



Planning & Zoning Commission Meeting Minutes

March 4, 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.

2. **Reading and Approval of Minutes for February 5, 2020**

Motion to approve as submitted by Budke; second by Lunski. 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 April Commission meeting)

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

3-2 **(Public Hearing)** Plat of Edgewood Village Second Resubdivision and ordinance dedicating R/W, located at 4000-4300 blocks of S 19th Street.

Mr. Gengler introduced the item, stating there were discussions on the sidewalk connecting blocks in the property located south of 40th Avenue South and 44th Avenue South with the drain way being on the East side and South 19th Street being on the West side of the property. Mr. Gengler specified what occurred last month was the need or requirement to have a sidewalk go through the dedicated public street (cul-de-sac), going south and connecting to the southerly portion of Tobi Lane. After the February Planning & Zoning Commission, Mr. Gengler held discussions with the development team to determine the best resolution. Prior to the City Council meeting on February 18th, the Planning Department was informed by the applicant that he would prefer not to provide either version of the sidewalk easement discussed at the February Commission meeting. Mr. Gengler pointed out that Staff attempted to find the best resolution internally, stating this would have been a good plat had the pedestrian facility been addressed prior to the design and lot size calculations of the plat. The City Council gave preliminary approval to the plat without requiring the sidewalk easement as previously discussed. Staff concurred with Council and is recommending final approval.

Commission and Staff had a lengthy in-depth discussion. Mr. Reichert asked Mr. Gengler how many blocks deep is the cul-de-sac. Mr. Gengler replied the cul-de-sac is 635 feet deep and Tobi Lane is 835 feet deep. In comparison, Ms. Sande questioned what the distance would be if going east and west on Star Avenue South (located between 41st Avenue South and 42nd Avenue South). Mr. Gengler stated it was approximately 1600 feet.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.

Mike Korman, CPS, Ltd. who is assisting the developer with the plat and planning process stated the bigger issue for the developer is breaking up those lots and having the sidewalk on the side yards, which makes those properties very difficult to sell. Snow removal is typically done by homeowners adjacent to the sidewalk. However, when properties are adjacent on both sides of the sidewalk, it poses an issue as to which homeowner does the snow removal. As far as density, the sidewalk would be only five feet wide so there likely will be the same number of lots with a few being slightly smaller.

Mr. Reichert asked Mr. Korman why having Tobi Lane as a private drive would be advantageous especially when smaller lots may be sold to lower income people and in approximately 10 years, the road will need to be fixed, which could be quite a financial shock to the homeowner. Mr. Korman stated with a private road, you do some things different such as having a smaller right-of-way, which increases density on the project. There will also be HOA fees through the association for future road maintenance. Mr. Gengler pointed out whether it's a private or a public road, at some point in time individual homeowners will have to pay for resurfacing, either through HOA fees or special assessments.

Ms. Sande commented that everyone has their own ideal of how they want to live and if people do not like this development because there is not a sidewalk, they will not buy the houses and then the developers will not develop like that again. She stated not every neighborhood has to look the same and felt the City needs to implement some of these types of developments because people have different lifestyles, and we do not need to have the same criteria that we may use in downtown living.

Prior to Commission voting, Mr. Korman came forward and commented on the technical changes that Staff had recommended was for a mid-block sidewalk. The reason why they did not want to do that is because it would cut up the property. If they were required to put in a sidewalk, their idea is to have a sidewalk mid-block off the cul-de-sac and then come through. He further noted this development is unique due to the drain way on the east side and the north side so you cannot do through streets, which makes it more difficult.

Mr. Gengler added when making these types of motions, to be as definitive as possible in terms of approving with a sidewalk and leaving it up to the developer to place the sidewalk. If the sidewalk placement went through the cul-de-sac, skirting the drainway going east and west, it could be put in with a sidewalk easement. Al Grasser discussed the options if sidewalk placement went this route, we would have to dedicate a sidewalk easement and then use City criteria for the sidewalk.

Motion by Reichert, second by Budke to approve the plat with a mid-block pedestrian (sidewalk) connection. Voting yes: Reichert, Lunski, Matejcek, Budke. Voting no: Wasvick, Johnson, Kuhn, Sande. Tie vote results in the defeat of the motion.

3-3 **(Public Hearing)** Southern Estates PUD Amendment #14, located at 4000-4300 blocks of S 19th Street.

Mr. Gengler introduced the item, stating this is the final hearing of the ordinance the Commission reviewed and approved last month. He recapped that the single family units are to the north, which is a dedicated street. The townhomes are along Tobi Lane, which is a private street. Further south are higher density units to make the transition from residential into the medical and institutional type land uses to the south. The impervious surfaces, setbacks, and the land uses were approved. Staff will be recommending final approval on the PUD.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.

Mr. Reichert questioned the bigger setback on the drainway side and inquired if there was concern of the 4 foot setbacks for the three westerly lots on 19th Street and asked if there was going to be a sidewalk there or if the lots were going to be four feet from the road. Mr. Gengler stated the second front would be ten feet. Mr. Korman came forward and stated the intent is the same as any corner lot. The side that is against the street is a second front to the three properties and is not a side yard.

Motion to approve as submitted by Reichert; second by Kuhn. Motion carried with Budke and Johnson opposed.

3-4 **(Public Hearing)** Conditional Use Permit for a Contractors Shop in the B-3 General Business District, located at 916 North 6th Street.

Mr. Gengler introduced the item. The subject property is vacant and properties around it are zoned as B-3. There is a variety of uses in the general area of the subject property, to include single-family homes, drive-in restaurant (Kegs), electrical substation, warehousing and shops. The property will have a standard single building, and as with all Conditional Use Permits, there will be outside storage or construction activity. Notifications were mailed out to the surrounding area and the Planning office received no responses. Staff does recommend approval.

PUBLIC HEARING OPENED.

Residential owner, Sue McWilliams who lives at 919 North 5th Street came forward, questioning where the shop exits will be located, will the applicant maintain the alley, and what type of noise will there be. The applicant, Tim Rosencrans came forward, stating the building will be a contained construction/hobby shop with no outside activity and will add value to the neighborhood since the lot has been vacant and overgrown for over 25 years. Mr. Reichert inquired where the ingress and egress to the shop will be. Mr. Rosencrans replied the entrance to the office will be on 6th Street with an overhead door and concrete drive on the backside that goes to the alley. Mr. Kuhn asked what type of equipment will be going into the area. Mr. Rosencrans stated he is a residential contractor and does not have heavy equipment. Ms. McWilliams inquired about the noise level and number of vehicles going in and out of the area. Mr. Rosencrans stated he is the only employee and the only outside noise will be the construction of the building.

PUBLIC HEARING CLOSED.

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

3-5 **(Public Hearing)** Plat of University Park Resubdivision located at 404 N 25th Street and 2100 5th Ave North.

Ms. Edwardson introduced the item stating this was the final approval of the replat of University Park and Valley Middle School presented last month. Ms. Edwardson stated there were no changes from the first reading. Staff recommends final approval.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.

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

- 3-6 **(Public Hearing – Fast Track Final)** Replat of Lot 2, Block 1, Stadter Second Resubdivision, located at 1600 47th Ave South.

Ms. Edwardson introduced the item stating the plat is located at 1600 47th Ave South, the Greenberg Realty Business complex. The plat is proposing to split the lot so that each building is on its own lot. The owners have developed a shared use common maintenance agreement for the shared drive and parking areas.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED.

Motion to approve as submitted by Budke; second by Johnson; Motion passed with Sande recused.

4. **Communications and Preliminary Approvals**

- 4-1 Plat of Highland Point Sixth Addition and ordinance dedicating R/W located on S Washington Street, between 36th and 40th Avenues South.

Mr. Brooks introduced the item. The property is located on the west side of South Washington Street and has been vacant many years. The developer intends to split the property into two larger lots with access out to South Washington Street near 38th Avenue South. Staff is recommending this opening to be limited to right in/right out access only for this preliminary approval. There may be additional discussions with the developer prior to the final approval. The property must be annexed into the city, which is the next item on the agenda. The zoning for the property is commercial and will remain. Staff is recommending approval.

Mr. Budke questioned the 80 foot dimension into 38th Avenue South that matches the entrance into the property on the west side of South Washington because the plat appears to be a narrower entrance. He also inquired about the easements. Mr. Brooks clarified there is a 27 foot and 19.6 foot easement just north of where the property lots split, which is where the entrance into the property from the west side of South Washington Street will be. The entrance is not a city street, but considered a private driveway into the property's future parking lot. The driveway is in line with 38th Avenue South, which is on the east side of South Washington Street. Mr. Reichert sought clarification. Discussion followed between the Commission and Staff.

Mike Korman, CPS, Ltd. came forward and stated the entrance off South Washington Street into the property will not be city street. It is a narrower common drive lane that splits the two lots but also will give access to a parking lot. Mr. Korman also had discussion with the developer who is concerned with the right in/right out comment and would ask to have consideration given to a three quarter access. There will be discussion with Staff regarding this. When the developer bought the land, they thought it was going to have full access and were thinking of having a convenience store there. However, without full access it would not work, so they may have to reconfigure their entire development plans.

Al Grasser explained from a Staff standpoint, that 36th Avenue South is a straight shot from Columbia Road going east and west, and is going to act as a collector street. We are planning on signaling 36th and 40th Avenues South. Staff will have a discussion with the developer.

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

- 4-2 Ordinance to annex Highland Point Sixth Addition.

Mr. Brooks introduced the item. The ordinance is the annexation piece to annex Highland Point Sixth Addition, located on the west side of South Washington Street between 36th and 40th Avenues South. The total annexed area is just over eight acres. Staff recommends approval.

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

4-3 Southern Estates PUD Amendment #15, located at 4000-4500 blocks of S Columbia Road.

Mr. Brooks introduced the item. The developer of this property had originally planned to develop single story commercial property in this area. They have been reconsidering their request and now are requesting the potential of including mixed-use buildings on the site. These uses are typically allowed and encouraged in our B-3 districts; however, the PUD for this area did not allow for residential units within this area. This proposed change will allow the option for the developer to build mixed use structures in the commercial area along South Columbia Road. Mr. Brooks pointed out that this item is preliminary and there is a final hearing and notification that has to be had as well. Staff recommends approval of the request.

Mr. Reichert questioned why 60 percent of the first floor would be residential. Mr. Brooks stated that typically when you have B-3 districts, mixed use is already allowed within our code. The developer may want to have walkouts on the backside of that building that would be directed towards the east. Mr. Brooks pointed out there are no connections in the neighborhood in terms of sidewalk or street, other than to get down to 45th Street. These homes have not gone in as of yet, but that is the zoning that is in place.

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

4-4 Strinden First Addition and ordinance dedicating R/W located in the 1000 block of 11th Ave S.

Mr. Gengler introduced the item. The proposed plat is located near the City's new Water Treatment Plant. In 2016, the City purchased a strip of land 80-feet wide by 1,200 feet +/- from Strinden Family Revocable Trust for the purpose of securing necessary land to support the infrastructure needs for the plant. In December of last year, the City was approached by representatives of the Strinden Children LLP (current owner of the subject land), with an offer to donate land. The proposed plat encompasses the previously purchased land and the donated strip of land which will be conveyed to the City. Staff is recommending preliminary approval to the plat and preliminary approval of an ordinance amending the Street and Highway Plan and schedule a public hearing for April 20, 2020.

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

Reports from the Planning Department

5-1 2050 Land Use Plan Update discussion.

Mr. Gengler introduced the item and gave an overview on the timeline and Scope of Work. In April, draft Scope of Work for preliminary action to the Commission. In May, acceptance of Scope of Work. In June, submission of RFP. In July, have the consultant on board. Work will then begin and last tentatively through November 2020-2021 with funding being split half this year and the other half in 2021. When the process is done, then the Transportation Plan will be updated. Funding for this process is provided by the MPO, with a portion paid by the City.

There will be a slightly different approach this year, getting City departments (i.e. Fire Department, Street Department, Sanitation, etc.) involved up front in the process. Everyone has a certain stake in a development and now would be a good time to get them involved in the LUP since it all relates to growth management (i.e. residential, commercial, and industrial development, urban design, parks and open space, transportation, natural resources, sustainable development, and planning process). These are the main elements of the plan and each carries with it certain goals and objectives to meet. Mr. Gengler envisions more of a City/Staff involvement. A subcommittee will be formed to include three or four Commission members, two City Council members, and representatives from the School and Park Districts.

One of the important tasks a consultant does is review previous studies, current Land Use Plans, Downtown Plans and Studies, Downtown Transportation Plan, Mainstreet Initiative, Parking Studies, etc. to determine needs. Mr. Gengler gave a brief overview of the growth management map, which illustrates the current city limits and the various tiers. Based on all the analyses, it determines the land needs that will be available or needed to the year 2045. Every five years the plan is updated so there will always be a rolling 20-25-year gap.

Mr. Reichert commented that he likes Mr. Gengler's idea involving the Planning Department with various City departments in the process. However, he would also like to invite engineers, architects, and developers to get their input and suggested inviting them to meetings or representatives present. Gengler stated that absolutely we could have other stakeholders or specific groups involved and having open lines of communication is what we strive for.

5. **Other Business**

The 2020 American Planning Association Conference will be held April 25 -28, 2020, and plan to send one Commission and one or two Staff members. Expenses will be paid through the budget of the Planning Department.

6. **Adjournment**

Motion to adjourn by Reichert; second by Matejcek. Motion carried unanimously

The next regular meeting is **April 1**, 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.