

Planning & Zoning Commission Meeting Minutes
May 1, 2019, 5:30pm
Grand Forks Council Chambers

1. Roll Call: Members Present

Andrew Budke, Cole Johnson, Jamie Lunski, Alex Reichert, Frank Matejcek, Meggen Sande, Steve Wasvick. Members absent- Paula Lee, Pete Kuhn.

2. Reading and Approval of Minutes for April 3, 2019.

Motion by Reichert, second by Budke to approve as presented.

3. Public Hearings, Final Approvals, Petitions, and Minor Changes

3-1 (Public Hearing) Plat of Edgewood Village First Resubdivision and ordinance dedicating R/W.

Mr. Gengler introduced the item and provided an overview of the status of the plat and the action on item to date. Mr. Gengler stated that staff recommends approval.

Mr. Wasvick opened the public hearing, no comments, public hearing closed.

Mr. Johnson asked if old South 19th Street will be vacated by this action. Mr. Gengler stated that the proposal does include the vacation of South 19th Street from 44th Ave S to 47th Ave S.

Motion by Reichert, second by Johnson for approval of Staff Recommendation.
Motion carried unanimously.

3-2 (Public Hearing) Ordinance to amend zoning map - Southern Estates Planned Unit Development (PUD), Amendment #12.

Mr. Gengler introduced the items as final approval of the Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 12. Mr. Gengler stated that staff recommends approval. Mr. Wasvick opened the public hearing, no comment, public hearing closed.

Motion by Reichert, second by Sande for approval of Staff Recommendation.
Motion carried unanimously.

3-3 (Public Hearing) Plat of Southern Estates 12th Resubdivision

Mr. Brooks introduced the item and reminded the commission that this item was before them last summer. This area is between 40th and 45th Avenue on the East side of Columbia. Current zoning here is commercial, but is unplatted property. The developer came before the commission last year and there was a request for the access road on 43rd to go through the development, as well as on Star Avenue near the pond. This item was brought before

this committee and received preliminary approval in July 2018, and was to come back in August 2018 for final, but not before having a neighborhood meeting. The neighborhood expressed concerns about the vehicle access points at Star Avenue and 43rd. The developer came back with a plan to remove those connections. A supplemental neighborhood meeting was held on April 25, 2019, and the residents were informed that the developer would put in residential lots on the west side of S. 25th street and would also remove the vehicle connections at 43rd Avenue and Star Avenue. There currently is a gravel path along the west side of the pond going from south to west, then connects up to 40th Ave. This path was created when Discovery school opened and at that time was the only place to do a connection to a controlled access intersection, which was 40th and Columbia. Planning staff is requesting that this path be maintained by the developer via a 15 ft. right of way, and the developer agrees with this proposal. Additionally, Staff is requesting a pedestrian only walkway/crossing at 43rd. The concern is that without this crossing at 43rd, the children will take the shortest distance to and from the school and to and from restaurants, etc., resulting in them cutting through to 43rd, as opposed to going up to 40th to cross. Mailings have taken place and at the neighborhood meeting last week, there was support for the pedestrian crossing. Ms. Sande asked if both the stoplight and the pedestrian walkway on 43rd were being presented for approval. Mr. Brooks clarified that the recommendation is for the pedestrian connection across 43rd, with the assumption that once the traffic gets there, the stoplight will most likely be installed. Ms. Sande also asked if it was the developer that requested the pedestrian walkway, and Mr. Brooks stated that request came from the City. Ms. Sande stated she received calls against that installation; specifically the concern was that adding a crossing means adding crossing guards, and she also asked what the school district's response was to this installation, as she felt there should be communication with both the school and Safe Kids. Mr. Brooks stated an email had been sent to the principal at Discovery school and to Safe Kids, but he had not received a response. Ms. Sande stated if the pedestrian walkway isn't installed, they won't cross there, but Mr. Brooks disagreed stating that if there isn't a walkway made available, they may climb the fence instead. Mr. Reichert and Ms. Sande disagreed. Ms. Sande stated she would not be comfortable moving this forward without having any conversation with the school district, as they would need to staff these crossings. Mr. Brooks stated that if they need to funnel to a crossing, it would be better to do that at 43rd instead of at 40th. Ms. Sande stated they wouldn't take the crossing at 40th out because it's already there, and that the concern from the neighborhood wasn't traffic, rather it was kids going back and forth to school and that they can take the path that's already there by the pond at 25th and 40th. Mr. Wasvick suggested they open up

the meeting for public hearing and to hear from the developer to get their input before going further. A neighborhood resident, Mr. Sanford Case, 2164 43rd Avenue S, stated that the plan from the developer has been greatly improved since what came forward last summer, he only has an issue with the sidewalk at 43rd, as he's concerned that there's a safety problem when you send small children through commercial areas with multiple drives into businesses on both sides of Columbia, and should discourage children from going that way. Tyler Brandt, one of the developers of the project then spoke on the issue, stating that originally they wanted a connection that people could use to access the commercial portion of the property, but now that they see that, they decided to put in the townhomes to shut off 43rd completely. They have potential tenants for the commercial properties in that development and will do what's necessary to get this approved so that they may move forward. Mr. Reichert asked what types of commercial properties were going in, specifically what location. Mr. Brandt stated that to the south will be office lots, whereas north of 43rd would be commercial such as dry cleaners and restaurants, which would be north of 43rd. Mr. Wasvick asked how kids would get from the back end of the commercial property to the street, and Mr. Brandt stating they did have some concerns regarding this, but deferred to the committee to decide. Mr. Wasvick asked if the crossing at Star would be a street, and Mr. Brooks stated no. Ms. Sande stated individuals could just use the gravel path, Mr. Reichert asked who maintained the path and Mr. Brooks confirmed that the city maintains the path, and in this case, would continue to maintain it as a bike path. Mr. Wasvick asked if any other members of the public wanted to speak, and another neighborhood resident, Mr. Darren Mitchell, 42nd Ave and S 25th Street, approached. He thought the original plan that was brought forward was fine and he was in favor of it with both of the roads in there and that the kids would be funneled to 43rd which was going to be the main controlled stoplight/intersection. He also stated that people at last year's neighborhood meeting raised concerns about 43rd and increased traffic – he didn't hear anything about Star and changing the Star connection. Then he got a notice for this year's neighborhood meeting and noticed that all the roads had been removed, and that they wanted to add the path. He believes that they are fooling themselves that the kids won't cross at 43rd, so it's important it be put in now and done right the right way. He's in favor of putting the roads back in, but if not, then a road at Star, then a path at 43rd. Mr. Wasvick then closed the public hearing. Mr. Budke stated he thinks both views are correct, but that he feels a street at 43rd is the way to go. Al Grasser, City Engineer, stated that through the site plan process they would bring some of the pedestrian safety features to the project, but if that is all left off, then people of all ages will be wandering through parking lots to commercial restaurants, which isn't a safe

way to go, especially for children. Mr. Reichert made a motion that they approve without the 43rd Ave walkway, but stated he appreciated everyone's concerns. Mr. Lunski stated he wanted to be sure that walkable spaces/sidewalks aren't ending in commercial parking lots, and agreed that the 43rd pedestrian crossing should be removed. He stated they should re-examine the Star Ave tie, or let the neighborhood know that there is a plan to pave the gravel path so it's not just a piece of gravel next to the pond. Ms. Sande asked Mr. Brooks if the pedestrian walkways were in the plan at the neighborhood meeting, and he said no because that is when it first came up based on their concerns. Ms. Sande is concerned that the notice for the neighborhood meeting didn't include this hot button item, and therefore many residents didn't come to the meeting. Mr. Grasser commented that in the future when the signal is installed at 43rd, by law, a pedestrian crossing must be installed as well. Ms. Sande requested that another neighborhood meeting take place for the neighbors to view this information, but that in the meantime, the item be approved except for the 43rd pedestrian walkway. Mr. Brooks suggested leaving the easement in the proposal, but Mr. Wasvick stated this would affect the way the developer developed the property. Staff recommends approval including the 43rd Ave pedestrian walkway/sidewalk.

Motion by Reichert, second by Sande to approve without the 43rd Ave walkway/sidewalk. Motion carried with Budke, Johnson and Matejcek opposing.

3-4 (Public Hearing) - Southern Estates Planned Unit Development (PUD), Amendment #11.

Mr. Brooks introduced the item as a request from CPS, Ltd. (on behalf of Guy Useldinger et al) for final approval of an ordinance to amend the zoning map to rezone and exclude from the Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 10 and to include within the Southern Estates PUD, Concept Development Plan, Amendment No. 11, Columbia Park 24th and 26th Additions, Columbia Park 29th Resubdivision, all of Southern Estates First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Twelfth Additions to the City of Grand Forks, ND, and also to include unplatted portions of the South Half of Section 21, Township 151 North, Range 50 West of the 5th Principal Meridian located east of Columbia Road, between 36th Avenue South and 47th Avenue South. This change incorporates a row of R-2, single family or twin home lots on the west side of S 25th Street that were previously commercially zoned. R-2 housing area also allows for 50 percent impervious surface lot coverage. Item was initially before this committee on June 6, 2018, but was tabled until a neighborhood meeting was held. After some modifications and additional neighborhood meetings, an additional neighborhood meeting

was held on April 25, 2019, with the neighborhood favorably receiving the proposed development which removed street connections to the neighborhood. Mr. Brooks stated that staff recommends approval. Mr. Wasvick opened the public hearing, no comments, public hearing closed.

Motion by Reichert, second by Matejcek for approval of Staff Recommendation. Budke opposed. Motion carried unanimously.

3-5 (Public Hearing) Replat of Lots B, C, and D, Block 1, Business Park Third Resubdivision.

Ms. Edwardson introduced the item as a request from the Planning Department (on behalf of the Grand Forks Growth Fund) for final approval of the Replat of Lots B, C and D Block 1, Business Park Third Resubdivision. After the item was initially brought forward and approved by this committee, but prior to City Council action, the owner requested an additional driveway access onto 48th Street. This additional access will allow trucks to flow through the site from 24th Avenue to S. 48th Street without having to turnaround on site. This access has been evaluated by the Planning and Engineering departments, and both are in support of the variance to the access control and to the 660 ft. spacing requirements. Ms. Edwardson stated that staff recommends approval. Mr. Wasvick opened the public hearing, no comments, public hearing closed. Mr. Johnson asked if the site would have access to 24th Avenue. Ms. Edwardson responded that it would.

Motion by Reichert, second by Johnson for approval of Staff Recommendation. Motion carried unanimously.

3-6 (Public Hearing) - Columbia Park South Planned Unit Development (PUD) Amendment #3.

Mr. Brooks introduced the item as a request for final approval of the proposed PUD amendment. The vacant subject property is located within the Columbia Park South Planned Unit Development PUD, located at 2350 36th Ave South. Currently the lot is zoned B-3. The property owner would like to develop the lot for Senior apartment housing. They are requesting R-3 zoning with 60% impervious, the request fits the area as Multi-family zoning exists to the east and to the south of the property. The applicant is proposing a 40-unit apartment building on a 3.56 acre lot, which equates to 11.2 units per acre. The R-3 allows up to 16 units per acre. Mr. Brooks stated that staff recommends final approval of the proposed PUD amendment. Mr. Wasvick opened the public hearing. Matthew Dearth, of Vogel Law firm and counsel for the landowner, Lithia Real Estate, Inc., came to the podium to entertain any questions from the committee or the public. Hearing no questions or further comments, public hearing closed.

Motion by Reichert, second by Lunski for approval of Staff Recommendation.
Motion carried unanimously.

3-7 (Public Hearing) - Rezoning of Single Family home from B-3 General Business District to R-2 One or Two Family Residence District at 1324 1st Ave N.

Ms. Edwardson introduced the item and provided an overview of the status of the requested ordinance to amend the zoning map to rezone and exclude from the B-3 General Business District and to include within the R-2 One & Two Family Residence District, located on Lots 13&14, Block 3, Budge & Eshleman's Third Addition to the City of Grand Forks, also known as 1324 1st Ave N. The property is currently, and has always been, a single family home which was built in 1900. The current owner is looking to sell the property and wishes to rezone to allow financing to be approved. Currently the home is a nonconforming use, whereby single-family homes are not a permitted use within the B-3 General Business District. Ms. Edwardson stated that staff recommends approval. Mr. Wasvick opened the public hearing, no comments, public hearing closed.

Motion by Johnson, second by Budke for approval of Staff Recommendation.
Motion carried unanimously.

3-8 (Public Hearing) Conditional Use Permit (CUP) for the property located at 7025 16th Street SE for the purpose of constructing a Guest House.

Mr. Gengler introduced the item and provided an overview of the status of the requested Conditional Use Permit (CUP) and the action on the item to date. The homeowner is requesting approval of a CUP to allow a guest house in A-1 Agricultural Preservation District at 7025 16th Street SE. The property is located in the City's 2-mile Extraterritorial Zoning (ET) Jurisdiction, east of the Grand Forks County Club golf course. Mr. Gengler stated that staff recommends approval. Mr. Wasvick opened the public hearing, no comments, public hearing closed.

Motion by Sande, second by Johnson for approval of Staff Recommendation.
Motion carried unanimously.

3-9 (Public Hearing) Variance to access control regulations at 999 Cedar Burls Drive.

Mr. Gengler introduced the item and provided an overview of the status of the requested variance and the action on item to date. The homeowner is requesting approval of the variance in order to construct a detached garage in his backyard, as well as driveway access to Lou Ann Street. The homeowner was present and willing to answer any questions relative to the request. Mr. Gengler stated that staff recommends approval. Mr. Wasvick opened the public hearing, no comments, public hearing closed.

Motion by Reichert, second by Lunski for approval of Staff Recommendation.
Motion carried unanimously.

3-10 Ordinance to annex Lots 4 thru 8, Block 2 and 40-feet of the vacated 12th Ave North thereof, Block 2, Sunny Nodak Farms Addition – Bible Baptist Church located at 6367 Gateway Drive.

Mr. Gengler introduced the item and provided an overview of the status of the annexation and the action on item to date. This annexation request is a voluntary action, as Bible Baptist came to the City requesting that they be annexed to the City. In 1998, Bible Baptist Church received city water services with the understanding that they could be annexed at some point in the future. Until recently, sanitary services were not available for the church and surrounding properties. Now that sanitary sewer service is available to them, they are requesting to be brought into the City in order to obtain sanitary sewer service. The Planning and Engineering Departments are currently evaluating other surrounding properties in order to establish a plan of annexing those properties over time. That plan will be brought forward to future Commission and City Council meetings for review and action. Mr. Gengler stated that staff recommends approval.

Motion by Johnson, second by Reichert for approval of Staff Recommendation.
Motion carried unanimously.

3-11 Ordinance to annex portions of I-29 not previously annexed.

Mr. Gengler introduced the item and provided an overview of the status of the annexation and the action on item to date. The underlying reason for this annexation is to provide City of Grand Forks emergency response services to these areas, as opposed the rural emergency services currently available to them. Mr. Gengler stated that staff recommends approval.

Motion by Reichert, second by Sande for approval of Staff Recommendation.
Motion carried unanimously.

3-12 Altru banner sign appeal

Ms. Edwardson introduced the request from Altru Health Systems for approval of an appeal to the sign code as provided for in section 18-03011 Appeals of the Grand Forks Land Development code. Altru Health Systems is requesting to temporarily display a large banner on the east side of the main Altru Hospital building located at 1200 South Columbia Road, from June 2019 –December 2022. The hospital wants to display the banner at that location to showcase the new hospital project that will begin within the next month. Ms. Edwardson stated that staff recommends approval.

Motion by Lunski, second by Matejcek for approval of Staff Recommendation.
Motion carried unanimously.

4. Communications and Preliminary Approvals

4-1 Sign code amendment relating to UND sign overlay district

Mr. Gengler introduced the item and recommended preliminary approval of an ordinance to amend the sign code as it relates to the University of North Dakota Sign Overlay District. UND's goal is to repeal and replace the existing sign code for the University District with the sign types proposed in the UND Campus Signage and Wayfinding Master Plan in order to make signage on campus more cohesive. Mr. Reichert expressed concerns with the monument sign design, and asked if the specs listed in all of the proposed sign designs were hard maximums; he did not want to approve without further definitions. Mr. Reichert also didn't want any signs used for advertising for individuals or businesses. Mr. Mike Pieper, Associate VP of Facilities at UND responded to Mr. Reichert's concerns. Mr. Pieper stated that the main intent of this ordinance is for non-digital signs; digital came into the picture with certain buildings such as Skalicky, where there are public meeting spaces and where sandwich boards with zip ties are currently being used to announce these meetings or events. He further stated that these types of signs are used in a very limited number of buildings. Mr. Gengler also commented that the purpose isn't to design the digital signs to be a full video board, and as Mr. Pieper indicated, the intent of these signs is to display an event or information that is happening near the location of the signs. Mr. Gengler stated that Staff could easily incorporate this language into the next draft as it goes to Council, and that staff recommends preliminary approval.

Motion by Sande, second by Lunski for preliminary approval of Staff Recommendation. Motion carried unanimously.

5. Reports from the Planning Department - None

6. Other Business –None

7. Adjournment – moved by Reichert, second by Johnson.

The next regular meeting is June 5, 2019 at 5:30 pm in the City Hall Council Chambers. Any individual requiring special accommodations to allow access or participation at city meetings is asked to notify the ADA Coordinator (746-2655) of their needs one week prior to the meeting.