



City of Grand Forks
Staff Report
Planning & Zoning Commission – July 10, 2019
City Council – July 15, 2019

Agenda Item: 3-8 (Public Hearing) Conditional Use Permit (CUP) for Contractors Shops in the B-3 General Business District located on Lot 2, Block 1, O'Reilly's Third Resubdivision.

Submitted by: Brad Gengler, City Planner

Staff Recommended Action: Approval of the request from Ten Grand LLC for approval of a Conditional Use Permit (CUP) for Contractors Shops in the B-3 General Business District located on Lot 2, Block 1, O'Reilly's Third Resubdivision to the City of Grand Forks, ND. Recommend the City Council approve the request on July 15, 2019.

July 10, 2019 – Committee Recommended Action: Motion by Reichert, second by Sande for approval of staff recommendation. Motion carried unanimously.

July 15, 2019 – Council Action:

N/A – Committee Recommended Action:

N/A – Council Action:

BACKGROUND: Ten Grand LLC is requesting approval of a Conditional Use Permit (CUP) for Contractors Shops in the B-3 General Business District located on the property to be replatted as Lot 2, Block 1, O'Reilly's Third Resubdivision (see attached CUP vicinity map). The properties abutting Gateway Drive are zoned B-3 General Business District and the properties to the north are zoned I-2 Heavy Industrial.

Contractors shops are defined as:

An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building related products, and interior storage, but which does not utilize any exterior storage area.

The subject lot contains 2.64 acres and is currently undeveloped and zoned within the B-3 General Business District. Section 18-0216 (3) (H) allows contractors shops in the B-3 through the approval of a Conditional Use Permit (CUP). In conjunction with the request for the CUP,

the owner is also seeking approval of the replat of O'Reilly's Third Resubdivision.

Approval of a Conditional Use Permit is subject to the following as stated in the Land Development Code:

18-0703. - Procedure.

- (1) Application for the issuance of a conditional use permit shall be made to the planning and zoning commission and a fee charged the applicant in accordance with section 18-1103. The planning and zoning commission shall hold at least one (1) public hearing on any application for a conditional use permit. Following the hearing the planning and zoning commission shall make a report upon the proposal to the city council and shall recommend to the city council whatever action it deems advisable; but the planning and zoning commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a conditional use permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to such use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use. The planning commission may designate conditions and require guarantees in the granting of conditional use permits.
- (2) Upon receipt of the report of the planning commission, the city council shall make a decision upon the request of a conditional use permit.
- (3) Any conditional use shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith.
- (4) An application for a conditional use permit may be denied by motion of the city council upon a recommendation by the planning and zoning commission and such motion shall constitute a finding and determination by the city council that the conditions required for approval do not exist.
- (5) The planning and zoning commission and the city council may periodically review the conditional use permit and, if the conditions established are not adhered to, the city council may revoke the permit.

Staff recommends approval of the request to allow the Conditional Use Permit (CUP) for contractors shops on Lot 2, Block 1, O'Reilly's Third Resubdivision, subject to approval of the terms and conditions shown on the attached CUP document.

ANALYSIS AND FINDINGS OF FACT:

- The Planning and Zoning Commission must hold at least one public hearing for a Conditional Use Permit prior to forwarding its recommendations to the City Council.
- Property owners within 400 feet of the subject property have been notified of the

request and the meeting date and time of the public hearing.

SUPPORT MATERIALS:

- Conditional Use Permit (CUP) Vicinity Map
- Draft Conditional Use Permit (CUP)

CONDITIONAL USE PERMIT

WHEREAS, Ten Grand LLC (hereinafter the permittee) has applied for and has been granted a Conditional Use Permit (CUP) to operate Contractors Shops on the following premises:

Lot 2, Block 1, O'Reilly's Third Resubdivision to the City of Grand Forks, North Dakota, located at 3200 Gateway Drive.

NOW THEREFORE, pursuant to the terms of Grand Forks City Code Chapter 18-0701, a Conditional Use Permit is hereby granted to the permittee, upon the terms and subject to the conditions of this Conditional Use Permit, to operate Contractors Shops at the following location:

Lot 2, Block 1, O'Reilly's Third Resubdivision to the City of Grand Forks, North Dakota, located at 3200 Gateway Drive.

Said permit is granted subject to the following conditions, terms, and reservations:

1. Exterior storage of products and materials, whether finished or unfinished, shall be prohibited;
2. The Contractors Shops shall not create excessive noise, vibration, fumes, or odors;
3. If the City determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of this permit and City Code, the City is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.

Dated this ____ day of _____ 2019.

Michael Brown, Mayor

ATTEST:

Maureen Storstad, City Auditor