



# Planning & Zoning Commission Meeting Minutes

February 5, 2020, 5:30pm  
Grand Forks Council Chambers

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## 1. **Roll Call: Members Present**

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

## 2. **Reading and Approval of Minutes for January 8, 2020**

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

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

3-1 Update of the Planning and Zoning Commission By-Laws. (To be tabled until the March Commission meeting)

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

3-2 **(Public Hearing)** Conditional Use Permit for Ruffing It Doggie Daycare, Overnight Center & Grooming, located at 1515 Demers Ave.

Mr. Gengler introduced the item, providing a synopsis of the March 2004 ordinance the City adopted allowing dog daycare and boarding facilities as a Conditional Use Permit (CUP) in the B-3, I-1, and I-2 Districts, and the most recent processes that have occurred. He stated the purpose for amending the CUP for Ruffing It is to bring the permit into compliance with the new provisions in ordinance No. 4743. Mr. Gengler gave a snapshot view of the business and pointed out it now occupies the entire building, which increases the square footage and will allow substantive changes to their business. A neighborhood meeting was held on January 23 at City Hall to inform property owners within 400 feet of the request to amend Ruffing It's CUP. There was zero attendance and staff has not received any correspondence. Staff is recommending renewing the CUP for a five-year renewal subject to the conditions and provisions noted in the staff report.

Ms. Sande inquired if there will be changes as to how they run their business. Mr. Gengler stated from the original approval, the plan of operation will not change.

**PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.**

**Motion to approve as submitted by Sande; second by Matejcek. Motion carried unanimously.**

3-3 **(Public Hearing)** Conditional Use Permit for Kost Materials, LLC, to construct ready mix production facility and aggregate storage located at 5070 DeMers Ave.

Mr. Brooks introduced the item, stating Kost Materials has an agreement to purchase a portion of the former Wells Concrete facility site along the railroad tracks on the western edge of that site. Kost Materials plans to construct a new facility along with a ready mix operation and submitted an application. Staff mailed notices to the properties within 400 feet of the site. Kost intends to retain some of the existing Wells Concrete employees. Staff is recommending approval of the request.

Discussion ensued as the Commission posed several questions in terms of the ready mix production. Mr. Jeff Effort, owner of Kost Materials came forward and clarified that the existing plant that Wells was operating was more of a pre-cast operating plant, highly technical for their tilt-up operation. A ready mix plant has higher production capabilities but is still built under the same standards as far as dust control. Kost will continue to use the plant that is there but is a different type of use.

**PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.**

**Motion to approve as submitted by Matejcek; second by Kuhn. Motion carried unanimously.**

3-4 **(Public Hearing – Fast Track Final)** University Place Second Resubdivision, located at 2724 and 2800 University Avenue.

Mr. Gengler introduced the item, explaining that last May, a section of Cornell Street was vacated and a 30-foot utility easement was retained in order to accommodate the existing water line running north from University Avenue. The University indicated they had plans to create a pedestrian walkway connecting University Avenue to the parking lot adjacent to the former medical school building. The purpose of the replat is to absorb the vacated right-of-way into Lots A and B prior to the University selling Lot B to a private Greek housing entity.

Mr. Johnson questioned how it is determined where to split the lots. Mr. Gengler commented it is up to the property owner. Mr. Budke inquired about the pedestrian walkway and the guarantee that it will go in some day. Steve Swanson of AE2S came forward to clarify the University's intention. Last year they reconstructed a 10-foot sidewalk going through the corridor, which lines up with a sidewalk that goes up the old Med School. There is not an easement. The lots are owned by UND and the sidewalk is on Lot A, which lines up with the westerly edge of the vacated road.

**PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.**

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

3-5 **(Public Hearing – Fast Track Final)** Replat of Lot B, R, and E, Block 1, Perkins 1<sup>st</sup> Addition located at 2751 32<sup>nd</sup> Ave S.

Ms. Edwardson introduced the item, stating the lot is the current Pizza Hut previously brought forward and approved back in October 2019. The developers and owners are working with a new tenant that will lease the property with an option to purchase. They have since amended the desired lot boundary, which requires a new approval. Part of the redevelopment is the need to replat the property in order for the tenant to lease additional land for loading dock area and to provide adequate parking on site to meet the required off-street parking amount of 29 stalls.

Discussion was held about their need for loading dock areas, additional parking stalls and the unique lot lines.

**PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.**

Mr. Budke pointed out another option would be the shared parking agreement where you have adjacent commercial properties should they chose to do so.

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

**4. Communications and Preliminary Approvals**

4-1 Plat of University Park Resubdivision located at 404 N 25<sup>th</sup> Street and 2100 5<sup>th</sup> Ave North.

Ms. Halford introduced the item. It is common practice for the City Park District and the School District to partner on the locations of City infrastructure (life stations, ponds, etc.). University Park, which is owned and managed by the Park District, is an example of this arrangement as it hosts a City lift station. This plat will create a separate lot for the lift station that will now be owned by the City (the rest of the park is to remain owned by Park District). For liability purposes, it is necessary to clearly define the ownership and the responsibilities between the lift station and the park, as well as clearly defining the utility easements.

Mr. Reichert questioned which easements would be discontinued and Ms. Halford provided clarification.

**Motion to approve as submitted by Johnson; second by Matejcek. Motion carried unanimously.**

4-2 Plat of Edgewood Second Resubdivision and ordinance dedicating R/W, located at 4000-4300 blocks of S 19th Street.

Ms. Edwardson provided an overview of items 4-2 and 4-3 indicating the area was previously one of the City's longstanding unannexed island areas. Last year when the Edgewood assisted living facility came in, the area was annexed and now developers are seeking to plat single family and twin home lots. Staff is seeking preliminary approval subject to the conditions noted in the staff report for item 4-2, including the preliminary approval of an ordinance amending the Street and Highway Plan (Item 4-3).

The northern cul de sac is intended to be a dedicated public right of way and reflects the City's standard 80ft width. There will be single family detached homes along the cul de sac. Zoning is in place for the single family homes with 5' side yard setbacks and 55% maximum impervious conditions approved under the last amendment to the PUD.

A denser development of twin homes are being requested along what is intended to be the private road, 'Tobi Lane'. The twin homes will require a zoning approval as part of the next item to allow 4 foot side yard setbacks. Under the previous PUD amendment this area was approved for 60% impervious.

The reason for 4 foot side yards is due to the staggering of homes the developer intends to utilize. Between each structure there will be the building code minimum requirement of 10ft. But one lot is proposed to have 4 feet on one side and 6 feet on the other, for the 10 ft total between the two.

As part of the plat review, Planning Department is seeking a 10ft pedestrian easement that runs midblock that will provide a pedestrian connection between the 860ft block of twin homes.

Typical city blocks are approximately 300ft. Staff feels it is warranted to request a mid-block pedestrian connection because without one, the area will have no connections for what would be 3 blocks elsewhere. Denser developments with more affordable housing products will result in younger families locating here, making it wise to pursue a connection that will allow kids and families to interact with their neighbors in an easier manner.

The remaining southern portion of the development is proposed to be a continuation of twin homes on the south side of Tobi Lane. The developers initially planned to continue twin homes all the way south to 44th Ave S, however after storm water regulations were vetted, a City storm pond was needed in the Southwest corner of the development. As a result of losing that land area to a pond, the developers are seeking a higher density zoning of R-4 at 20 units/ acre in order to make up for some of the lost density in lost land area. The area was previously approved at 60% impervious which is already standard in the R-4 district. Across 44th Ave S, R-4 Zoning is already in place, making this addition a good transitional approach in the zoning of the area. Staff is supportive of the increase in density, recognizing that the developer had to provide additional land for the storm pond.

Commission and Staff had a lengthy in-depth discussion regarding several topics. John Uniseth with Eagle Ridge Development came forward to address and provide clarification. Mr. Gengler brought up, as Andrea had previously indicated, there are references in our current Land Use Plan in terms of designing neighborhoods and walkability and we will never be able to achieve those if we do not at least encourage or pursue these things because not everything is going to be in the public right away, especially with parks and open spaces. Mr. Uniseth interjected stating one thing that makes this unique that he is in support of is that two sides of this property are surrounded by a drain that do not have any cross connectivity. He feels there is a way to work with staff to allow for pedestrian connectivity and not week completely around the development.

**Motion to approve as submitted by Reichert; second by Budke. Motion carried with Johnson voting no.**

4-3 Southern Estates PUD Amendment #14, located at 4000-4300 blocks of S 19th Street.

Ms. Edwards introduced the item and addressed with item 4-2. As noted in the staff report, The Planned Unit Development (PUD) is seeking to change areas MF-21 and MF-22. MF – 21 is proposed to be the twin home development that runs along Tobi Lane as platted in the previous item. The amendment would reduce the density from the previously approved 16 units/acre to 9 units/acre, have 4 foot minimum side yard setback, and maintain the previously approved 60% impervious surface allowance. One additional requirement is that for those properties that are adjacent to the Southend Drainway, the setback will be 35 feet from the east property line. This large setback is due to the current slope easement of the drainway that exists today. The lots are larger in order to accommodate the necessary setback.

MF- 22 is proposed to be a higher density area, going from R3 to R4 due to loss of land for a City storm pond. The area would allow 20 units /acre (R4 maximum density is 50 units/acre) and would follow all other R-4 standards including the previously approved 60% impervious which is the R4 standard already. Staff recommends approval of the request.

An in-depth discussion ensued amongst the Commission, Staff, and input from the developer.

**Motion to approve as submitted by Kuhn; second by Reichert; Motion carried with Johnson voting no.**

## 5. Reports from the Planning Department

### 5-1 Land Use Plan update briefing and proposed southend development discussion.

Land Use Plan update - Mr. Gengler provided information on the 2050 Land Use Plan update. He shared with the Commission recent conversations regarding the intent of our Land Use Plans and provided a quick timeline. In March, staff will come to P & Z with preparatory information gearing up for the process with that goal of getting the RFP out in June and hopefully start the kickoff process in July. In this case we are being split-funded, so part of 2020s coming through in terms of funding and also 2021, so this process will last into late summer or even into fall of next year in order to get the entire Land Use Plan done. Once this is done, the Transportation Plan goes on for review and approval. Mr. Gengler stated that typically when updating the LUP, there are four P & Z Commissioners along with staff that sit on the committees. This time, would like to have a more inclusive approach, with four commissioners, two City Council reps, and staff (Planning, Engineering, MPO) and refer to this group as the "main" subcommittee. In addition to this committee, Mr. Gengler is going to form from a staff level, an intra-departmental "parallel" committee. Mr. Gengler would leave it up to the Executive Committee to determine how we choose the three – four members. Discussion ensued among commissioners about the various options and entities to include in the LUP process.

Proposed Southend Development discussion – Mr. Gengler informed the Commission that on January 27, Staff presented to the Committee of Whole regarding the current southend development proposals and concepts. He stated these types of developments correlate to our LUP.

### 5-2 Discussion of potential sign code amendment relating to on premise signs along I-29.

Mr. Gengler stated now that we are having new developments adjacent to I-29, some of the business are asking about taller ground monument signs. Now most of those areas, commercial/industrial, are PUDs and as a stand-alone business, are only allowed the maximum size of an eight foot high by 18 foot wide sign. Some of the business are now asking for taller ground monument signs. Based on that, staff will draft some ordinances and bring forward to P & Z for review.

## 6. Other Business

Mr. Gengler provided an update on Viterra and the rail blocking situation on 54<sup>th</sup> Avenue North. Mr. Gengler had discussions with the representative from Burlington Northern Sante Fe out of Minneapolis and provided them with all the information, lay of the land, existing conditions and unreasonable time frames. He was informed by Burlington Northern that they have since met with owners of the operation and came up with a plan to assure that 54<sup>th</sup> Avenue will be open. The trains will have to be decoupled and Burlington Northern will take responsibility to do that for both the short term and long term. Mr. Gengler also stated the existing CUP still applies to the fertilizer operation in that area and is confident that we have a good point of contact with the railroad if any further issues occur. Discussion ensued among the Commissioners. Mr. Matejcek shared the recent activities that have occurred and would like to bring the CUP forward for discussion. Mr. Gengler stated staff can investigate further and at least frame it in order to bring it up for discussion. Mr. Reichert applauded Mr. Gengler for what he has been able to accomplish. He would like staff to provide Commission with copies of the CUP in order to discuss it next month's P & Z meeting.

Mr. Reichert reintroduced the proposed southend development. Further discussion ensued among the commission, Mr. Gengler and Allen Grasser, City Engineer. Mr. Reichert stated from a planning perspective, we need to understand what the financial impact is because it is far different from the other things that we annex in.

7. **Adjournment**

**Motion to adjourn by Matejcek; second by Kuhn. Motion carried unanimously.**

The next regular meeting is **March 4**, 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.