



Planning & Zoning Commission Meeting Minutes

January 8, 2020, 5:30pm
Grand Forks Council Chambers

1. Roll Call:

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

2. Reading and Approval of Minutes for December 4, 2019

Motion to approve as submitted by Reichert; second by Budke. Motion carried unanimously.

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

3-1 (Public Hearing – Fast Track Final) Replat of lots B, C, and D, Block A of the replat of Lot 1, Block 3 and Lot 1, Block 4, and vacated 38th Avenue South adjacent thereto, Columbia Park 33rd Resubdivision.

Mr. Brooks introduced the item. The owners of the commercial properties have requested to replat the three existing lots into two lots.

Discussion was held if access points will change for this development. Mr. Brookes stated the access points will remain the same. There is going to be a separate owner for the lower lot with a private roadway coming in. Only the lot line between the lots will change.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED

Motion by Kuhn, second by Sande for final approval of the replat of Lots B, C, and D, Block A of the replat of Lot 1, Block 3 and Lot 1, Block 4, and vacated 38th Avenue South adjacent thereto, Columbia Park 33rd Resubdivision. Motion carried unanimously.

3-2 (Public Hearing – Fast Track Final) Replat of Lot 1, Block 1, Perkins Thirteenth Resubdivision.

Mr. Gengler introduced the item. The property owner would like to subdivide one more lot, thereby creating three lots. Property owners will have shared access coming in off of 40th Avenue South. There is an existing storm pond intended to service all three lots so they will be revising their internal agreement to make sure all three property owners will be a part of the access agreement and the storm pond agreement.

There was a minor change received today, adding a 20-foot utility easement on the north side of the property. Mr. Gengler provided history on the property, stating the green lines on the replat depict the easement for the Magellan Pipeline, which runs along the property and takes up a considerable amount area. There is very little Magellan will allow to occur in that area so in the future there may be requests for appeals in regards to landscaping or other development standards that are restricted due to the easement.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED

Motion by Sande, second by Reichert for final approval of the replat of Lot 1, Block 1, Perkins Thirteenth Resubdivision. Motion carried unanimously.

3-3 **(Public Hearing – Fast Track Final) Replat of Lot G, Block 1, Business Park Third Resubdivision.**

Ms. Halford introduced the item. The property is on the south side of the City's Business Park, which is located west of I-29, north of 32nd Avenue S. The property is being subdivided in order for the City's Growth Fund and Job Development Authority to sell roughly 4.5 acres to a trucking logistics company. The logistics company will join Acme Warehouse, FedEx, and Border States Electric in the shovel-ready business park.

The use of the property fits current zoning which is PUD I-2 with special conditions. The conditions include specifics on building materials and various other elements that lend to a cleaner aesthetic-looking industrial park. The conditions will be addressed through the site plan review process.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED

Motion by Reichert, second by Lunski for final approval of the replat of Lot G, Block 1, Business Park Third Resubdivision. Motion carried unanimously.

3-4 **(Public Hearing – Fast Track Final) Replat of Lot E, Block 1, of the replat of Lot D Block 1, of the replat of Lot 6, Block 1, Perkins 1st Addition.**

Ms. Edwardson introduced the item. The replat is located at 2925 32nd Avenue South, the TJ Maxx retail store. The purpose of the replat is to split the TJ Maxx store from the rest of the mall complex. TJ Maxx will purchase their space with the remaining stores to stay under Grand Forks Associates LP ownership.

One condition of the plat, is in regards to lot lines going through an existing building. A lot line can be placed through a building if there are fire rated walls bordering the lot line, otherwise a lot line cannot go through a building for many reasons, including liability. TJ Maxx has existing fire separation and can be separated with no issues.

When this was all platted to begin with, these were two separate lots. When they decided to consolidate the complex together, the lots were joined together administratively in order to build that connecting structure. The lot line running through them effectively disappeared through that process. However, that lot line does exist today.

Mr. Budke inquired if there will be three lots once replat is finalized. Ms. Edwardson clarified even though the replat shows three lots, two of the three lots will be merged into one.

Mr. Reichert inquired as to why exceptions are being made. Ms. Edwardson explained that property owners have a sale pending and we want to make sure it facilitates but also want to make sure we are fulfilling our requirements. Due to the time line, property owners were given two options to rectify the problem. They could either go through incorporating the larger complex lot into the plat, or by joining the newly formed lot with the existing lot, which is an administrative process. Regardless the route the owner chooses to pursue, there will not be a lot line running through a store. Staff recommends approval of the subject replat.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED

Motion by Sande, second by Johnson for final approval of the replat of Lot E, Block 1, of the replat of Lot D Block 1, of the replat of Lot 6, Block 1, Perkins 1st Addition. Motion carried unanimously.

4. Communications and Preliminary Approvals

4-1 Update of the Planning and Zoning Commission By-Laws. (a draft will be emailed to members prior to the January meeting).

Mr. Gengler provided an overview in the process of updating the Commission By-Laws. On December 19, 2020, Mr. Gengler met with the Executive Committee to conduct a review of the by-laws and begin identifying areas that need to be changed, edited, corrected, etc. as well as made some procedural edits.

Several areas of the by-laws will be amended due to past changes in the Zoning Code as well as City policies. For example, the Commission went from 15 members to nine members, thereby requiring necessary adjustments to the Membership section. Also, it's been roughly 25-30 years since the Commission had a budget within the overall City budget and the current document makes reference to the Commission's ability to expend funds for certain purposes. Mr. Gengler brought up one of the more debated topics, involving dissenting votes, abstentions and recusals.

Discussion ensued amongst the Commission regarding several topics with the by-laws.

Another point that came out of the Executive Committee is a procedural standpoint of having a preamble preceding the Commission meetings. The Executive Committee will come up with a basic statement, which applies to the audience as well as the Commission.

Mr. Gengler will confer with the City Attorney, requesting assistance with preparing a final document to bring back to the Commission in February.

5. Reports from the Planning Department

5-1 2019 Year-end Report.

Ms. Edwardson informed the Commission that staff has put together an updated year –end report and will have it refined and emailed out to the Commission with the next week or two. The report is a summary of what staff accomplished in 2019 and what to expect from staff in 2020. Ms. Edwardson provided an overview on the highlights of the report.

6. Other Business

Mr. Matejcek inquired if anything has been done with Viterra and gave an overview, stating that Viterra is a large Canadian grain conglomerate that bought up Gavalon, which is a large grain terminal on the north side of Grand Forks. They are operating under a Conditional Use Permit so they can load their unit trains of grain of 110 cars, approximately a mile and half long. One of the conditions is when Viterra blocks 54th, they have to an alternate route that is open because eight residents live at the end of 54th and 54th dead ends at the interstate. When 54th is blocked, Viterra is supposed to put signage up and open the alternate access, which is a gated access that was built by Gavalon and is only open when Viterra needs it. Since Viterra came in, they continue to block both access points.

Mr. Gengler provided background information stating this is a situation where the two structures in this area and the whole property previously had been under one ownership and the Conditional Use Permit that was approved at that time, applied to the whole property. Over the years the property was replatted and split so the Conditional Use Permit now applies only to the property that is not causing the problem. Mr. Gengler commented what Viterra is doing is dangerous and wrong and suggested that a more aggressive or legal approach should occur.

Discussion was held amongst the Commission about the Conditional Use Permit and questioned if the City sent Viterra a copy of the permit.

Mr. Gengler stated he had a conversation with Viterra and they were not aware of what happened in the past. He also found out that Viterra's property does not pertain to the permit that was issued before. Mr. Gengler suggested a number of avenues that we need to pursue and would also like to have a conversation with the Sheriff's office as well as emergency responders, stating if we are going to approach Viterra, we need to have all parties up front, getting the point across.

Discussion ensued. The Commission agreed with Mr. Gengler's suggestions and as well as contacting Viterra during regular business hours in order to get in touch with the right decision makers.

Mr. Wasvick thanked Mr. Matejcek for bringing this issue to the Commission's attention.

7. Adjournment

Motion to adjourn by Lunski; second by Sandi. Motion carried unanimously.

The next regular meeting is **February 5**, 2020 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.