



**PLANNING COMMISSION MEETING AGENDA**  
**Thursday, February 02, 2023**  
**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, February 2, 2023 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 November 3, 2022 regular meeting minutes.

PUBLIC HEARINGS:

GENERAL BUSINESS:

2. Consider the election of Planning Commission Officers
3. Consider initiating the process to review and amend the Section 30-512, Table 2-A of the Zoning Ordinance.

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:

REPORTS/ANNOUNCEMENTS/UPDATES:

ADJOURNMENT:

NEXT REGULAR MEETING IS SCHEDULED FOR March 2, 2023 AT 4:00 PM.

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

ATTEST:

Aurimy Groom



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

## PLANNING COMMISSION MEETING MINUTES

Thursday, November 03, 2022

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, November 3, 2022 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 of the September 1, 2022, 4:00 pm regular meeting.

Motion by Commissioner Goggin, second by Commissioner Hubbes to approve the minutes from the September 1, 2022 regular meeting. The following voted in favor thereof: Johnson, MacGregor, Goggin, Hubbes. Opposed: None, motion passed unanimously.

**PUBLIC HEARINGS:**

2. Conduct a Public Hearing to consider a variance petition submitted by Oppidan Investment Company, and the present property owner, Grand Rapids Economic Development Authority.

Zoning Administrator Trast provided the staff report.

Oppidan Investment Company, and the present property owner, GREDA have applied for one variance, which if granted, would allow for the construction of a four story, 132-unit multi-family housing community building having an average building height to the mid-point of the roof of up to 48 ft.

The requested variance, if approved, would allow for the construction of a four story, 132-unit multi-family housing community building, having a mix of one-, two, and three-bedroom units. As proposed, the residential structure would have an average building height to the mid-point of the roof of 48 ft., exceeding the 45 ft. maximum building height allowed within a SR-4 (Shoreland Multiple-Family Residential- high density) zoned district by 3 ft.

The applicant, within the variance petition, cites a need for the proposed 4-story building in order to maximize site density, while working within the shoreland density/tier requirements, maintaining a cohesive building design & placement for the proposed development, to help address the need for additional housing options in the area.

As some background information, there are a couple of reasons zoning ordinances limit building height: First, to prevent the impairment of solar access to neighboring properties. Another reason zoning ordinances typically restrict structure height is tied to firefighting capabilities. In Grand Rapids, our firefighting ladder equipment is capable of fighting fires in tall structures, such as the Blandin Paper Mill which is approximately 100 feet in height, making this is less of a concern.

In looking at the question of solar access impairment to neighboring properties, staff compared a 48 ft. tall building setback 35 ft. from the side yard property line (as proposed), with a 45 ft. tall building setback 20 ft. from the side yard property line (this in the min. setback in SR-4/R-4 zoning district), and determined that the AM sun would reach the side yard property line earlier with the 48 ft. building setback at a greater distance, rather than the 45 ft. tall building setback at the minimum distance allowed.

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

All notices required by law had been met and there were two items of correspondence.

Ryan Grover of Oppidan Investment Company, Excelsior, MN provided an overview of the project and the reason for the variance request.

Peter Malsed of the Forest History Center, Grand Rapids, MN stressed the importance of keeping the trail that runs through the property intact.

Motion by Commissioner Goggin, second by Commissioner Johnson to close the public hearing. The following voted in favor thereof: Johnson, MacGregor, Goggin, Hubbes. 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 already zoned for this type of development.

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-Yes, due to the shoreland zoning designation and the density/tier requirements.

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

Why/Why not- Yes, it fits in with the neighborhood and allows for more housing which is needed.

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

Why/Why not-No, it will not it is has already been developed with multi family housing.

6. Is the variance consistent with the comprehensive plan?

Why/Why not-Yes, it will provide more housing which is consistent with the comprehensive plan.

Motion by Commissioner Goggin, second by Commissioner Hubbes 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 Oppidan Investment Company, and the present property owner, Grand Rapids Economic Development Authority for the property legally described above/within Staff Report;

- to allow a one-time waiver of the requirements of Section 30-512 Table 17C-2 of the Municipal Code for the construction of a four story, 132-unit multi-family housing community building which would have an average building height to the mid-point of the roof of 48 ft., exceeding the 45 ft. maximum building height allowed within a SR-4 (Shoreland Multiple-Family Residential- high density) zoned district by 3 ft., as depicted in the variance application submitted by Oppidan Investment Company, and the present property owner, Grand Rapids Economic Development Authority.

and that the following condition shall apply:

- The variance approval is contingent on building being setback a minimum of 35 ft. from the west side yard property line, as depicted on the draft site plan.

The following voted in favor thereof: Johnson, MacGregor, Goggin, Hubbes. Opposed: None, motion passed unanimously.

#### GENERAL BUSINESS:

3. Consider a recommendation to the City Council regarding amendments to the Zoning Ordinance that would update and amend several sections of Chapter 30 *Land Development Regulations*.

Zoning Administrator Trast provided the background information.

Staff has accumulated another short list of sections within Article VI (Zoning) of Chapter 30 (Land Development Regulations) of the Municipal Code that could use review. On September 1, 2022 the Planning Commission formally initiated this review process, and authorized staff to prepare amendments based on staffs overview of the areas of the Zoning Ordinance.

The following sections of the Zoning Ordinance have been identified and initiated for review.

Section 30-532(1) Uses permitted by conditional use permit (CUP). Manufactured home parks as permitted with a CUP in the following zoning districts: R-2, SR-2, R-3, SR-3, R-4, SR-4, LB (Limited Business), SLB, MU (Mixed Use) and SMU.

Currently Sect. 30-512 Table-1 lists the Manufactured home park use through an approved CUP under the R-2, SR-2, R-3, SR-3 districts.

\*Amend Table 1 to match Section 30-532(1) by adding the R-4, SR-4, LB (Limited Business), SLB, MU (Mixed Use) and SMU zoning districts. This correction was the result of an oversight during the 2005-07 Zoning Ordinance Update Project.

Sect. 30-512 Table-1 lists Telecommunication Towers as a use through an approved CUP under the RC/SRC (Recreational Commercial), I-1/SI-1 & I-2/SI-2 (Industrial Park) and the AG (Agricultural) zoning districts.

Currently Sect. 30-952(e)1. development of towers/approval standards (within Division 15 Telecommunication Towers and Facilities) lists the use as approved through a CUP under the RC/SRC, I-1/SI-1 & I-2/SI-2 and the AP (Airport) districts not within the AG district.

\*Amend Section 30-952(e)1. to match Table-1 Permitted Uses by adding CUP requirement under the AG zoning district to this section and removing the AP district. This correction was also the result of an oversight during the 2005-07 Zoning Ordinance Update Project. Any airport related communication infrastructure, existing or proposed, would not be impacted by this amendment.

Add grocery store use as a use permitted within the CBD (currently permitted within the GB zoning district only).

\* This amendment would allow for a grocery/Co-op store use to locate within the downtown area, closer to residents in the CBD, as well as providing an option for a grocery store use, within walkable distance of neighborhoods adjacent to the CBD area.

The Commissioners reviewed the considerations for the record:

1. Will the change affect the character of neighborhoods?

Why/Why not? No they will not affect the character of the neighborhoods.

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

Why/Why not? Yes, will allow for future development.

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

Why/Why not? Yes, most were just corrections and by permitting grocery stores in the CBD it would allow for future development.

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

Why/Why not? Yes, it would allow for easier access to food for those in the CBD.

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

Why/Why not? Yes, it will allow for economic development and provide access to food.

Motion by Commissioner Goggin, second by Commissioner Johnson that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward a favorable recommendation to the City Council regarding draft amendments, which update and amend multiple sections of Chapter 30 Land Development Regulations, as depicted in Exhibits "1" and "2". The following voted in favor thereof: Johnson, MacGregor, Goggin, Hubbes. 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:**

There are still vacancies on the Planning Commission if anyone is interested they can contact the Administration Department.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 4:47 p.m.

NEXT REGULAR MEETING IS SCHEDULED FOR THURSDAY, DECEMBER 1, 2022 AT 4:00 PM.

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

**ATTEST:**



## Planning Commission Staff Report

Agenda Item #	Community Development Department	Date: 2/2/23
<b>Statement of Issue:</b>	Consider the election of Planning Commission Officers	
<b>Background:</b>	<p>In accordance with the Bylaws of the Planning Commission, the officers include a Chair, Vice Chair/Secretary.</p> <p>The present Planning Commission officers are:              (vacant) – Chair              Pat Goggin – Vice Chair/Secretary</p> <p>Absent a Chair, the Vice Chair will request nominations for Chair first; it is customary to nominate one or more candidates. When all nominations have been made, then the vote is taken on each, in the order in which they were nominated, until one is elected. The nominations need not be seconded. The same process will then be used for the positions of Vice Chair/Secretary.</p> <p>It is also acceptable for a slate of nominations to be considered under a single motion and vote.</p>	
<b>Considerations:</b>		
<b>Recommendation:</b>	Pass a motion or motions electing Planning Commission Officers.	
<b>Required Action:</b>		
<b>Attachments:</b>		



# Planning Commission

## Staff Report

Agenda Item #	Community Development Department	Date: 2/2/23
<b>Statement of Issue:</b>	Consider initiating the process to review and amend the Section 30-512, Table 2-A of the Zoning Ordinance.	
<b>Background:</b>	<p>Section 30-512, Table 2-A establishes the district development regulation for principal structures for all the zoning districts including minimum lot size, minimum setbacks, maximum lot coverages and building height maximums.</p> <p>The minimum lot size requirements are codified in the three sub-categories of minimum gross area, minimum lot width and minimum lot area in square feet per unit.</p> <p>The minimum lot area per unit requirement has historically been interpreted as pertaining to residential units. This is because the definition, in Section 30-421 for density is “Density – means the number of dwelling units residing upon, or to be developed upon, an acre of land.”</p> <p>When we review a proposed multi-family development, we first look at the maximum density of the proposed site by applying this minimum lot size standard. As an example, for a 2-acre parcel in an R-4 zoning district we would calculate the maximum unit density by: <math>(2 \text{ acres} * 43,560 \text{ square feet/acre}) / 2,500 \text{ square feet/unit} = 35 \text{ units}</math>.</p> <p>For R-3 and R-4 multi-family zoning districts, this standard of minimum lot area per unit functions well and is in sync with the other district development regulations. In other words, when multi-family projects are designed on sites that meet these density maximums, there is sufficient, not overly sufficient, lot area to develop that number of units and their required parking, while still meeting setback requirements and building height maximums.</p> <p>A zoning district where multi-family housing is a permitted use but the minimum lot area per unit requirement has not been tested is the Central Business District (CBD). Although multi-family development in the CBD is desirable and is listed as a goal within the Comprehensive Plan, there are limited opportunity sites available in the CBD.</p> <p>A CBD zoned site that does provide an opportunity for multi-family housing is owned by the Grand Rapids Economic Development Authority (GREDA) and located north of the Library and KAXE Public Radio. This site, which is commonly referred to as the Block 20/21 site, has been marketed for purchase and development by GREDA for many years. A past development proposal which failed due to a funding shortfall by the developer, involved an eighty-three-unit hotel. For this type of proposed use, the minimum lot area/unit standard is not applied.</p> <p>The Block 20/21 site area is 62,773 square feet. The Table 2-A minimum lot area (square feet) per unit for CBD zoning is 3,000 square feet. When this standard is applied for a proposed multi-family project it caps the density of housing units at <math>[62,773 \text{ square feet} / 3,000 \text{ square feet per unit} = 21]</math>.</p> <p>Prior to recent interest in the site for the development of multi-family, we</p>	



	<p>hadn't looked closely at the disproportionate nature of zoning standards that allow a compliant use of the site for an eighty-three-unit hotel but caps the maximum density of the site at 21 housing units. This low level of housing development would not maximize the use of the property and seems inconsistent with the purpose of CBD zoning found in Section 30-511 (i) which states:</p> <p><i>CBD central business district.</i> This district correlates only with the downtown area of the city and is intended to serve a regional clientele. It is highly diversified and intended to offer the full array of high value comparison goods and services; hotel, cultural, tourist and entertainment services; <b>high density residential</b>; finance; general office and public uses. Because the <b>CBD is a very high use intensity zone</b>, is fully developed, much of which occurred prior to the existence of zoning regulations and is an area that requires the city to play a role in the provision of parking, normal parking, yard and lot requirements do not apply.</p> <p>Recognizing these disproportionate outcomes, staff researched several zoning ordinances in different communities that have traditional downtown business districts and what we found was that within downtown zoning districts it was common to have ordinance provisions that require minimum gross lot area; however, it was uncommon to have a minimum lot area per unit standard. Absent this standard, these ordinances do limit the level of density through other requirements like maximum building height and minimum parking requirements.</p> <p>Minnesota Statue 462.357, Subd. 4 states that <i>an amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance.</i></p> <p>Staff would like the Planning Commission to consider initiating the review and consideration of an amendment to Table 2-A that would make the minimum lot area per unit standard for CBD zoning not applicable.</p> <p>If this recommended action is approved, this amendment will be presented to the Planning Commission at the next meeting for review and recommendation to the City Council.</p>
<b>Considerations:</b>	
<b>Recommendation:</b>	Pass a motion initiating the preparation and review of an amendment to Section 30-512, Table 2-A of the Zoning Ordinance.
<b>Required Action:</b>	
<b>Attachments:</b>	

TABLE 2-A DISTRICT DEVELOPMENT REGULATIONS - PRINCIPAL STRUCTURES

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) <sup>5</sup>
RR	1.25 acre	1.25 AC	150	30	15	30	30	20	N/A		35	24
R-1	8,400	8,400	70	30	6-9 <sup>1</sup>	15	30	30	N/A		30	24
R-1a	6,000	6,000	44	30	6	15	30	40	N/A		30	24
R-2	7,000 <sup>4</sup>	5,000	50 <sup>4</sup>	30	6-9 <sup>1, 4</sup>	15	30	30	N/A		30	24
R-3	15,000 <sup>4</sup>	5,000	100 <sup>4</sup>	35	10 <sup>4</sup>	15	35	30	75	400	30	24
R-4	15,000 <sup>4</sup>	2,500	100 <sup>4</sup>	35	20 <sup>4</sup>	30	35	35	75	400	45	24
LB	14,000 <sup>4</sup>	3,000	100 <sup>4</sup>	30	10 <sup>4</sup>	15	15	35	85	500	35	24
GB	10,500	3,000	75	30	10	15	10	40	90	500	50	24
<b>CBD</b>	7,000	<b>3,000</b>	50	N/A	N/A	N/A	N/A	100	100	N/A	60	24
MU	40,000	2,500	100	35	20	30	35	40	75	N/A	45	24
M <sup>3</sup>	20,000	3,000	100	30	10	15	15	35	85	500	35	24
RC	1.5 acre	1.5 acre	200	50	25	25	25	25	50	N/A	35	N/A
BP	30,000	N/A	150	50	15	25	15	40	85	N/A	35	24
I-1	1 acre	N/A	150	50	25	25	25	50	90	N/A	40	24
I-2	1 acre	N/A	150	50 <sup>2</sup>	25	25 <sup>2</sup>	25	60	90	N/A	110	N/A
PU	1 acre	N/A	50	30	10	15	30		N/A		60	N/A
CD		N/A	50	50	50	50	50		N/A		N/A	
AG	2.5 acres	2.5 acres	50	50	50	50	50		N/A		N/A	
AP		N/A	50	50	50	50	50		N/A		N/A	

## FOOTNOTES:

1. The sum of the two side yards must equal 15 feet, and six feet is the minimum side yard dimension.
2. These yards may be reduced to zero feet if abutting the CBD zone.
3. When a building in the medical zone is proposed to abut an existing building, for the purpose of providing a pedestrian linkage between the adjacent structures, a zero foot setback may be allowed along the common lot line.