



City of Grand Forks
Staff Report
Planning & Zoning Commission – March 4, 2020
City Council – March 16, 2020

Agenda Item: 3-4 (Public Hearing) Conditional Use Permit (CUP) for a Contractors Shop in the B-3 General Business District located at 916 North 6th Street (Lots 14 and 16, Block 52, Alexander and Ives Addition.

Submitted by: Brad Gengler, City Planner

Staff Recommended Action: Approval of the request from Tim Rosencrans for approval of a Conditional Use Permit (CUP) for Contractors Shops in the B-3 General Business District located at 916 North 6th Street, Lots 14 and 16, Block 52, Alexander and Ives Addition to the City of Grand Forks, ND. Recommend the City Council approve the request on March 16, 2020.

March 4, 2020 – Committee Recommended Action: Motion by Reichert, second by Lunski to approve as submitted. Motion carried unanimously.

March 16, 2020 – Council Action:

N/A – Committee Recommended Action:

N/A – Council Action:

BACKGROUND: The applicant is requesting approval of a Conditional Use Permit (CUP) for a Contractors Shop in the B-3 General Business District located at 916 North 6th Street, which is bordered in green on the attached vicinity map.

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 is currently undeveloped and zoned within the B-3 General Business District. Section 18-0216 (3)(H)(11)(C) allows contractors shops in the B-3 through the approval of a Conditional Use Permit (CUP), subject to the following:

Contractors shops located in the B-3 zoning district shall not create excess noise, vibration, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage off the premises.

Approval of a Conditional Use Permit is also 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.

SURROUNDING PROPERTIES: As shown on the vicinity map there are a variety of uses in the general area of the subject property, to include single-family homes, drive-in restaurant, electrical substation, warehousing, and shops. Staff took these various land uses into account and determined the proposed contractors shop is compatible with the surrounding environment. Staff recommends approval of the request.

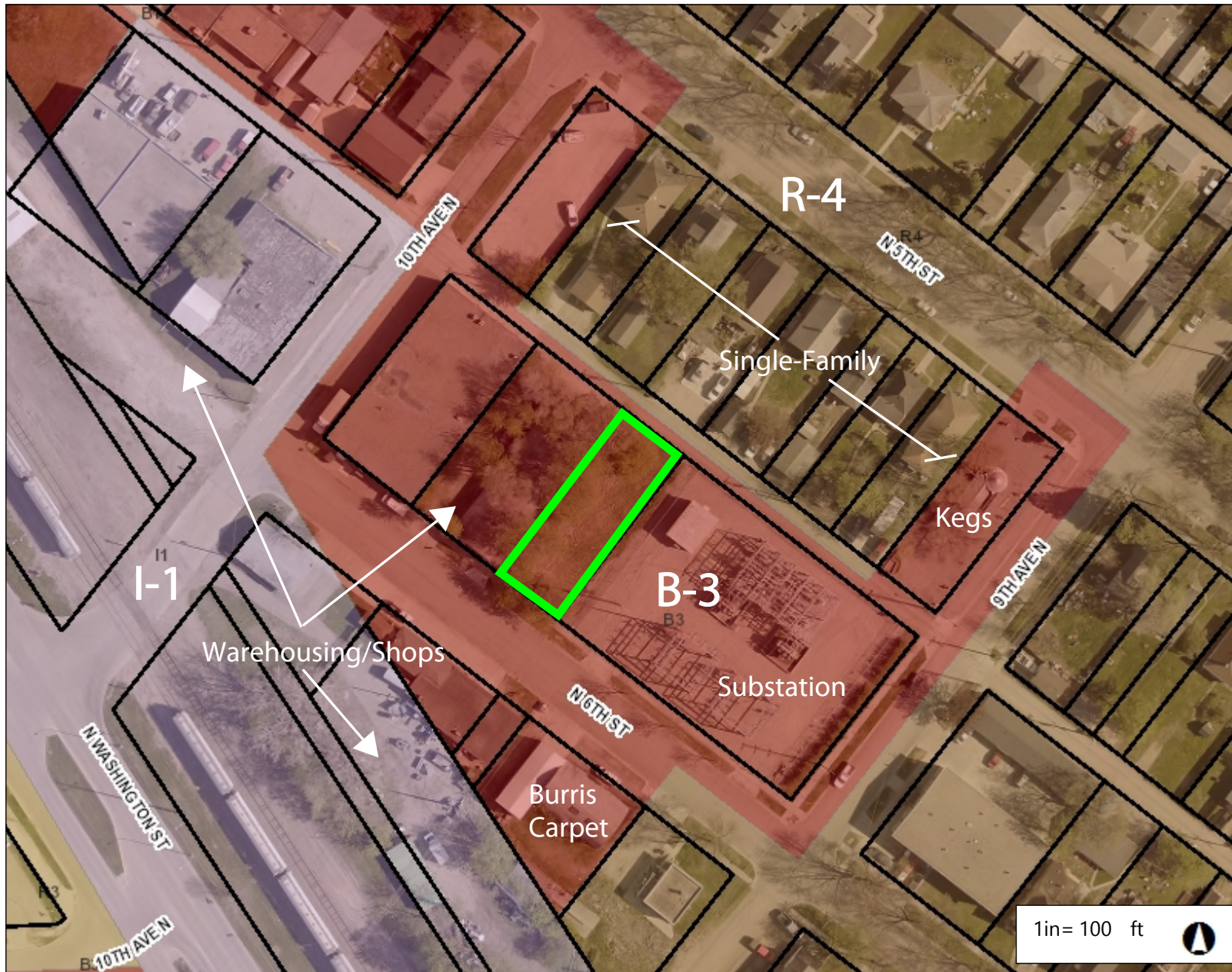
ANALYSIS AND FINDINGS OF FACT:

- 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 the general area of subject property have been notified of the request and the meeting date and time of the public hearing.

SUPPORT MATERIALS:

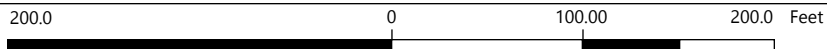
- Vicinity Map
- Draft Conditional Use Permit (CUP)

Vicinity Map



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Notes



NAD_1983_StatePlane_North_Dakota_North_FIPS_3301_Feet
City of Grand Forks GIS

All dimensions, descriptions, measurements, boundaries and data contained in this nonstandard document are included for general information only. No warranties or covenants are made or given by the City of Grand Forks. Any user must confirm the accuracy of the same with official records, and/or by survey.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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CONDITIONAL USE PERMIT

WHEREAS, Tim Rosencrans (hereinafter the permittee) has applied for and has been granted a Conditional Use Permit (CUP) to operate a Contractors Shop on the following premises:

Lots 14 and 16, Block 52, Alexander and Ives Addition to the City of Grand Forks, North Dakota, located at 916 North 6th Street.

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 a Contractors Shop at the following location:

Lots 14 and 16, Block 52, Alexander and Ives Addition to the City of Grand Forks, North Dakota, located at 916 North 6th Street.

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 Shop 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 _____ 2020.

Michael Brown, Mayor

ATTEST:

Maureen Storstad, City Auditor