

# City Of East Grand Forks Planning And Zoning Commission

600 DeMers Avenue \* East Grand Forks, MN 56721  
(218) 773-0124 \* (218) 773-2507 \* nellis@egf.mn

## AGENDA

**WEDNESDAY September 13, 2023 – 12:00 P.M.**

### MEMBERS

Boushey \_\_\_\_\_ Christianson \_\_\_\_\_ Peterson \_\_\_\_\_ Erickson \_\_\_\_\_  
Ortzman \_\_\_\_\_ Powers \_\_\_\_\_ Audette \_\_\_\_\_

- A. CALL TO ORDER
- B. CALL OF ROLL
- C. DETERMINATION OF A QUORUM
- D. COMMUNICATION:  
  
None.
- E. APPROVAL OF MINUTES
  - 1. Matter Of Approval Of The August 2, 2023 Regular Meeting Minutes Of The East Grand Forks Planning Commission
- F. OLD BUSINESS  
  
None.
- G. NEW BUSINESS
  - 1. PUBLIC HEARING. Matter of approval to issue a Special Use Permit for a body art establishment/tattoo parlor with possible conditions attached..... Ellis

Individuals with disabilities, language barriers or other needs who plan to attend the meeting and will need special accommodations should contact Nancy Ellis, ADA Coordinator at (218)-773-2208. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements. Also, materials can be provided in alternative formats: large print, Braille, cassette tape, or on computer disk for people with disabilities or with limited English proficiency (LEP) by contacting the ADA Coordinator (218)-773-2208 five (5) days prior to the meeting.

H. OTHER BUSINESS

None.

I. ADJOURNMENT

**Randy Boushey, Gary Christianson, Karen Peterson, Chad Erickson,  
Brad Ortzman, Mike Powers, and Rick Audette**

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**EAST GRAND FORKS  
REGULAR  
PLANNING COMMISSION MINUTES  
Wednesday, August 2, 2023 – 12:00 Noon**

**CALL TO ORDER**

Mike Powers, President called the August 2, 2023 meeting of the East Grand Forks Planning Commission to order at 12:03 pm

**CALL OF ROLL**

On a Call of Roll the following members were present: Commissioners: Mike Powers, Richard Audette, Chad Erickson, Brad Ortzman, Karen Peterson and Gary Christian.

Absent: Randy Boushey

Guest(s) present: None

Staff present: Nancy Ellis, East Grand Forks City Planner; Brenda Ault, Executive Assistant, Ron Galstad City Attorney

**DETERMINATION OF A QUORUM**

A quorum was present.

**COMMUNICATION**

None

**APPROVAL OF THE MINUTES OF THE June 14, 2023 REGULAR MEETING**

A Motion was made by Commissioner Erickson, Seconded by Commissioner Audette to approve the minutes from the June 14, 2023 Regular Meeting M/S/P- Erickson, Audette; 6-0, mc.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Public Hearing. Matter of preliminary and possible final approval of the Pace Addition.**

CP Ellis informed the Commissioner's that the applicant is requesting final approval of the Pace Addition being a Replat Lots 1-6 and Lot 13 and a vacated alleyway of Block 28 and Block 29 part of Traill's Addition; Outlot 13 of the Auditor's Plat of Outlots; and Govt Lots 5 and 6 in Section 1, Twp 151N, Range 51W in Polk County

Commissioner Erickson motioned to open the Public Hearing, Commissioner Ortzman seconded the Motion.

EAST GRAND FORKS  
PLANNING COMMISSION MEETING  
WEDNESDAY, August 2, 2023

CP Ellis stated that the public hearing was open and said that we have received an application from Jake Green, Green Life Properties LLC, to replat Lots 1-6 and Lot 13 and a vacated alleyway of Block 28 and Block 29 part of Traill's Addition; Outlot 13 of the Auditor's Plat of Outlots; and Govt Lots 5 and 6 in Section 1, Twp 151N, Range 51W in Polk County. These lots are located along 2<sup>nd</sup> Avenue NE and 2<sup>nd</sup> Street NE, just south of the railroad tracks. There are several buildings located within the existing lots (including Pace Painting and three others along 2<sup>nd</sup> St NE) and this new plat will combine lots that have buildings on them, define and access easement/alleyway to create 4 new lots.

The developer would like to vacate the alley between Lots 1 and 2 and replace with a 19' utility ingress/egress easement running from the west corner of Lot 1 to the east corner of Lot 1. They will also show the vacated Right Of Way (ROW) of 3<sup>rd</sup> Ave NE (runs north/south) between Lot 2 and Lots 3 and 4; replacing the vacated ROW with a 20' ingress/egress easement for vehicles.

This plat will combine old lots, combine newly purchased property with old lots, show vacated Rights-of-way, and take easements where necessary. The new plat will make the legal descriptions cleaner and make it easier to sell. No change to the zoning district or use was requested.

Commissioner Christianson motioned to close the Public Hearing, Commissioner Peterson seconded the Motion.

Commissioner Christianson motioned to Approve the final plat of Pace Addition with the condition they submit a digital plat to the Planning Office, Commissioner Erickson seconded the Motion. M/S/P- Christianson, Erickson; 6-0, mc.

CP Ellis stated she is planning on reviewing the districts and updating them, as needed, every couple of years to meet the needs of the Commercial and Industrial Districts.

**Public Hearing. Matter of preliminary and possible final approval of the Gateway East 5<sup>th</sup> Resubdivision**

Commissioner Erickson motioned to open the Public Hearing, Commissioner Ortzman seconded the Motion.

CP Ellis informed the Commissioners that the Developer has asked that this plat be tabled.

Commissioner Erickson motioned to close the Public Hearing, Commissioner Ortzman seconded the Motion.

**OTHER BUSINESS**

None

EAST GRAND FORKS  
PLANNING COMMISSION MEETING  
WEDNESDAY, August 2, 2023

**ADJOURNMENT**

Commissioner Erickson motioned to adjourn the meeting, Commissioner Christianson seconded the Motion.

Respectfully submitted by,  
Brenda Ault  
Executive Assistant

**City Of East Grand Forks**  
**Planning And Zoning Commission**

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(218) 773-0124 \* (218) 773-2507 fax nellis@egf.mn

# Memo

**To:** Planning Commission

**From:** Nancy Ellis, City Planner

**Date:** 9/5/2023

**Re:** Special Use Permit request for body art establishment at 406 3<sup>rd</sup> St NW

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**GENERAL INFORMATION**

APPLICANTS/PROPERTY OWNERS: Joey Hamilton, applicant and Triumph Holdings LLC, property owner

REQUESTED ACTION: Applicant is requesting approval of a Special Use Permit to operate a body art establishment/tattoo parlor in the strip mall next to the Riverwalk Center.

SITE ZONING/LAND USE: C-1 Downtown Commercial is the current zoning.

SURROUNDING ZONING/LAND USE:

North: C-1 zoning, downtown businesses

West: C-1 zoning, parking lot

South: C-1 zoning, river restaurants

East: C-1 zoning, downtown businesses

**GENERAL COMMENTS**

Joey Hamilton is planning to operate a body art establishment called 50 Cal Tattoo in the strip mall next to the Riverwalk Center, owned by Triumph Holdings LLC. To open said business, the following two things must happen: 1) he needs to have his SUP approved; and 2) he must be licensed by the MN Department of Health to operate. I have listed the criteria for the special use permit process below and I am including the answers to the SUP from Mr. Hamilton. Since this is an existing building, most of the criteria should already be met. Health requirements,

including licensing, insurance and wash facilities have been addressed and a site plan has been attached to this report.

### **SPECIAL USE PERMIT PROCESS**

Within City Code is a section that lists "Criteria for Granting Special Use Permits". This section states that the applicant must show that standards and criteria in Section 152.022 of the City Code will be satisfied. These standards and criteria shall include both general requirements for all special uses and, insofar as practicable, requirements specific to each designated special use. In granting a special use permit, the city council shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the planning commission and city council shall make the following findings where applicable:

1. The use will not create an excessive burden on public facilities and utilities, which serve or are proposed to serve the area.
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent land uses so that there will be no deterrence to the use or development of adjacent land and uses.
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
4. The use is consistent with the purposes of Section 152, and the purposes of the zoning district in which the applicant intends to locate the proposed use.
5. The use is not in conflict with the East Grand Forks Land Use Plan.
6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.
7. SPECIFIC TO TATTOO PARLORS: 1) Provide at least 1 separate wash facility for every 3 workstations; and 2) Provide at least 1 separate wash facility for customer use

In permitting a new special use permit or alteration upon review of an existing special use permit, the planning commission may recommend, and the city council may impose, in addition to these standards and requirements expressly specified by this Chapter, additional conditions which the planning commission or city council considers necessary to protect the interests of the surrounding area or the City as a whole.

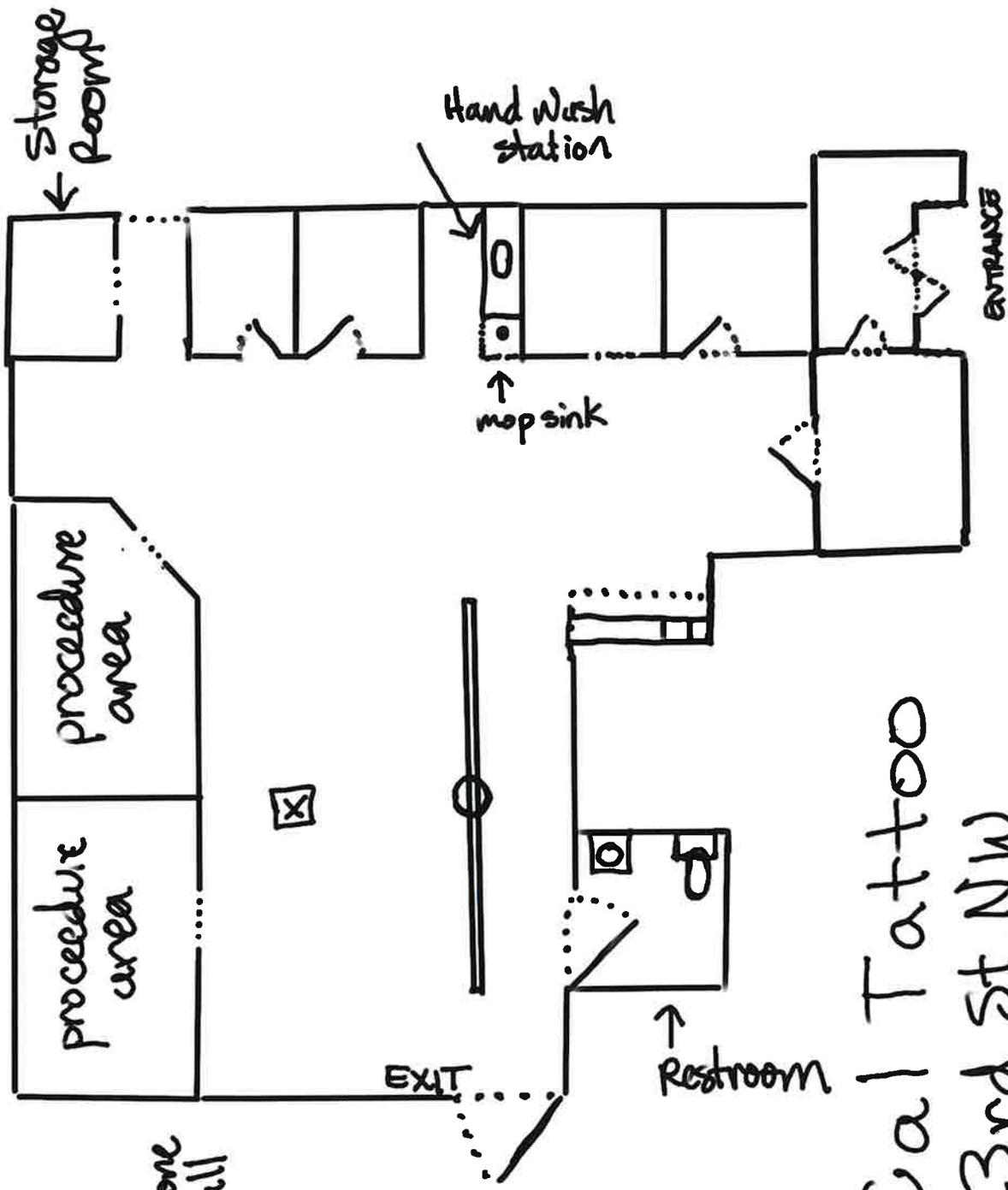
### **SITE PLAN COMMENTS**

Since this site already exists and the use or utilities will not change significantly, I have not made specific site plan comments. The site plan for the space must meet the requirements of the Special Use Conditions for wash facilities, our building/zoning code, and the MN Dept of Health requirements.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Special Use Permit (SUP) to operate a body art establishment:

- 1) it meets the additional conditions required of the permit
- 2) it obtains a license from the MN Dept of Health.



50 Cal Tattoo  
 406 3rd St. NW  
 East Grand Forks, MN  
 56721

3rd st.

## APPLICATION INFORMATION:

### I. Application Quantities and Submittal Formats:

- \_\_\_\_\_ 1. Fifteen (15) **folded** paper copies of graphic materials that are larger than 11" x 17" in size. Additional copies may be requested as deemed necessary by the Planning Department
  - \_\_\_\_\_ a. One (1) reproducible copy reduced to 11" x 17" of the above.
  - \_\_\_\_\_ b. One (1) reproducible copy reduced to 8.5" x 11" of the above.
- \_\_\_\_\_ 2. One (1) reproducible copy at 8.5" x 11" of the request and all other supporting documents.

### II. Complete Application Submittal Requirements:

Complete applications shall consist of the following site plan and narrative information, unless waived by the Planning Department following a pre application meeting. Information shall be provided in graphic and/or written formats as appropriate. Additional information or modifications may be required by Planning Staff, Planning Commission, or City Council, and additional information may be requested during the review process.

#### A. Written explanation on how the proposed Special Use Permit will comply with each of the following standards:

- \_\_\_\_\_ 1. The use will not create an excessive burden on public facilities and utilities, which serve or are proposed to serve the area.  
*Due to the limited amount of people (maximum capacity of 10) there will be no excessive use of utilities.*
- \_\_\_\_\_ 2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent land uses so that there will be no deterrence to the use or development of adjacent land and uses.  
*The shop is located in a pre-existing building.*
- \_\_\_\_\_ 3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.  
*The light box sign and/or advertising will be tasteful in nature i.e. no offensive language and/or imagery.*
- \_\_\_\_\_ 4. The use is consistent with the purposes of Chapter 10, and the purposes of the zoning district in which the applicant intends to locate the proposed use.  
*To the best of my knowledge, the use is consistent with guidance outlined in Chapter 10.*
- \_\_\_\_\_ 5. The use is not in conflict with the East Grand Forks Land Use Plan.  
*There are no conflicts to my knowledge.*
- \_\_\_\_\_ 6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

\_\_\_ 7. All buildings/structures must meet the intent of the State Building Code and/or fire codes. **State and Building Codes will be followed at all times to ensure full compliance.**

\_\_\_ 8. Documentation that describes the proposed Special Use Permit's potential effects or impacts on public facilities, utilities, and services, including, but not limited to:

- (1) Streets.
- (2) Law enforcement.
- (3) Ambulance/emergency services.
- (4) Fire protection.
- (5) City administration.
- (6) Schools.
- (7) Utilities.

**All above named agencies and/or services will not experience any negative impact due to the shop.**

B. Specific submittal requirements related to the proposed Special Use Permit as identified by Planning Staff following a pre-application meeting:

\_\_\_ 1. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 2. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 3. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 4. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 5. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 6. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 7. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_ 8. \_\_\_\_\_  
\_\_\_\_\_

## II. Complete Application Submittal Requirements:

Complete applications shall consist of the following site plan and narrative information, unless waived by the Planning Department following a pre application meeting. Information shall be provided in graphic and/or written formats as appropriate. Additional information or modifications may be required by Planning Staff, Planning Commission, or City Council, and additional information may be requested during the review process.

### A.

Written explanation on how the proposed Special Use Permit will comply with each of the following standards:

1. The use will not create an excessive burden on public facilities and utilities,

which serve or are proposed to serve the area. There will be minimal People located in my shop at any given moment (10 max) no excess water.

2. The use will be sufficiently compatible with, or separated by sufficient distances Elect. from, or screened from adjacent land uses so that there will be no deterrence to the use or development of adjacent land and uses.

The shop is all within a pre-existing Building.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

The Signs (lightbox) will be tasteful and not be offensive or bazarr.

4. The use is consistent with the purposes of Chapter 10, and the purposes of the zoning district in which the applicant intends to locate the proposed use.

proposed use.

I Believe the use coincides with Chapter 10

5. The use is not in conflict with the East Grand Forks Land Use Plan.

There are no conflicting issues.

There are no conflicting issues.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

There will be irregular traffic issues or Congested Roads etc. due to my Clientele parking

7. All buildings/structures must meet the intent or the State Building Code and/or fire codes.

They absolutely Do.

8. Documentation that describes the proposed Special Use Permit's potential effects or impacts on public facilities, utilities, and services, including, but limited to:

(1) Streets.

(2) Law enforcement.

(3) Ambulance/ emergency services.

(4) Fire protection.

(5) City administration.

(6) Schools.

(7) Utilities.

There will be no special impact