

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

**1. Roll Call: Members Present**

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

**2. Reading and Approval of Minutes for May 1, 2019.** Mr. Budke asked that the minutes from May 1, 2019, be corrected to reflect that he opposed the motion on 3-4 that passed.

**Motion by Reichert, second by Budke to approve with Mr. Budke's correction.**

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

**3-1 (Public Hearing) Sign code amendment relating to UND sign overlay district.**

Mr. Gengler introduced the item and provided an overview of the status. When the item was last before the Planning and Zoning Commission, the commission gave preliminary approval to staff recommendations with the addition of language that regulates the use of digital displays on the proposed monument signs and directional signs. The Commission also directed staff to reduce the allowable sign surface area for walls sign to 10% of the building facing area. In addition to those changes, Appendix G has been added to reflect all of the information for the signs, including diagrams and dimensions. Both the Planning Department and the University of North Dakota recommend final approval of an ordinance repealing Section 18-0301 (11) of the Grand Forks City Code relating to signs in the U-D (University) District and adoption of Section 18-0301 Signs (11) relating to signs in the University of North Dakota Sign Overlay District. Item was opened for public discussion, hearing no discussion, public hearing closed.

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

**3-2 Annexation agreement and ordinance for the property located at 2053 S 42<sup>nd</sup> Street.**

Mr. Gengler introduced the item, which is before the committee for final approval. Last year, there was a proposal for a multi-family apartment complex on the West side of S 42<sup>nd</sup> street, and in consideration of the same, the City extended the water main on the west side of 42<sup>nd</sup> from 24<sup>th</sup> Ave S. to the northerly extent of the apartment development.

Due to the proximity of the water main, the Rieger property was included in the special assessment district for water service. Staff recommends the City enter into an annexation agreement with the Riegers, along with approval of the corresponding annexation ordinance. The annexation agreement would take effect January 1, 2025, and if approved, would allow the Riegers access to City water service. This is with the understanding that the Riegers: (1) would be responsible for the costs to connect to the water service; (2) could choose to annex prior to that date; and (3) if they do sell, it would be for development purposes. The Riegers agree to waive their rights to protest the annexation. Mr. Reichert asked if the property came in as R1, and Mr. Gengler stated currently it is zoned AG, but at the time of annexation it could be rezoned. Mr. Wasvick asked if the property is sold if the 5 year agreement stays in place and Mr. Gengler stated yes, as the agreement runs with the land. Mr. Reichert asked if any development took place that required a plat would that cause the annexation to occur, and Mr. Gengler stated that was correct. Mr. Reichert asked if there was something filed so that a new purchaser would be aware of this proposed annexation, and Mr. Gengler stated yes both the ordinance and the agreement would be recorded. Mr. Wasvick asked for verification that the current property owners were good with this agreement and they responded yes. Staff recommends approval of the annexation ordinance and agreement.

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

**3-3 (Public Hearing) Appeal to the PUD (Planned Unit Development) Detailed Development Plan requirements as it relates to landscaping requirements for the property located at 3950 S. Columbia Road. (This item has been withdrawn).**

**3-4 Vacation of 45<sup>th</sup> Avenue South between South 20<sup>th</sup> Street and vacated South 19<sup>th</sup> Street, in Southern Estates First Addition.**

Mr. Gengler introduced the item by stating that the City recently approved the vacation of the southerly half of S. 19<sup>th</sup> Street, with discussion at that time of the vacation of the 45<sup>th</sup> Avenue South. With the vacation of S 19<sup>th</sup> Street, the 45<sup>th</sup> Avenue doesn't provide any roadway connection. The Grand Forks Park District is now requesting to vacate 45<sup>th</sup> Avenue South between S 20<sup>th</sup> Street and the vacated 19<sup>th</sup> Street, as this would allow for expansion of their parking lot, and will reduce the amount of on street parking occurring during sporting events. Staff recommends approval of the vacation.

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

**3-5 Vacation of the utility easement within Lot G, Block 1, Columbia Park 22<sup>nd</sup> Addition, located at 4575 32<sup>nd</sup> Ave South.**

Mr. Gengler presented and began by stating that this item was basically a housekeeping item. A replat and vacation action took place in 2017, with the both the replat and vacation being approved, but with only the replat being recorded. This resulted in an incorrect legal description. The approval of this current vacation request will supersede and correct the legal description of the 2017 approved vacation of the utility easement. Staff recommends approval of the vacation.

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

**3-6 (Public Hearing) Replat of Lot 3, Block 1, N.S.P. & Pillsbury Industrial Park Resubdivision and ordinance dedicating R/W, located at corner of Mill Road and 27<sup>th</sup> Ave N.**

Mr. Brooks presented stating the current property owners want to split property and keep part, and then sell part. Mr. Brooks noted that the utility company is present and can answer any questions. Staff recommends approval. Item was opened for public discussion, hearing no discussion, public hearing closed. Mr. Matejcek asked about the current zoning, and Mr. Brooks stated they are all I-2 in that area.

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

**3-7 Partial street vacation of 16<sup>th</sup> Ave North and 10 foot utility easement adjacent thereto, Molstad's Addition and Molstad's Second Addition, 4403 and 4386 16<sup>th</sup> Ave North.**

Mr. Brooks presented stating that there is a bulb in the right of way at this location, and the developer of this property is developing Lots 4 and 5, Block 1 of Molstad's Second Addition, and in their designs, it was determined that the bulbed right-of-way on the north side of 16<sup>th</sup> Avenue North was no longer needed. Staff recommends approval of the vacation. Mr. Reichert asked when the vacation occurs, does the line go straight down, and Mr. Brooks stated yes, by following the lot lines.

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

**3-8 (Public Hearing) Sign Appeal – Downtown Parking Ramps at 415 1<sup>st</sup> Avenue North and 55 S. 5<sup>th</sup> Street.**

Mr. Brooks presented stating that the City put this request forward as the parking authority for the City, and explained that during the Demers Avenue construction project, the City wanted to fully utilize both the Corporate and Central Ramps for parking. In that regard, the proposal is to provide 2 hour public parking stalls in each ramp to allow for free parking for the public to utilize for a 2 hour period from 7 am to 5 pm Monday-Friday. The proposed signs advertising this free parking will be on the outside of each structure, and are temporary; only remaining during the Demers construction season. There will be a total of 32 stalls available, 14 in the Central Ramp, and 18 in the Corporate Ramp. Staff recommends approving the signs as proposed. Mr. Reichert expressed concerns about the wording of the signs; Mr. Brooks stated the wording was not yet finalized and that the item before the committee was approval of the sign design. Mr. Wasvick asked Mr. Brooks to define what temporary meant, and Mr. Brooks stated signs would be removed by November 30<sup>th</sup>, or sooner if construction was completed. Mr. Kuhn asked what would happen when Central starts school again, and Mr. Brooks stated that their contract would be renewed in July, and conversations with them will take this into consideration, as their number of striped stalls will be reduced. Item was opened for public discussion, hearing no discussion, public hearing closed.

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

**4. Communications and Preliminary Approvals**

**4-1 Plat of Gornowicz Second Resubdivision and ordinance dedicating R/W.**

Mr. Brooks presented by stating this goes with the prior item of vacation discussed. The owner of the property is requesting to subdivide the lots to sell them as smaller lots for industrial garages, with the center of the lots being used for private shared access and utilities. Staff recommends preliminary approval. Mr. Reichert asked how the lot lines will be drawn and do they check with the landowners, and Mr. Brooks stated it's the same owner for both lots.

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

**4-2 Plat of Adams Addition and ordinance dedicating R/W.**

Mr. Brooks presented stating this is another utility company request at 27th Ave N, east of and adjacent to the CHS (tank) farm. Although this is a fairly small plat, it is

something that we allow for utilities, in this case to install a valve structure. There is a large amount of right of way, but that's due to the smaller size of the lot.

Staff recommends preliminary approval of the plat. Mr. Johnson asked if there is currently a 33 ft. right of way, and Mr. Brooks stated yes it is required by statute. On this road, looking at the future needs of a 100 foot right of way, so grabbed 50 feet from each side.

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

**4-3 Ordinance Amending Zoning Map - JR's PUD Amendment No. 3 – Lot coverage increases on 45<sup>th</sup> Ave S from 34<sup>th</sup> Street South to 30<sup>th</sup> Street South.**

Mr. Brooks presented stating that this is part of JR's PUD that came in 5 years ago, and called for the area to be multi-family lots. The request is to change 1D to 4D impervious lot coverage to 50%. This is similar to what has been done in the Thompson homes area, with larger garages on smaller lots. Staff recommends preliminary approval. Mr. Johnson asked if this changed the side yard setbacks to which Mr. Brooks stated no. Mr. Reichert stated the desire was for smaller more affordable houses, but if a request for duplex was submitted by asking for a zoning changes, could this be done, and Mr. Brooks stated yes. Mr. Reichert stated it was the builders who are calling asking on behalf of their buyers. Mr. Brooks further stated that you wouldn't notice these from the front of the lot, as the garages are on the back of the lot. Buyers simply want smaller lots to keep specials down. Mr. Wasvick asked if Engineering signed off on this, and Mr. Grasser responding by stating they will function adequately, but that the lots were pretty small. Mr. Kuhn asked if more pond storage would be required, and Mr. Brooks stated yes because the lots were originally planned for multi-family use.

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

- 5. Reports from the Planning Department - None**
- 6. Other Business - None**
- 7. Adjournment - moved by Matejcek, second by Kuhn.**