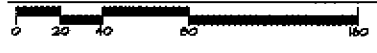
PROPOSED ELEVATION



Area of Detail



SIGN AND PARKING LAYOUT



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CITY OF GRAND RAPIDS

Legislation Details (With Text)

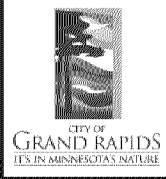
File #: 12-0545 **Version:** 1 **Name:** Conduct a Public Hearing to consider a variance petition.
Type: Public Hearing **Status:** PC Public Hearing
File created: 8/27/2012 **In control:** Planning Commission
On agenda: 9/6/2012 **Final action:**
Title: Conduct a Public Hearing to consider a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.
Sponsors:
Indexes:
Code sections:
Attachments: [Staff Report Peterson-Ward Variance 9-6-12](#)
[RULES FOR A PUBLIC HEARING](#)
[Variance Considerations](#)
[Peterson Ward Variance Application-9-6-12](#)

Date	Ver.	Action By	Action	Result
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Conduct a Public Hearing to consider a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.

Background Information:

See attached Planning Commission Staff Report and Background Information.



Planning Commission Staff Report

Agenda Item #	Community Development Department	Date: 9/6/2012
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.	
Background:	<p>Mr. Peterson has applied for two variances, which if granted, would allow for an addition, in the rear yard area, of Mrs. Ward's home located at: 925 4th Avenue SW.</p> <p>The subject property is legally described as Lots 7-8, Block 10, Earl Addition to Grand Rapids, and is currently zoned R-1 (One-Family Residential).</p> <p>Mr. Peterson, on behalf of subject property owner, Mrs. Ward, has requested the Planning Commission's consideration of one variance from Section 30-512 Table 2-A of the Municipal Code, which lists the District Development Regulations for Principal Structures, 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 83 sq. ft. enlargement to the footprint of the nonconforming home, which currently encroaches 18 ft. into the required 30 ft. rear yard setback. The enlargement will facilitate a new roof system on the storm damaged home, and will encroach an additional 6 ft. into the 30 ft. rear yard setback.</p> <p>The addition to the subject home, 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 30-512-Table 2-A, District Development Regulations for Principal Structures, which establishes a 30' minimum setback from the rear yard (west) lot line. 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>. 	
Considerations:	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.	

<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 variance.</p>
<p>Required Action:</p>	<p>Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variance.</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 Clementine Ward (property owner) applied for by Jeff Peterson, d.b.a. Peterson Contracting for the property legally described as:</p> <p><i>Lots 7-8, Block 10, Earl 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-A and Section 30-458(c)1 for the encroachment of a 83 sq. ft. addition to the existing home into the required 30 ft. rear yard setback area of the property, as described within the variance application submitted by Mrs. Clementine Ward and Mr. Jeff Peterson, Contractor. <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"> • _____
<p>Attachments:</p>	<ul style="list-style-type: none"> • Site Map • Copy of the Peterson/Ward variance petition and associated documentation. • List of the Planning Commissions Variance Considerations

Peterson/Ward Variance Request



4th Avenue SW

Approximate (existing) roofline,
obscured by trees in photo.

Subject Property

10th Street SW/Golf Course Road

70 35 0 70 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.

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*?



CITY OF GRAND RAPIDS
MICHIGAN

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:

Peterson Contracting
Name of Applicant*¹

31309 Sunny Beach Rd
Address

Grand Rapids Mn 55744
City State Zip

218-326-2227
Business Telephone/Telephone (other)/e-mail

Clementine Ward
Name of Owner (If other than applicant)

925 SW 4th Ave
Address

Grand Rapids Mn 55744
City State Zip

218-326-4363 (Not in service)
Business Telephone/Telephone (other)/e-mail

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

Parcel Information:

Tax Parcel # 91-510-1040

Property Size: 14,701 sq. ft.

Existing Zoning: R-1

Existing Use: Residential Home

Property Address/Location: 925 SW 4th AVENUE

Legal Description: Lots 7-8, Blk. 10, Esrl Add. to Grand Rapids
(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)

8-16-12
Date

Clementine J. Ward
Signature of Owner (If other than the Applicant)

8-16-12
Date

Date Received AUG 16 2012 Office Use Only
Certified Complete 9/16/12 Fee Paid 252.50

Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date 9/6/12

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:

Currently home has a flat roof with a unique design and for structural purposes the load bearing walls need to be slightly altered to accommodate a truss type design as per Dave at Manion Truss Company.

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

20' encroachment into rear yard setback.

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 - 30' min. Rear Yard Setback for Principal Structures.

Section 30-458(c)1 - Addresses alterations to nonconforming structures.

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

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

yes - it would make a more visual appealing appearance and would not encroach on the back vacated alleyway any more than the existing attached garage. It is only changing the exterior footprint only slightly

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:

This is a unique home on a unique piece of property which was originally designed with out the current setbacks. The proposed addition is only going to ~~encroach~~ encroach on the adjoining vacant alley by approximately 3 feet.

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:

encroach only a few feet onto a vacant alley way would be consistent with the existing attached garage will not affect neighbors

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

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

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?

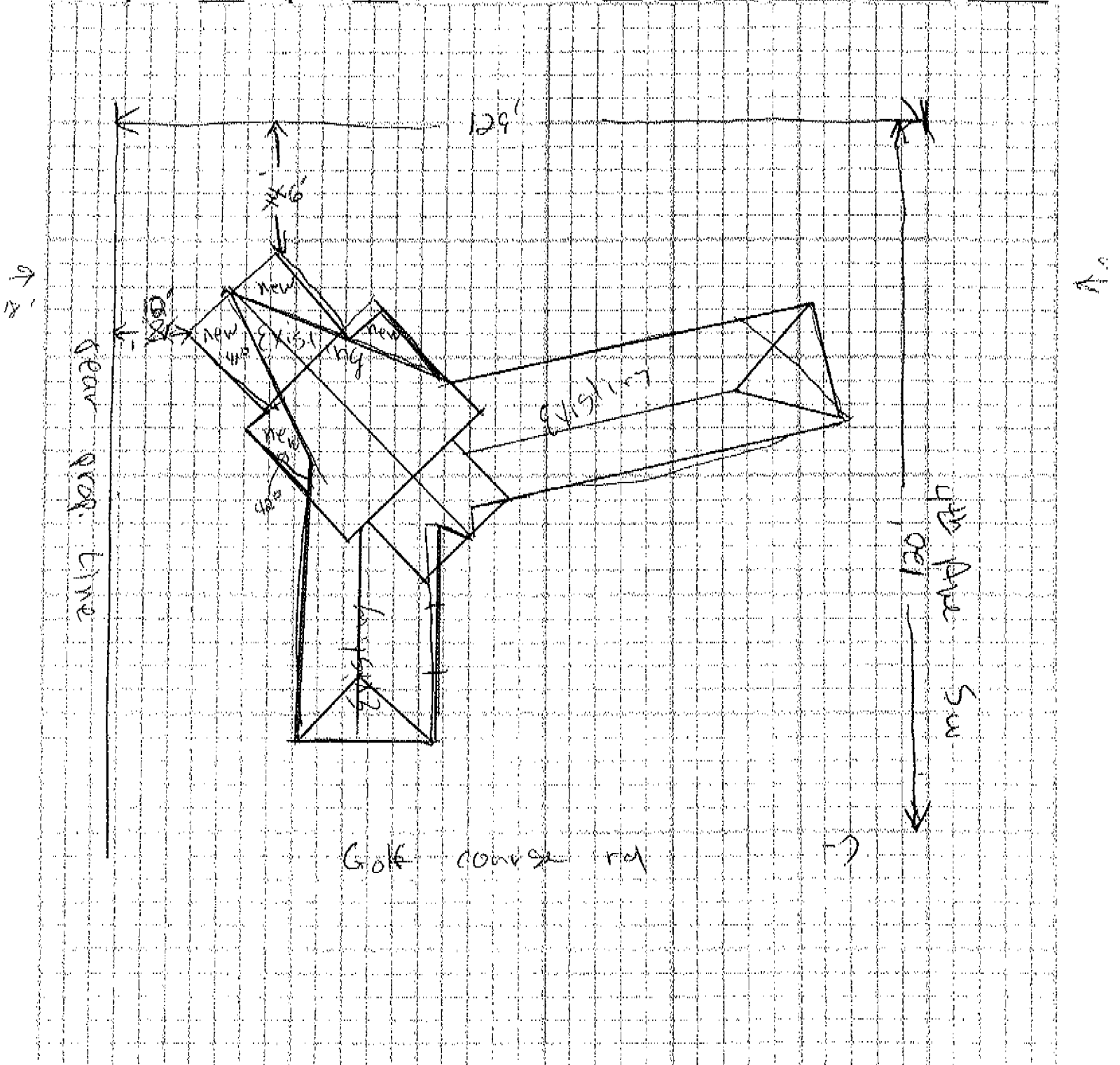
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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.

SITE PLAN

NA

Each Square or Is Equal To 4' Ft. Parcel Number: _____



Property Owner: Ward

Address: 925 4th Ave SW

Name of Preparer (if different than above): _____

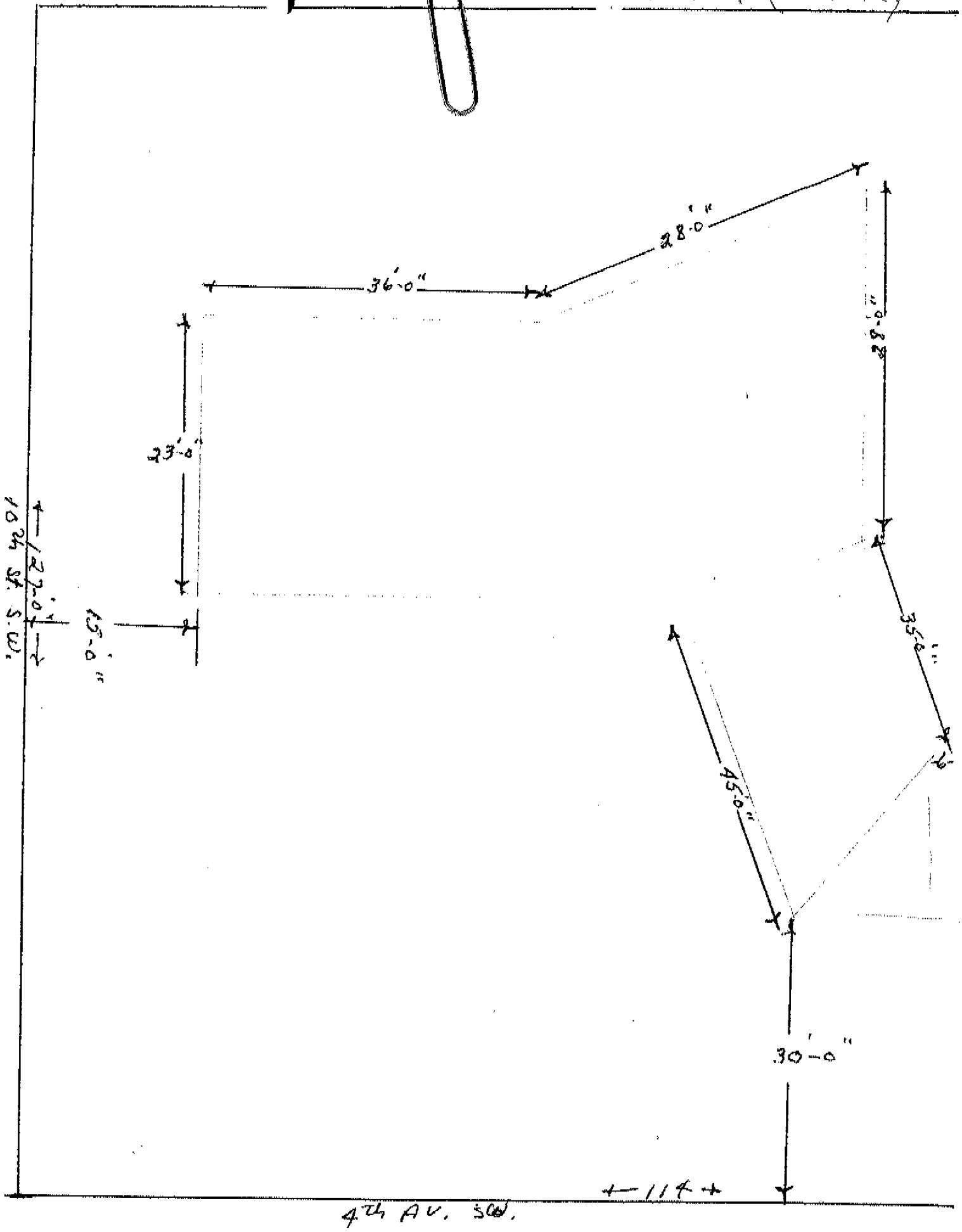
Zoning: _____

THIS PLOT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

(Signature of Applicant or Agent) _____

DATE: 8-13-12

1968 site plan (from lot file)





CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 12-0549 **Version:** 1 **Name:** Consider the approval or denial of a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.

Type: Agenda Item **Status:** Passed

File created: 8/27/2012 **In control:** Planning Commission

On agenda: 9/6/2012 **Final action:** 9/6/2012

Title: Consider the approval or denial of a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.

Sponsors:

Indexes:

Code sections:

Attachments: [Variance Considerations](#)

Date	Ver.	Action By	Action	Result
9/6/2012	1	Planning Commission	Approved	

Consider the approval or denial of a variance petition submitted by Jeff Peterson, Peterson Contracting, on behalf of Clementine Ward.

Background Information:

After the public hearing on this matter, the Planning Commission will want to consider the public testimony received and review the attached list of variance considerations.

Prior to making a motion to approve or deny the request, the Planning Commission should make specific findings to support its decision and reference those specific findings in their motion to either approve or deny the variance.

Staff Recommendation:

See "Example Motion" within the Planning Commission Staff Report.

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*?

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

CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 12-0546 **Version:** 1 **Name:** Comprehensive Plan
Type: Reports **Status:** Miscellaneous
File created: 8/27/2012 **In control:** Planning Commission
On agenda: 9/6/2012 **Final action:**
Title: Comprehensive Plan

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Comprehensive Plan

Background Information:

Discuss additional Land Use related areas of the Comprehensive Plan.

Staff Recommendation:

Consider conducting a work session dedicated to developing a work-plan, prioritizing future review of Land Use related goals identified within the Comprehensive Plan.