

Councilmember Adams introduced the following resolution and moved for its adoption.

**RESOLUTION NO. 07-08**

**A RESOLUTION GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT, PREVIOUSLY APPROVED UNDER CITY COUNCIL RESOLUTION 06-130 FOR A PROPOSED WAL-MART SUPERCENTER, A GENERAL SALES AND SERVICE (GREATER THAN 70,000 SQ. FT. BUILDING FOOTPRINT) USE, TO BE LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF TRUNK HWY 169 AND 29<sup>TH</sup> ST. SE.**

WHEREAS, a petition was received from Wal-Mart Stores Inc. on January 18<sup>th</sup>, 2007 for an amendment to a Conditional Use Permit (CUP) previously approved by the City Council under Resolution 06-130, and

WHEREAS, the requested amendment is necessary because the petitioner, Wal-Mart Stores Inc., wishes to change the building and site plans for the proposed Wal-Mart Supercenter already approved under said resolution, and

WHEREAS, the change to the building and site plans would increase the building size from the originally approved footprint of 182,662 s.f to a proposed footprint of 187,443 in order to incorporate a tire/lube/auto service express component to the proposed retail, and

WHEREAS, the Planning Commission reviewed the request to amend the CUP and conducted a public hearing on this request on February 1<sup>st</sup>, 2007, and all were heard who wished to speak on the matter; and

WHEREAS, the Planning Commission made certain findings that the amended CUP would meet the requirements of Section 30-531(e) and the Large Scale Commercial Design Standards, Division 14, of the City Code if those same conditions, as applied to the original CUP under Resolution 06-130, remained in effect; and

WHEREAS, the Planning Commission recommended approval of the amended CUP with the following, previously approved conditions applying:

- (1) A requirement for City Council approval of the requested text amendments to the Zoning Ordinance revising parking requirements for the Retail Sales and Service (not listed) use
- 1a) A requirement that the pedestrian walkway within the landscaped island extending the depth of the parking lot in front of the general merchandise vestibule from its proposed width of 5 feet to a width of 7 feet.
- (1b) A requirement that the crosswalk at the west end of the pedestrian walkway within the landscaped island extending the depth of the parking lot in front of the general merchandise vestibule be appropriately delineated with signage.
- (2) A requirement that the preserved trees and the proposed landscaping between these areas along Hwy 169 be permanently preserved by including those areas within a conservation easement
- (3) A requirement that the proposed pylon and monument signs incorporate architectural elements such as the cultured ledgestone, as used on the building façade, in their construction

WHEREAS, the City Council, upon review of the minutes, findings and conditions 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 amended CUP:

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA that an amended Conditional Use Permit be granted to Wal-Mart Stores Inc. to allow the construction of a proposed Wal-Mart SuperCenter Store, on property legally described within the CUP application, as depicted within that application, subject to the conditions listed above.

Adopted by the Council this 12<sup>th</sup> day of February 2007

  
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Dale Adams, Mayor Pro-Tem

ATTEST

  
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Karen Alto, Interim City Clerk

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