

PLANNING AND ZONING COMMISSION

MEETING MINUTES

City of Grand Forks, North Dakota

November 2, 2016

1. MEMBERS PRESENT

The meeting was called to order by Paula Lee at 5:33pm with the following members present. Jim Galloway, Allen Grasser, Peter Kuhn, Paula Lee, Frank Matejcek, Jeannie Mock, Alex Reichert, Meggen Sande (by phone), Molly Soeby, Ken Vein, and Steve Wasvick. Members Absent: Mike Brown, Bill Hutchison. A quorum was present.

2. READINGS AND APPROVAL OF MINUTES FOR October 5th, 2016

Lee asked if there were any additions or corrections to the minutes of October 5th, 2016. No corrections noted. Minutes were accepted as presented.

3. PUBLIC HEARINGS, FINAL APPROVALS, PETITIONS, AND MINOR CHANGES:

3-1 **(Final Approval)(Public Hearing)** Matter of the request from CPS, Ltd. (on behalf of Greenberg Family Consolidated, LP) for final approval of the plat of Opportunity Park First Resubdivision to the City of Grand Forks, North Dakota, located at South 42nd Street and 36th Avenue South.

Mr. Gengler introduced the item stating that it is being requested that items 3-1 and 3-2 be tabled for a month at the request of the developer as they are continuing to work on potential realignments to the plat.

3-2 **(Final approval)(Public Hearing)** Matter of the request from CPS, Ltd. (on behalf of Useldinger Properties, LLC) for final approval of an ordinance to amend the zoning map to rezone and exclude from the Columbia Park West (Planned Unit Development), Concept Development Plan, Amendment No. 3 and to include within the Columbia Park West (Planned Unit Development), Concept Development Plan, Amendment No. 4, Opportunity Park First Resubdivision to the City of Grand Forks, ND, located at located at South 42nd Street and 36th Avenue South.

**MOTION BY REICHERT, SECOND BY KUHN TO TABLE ITEMS 3-1 AND 3-2.
VOTING "AYE" ALL. MOTION PASSED UNANIMOUSLY.**

- 3-3 **(Fast Track) (Public Hearing)** Matter of the request from CPS, Ltd. (on behalf of North Dakota Mill and Elevator Association) for the approval of the Replat of Lot 1, Block 1, Bronze Boot addition to the City of Grand Forks, North Dakota, located at 1823 Mill Road and North Washington Street.

Mr. Matejcek asked to be recused from this item.

MOTION BY REICHERT, SECOND BY GALLOWAY TO RECUSE MR. MATEJCEK. VOTING "AYE" ALL. MR. MATEJCEK RECUSED.

Ms. Edwardson introduced the item. She indicated that this was a land swap between the North Dakota Mill and Burlington Northern Sante Fe Railroad. The land swap would be used to facilitate the realignment of some track areas for BNSF. She indicated the areas on the map that were included in this item.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED

MOTION BY REICHERT, SECOND BY SOEBY TO APPROVE AS PRESENTED. VOTING "AYE" ALL, MOTION PASSES WITH MATEJCEK RECUSED.

- 3-4 **(Final Approval) (Public Hearing)** Matter of the request from the Planning and Community Development Department and the Grand Forks – East Grand Forks Metropolitan Planning Organization, for final approval of an ordinance to amend the Grand Forks Land Use Plan by Amending the Grand Forks 2040 Land Use Plan Update together with all maps, information, recommendations and data contained therein.

Mr. Matejcek asked to be recused from this item.

MOTION BY KUHN, SECOND BY WASVICK TO RECUSE MR. MATEJCEK. VOTING "AYE" ALL. MR. MATEJCEK RECUSED.

Mr. Gengler introduced the item stating that this is the final approval of the 2045 Land Use Plan update. Mr. Gengler introduced Erin Perdu with WSB consultants. She gave a brief overview of changes that were made to the Land Use plan derived from comments from the last commission meeting and meeting with the land use sub-committee and City Staff.

Discussion was held about the letter with recommendations from the Grand Forks Airport. The Airport was concerned with residential development in an area near the Airport. They stated they were not safety concerns but rather they were concerned with potential noise complaints. Commissioners discussed the role of the commission in working with the public and community entities to mitigate this concern. Discussion was held in regards to the types of future development in Section 20, east of Washington Street/Hwy 81 North. It is currently projected to be industrial but the commission agreed that this area should instead be classified as future residential uses.

PUBLIC HEARING OPENED. NO COMMENTS PUBLIC HEARING CLOSED.

MOTION BY REICHERT, SECOND BY VEIN TO AMEND THE MOTION TO CHANGE SECTION 20 EAST OF WASHINGTON STREET/HWY 81 NORTH FROM INDUSTRIAL USES TO RURAL RESIDENTIAL USES. VOTING "AYE" ALL. MOTION PASSES.

MOTION BY REICHERT, SECOND BY VEIN TO PASS MOTION AS AMENDED. VOTING "AYE" ALL. MOTION PASSED WITH MATEJCEK RECUSED.

- 4-1 Matter of the request from CPS, Ltd. (on behalf of Fowler 318, LLC) for preliminary approval of an ordinance to amend the zoning map to rezone and exclude from Labelle's PUD Concept Development Plan Amendment #1 and to include within Labelle's PUD Concept Development Plan Amendment #2 Lots 1 and 3, Block 1 Columbia Mall Second Resubdivision to the City of Grand Forks, North Dakota located at 2500 South Columbia Road.

Mr. Brooks introduced the item by showing the area in question 24th Avenue and South Columbia Road. Mr. Brooks indicated that currently this area is zoned PUD-B2 and the request is to move to PUD-B3 in order to accomplish changing the impervious surface requirements from 75% to 85% impervious surface. Mr. Brooks stated that due to the area being in a PUD there are some types of businesses that would fall into the B3 category that they did not want in that area, so there was a list of exceptions.

Discussion among the commissioners asked if the zoning change would follow the building or if it is specific to the owner. Mr. Brooks indicated it would follow the property. Mr. Reichert asked if this is something that could be facilitated with a CUP instead of changing the zoning. Mr. Brooks indicated that it would but the CUP process is cumbersome compared to a simple zoning change.

Mr. Galloway questioned what types of businesses are allowed in B3 that they do not want to see. Mr. Brooks indicated that the list of exceptions were the five that they did not want and were related to auto/trailer sales.

Discussion ensued about the types of businesses that would be allowed. There was concern among a number of commissioners with the ability of non-desirable business types to be allowed there due to the change.

Mr. Reichert stated that he was not inclined to change the zoning just for the sake of convenience of the developer. Mr. Gengler indicated that some of the mentioned businesses would not be able to move into that space because of zoning regulations and parking regulations.

MOTION BY VEIN, SECOND BY KUHN TO APPROVE MOTION AS PRESENTED.

Mr. Mike Korman from CPS Ltd. came to the podium and introduced himself. Mr. Korman stated that one of the big reasons for the change would be for the impervious surface regulations and currently the impervious surface does not meet code, also that the developer wishes to do a

small addition 10ft. to make the building line straight, this presents a problem due to the setbacks of the current zoning.

Mr. Gengler indicated that the purpose of the change is to allow the uses without needing to request a variance or such.

Mr. Korman stated that he thought that his client would be okay with leaving the property zoned as a B2 with increased impervious and setback changes.

MOTION BY RICHERT, SECOND BY WASVICK TO AMMEND THE MOTION TO RETAIN THE B2 ZONING WITH ADDED INCREASE TO IMPERVIOUS SURFACE FROM 75% TO 85% AND TO ALLOW A 15FT SETBACK ON THE EAST SIDE OF THE PROPERTY. VOTING "AYE" ALL. MOTION TO AMEND PASSED UNANIMOUSLY

MOTION BY VEIN, SECOND BY KUHN TO PASS MOTION AS AMENDED. VOTING "AYE" ALL. MOTION PASSED UNANIMOUSLY.

- 4-2 Matter of the request from the Planning and Community Development Department, on behalf of the City of Grand Forks, ND, for preliminary approval of an Ordinance to amend the text of the Land Development Code, Chapter XVIII of the Grand Forks City Code of 1987, as amended, amending sections 18-0204 Rules and Definitions; 18-0214 B-1 Limited Business District; and 18-0215 B-2 Shopping Center District, all relating to Child Day Care services.

Mr. Gengler introduced the item stating that this change would be a preliminary ordinance to make changes to zoning code that relates to various types of Child Care providers. Mr. Gengler states that the changes to the code would clear up some ambiguity within our current code. Mr. Gengler stated that the bulk of the changes would change the language of our current code to better reflect what the state's requirements are. Mr. Gengler stated that there would also be some minor adjustments to the definition of a Family Child Care home.

Mr. Gengler gave current definitions of what constitutes a Family Child Care home. He also stated that the language would also apply to a Group Child Care Facility. Mr. Gengler indicated that none of the language changes would actually change the composition or rules of allowed charges, and that our regulations are much more stringent than what the state allows. Mr. Gengler also stated that this change would allow Family Child Homes to function as a Drop in Care facility.

Mr. Galloway questioned if this was monitored by the state and Mr. Gengler indicated that it was. Mr. Galloway also questioned if we are knowingly adversely affecting anyone with this decision. Mr. Gengler indicated that it was not.

MOTION BY WASVICK, SECOND BY SOEBY TO APPROVE AS PRESENTED. VOTING "AYE" ALL, MOTION PASSED UNANIMOUSLY.

4-3 Matter of the request from Advanced Engineering and Environmental Services Inc. (on behalf of Ardell and Ina Korynta) for the approval of Korynta First Addition to the City of Grand Forks, North Dakota, located at North 39th Street Between 20th Avenue North and 27th Avenue North.

Mr. Brooks introduced the item by showing where the property was in relation to the city. He indicated that this was the same area as an agenda item for a pulp plant that was approved a few months ago. He indicated this was an 11 acre site. He indicated that this agenda item was related to items 4-4 and 4-5. This item is the plat, 4-4 is the rezoning ordinance, and 4-5 is the annexation request for this property. He was going to speak to all three items at once.

Mr. Brooks indicated that this area is currently in the process of having a sanitary lift station built. He indicated that this entire area is owned by the Korynta family and the city is helping to work with them to work on industrial development. He stated that the industries that are looking at the properties have a synergy and will be working together to make their business work together.

Mr. Brooks went through where all the accesses are for the area.

Mr. Keshav Rajpal came to the podium and introduced himself as did Jacek Chmielewski. They are both representatives from BioMass Solutions which is the business interested in developing on this property. Mr. Rajpal provided a presentation about what the Biomass project would entail. Mr. Rajpal indicated this was a facility that produces Ethanol by using agricultural waste products, such as sugar beet tailings. Mr. Rajpal stated this was integrated with the surrounding potential development, it was also noted that what a potential design and environmental impact this would have on the area. It was stated there would be only emergency storage on site; the products would be utilized at an ongoing rate. There would be some one time benefits in the way of construction, but they are looking at a potential of up to 26 long term jobs to the community.

Mr. Rajpal explained why they looked at the Grand Forks area, and all the benefits to them to be located in such a central location, with the agricultural products in a clearly defined area. The general workforce available was also a factor in choosing this area.

Discussion was held about the shipping of the final product. How it would be marketed.

**MOTION BY GALLOWAY, SECOND BY REICHERT TO APPROVE AS PRESENTED.
VOTING "AYE" ALL. MOTION PASSED UNANIMOUSLY**

4-4 Matter of the request from Advanced Engineering and Environmental Services Inc., (on behalf of Ardell and Ina Korynta) for preliminary approval of an ordinance to amend the zoning map to rezone and exclude from the I-2 (Heavy Industrial) conventional zoning district and the Green Pulp PUD (Planned Unit Development) Concept Development Plan and to include the Korynta PUD (Planned Unit Development) Concept Development Plan, Lot 1, Block 1, Korynta First Addition to the City of Grand Forks, North Dakota located at S. 36th Street Between 20th Avenue N. and 27th Avenue N.

No Discussion as was discussed in 4-3

**MOTION BY WASVICK, SECOND BY REICHERT TO APPROVE AS PRESENTED.
VOTING "AYE" ALL. MOTION PASSED UNANIMOUSLY.**

- 4-5 Matter of the request from Advanced Engineering and Environmental Services, Inc., (on behalf of Ardell and Ina Korynta) for approval of a request to annex the property located at Lot 1, Block 1, Korynta First Addition to the City of Grand Forks North Dakota.

No Discussion as was discussed in 4-4

**MOTION BY SOEBY, SECOND BY REICHERT TO APPROVE AS PRESENTED.
VOTING "AYE" ALL. MOTION PASSED UNANIMOUSLY.**

5. **Reports from the Planning & Community Development Department:**
6. **Other Business:**
7. **Adjournment.**

The next regular meeting is December 7th 2016 at 5:30 p.m. in the City Hall Council Chambers.
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