



Planning & Zoning Commission Minutes

July 9, 2025, 5:30pm – City Council Chambers

3rd Floor City Hall, 255 N 4th Street

Notice is hereby given that the Planning and Zoning Commission will meet at the above date and time. Any member of the public seeking to submit comments relating to an Agenda item or public hearing may do so in person at the meeting or should submit their comments to www.grandforksgov.com/councilcomments or call 701-746-2661 for further information. All online comments received prior to 5:00 p.m. on the meeting day will be considered part of the record of the meeting as if personally presented.

1. Roll Call

_X_Arel _X_Budke _X_Klava _Kuhn _X_Holt _X_Matson _X_Reichert _X_Sande _X_Wasvick

2. Reading and Approval of Minutes for June 4, 2025, meeting.

Motion by Reichert, second by Budke. Minutes approved as submitted.

Ms. Sande asks about the order of the agenda and why item 3-9 was under public hearings. Mr. Gaustad and Mr. Brooks asked that question and that it has been ordered the same in the past and now that it has been advertised as a public hearing, a public hearing must be held.

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

3-1 Plat of Birkholz Eighth Addition, located at 1800 Block of S 42nd Street with Street & Highway ordinance dedication. (*Applicant has requested this item be postponed indefinitely.*)

Staff indicated that the project has not gone away, but is working through traffic access concerns and may take some time to complete that before coming forward for final approval. Instead of postponing monthly, requesting an indefinite timeline for this item and the following until it is fully ready to present once again.

Motion by Matson, second by Sande. Motion passed with Reichert not voting due to conflict of interest.

3-2 Ordinance to amend the zoning map to rezone from A-1 Agricultural Preservation District to Birkholz Eighth PUD, located at 1800 Block of S 42nd Street. (*Applicant has requested this item be postponed indefinitely.*)

Motion by Matson, second by Sande. Motion passed with Reichert not voting due to conflict of interest.

- 3-3 Ordinance to amend zoning map to rezone from U-D University District to R-4 Multiple-Family Residence, High Density District, located at 2920 5th Avenue North.

Mr. Brooks provided background on this item. The applicant Mike Opp is requesting a rezone for two properties from the UD-University District to R-4 MultiFamily District. The properties are adjacent to Cambridge Street and 5TH Avenue North. The proposed layout is 5 attached homes with 4 bedrooms each. The attached garages and surface parking will provide the required parking for the lot.

Chair Wasvick opens the public hearing.

Jennifer Tarlin, 2510 5th Avenue North, addressed the Planning and Zoning Commission with her concern for the rezone. Her vote would be against this item. She also made comments about the student housing currently available and the increase in density, and subsequent incidents related to alcohol use in the neighborhood.

Barbra Knipe, 819 North 24th Street, addressed the Planning and Zoning Commission with her concern for the rezone. Her vote would be against this item. She doesn't want the code to change for a developer.

Linda Olson, Hamline Street, addressed the Planning and Zoning Commission with her concern for the rezone. Her vote would be against this item. She asked questions about the construction and safety of the proposed building.

Clara Hugh, 522 Hamline Street, addressed the Planning and Zoning Commission with her concern for the rezone. Her vote would be against this item. She voiced concerns about more students in the area and parking.

Chair Wasvick closed the public hearing.

Motion by Reichert, second by Sande. Motion passed unanimously.

Ms. Sande made a comment about stressing the importance of good management companies. She also stated she would like people to talk to their neighbors about who they are selling their homes to and encouraged sales to other home owners, not large companies.

Mr. Budke stated he would like to comment again on the garage feature, that front-loaded design does not flow well with other architecture in the area, and see this follow a form-based code to better fit the area.

- 3-4 Ordinance to amend zoning map to rezone from Meadow Ridge PUD Amendment 3 to Meadow Ridge Amendment 4 – density increase and allowance of first floor residential, located at 1065 47th Avenue South.

Mr. Brooks gave background on the request. The applicant is requesting to rezone the currently vacant, undeveloped lot located at 1065 47th Avenue South to increase the allowable density, to allow residential units on the first floor, and to increase the height to 5 stories or 65 feet. The purpose of the request is to develop a mixed-use building on the property. Currently, the site is zoned Commercial (B-3) and limited by the PUD to 14 residential units per acre with a maximum of 72 residential units on site. The request is to increase the allowable density to 30 residential units per acre with a maximum of 160 units on site.

Chair Wasvick opens the public hearing.

Kevin Kuntz, 4768 Pine Circle, addressed the Planning and Zoning Commission with his concern for the rezone. His vote would be against this item. He voiced concerns to the height of the proposed building and increase of traffic to the established neighborhoods.

Mary Askim-Lovseth, 893 49th Avenue South, addressed the Planning and Zoning Commission with her concern for the rezone. Her vote would be against this item. She voiced concerns about the project not enhancing the community. As well as an increase in traffic, and the safety for the neighborhood with more residents being able to view the backyards close by.

Chair Wasvick closed the public hearing.

Motion by Reichert, second by Matson. Motion passed with Klava dissenting.

- 3-5 Replat of Lot A and Lots 1 and 2, Block 1, of Homestead Grove Fourth Addition, located at 1051 10th Avenue South, 4401 South 11th Street & 1060 47th Avenue South.

Ms. Johnson gave the background to this item and related item 3-6. This request is a replat that would reconfigure three existing lots to add four new lots. The purpose of the request is to create lots for the stormwater retention ponds along S 11th St. This will allow the city to take over the maintenance of the ponds.

Mr. Budke asked if we could have the maintenance agreement , memorandum of understanding without splitting the lot?

Mr. Brooks stated that in the past the city has taken the ponds over and its more keeping liability in mind. We would be following what has been done in the past as well as this pond currently functions like a regional pond that city typical controls with other ponds throughout town.

Ms. Sande wanted to clarify that the ponds are staying and its just a matter of who is maintaining them. Confirmed by Mr. Brooks.

Chair Wasvick opens the public hearing.

Chair Wasvick closed the public hearing.

Motion by Reichert, second by Arel for approval of applicant request. Motion passed unanimously.

- 3-6 Vacation of Drainage Easements, located at 1051 10th Avenue South & 4401 South 11th Street.

Motion by Reichert, second by Matson for approval of applicant request. Motion passed unanimously.

- 3-7 Replat of Lots A-Y & Lots 9-23, Block 2, Southern Estates First Addition, located at 4034-4208 Haven Court.

Ms. Grasser provided the items' background. The purpose of this replat is to change from 4-plex to single family attached on the east side of Haven Court, going from 24 units down to 16 units in total on that side. The west side of Haven Court currently has single family attached structures. Consequently, lot WW (the common lot) will increase in size because of the decrease in size to lots A-Y.

Mr. Budke states it is unfortunate that we are removing eight units from this development. He then asks if the city has a target for the number of dwelling units to become available each year?

Mr. Brooks answered Mr. Budke's question. The City would like to see multifamily at 250 to 300 units per year, for single family, the city would like to see over 150 per year. We have not in the recent past come close to those numbers due to interest rates, material supply costs, and limited workforce.

Mr. Matson asked where the common lot, WW, is located on the plat.

Ms. Edwardson and Ms. Grasser stated the homes are all on their own lots and WW is everything else surrounding the individual home lots.

Chair Wasvick opens the public hearing.
Chair Wasvick closed the public hearing.

Motion by Sande, second by Arel. Motion passed with Budke dissenting.

- 3-8 Nutrien Ag Solutions Fertilizer & Chemical Storage Facility Conditional Use Permit, located at 5301 North Washington Street.

Ms. Johnson provided the information on this request. This is a ten-year Conditional Use Permit renewal which would allow Nutrien Ag Solutions (formerly Crop Production Services) to operate as a fertilizer and chemical storage facility in the I-2 zoning district. The last CUP was in effect from 1/20/2015-1/20/2025 and was for a 10-year term. The last CUP had several conditions relating to access. Since this is a new location, all these conditions have been removed. There have been no documented complaints or violations against the property since the last CUP was issued.

Mr. Klava asked about the expiration date and if it was okay even though it had expired. What if they were to start in the old location again without coming back. How would the city know?

Mrs. Edwardson stated staff reviews Conditional Use Permits annually to try and catch expired or expiring permits to begin the renewal process, but sometimes that annual review doesn't line up with dates but they are brought forward as soon as possible.

Mr. Brooks spoke to the operations question, stating it would usually take a public comment or concern submitted to staff to know if they have changed operations.

Chair Wasvick opens the public hearing.
Chair Wasvick closed the public hearing.

Motion by Klava, second by Reichert. Motion passed unanimously.

- 3-9 Mural at North Dakota Vision Services/School for the Blind, located at 500 Stanford Road.

Mr. Brooks gave the background on the 2023 mural ordinance. At the June 7, 2023, Planning & Zoning Commission meeting, commissioners included in their motion to approve the code change that mural requests for schools must be heard by Planning & Zoning Commission as well as City Council. It was specified that the following items were to be evaluated for each request: size, location, lighting, maintenance plan, and fines should any maintenance not occur. It was also

articulated that evaluating the request based on its content is not permitted. The current request is to approve a mural that would occupy the entire north-facing exterior wall of the accessory building along 6th Ave N at ND Vision Services/School for the blind. There is no additional lighting proposed. If approved, ND VS/SB will inspect and maintain the mural to ensure adequate upkeep. Fines for failure to maintain the mural will follow Section 18-1102 – Penalties of the Land Development Code.

Mr. Brooks also states the work on the mural began before the approval process was initiated. This was brought to the Planning Department's attention, and a stop work order was issued by the Department of Building Safety. A subsequent request was made to finish the mural as the pending request was made to the city. This was originally granted with the condition that it would be removed if the request was not approved by City Council. This was rescinded the following week, and the work was halted on the mural.

The mural is not complete, and changes would need to be made if it were to remain. This includes a clear coat finish as well as the removal of the wording on the mural. The current ordinance states that the mural not be installed on any exterior wall of a building directly abutting a public right-of-way, excluding alleys. When the Valley mural was evaluated, this interpretation was for walls not directly facing right-of-way. The proposed wall would violate this rule.

Ms. Sande states she wants to evaluate this based on the ordinance that is currently in place and not about any content.

Chair Wasvick opens the public hearing.

Sarah Galbraith, 1215 S 21st Street, addressed the Planning and Zoning Commission with her support for the mural. Her vote would be in favor of keeping the mural. She states the mural is beautiful and shouldn't be removed. She wondered in the past if any past murals have been granted variances or permissions as to help bridge the gap for this mural.

Chair Wasvick stated if the code wasn't updated in 2023, by this commission and City Council, it wouldn't have been allowed at all.

Paul Olson, Superintendent of Vision Services, stated the mural was for public awareness for their North Dakota Headquarters. He states the mural was not premeditatedly done without a permit and is appreciative of the support the mural has received. He kept the drivers in mind when creating the art with the artist. He thinks it is simple enough to avoid distraction. Mr. Olson stated he wanted to provide public awareness for the services they provide and bring a smile to the

community.

Mrs. Sande and Vice Chair Reichert provide more context to the safety aspect because it is on a busy corner as well as visible to homeowners in the area.

Mrs. Sande states that purchasing a home is such a large purchase and they don't expect to have a large mural to look at. Ms. Sande states setting the precedent is a huge piece of the decision. She also wondered if the East Grand Forks mural needed a permit.

Mr. Olson acknowledges that it wasn't just the artist who did not know the rules and the need for a permit. He states he only wanted the mural on this side if the building was moved to another side the awareness for Vision Services disappears.

Tray Everett, Mural Artist, provided a timeline of when he was hired and created the art for the mural. He stated in the design process he knew it needed to be bright and positive but simple enough you can understand it as a glance. This is designed to be less distracting to travelers.

Mrs. Sande asked if he need a permit for the East Grand Forks one.

Mr. Everett stated the DDA hired him, and he didn't need one nor was ever asked to get one. He needed to make changes to the design, but they were made between the DDA and himself.

Liz Legerski, 3125 Belmont Road, addressed the Planning and Zoning Commission with her support for the mural. She asked for support for the mural and provided research information from Yale University regarding other community murals and its lasting positive impacts on a community.

Laura Slaathaug-Holly, 1766 S 34th Street, addressed the Planning and Zoning Commission with her support for the mural. She states ordinances can change and even with art being subjective, the Herald poll found the community to be in favor.

Ryan King, resident of Ward 2, addressed the Planning and Zoning Commission with his support for the mural. He states that the mural found a grey spot in the code and should be left up for people to enjoy.

Sarah Grossbauer, 993 North 53rd Street, addressed the Planning and Zoning Commission with her support for the mural. She states that the mural was funded with tax dollars and to avoid more tax dollars being spent to remove the mural, we could allow it to stay.

Brain Lane, addressed the Planning and Zoning Commission in opposition for the mural to stay. He would like to see it removed because they did not follow the correct steps.

Kale Stroup, North 6th Street, addressed the Planning and Zoning Commission with his support for the mural. He asked Commissioner Sande if she was going to recuse herself due to owning property in the area.

Ms. Sande said no, her ownership of property near the item location doesn't qualify for recusal. Mr. Reichert also stated that he owns property too but no financial gain just like Ms. Sande. Dan Gaustad provided further clarification on when and why someone might need to recuse themselves from voting.

Michael, 36th Street, addressed the Planning and Zoning Commission with his support for the mural. Raised a question as to if murals are a distracting factor for drivers and indicating studies have been conducted throughout the country that indicate safety is not impacted when murals or billboards are present.

Erin Castle, 504 Columbia Road, addressed the Planning and Zoning Commission with his support for the mural. Asked what process the UD District goes through for murals if different than residential. Also addresses the digital sign along Columbia Road and its brightness.

Veronica Hanson, 5102 Ella Circle, addressed the Planning and Zoning Commission with concerns about the subjectiveness of art for neighbors.

Brendan Swanson, 2606 9th Avenue South, addressed the Planning and Zoning Commission with his support for the mural. He stated various comments on the location of the mural, other school, and park murals.

Chair Wasvick closed the public hearing.

Mr. Budke stated he doesn't agree with the motion and wishes the mural to stay.

Sande made a motion for the mural to be removed. Second by Arel. Upon roll call vote, motion passed 6-2 with Arel, Klava, Holt, Matson, Sande, Wasvick in favor and Budke, Reichert opposed.

Sande made a second motion for the mural ordinance for residential areas be revisited by City Council. Second by Arel. Upon roll call vote, the motion failed 5-3, with Budke, Klava, Matson, Reichert, and Wasvick dissenting.

Mr. Budke and Mr. Reichert both stated they feel the ordinance can stay as is. They feel that the code has been reviewed enough, and we can continue to review them as a case-by-case basis.

4. Communications and Preliminary Approvals

- 4-1 Ordinance to Amend the zoning map to rezone from
- B-1 limited Commercial District to R-2 One-and-Two Family Residence District properties located at 1302 5th Ave N, and 1308 6th Ave N.
 - B-3 General Business District R-2 One-and-Two Family Residence District properties located at 623 S 16th St, 1412 N 1st St, and 1411 N 1st St.
 - B-3 General Business District to R-4 Multiple-Family Residence District properties located at 1415 12th Ave N, 702 S 14th St, 1221 6th Ave N.

Ms. Edwardson provided the background on this item. She stated these requests are hopefully the first round of requests after Planning sent out 43 letters to existing single family property owners about their non-conforming use status. Eight property owners gave verbal or written consent to proceed with rezoning to bypass any future issues nonconforming status causes at time of sale or refinancing:

- 2 lots are located within a B-1 District and would be rezoned to R-2.
- 3 lots are located within a B-3 District and would be rezoned to R-2.
- 3 lots are also within a B-3 District, however these would be rezoned R-4 to stay consistent with adjacent zoning.

Motion by Reichert, second by Sande. Motion passed unanimously.

- 4-2 Ordinance to Amend the zoning map to rezone from I-1 Light Industrial District to B-3 General Commercial District, properties located at 1307 North 20th Street; 2001, 2003, 2005 Gateway Drive; and 2010, 2012, 2014 13th Avenue North.

Ms. Johnson provided the context for this item. The request is to rezone three lots from I-1 Light Industrial to B-3 General Business. The two properties located at 1307 N 20th St & 2001, 2003, 2005 Gateway Drive. Together, they are under the same ownership and operate as a multi-tenant commercial building which includes a salon and office space for a contractor and an interior design business. The property located at 2010, 2012, and 2014 13th Ave N operates as Muddy Waters Clay Center Inc. Both properties' uses align with B-3 rather than I-1, so their uses are currently non-conforming. This request is to rezone the properties to bring them into conformance.

Motion by Reichert, second by Holt. Motion passed unanimously.

- 4-3 Ordinance to amend the zoning map, to rezone from Greenberg PUD Amendment 4 (PUD Commercial B-3) to Greenberg PUD Amend 5 (PUD Limited Commercial B-1), properties located at 3810, 3851, 3900, 3950, and 3951 and 4001 39th Avenue South.

Ms. Edwardson provided the information on this request is to rezone the currently vacant, undeveloped lots located south of Lowes development on 32nd Ave S and east of I-29, at 3810, 3851, 3900, 3950, and 3951 39th Avenue South. The PUD amendment proposes to change the allowable uses from PUD Commercial (B-3) type uses to PUD Light Commercial (B-1) type uses. Light Commercial / B-1 type uses permit office and multi-family residential use types. Additionally, the PUD is requesting an alternative parking count for affordable housing types. Zoning must be in place for the owners to seek state tax credits and funding opportunities for affordable housing, in this case the intent is to pursue credits for 80% of Area Median Income.

The Proposed Parking Reduction for Affordable Housing Projects Only:

1 Bed - 1 stall per unit (current code is 2/unit)

2 Bed - 1.75 stalls per unit (current code is 2.25/unit)

3 Bed - 2 stalls per unit (current code is 1/bedroom)

Motion by Sande, second by Reichert. Motion passed unanimously.

Mr. Mattson and Ms. Edwardson discuss how this aligns with our parking subcommittee evaluations and also the tracking of the low-income housing. Ms. Edwardson states that if awarded low income tax credits and deemed an affordable housing project, the property will be required to report to the state how it is maintaining its income qualified requirements for a 30 year period. The parking reduction is based on being income qualified. If the developers are unsuccessful in receiving the low income tax credits and the project is developed as a market-rate property, the full and current parking requirements would be followed.

5. Reports from the Planning Department

5-1 Monthly Update

6. Other Business

7. Adjournment

Motion by Reichert, second by Holt to adjourn the meeting, motion passed unanimously.