



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

PLANNING COMMISSION MEETING AGENDA
Thursday, September 05, 2024
4:00 PM

CALL TO ORDER: Pursuant to due notice and call thereof a Regular Meeting of the Grand Rapids Planning Commission will be held on Thursday, September 5, 2024 at 4:00 PM in City Hall Council Chambers, 420 North Pokegama Avenue, Grand Rapids, Minnesota.

CALL OF ROLL:

APPROVAL OF MINUTES:

1. Consider approval of the minutes from the Wednesday, June 12, 2024 special meeting.

PUBLIC HEARINGS:

2. Conduct a Public Hearing to consider a variance petition submitted by Rob Foss, CMK Properties.
3. Conduct a Public Hearing to consider a variance petition submitted by John Rothstein.

GENERAL BUSINESS:

4. Consider initiating the vacation of platted street right-of-way within Grand Rapids First Division

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.

REPORTS/ANNOUNCEMENTS/UPDATES:

ADJOURNMENT:

NEXT REGULAR MEETING IS SCHEDULED FOR OCTOBER 3, 2024 AT 4:00 PM.

Hearing Assistance Available: This facility is equipped with a ready assistance system.

ATTEST:

Aurimy Groom



CITY OF
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**PLANNING COMMISSION SPECIAL MEETING
MINUTES
Wednesday, June 12, 2024
4:00 PM**

CALL TO ORDER: Pursuant to due notice and call thereof a Special Meeting of the Grand Rapids Planning Commission will be held on Wednesday, June 12, 2024 at 4:00 PM in City Hall Council Chambers, 420 North Pokegama Avenue, Grand Rapids, Minnesota.

CALL OF ROLL:

PRESENT

Commissioner Patrick Goggin
Commissioner Paul Bignall
Commissioner Amanda Lamppa

ABSENT

Commissioner Betsy Johnson

APPROVAL OF MINUTES:

1. Consider approval of minutes from the January 4th, 2024 regular meeting and April 18th, 2024 special meeting.

Motion by Commissioner Bignall, second by Commissioner Lamppa to approve the minutes from the January 4th, 2024 regular meeting and the April 18th, 2024 special meeting. The following voted in favor thereof: Goggin, Bignall, Lamppa. Opposed: None, motion passed unanimously.

PUBLIC HEARINGS:

2. Conduct a public hearing to consider a variance petition submitted by Reed and Wendy Larson.

Community Development Director Mattei provided background information. The requested variance would permit the construction of a 20'x36' addition to the east side of the single-family home at 1421 NW 5th Street that extends 20' into the required 75' setback from the ordinary high-water level (OHWL) of Forest Lake, Recreational Development classified public water.

Motion by Commissioner Lamppa, second by Commissioner Bignall to open the public hearing. The following voted in favor thereof: Bignall, Goggin, Lamppa. Opposed: None, motion passed unanimously.

Recorder Groom noted all notices required by law were met and no correspondence had been received.

No one wished to speak.

Motion by Commissioner Bignall, second by Commissioner Lamppa to close the public hearing. The following voted in favor thereof: Lamppa, Goggin, Bignall. Opposed: None, motion passed unanimously.

The Commissioners reviewed the considerations for the record.

1. Is this an “Area” variance rather than a “Use” variance?

This is an area variance.

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

Why/Why not- Yes, it is allowing an addition for a single family home which is consistent with zoning.

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- No, this was not created by the owner and is unique to the property.

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

Why/Why not- Yes, it is consistent with current zoning and in harmony with the surrounding neighborhood.

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

Why/Why not- No, it is a residential neighborhood and the property will remain residential.

6. Is the variance consistent with the comprehensive plan?

Why/Why not- Yes, it promotes development and retention of neighborhoods and their existing character.

Motion by Commissioner Bignall, second by Commissioner Lamppa that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby grant the following variance to Reed and Wendy Larson for the property legally described within the presentation.

- to allow a one-time waiver of the requirements of Section 30-512 Table 17C-2 of the Municipal Code, which lists Minimum Setbacks and Maximum Lot Coverage Standards in Shoreland Districts, specifically where the Code establishes the ordinary high water setback of 75 feet for parcels in (Shoreland One-Family Zoning Districts) located on Recreational Development classified public waters to permit the construction of an addition to the existing home that encroaches into the ordinary high water level setback by 20 feet, as depicted in the application.

The following voted in favor thereof: Bignall, Goggin, Lamppa. Opposed: None, motion passed unanimously.

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.

REPORTS/ANNOUNCEMENTS/UPDATES:

MNDOT will be conducting a corridor study on Highway 2 West.

ADJOURNMENT:

There being no further business the meeting adjourned at 4:13 p.m.

NEXT REGULAR MEETING IS SCHEDULED FOR AUGUST 1, 2024 AT 4:00 PM.

Hearing Assistance Available: This facility is equipped with a ready assistance system.

ATTEST:

Aurimy Groom



Planning Commission
Staff Report

Agenda Item	Community Development Department	Date: 9/05/24
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Rob Foss, CMK Properties.	
Background:	The background for this item will be presented in the attached PowerPoint document.	
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.</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 CMK Properties for the property legally described within the presentation.</p> <ul style="list-style-type: none"> to allow a variance of the requirements of Section 30-512 Table 2A of the Municipal Code, which lists District Development Regulations for Principal Structures, specifically where the Code establishes the minimum lot width in General Business Zoning. This variance permits a reduction to the minimum lot width from the required 75 ft., to approximately 50 ft. <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"> No vehicle access from the County Road 23 (Golf Course Road) 50’ wide access 	

	<ul style="list-style-type: none">• Provide continuous two-way traffic access (greater than 24') on the western side of building, continuing from the access agreement from 2nd Avenue Southwest.
Attachments:	<ul style="list-style-type: none">• Site Map• Copy of the variance petition and associated documentation• List of the Planning Commissions Variance Considerations



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.cityofgrandrapidsmn.com

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

CMK Properties Attn. Rob Foss
Name of Applicant*1
216 Centerview Dr, Suite 325
Address
Brentwood TN 37027
City State Zip
615-294-6090 / rob.foss@cmkproperties.com
Business Telephone/e-mail address

Maturi Properties, LLC Attn: Craig Maturi
Name of Owner (If other than applicant)
32407 Lakeview Dr
Address
Grand Rapids MN 55744
City State Zip
218-301-6567 / cmaturi@yahoo.com
Business Telephone/e-mail address

*1 If applicant is not the owner, please describe the applicant's interest in the subject property. CMK is under contract on a portion of this property with Mr. Maturi.

Parcel Information:

Tax Parcel # 91-562-0140 Property Size: 5.2 acres
Existing Zoning: GB
Existing Use: Vacant former Kmart parcel
Property Address/Location: N/A
GRAND RAPIDS CITY SEC:28 TWP: 55.0 RG:25
LegalDescription: MY PLACE HOTEL MATURI ADDITION - LOT 4 BLK 1
(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)
Authenticating: CRAIG MATURI
Signature of Owner (If other than the Applicant)

8/21/24
Date
08/20/24
Date

Office Use Only

Date Received _____ Certified Complete _____ Fee Paid _____
Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date _____
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:

Applicant is under contract on and intends to subdivide a 3.7 acre portion of the 5.2 acre parcel with the intent to develop an approximately 21,000sf retail store for a national retailer. The 3.7 acre parcel has 50' of frontage on Golf Course Rd. to the north, 30' on Pokegama Ave. to the east and 30' on SW 13th Ave St. to the south via access agreements. Applicant and Owner have agreed to establish an access agreement to SW 2nd Ave through the remaining 1.5 acre parcel via the existing 83' wide access point at the rear of the 1.5 acre parcel fronting SW 2nd Ave. Code, however, requires each lot have 75' of continuous street frontage and Planning is therefore proposing a 75' wide cul d sac at the rear of the two new parcels. This creates an undue burden on Applicant and Owner as it would eliminate upwards of 1 acre of unusable land needed for the cul d sac and its setbacks, would add significant costs without any enhanced benefit to the landowners or the community and creates perpetually empty area requiring monitoring and maintenance. Applicant requests the cul d sac not be required since the new 3.7 acre parcel will have cross-access through the 1.5 acre parcel with 83' of frontage on SW 2nd Ave (8' more than Code requires) and 4 additional points of access to surrounding streets. The intent of the Code, while surely beneficial in many situations, would not enhance access in this scenario and in fact creates a liability.

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

___ The property is_zoned General Business District. Municode Division 30-366(a): "Location: All lots shall abut and have the minimum frontage on a publicly dedicated street or a street that has received legal status as such . Division 30-512 Table 2A: The table shows frontage as Minimum Width of 75 feet.

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

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

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

—The Use is fully compliant within the Zoning.

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

Item 2.

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

Yes. Retail is the highest and best use of the property - it's a Shopping Center. The variance would furthermore maximize the usable area on both parcels and the remaining 1.5 acre parcel would appeal to a wider array of end users. The 1.5 acre would also sit next to a new national retailer and likely be developed sooner. This is a long-vacant parcel and would be a further benefit to the landowners, the community and the City.

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:

The current lot has substandard street frontage in two different places, preventing any division of that lot. The cul d sac solution will cost the same or more than the land is worth. The alternative is for Applicant to purchase the excess land. Either "solution" may render the deal with the retailer kill the deal with the retailer and prevents that remainder from ever being developed. By allowing the TSC lot to have 50' frontage the city corrects an inherent problem unique to the lot and encourages the development of that entire property.

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 intent of the ordinance is to prevent landlocked lots. This development, through proposed 50' street frontage and multiple access agreements, remains in harmony with the purpose and intent of that and is not a detriment to the public welfare or property improvements, and is in keeping with the essential character of the overall project and the general area.

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

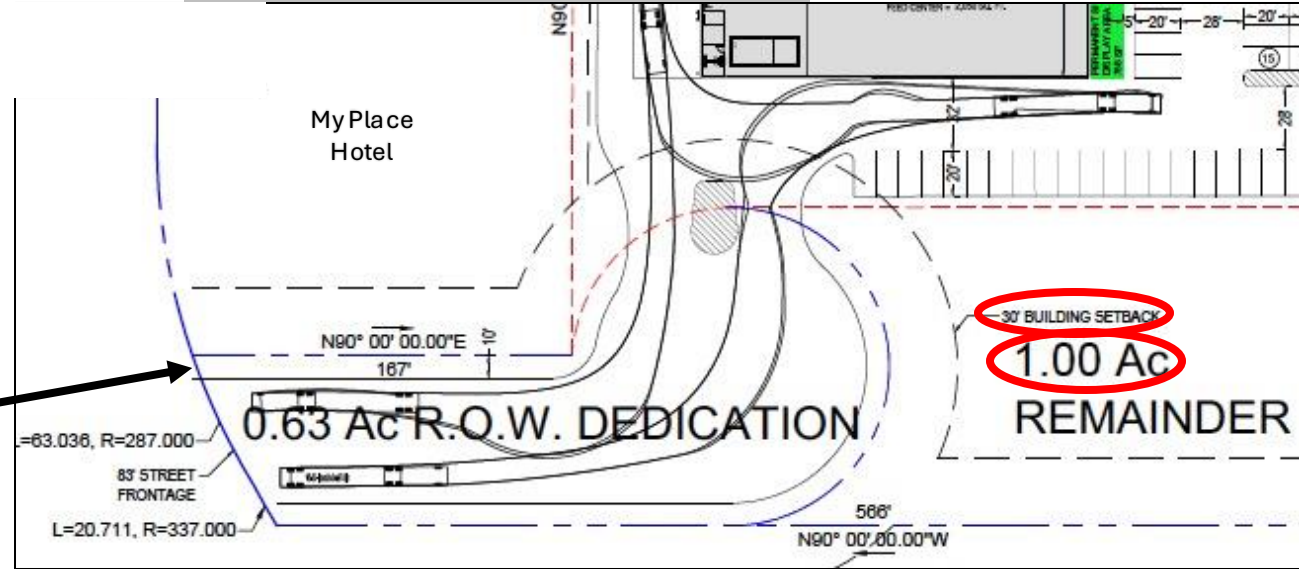
More information may be requested by the City of Grand Rapids Planning Commission, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

GRAND RAPIDS, MN PETITION FOR VARIANCE

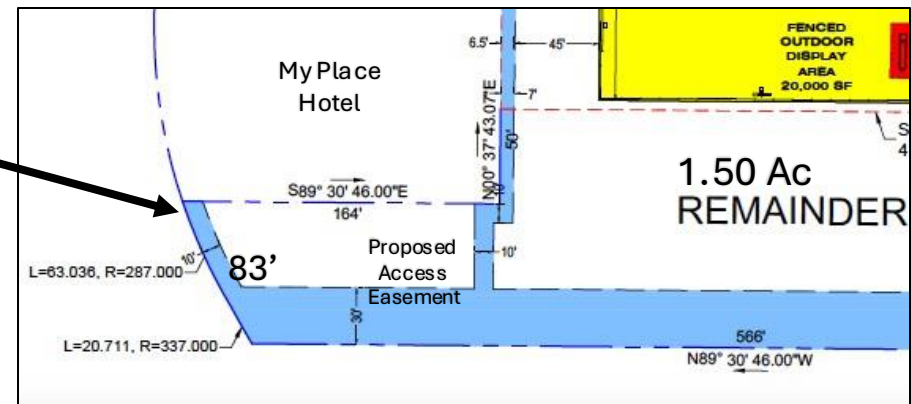
Item 2.

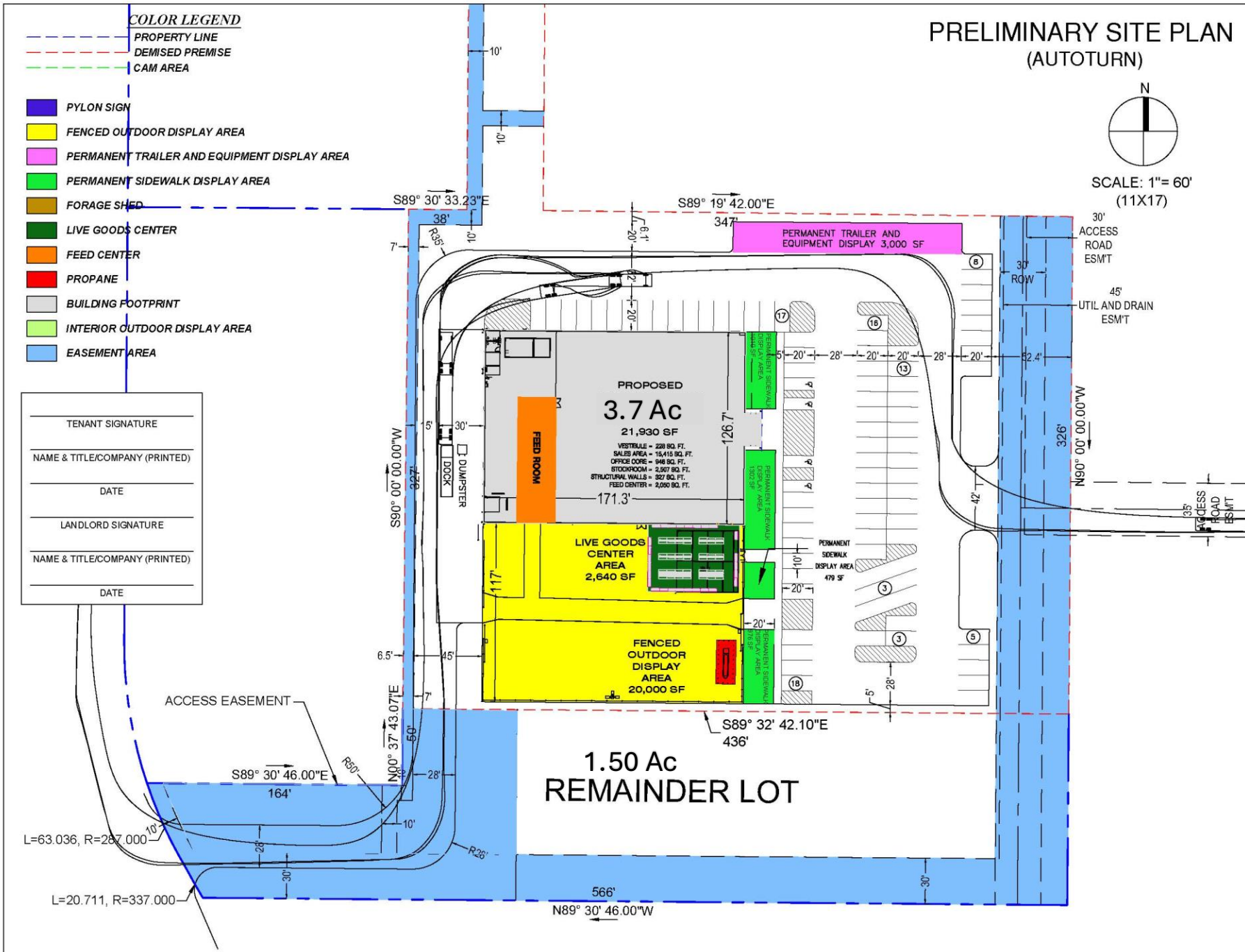
CMK PROPERTIES, LLC

Conditions with CUL D SAC shown:
Loses .63 acre

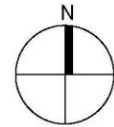


Conditions without CUL D SAC shown





PRELIMINARY SITE PLAN (AUTOTURN)



SCALE: 1" = 60'
(11X17)

- COLOR LEGEND**
- PROPERTY LINE
 - DEMISED PREMISE
 - CAM AREA
 - PYLON SIGN
 - FENCED OUTDOOR DISPLAY AREA
 - PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA
 - PERMANENT SIDEWALK DISPLAY AREA
 - FORAGE SHED
 - LIVE GOODS CENTER
 - FEED CENTER
 - PROPANE
 - BUILDING FOOTPRINT
 - INTERIOR OUTDOOR DISPLAY AREA
 - EASEMENT AREA

TENANT SIGNATURE
NAME & TITLE/COMPANY (PRINTED)
DATE
LANDLORD SIGNATURE
NAME & TITLE/COMPANY (PRINTED)
DATE

PROJECT INFORMATION

SITE AREA	
LOT	± 3.70 AC
TOTAL	± 3.70 AC
PARKING COUNT SUMMARY	
BLDG	21,930 SF 83 SP
TRAILER	15 SP
TOTAL PROVIDED	98 SP
REQUIRED BY CITY	
2.5 PER 1000 SF OF BLDG	56 SP
1 PER 1000 SF OF OUTDOOR SALES	27 SP
1 PER LOADING DOORS	2 SP
TOTAL REQUIRED	84 SP
ZONING CLASSIFICATION	
EXISTING	MCN-C
PROPOSED	MCN-C
REQUIRED SETBACKS	
FRONT	20'
SIDE	10'
REAR	25'

- PROJECT NOTES**
1. THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, ZONING, PARKING, LANDSCAPE, PAVEMENT LINES AND UTILITY REQUIREMENTS MUST BE VERIFIED.
 2. ALL CURB CUTS SHOWN ARE PROPOSED AND MUST BE VERIFIED.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	DRAWN BY
06/20/24	INITIALS RELEASE	LL
08/09/24	INITIALS RELEASE	CS

GRAND RAPIDS, MN

101

PRELIMINARY SITE PLAN (WITH AERIAL)



BUILDING & OUTDOOR DISPLAY AREAS

G+ GRAND RAPIDS, MN

SALES:	15,416	15,416
STOCK/FEED:	4,945	4,945
TOTAL:	20,361	20,361
FOD:	17,360	17,360
LGC:	2,640	2,640
FORAGE:	0	0
TRAILER:	3,000	3,000
SIDEWALK:	3,767	3,767
IOD:	0	0
DISPLAY TOTAL:	26,767	26,767

DESIGN CHECKLIST

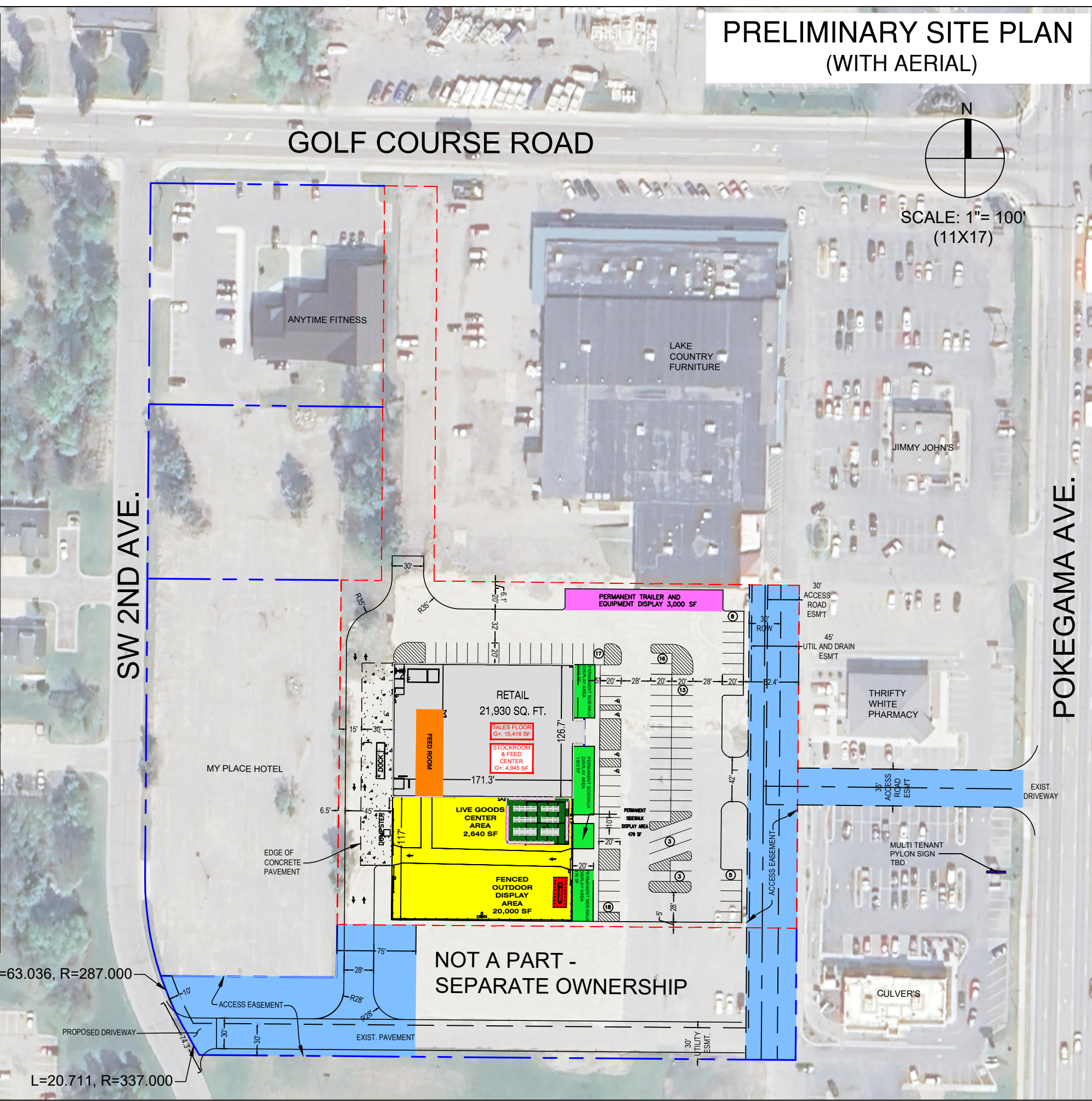
- LGC
- FEED CENTER
- PROPANE
- IOD
- FOD
- TRAILER & EQUIP.
- SIDEWALK DISPLAY
- PYLON SIGN
- FORAGE SHED
- STANDARD SIGNAGE (BLDG & SITE)
- HIGH CRIME SCOPE - CAP SCORE: _____
- GOOD NEIGHBOR SCOPE (SITE LEGEND)

SITE LEGEND

- PROPERTY LINE
- DEMISED PREMISES
- GOOD NEIGHBOR SCOPE

GOOD NEIGHBOR OPTIONS:

- TIER 1 - LIGHT SHIELDING
- TIER 2 - SECURITY LIGHTING
- TIER 3 - PROPERTY TRASH SCREEN
- TIER 4 - FOD VISIBILITY SCREEN
- TIER 5 - PROPERTY VISIBILITY OR SOUND SCREEN (FENCE OR WALL)
- TIER 6 - PROPERTY LANDSCAPE BUFFER



PROJECT INFORMATION

SITE AREA	
LOT	± 3.70 AC
TOTAL	± 3.70 AC

PARKING COUNT SUMMARY	
BUILDING	21,930 SF 83 SP
TRAILER	15 SP
TOTAL PROVIDED	98 SP

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EXISTING	MCN-C
PROPOSED	MCN-C

REQUIRED SETBACKS	
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PROJECT NOTES

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DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	DRAWN BY
06/20/24	INITIALS RELEASE	LL
08/05/24	INITIALS RELEASE	CS

G PLUS PROTOTYPE

RETAIL
GRAND RAPIDS, MN



CITY OF
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Item 2.

Public Hearing

CMK Variance Request

Grand Rapids City
Section 28, Township 55, Range 25
My Place Hotel Maturi Addition
Lot 4, Block 1

September 5, 2024

Grand Rapids Planning Commission Meeting

14



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

Variance Request

- **Petitioners: CMK Properties**
- **Filing Date: August 12, 2024**
- **Requested Variances: The requested variance, if approved, would allow a variance from the minimum front yard required 75' width. The 5.7-acre parcel is proposed to be split into two – the north 3.7-acre parcel will need the variance. The 3.7-acre parcel will have access through the remaining 1.5-acre parcel.**
- **Relevant portions of Zoning Ordinance:**
 - **Section 30-512 Table 2A of the Municipal Code, which lists minimum frontage widths.**
- **Legally Described Property:**
 - **Grand Rapids City, Section 28, Township 55, Range 25, My Place Hotel, Maturi Addition, Lot 4, Block 1**



CITY OF
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ITS IN MINNESOTA'S NATURE

Variance Request

Item 2.

Variance Location



Variance Request

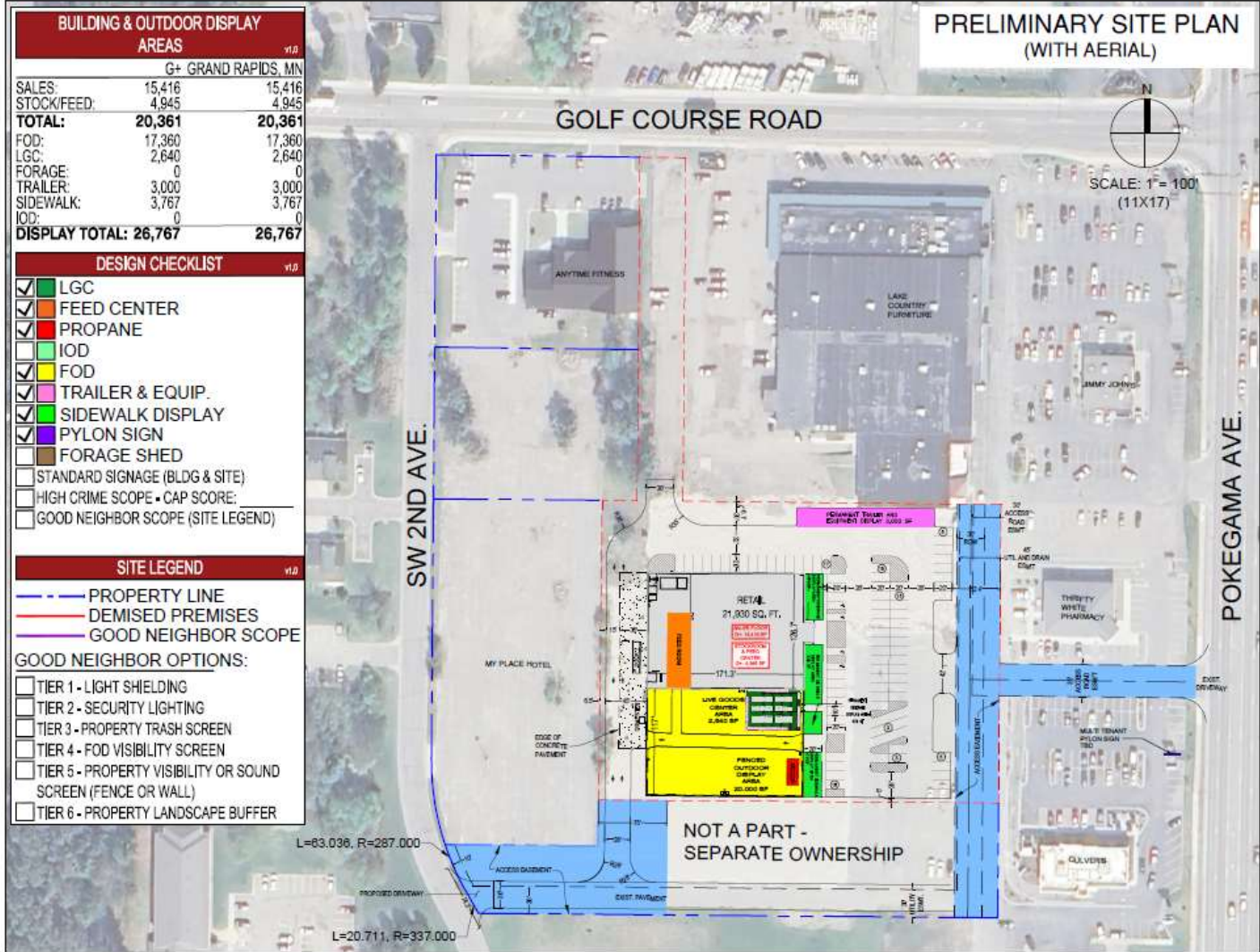


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BUILDING & OUTDOOR DISPLAY AREAS		
G+ GRAND RAPIDS, MN		
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TOTAL:	20,361	20,361
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IOD:	0	0
DISPLAY TOTAL:	26,767	26,767

DESIGN CHECKLIST	
<input checked="" type="checkbox"/>	LGC
<input checked="" type="checkbox"/>	FEED CENTER
<input checked="" type="checkbox"/>	PROPANE
<input type="checkbox"/>	IOD
<input checked="" type="checkbox"/>	FOD
<input checked="" type="checkbox"/>	TRAILER & EQUIP.
<input checked="" type="checkbox"/>	SIDEWALK DISPLAY
<input checked="" type="checkbox"/>	PYLON SIGN
<input type="checkbox"/>	FORAGE SHED
<input type="checkbox"/>	STANDARD SIGNAGE (BLDG & SITE)
<input type="checkbox"/>	HIGH CRIME SCOPE - CAP SCORE:
<input type="checkbox"/>	GOOD NEIGHBOR SCOPE (SITE LEGEND)

SITE LEGEND	
	PROPERTY LINE
	DEMISED PREMISES
	GOOD NEIGHBOR SCOPE
GOOD NEIGHBOR OPTIONS:	
<input type="checkbox"/>	TIER 1 - LIGHT SHIELDING
<input type="checkbox"/>	TIER 2 - SECURITY LIGHTING
<input type="checkbox"/>	TIER 3 - PROPERTY TRASH SCREEN
<input type="checkbox"/>	TIER 4 - FOD VISIBILITY SCREEN
<input type="checkbox"/>	TIER 5 - PROPERTY VISIBILITY OR SOUND SCREEN (FENCE OR WALL)
<input type="checkbox"/>	TIER 6 - PROPERTY LANDSCAPE BUFFER





CITY OF
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Variance Request

Summary of requested variance:

The proposed project would require the Planning Commission's approval of one variance from:

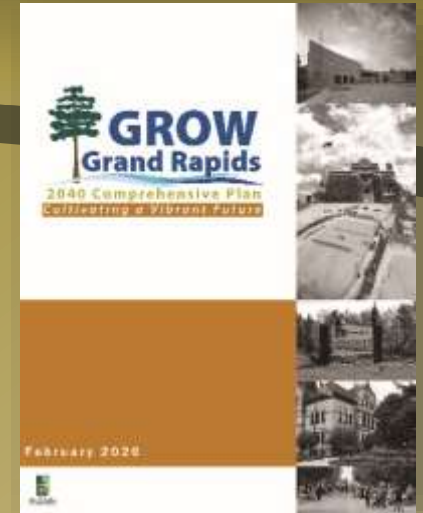
- 1) Section 30-512 Table 2A of the Municipal Code, which lists District Development Regulations for Principal Structures, specifically where the Code establishes the minimum lot size width of 75'.

Zone	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS				MAXIMUM LOT COVER- AGES			BUILDING SIZES	
	Gross Area	Area S/F Unit	Width	Front	Interior Side	Street Side	Rear	Building (percent- age)	Total Surface (percent- age)	GUOS Unit	Maximum Height (feet)	Minimum Dimension (feet) ^B
GB	10,500	3,000	75	30	10	15	10	40	90	500	50	24



CITY OF
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Variance Request



Comprehensive Plan: Goals & Objectives related to Land Use

- **Redevelopment** likewise refers to new construction within the existing urban fabric, but generally also implies the demolition of obsolete structures and/or the remediation of contaminated sites. Redevelopment is not always cost-effective, but it has the potential to be transformative.
- **Adaptive reuse** refers to repurposing obsolete or under-performing structures for viable use, which supports the City's sustainability goals. It can also be an effective strategy for historic preservation.

Infill, redevelopment, and adaptive reuse provide a contrast to greenfield development by helping to preserve productive farms, forests, and rural character on the urban fringe. They also reduce the public cost of providing infrastructure and services to development, strengthen access and connectivity, and improve the aesthetics of existing neighborhoods. These types of projects continue to be an area of focus for Grand Rapids.



CITY OF
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Variance Request

Item 2.

Planning Commission Variance Considerations:

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-



CITY OF
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Item 2.

Questions/Comments?



Planning Commission Staff Report

Agenda Item	Community Development Department	Date: 9/05/24
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by John Rothstein.	
Background:	The background for this item will be presented in the attached PowerPoint document.	
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.</p> <p><u>Example Motion:</u></p> <p style="padding-left: 40px;">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 John Rothstein for the property legally described within the presentation.</p> <ul style="list-style-type: none"> • to allow a variance of the requirements of Section 30-512 Table 2A of the Municipal Code, which lists District Development Regulations for Principal Structures, specifically where the Code establishes the minimum lot size for structures in Central Business District Zoning. This variance permits a reduction to the minimum lot size from the required 7,000 sq. ft., to approximately 2,000 square feet. <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"> • (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
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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.cityofgrandrapidsmn.com

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

John Rothstein
Name of Applicant*¹
24875 Lago Drive
Address
Grand Rapids MN 55744
City State Zip
218 259-5423 grloan@paulbunyan.net
Business Telephone/e-mail address

Name of Owner (If other than applicant)

Address

City State Zip

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 # 91-415-3105 Property Size: .09 Acres
Existing Zoning: Central Business District
Existing Use: Grand Rapids Loan Company and Edward Jones Financial
Property Address/Location: 423 NW 1st Avenue
Legal Description: ALL OF LOT 1 N 15' OF W 30' OF LOT 2 BLK 31
(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)

8-8-2024
Date

Signature of Owner (If other than the Applicant)

Date

Date Received 8/09/24 Certified Complete 8/09/24 Office Use Only Fee Paid yes

Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date _____

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:

John Rothstein, owner of parcel #91-415-3105, would like to sell approximately one-half
of the property to John Weber, a financial Advisor for Edward Jones Financial.
Mr. Weber is a tenant of the a portion of the property and would like to purchase rather than rent .
The current parcel has two buildings with a shared concrete wall.
The "West" building was built in about 1975 and the "East" building in the 1940s or 1950s.

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

The property is located in the Central Business District and does meet the required 7000 sq ' requirement

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):

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

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

Mr. Rothstein purchased the property from John Weber's grandfather, also named John Weber, approximately 30 years ago.

In July of 2018, John Weber agreed to lease the space with the understanding that he could purchase the space he is leasing from Mr. Rothstein. It was not known at the time the property did not meet the parcel requirement size in the Central Business District.

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:

Many of the properties in the CBD do not meet the minimum size requirements and with the risk of losing businesses to the "south" side of Grand Rapids this will help ensure that the space remains occupied.

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:

Both the seller and the buyer believe the properties will not be damaged in any way by splitting the property into two parcels.

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

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

Seller and buyer both believe that the long-term viability of the CBD is best served by vibrant businesses operating in the CBD.

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

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.



CITY OF
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IT'S IN MINNESOTA'S NATURE

Item 3.

Public Hearing

John Rothstein Variance Request

Grand Rapids First Division, ALL OF LOT 1 N 14' OF W 20' OF LOT 2 BLK 31

September 5, 2024

Grand Rapids Planning Commission Meeting

28



CITY OF
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Variance Request

- **Petitioners: John Rothstein**
- **Filing Date: August 12, 2024**
- **Requested Variances: The requested variance, if approved, would allow the existing non-conforming parcel to be split into two. The variance would allow for a reduction in S/F in the Central Business District “CBD”.**
- **Relevant portions of Zoning Ordinance:**
 - **Section 30-512 Table 2A of the Municipal Code, which lists yard and bulk requirements for non-shoreland zoning districts, specifically in CBD.**
- **Legally Described Property:**
 - **Grand Rapids First Division, ALL OF LOT 1 N 15' OF W 20' OF LOT 2 BLK 31**



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Variance Request

Item 3.

Variance Location:

VARIANCE - NON CONFORMING LOT



LEGEND

Grand Rapids Parcels	Local
Area of Interest	City Limits
Streets	
Minor	

0 10 20 40 60 80 Feet



0 175 350 700 Feet





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Variance Request

Variance Details:

- **Mr. Rothstein, the owner of 110 NW 5th Street, is proposing a variance to split part of his property to an existing business on-site.**
- **As justification for the requested variance, the current parcel is an existing non-conforming parcel located in the CBD Zoning District. The area needed to operate established businesses are currently less than the ordinance requirements. Allowing the parcel split would be consistent with the area S/F currently being used at the location.**



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ITS IN MINNESOTA'S NATURE

Variance Request

Summary of requested variance:

The proposed project would require the Planning Commission's approval of one variance:

- 1) Section 30-512 Table 2A of the Municipal Code, which lists District Development Regulations for Principal Structures, specifically where the Code establishes the minimum Gross Area and Area S/F Unit requirements in the CBD Zoning District.

This variance would permit the proposed parcel split of approximately 2,000' S/F for each parcel. The current parcel is approximately 4,000' S/F in size.

Zone	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS				MAXIMUM LOT COVER- AGES			BUILDING SIZES	
	Gross Area	Area S/F Unit	Width	Front	Interior Side	Street Side	Rear	Building (percent- age)	Total Surface (percent- age)	GUOS Unit	Maximum Height (feet)	Minimum Dimension (feet) ^B
CBD	7,000	3,000	50	N/A	N/A	N/A	N/A	100	100	N/A	60	24



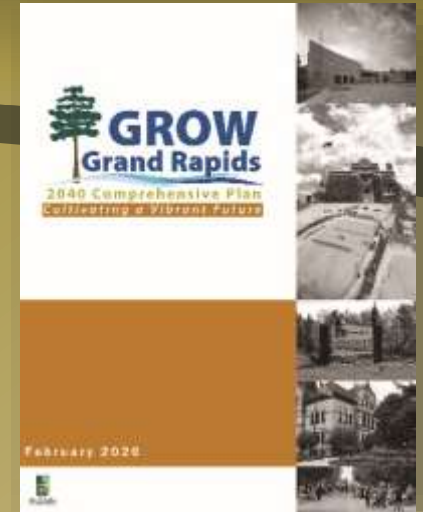
CITY OF
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IT'S IN MINNESOTA'S NATURE

Variance Request

Comprehensive Plan: Goals & Objectives related to Economic Development

Goal 1: Create jobs and income. The City's economic infrastructure sustains the City's households and the households of many people in surrounding communities. Building the City's economic base is not an end in itself, but rather is a primary component for achieving many of the community's goals. Creating economic opportunity for current and future residents is a primary Comprehensive Plan goal.

- a. **Ensure that job creation efforts include high-wage/high-quality jobs.** In order to support and sustain their households, residents need to have economic opportunities that pay a good wage and provide benefits that households need. While not all jobs need to be high-wage, the City should emphasize the creation of high-wage, high quality jobs through its programs and policies.
- b. **Enable the retention and expansion of existing businesses.** Creating jobs by expanding existing businesses is the most productive way to expand economic opportunity. Grand Rapids Economic Development Authority members will be actively engaged in business retention activities, particularly for higher wage employment opportunities. The City will partner with other economic development organizations to coordinate retention/expansion activities and ensure efficient use of resources.





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IT'S IN MINNESOTA'S NATURE

Variance Request

Item 3.

Planning Commission Variance Considerations:

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-



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IT'S IN MINNESOTA'S NATURE

Item 3.

Questions/Comments?

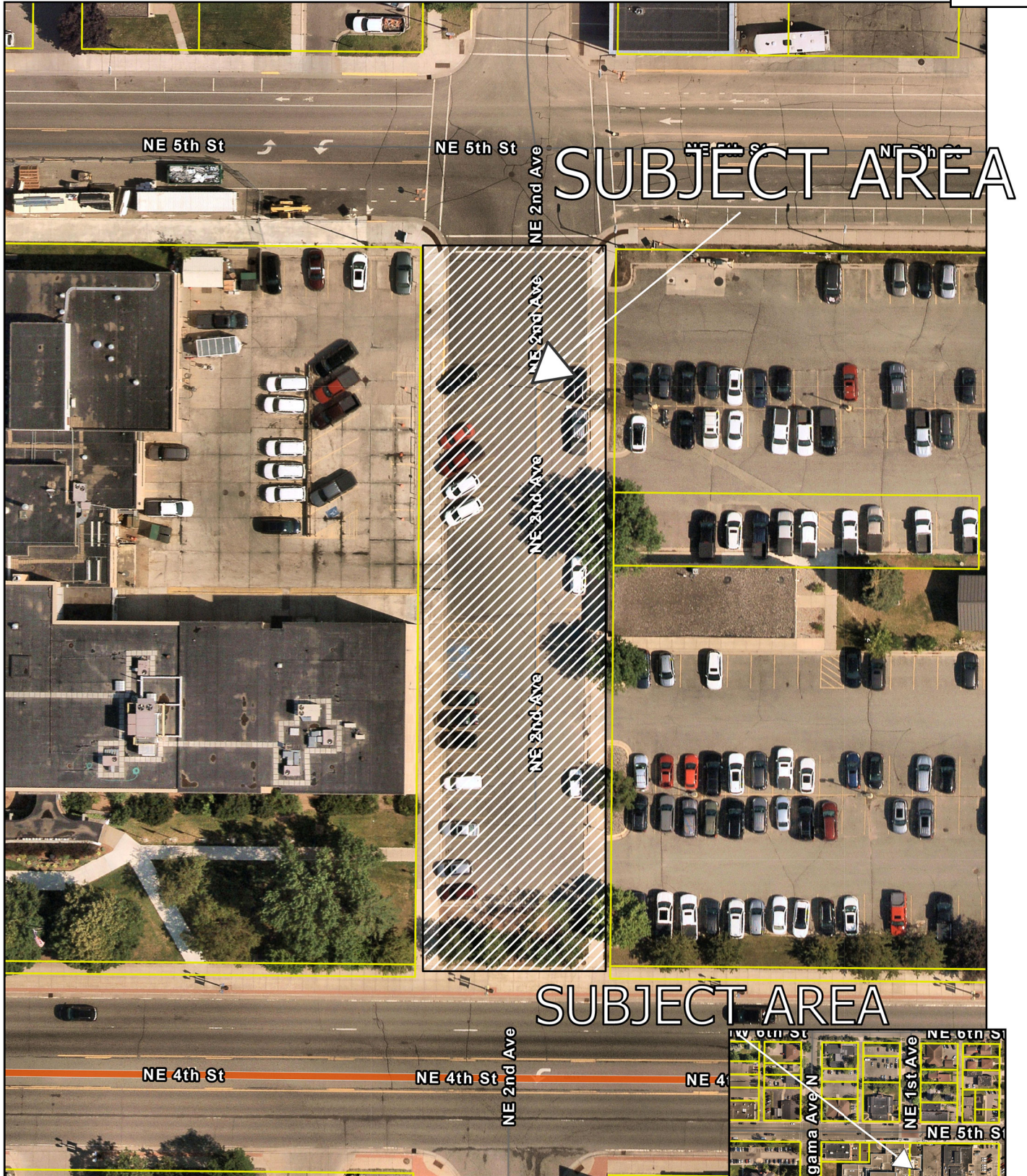


Planning Commission Staff Report

Agenda Item	Community Development Department	Date: 9/05/24
Statement of Issue:	Consider initiating the vacation of platted street right-of-way within Grand Rapids First Division	
Background:	<p>Community Development staff is asking the Planning Commission to initiate the vacation request of the described platted right-of-way below.</p> <p><i><u>That part of Simpson Avenue (Second Avenue NE), according to the plat of Grand Rapids First Division, on file and of record in the Office of the Itasca County Recorder, that lies between Blocks 27 and 28 of said plat and northerly of parcel 21 as depicted on the Minnesota Department of Transportation's R.O.W. Plat No. 31-136.</u></i></p> <p>The dead-end road has no through outlet and is used for county government related operations. The parking areas and snow removal would then be managed by the County.</p>	
Considerations:		
Recommendation:	Pass a motion to initiate the public vacation of right-of-way.	
Required Action:	<p>Pass a motion initiating approval or non-approval of the proposed public right-of-way vacation.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, to (approve) (not approve) initiating the vacation request of the described platted right-of-way described below:</p> <p><i><u>That part of Simpson Avenue (Second Avenue NE), according to the plat of Grand Rapids First Division, on file and of record in the Office of the Itasca County Recorder, that lies between Blocks 27 and 28 of said plat and northerly of parcel 21 as depicted on the Minnesota Department of Transportation's R.O.W. Plat No. 31-136</u></i></p>	
Attachments:	<ul style="list-style-type: none"> • Exhibit "A" 	

2ND AVENUE NE VACATION

Item 4.



LEGEND

- | | |
|----------------------|-------------|
| Grand Rapids Parcels | Minor |
| Streets | Local |
| Arterial | City Limits |

