

City Of East Grand Forks Planning And Zoning Commission

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

ORGANIZATIONAL MEETING AGENDA Wednesday February 14, 2024 NOON

MEMBERS

Boushey _____ Audette _____ Powers _____ Peterson _____
Erickson _____ Christianson _____ Ortzman _____

- A. CALL TO ORDER
- B. ROLL CALL
- C. DETERMINATION OF A QUORUM
- D. ELECTION OF CHAIRPERSON
 - 1. Nominations
 - 2. Close Nominations
 - 3. Written Ballot If More Than One Nominee
 - 4. Results Declared
- E. ELECTION OF VICE CHAIRPERSON
 - 1. Nominations
 - 2. Close Nominations
 - 3. Written Ballot If More Than One Nominee
 - 4. Results Declared
- F. ELECTION OF SECRETARY
 - 1. Nominations
 - 2. Close Nominations
 - 3. Written Ballot If More Than One Nominee
 - 4. Results Declared
- G. SET MEETING TIME AND DAY OF WEEK
- H. ADJOURNMENT

City Of East Grand Forks Planning And Zoning Commission

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

AGENDA

WEDNESDAY February 14th, 2024 – 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:
- E. APPROVAL OF MINUTES
 - 1. Matter Of Approval Of The December 13, 2023 Regular Meeting Minutes Of The East Grand Forks Planning Commission
- F. OLD BUSINESS

None.
- G. NEW BUSINESS
 - 1. PUBLIC HEARING. Matter of the request to approve/amend a Special Use Permit for Strata Corporation to install a second temporary concrete ready mixed plant to the current site when needed for projectsEllis

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**

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.

**EAST GRAND FORKS
REGULAR
PLANNING COMMISSION MINUTES
Wednesday, December 13, 2023 – 12:00 Noon**

CALL TO ORDER

Mike Powers, President called the December 13, 2023 meeting of the East Grand Forks Planning Commission to order at 12:00 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 Christianson, via TEAM.

Absent: Randy Boushey

Guest(s) present: Teri Kouba, Stephanie Halford: Metropolitan Planning Organization, Jay Evans, Preston Stunkel: Strata Corporation. Keith Mykleseth: Water & Light Administrator

Staff present: Nancy Ellis, East Grand Forks City Planner; Brenda Ault, Executive Assistant, Ron Galstad, City Attorney, Steve Emery, City Engineer and Reid Huttunen, City Administrator

DETERMINATION OF A QUORUM

A quorum was present.

COMMUNICATION

1. None

APPROVAL OF THE MINUTES OF THE November 8, 2023 REGULAR MEETING

A Motion was made by Commissioner Erickson, Seconded by Commissioner Audette to approve the minutes from the November 8, 2023 Regular Meeting M/S/P- Erickson, Audette; 6-0, mc.

OLD BUSINESS

None

NEW BUSINESS

- 1. Public Hearing. Matter of request for preliminary approval of Green Acres Resubdivision plat and amendment to the Green Acres PUD Plan**

A Motion was made by Commissioner Erickson, Seconded by Commissioner Audette to open the Public Hearing. M/S/P- Erickson, Audette; RCV: Peterson-Y, Christianson -Y, Powers-Y, Erickson-Y, Audette -Y, Ortzman -Y; 6-0, mc.

CP Ellis informed the Commissioner's that we have received an application from Judd Stauss to Replat Outlots 77, 78, 79, 80 and 94 of Auditor's Plat of Outlots 65 through 94 into Green Acres Resubdivision for sale of some of the property. Lot 2 will have the property line move to the east from the center of the garages to placing all the garages onto the lot where Green Acres built a new apartment complex. Most of the remaining lots will not be changed or have property lines moved; other than to add some parking spaces from Lot 3 to Lot 7. This is being done for the purpose of selling many of the buildings to a new property owner/apartment owner. In total, only two lots will have small lot line changes and the ingress/egress easements, as well as utility easements will remain. Because of the potential for each lot being owned by a different person, these access easements were dedicated on the plat and a reciprocal parking and access easement agreement was recorded with the plat.

Additionally, there is concern regarding encroachment or repairs of any private water, sewer, or other utility line that runs across one property to another separately owned property (that is not located in an easement). There will need to be an agreement between the two parties that they will allow the line to be fixed, that a contractor is allowed on the site to fix it, and payment will be determined between the two parties and not passed back to the City. The paperwork will be provided to our City Attorney for review.

This plat proposal will also require a PUD amendment. The new PUD concept plan shows the new apartment building, parking space changes for each building, small setback changes and ingress/egress easements.

Finally, as far as a developer's agreement is concerned, no developer's agreement is necessary. All access to the new building will be an extension to the current access easements. Right-of-Way for future 17th St. NE (to the south of the lots) and 20th St NE (to the north of the lots) was dedicated on a previous plat and shown on this new plat.

City Engineer Emery stated the utilities in the area will need to be located to determine if they are in existing easements, or possibly a blanket easement will be needed. City Attorney Galstad stated that the City is concerned about the city utilities, and residents are responsible for their own repair after the curb. He isn't in favor with a blanket agreement because then the utilities could be anywhere. Water & Light Administrator Mykleseth stated that he had looked at the area and an additional easement may be required because the water and sewer lines run through the property.

A Motion was made by Commissioner Ortzman, Seconded by Commissioner Erickson to close the Public Hearing. M/S/P- Ortzman, Erickson; 6-0, mc.

CP Ellis recommends preliminary approval of the Green Acres Resubdivision to the City of East Grand Forks with shown lot line changes, utility, and road/access easements the PUD amendment with the following comments:

- 1) Submit a digital file to the planning office.

- 2) Provide utility access/shared work agreement paperwork to be reviewed and recorded with the plat.

A Motion was made by Commissioner Erickson to approve the recommendation above, seconded by Commissioner Audette seconded the Motion. M/S/P- Erickson, Audette; RCV: Peterson-Y, Christianson -Y, Powers-Y, Erickson-Y, Audette -Y, Ortzman -Y; 6-0, mc.

2. PUBLIC HEARING. MATTER OF THE REQUEST TO APPROVE/AMEND A SPECIAL USE PERMIT FOR STRATA CORPORATION TO INSTALL A SECOND TEMPORARY CONCRETE READY MIXED PLANT TO THE CURRENT SITE FOR USE IN THE SUMMER OF 2024

A Motion was made by Commissioner Erickson, Seconded by Commissioner Audette to open the Public Hearing. M/S/P- Erickson, Audette; 6-0, mc.

CP Ellis stated that the Strata Corporation currently owns and operates a ready mixed concrete plant on 2nd St NE, just past the Public Works shop. They would like a Special Use Permit, to install a second temporary ready mixed concrete plant to use in the summer of 2024 for a MnDOT road project on MN 220, just north of 23rd St NW. Once completed, the second temporary plant will be removed. The property size will not change, nor will the use of the site by the addition of the temporary plant. Concrete mixing plants are allowed in the I-2 General Industrial Zoning District with a Special Use Permit (SUP). The current plant was grandfathered in as a SUP, as it was in operation at the location before zoning/the requirement of the SUP, so they are asking to amend or issue an SUP to move in the secondary plant for temporary use. I have listed the criteria for the special use permit process below and I am including the answers to the SUP from the Strata Corporation. Since this is an existing site, most of the criteria should already be met. Additional questions, such as time of operation, length of operation and noise have also been addressed and included for your review.

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 Chapter 10, 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.

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.

Jay Evans, Aggregate Performance Manager, Strata, was invited to speak to the Commissioners. He stated that Strata plans to utilize the current ready mixed concrete facility area to accommodate an additional ready mixed concrete plant and ancillary activities associated with the plant under the current grandfathered special use permit, for a 2024 project. However, he was wondering if Strata could be granted a special use permit with perpetuity, so they could use it whenever they get a bid that they would need to use this additional ready mixed concrete plant.

City Engineer Emery stated he had checked out a route for this plant that they could use for every job.

CP Ellis stated that there is more than enough room for an additional site and she has never received a complaint about the current site.

CA Galstad informed the commissioners that they should make a motion on this request and then come back to another meeting, with the additional request.

A Motion was made by Commissioner Erickson, Seconded by Commissioner Audette to close the Public Hearing. M/S/P- Erickson, Audette; 6-0, mc.

CP Ellis recommended approval of the Special Use Permit (SUP) to operate a second concrete plant, provided:

It meets any additional conditions requested by the Planning Commission or Council regarding noise, time of operation, length of operation, traffic congestion or requested truck route to project.

EAST GRAND FORKS
PLANNING COMMISSION MEETING
WEDNESDAY, December 13, 2023

A Motion was made by Commissioner Erickson to approve the recommendation above, seconded by Commissioner Audette seconded the Motion. M/S/P- Erickson, Audette; RCV: Peterson-Y, Christianson -Y, Powers-Y, Erickson-Y, Audette -Y, Ortzman -Y; 6-0, mc.

3. PUBLIC HEARING. MATTER OF REQUEST FROM THE GRAND FORKS- EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION TO AMEND TE CITY'S COMPREHENSIVE PLAN TO INCLUDE THE UPDATE TO THE STREET & HIGHWAY ELEMENT OF THE METROPOLITAN TRANSPORTATION PLAN – FINAL

CP Ellis reminded the Commissioners that every 5-years the Forks MPO with partnership from the Cities (Grand Forks and East Grand Forks) and Counties (Grand Forks and Polk) leadership review and update the community's Metropolitan Transportation Plan (MTP). This plan must identify how the community will manage and operate a multi-modal transportation system (including transit, highway, bicycle, pedestrian, and accessible transportation) to meet the region's economic, transportation, development, and sustainability goals for a 20 plus year planning horizon, while remaining fiscally constrained. Last month they approved the document as a draft and potentially final plan if there were no new changes.

A Motion was made by Commissioner Audette, Seconded by Commissioner Christianson to open the Public Hearing. M/S/P- Audette, Christianson; 6-0, mc.

MPO Kouba informed the Commissioners that the Grand Forks Planning Commissioners had approved their plan, after removing all mention of an intercity bridge.

City Engineer Emery stated that in order to receive federal funding for an intercity bridge, needs to be in our plan.

CA Galstad recommended approving our plan with the bridge included.

MPO Kouba stated that each city approves their own plan and then the Metropolitan Planning Board has to make the decision for the region as a whole.

CP Ellis stated she is on the MPO TAC & Executive Board, representing the City Council and she needs to report what the Planning Commission recommends. Mike Powers, the Planning Commission President needs to take the Planning Commission recommendation to the Polk County Planning Commission, so we need to decide. She also stated that we are already having growth issues, without another bridge that will be a problem.

A Motion was made by Commissioner Ortzman, Seconded by Commissioner Erickson to close the Public Hearing. M/S/P- Ortzman, Erickson; 6-0, mc.

EAST GRAND FORKS
PLANNING COMMISSION MEETING
WEDNESDAY, December 13, 2023

A Motion was made by Commissioner Erickson to approve the document that was presented and approved last month, with the inclusion of the intercity bridge, in the plan, was seconded by Commissioner Audette: M/S/P- Erickson, Audette; RCV: Peterson-Y, Christianson -Y, Powers-Y, Erickson-Y, Audette -Y, Ortzman -Y; 6-0, mc.

OTHER BUSINESS

None

ADJOURNMENT

Commissioner President Powers adjourned the meeting at 12:36 pm, seconded by Commissioner Erickson.

Respectfully submitted by,
Brenda Ault
Executive Assistant

PUBLIC NOTICE

You are hereby notified that the East Grand Forks City Planning Commission will meet in the Training Room of City Hall located at 600 Demers Ave on February 14, 2024 at 12:00 P.M. NOON to consider a request to amend the Special Use Permit for the Strata Corporation. They plan to utilize the current ready mixed concrete facility area (property) to accommodate an additional temporary ready mixed concrete plant during times of need. This temporary plant will be used in addition to the existing plant to complete projects as necessary. Once the projects are completed, the temporary plant will be removed until the next project. This request will be on-going and not for a specific year or timeframe. You are hereby also notified that the East Grand Forks City Council will meet in the Council Chambers of City Hall located at 600 Demers Ave on February 20, 2024 at 5:00 P.M. to consider said request for a Special Use Permit for the temporary plant and consider the recommendation from the Planning Commission regarding this request.

Again, the request is as follows: 1) Strata Corporation currently operates a ready mixed concrete plant on property zoned as General Industrial (I-2); 2) This use is grandfathered in as a Special Use Permit (SUP), as it was at the location before the requirement of an SUP; 3) they are requesting an amendment to the SUP to accommodate an additional temporary ready mixed concrete plant to be used for road projects as necessary.

Any questions or comments can be directed to Nancy Ellis, Community Development Director, at nellis@egf.mn or 218-773-0124.

Reid Huttunen
City Administrator
City of East Grand Forks, MN
Publish: January 31, 2024 and February 7, 2024

City Of East Grand Forks
Planning And Zoning Commission

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

Memo

To: Planning Commission

From: Nancy Ellis, City Planner

Date: 2/6/2024

Re: Special Use Permit request for temporary concrete ready mixed plant on existing site

GENERAL INFORMATION

APPLICANTS/PROPERTY OWNERS: Strata Corporation, property owner

REQUESTED ACTION: Applicant is requesting approval/amending of a Special Use Permit to install a second concrete ready mixed concrete plant for temporary use for future road projects when needed.

SITE ZONING/LAND USE: I-2 General Industrial is the current zoning.

SURROUNDING ZONING/LAND USE:

North: I-2 zoning, industrial uses

West: I-2 zoning, Public Works property and Water Treatment Plant

South: Red Lake River and R-1 zoning

East: I-2 zoning, empty lot and warehouses

GENERAL COMMENTS

Strata Corporation currently owns and operates a ready mixed concrete plant on 2nd St NE, just past the Public Works shop. They would like to install a second temporary ready mixed concrete plant NOT just to use in the summer of 2024 for a MnDOT road project on MN 220; but be able to install the temporary plant whenever needed to complete road projects. As with the 2024 project, the second temporary plant will be removed when the road projects are completed. The property size will not change, nor will the use of the site by the addition of the temporary plant. Concrete mixing plants are allowed in the I-2 General Industrial Zoning District with a Special Use Permit (SUP). The current plant was grandfathered in as a SUP, as it was in operation at

the location before zoning/the requirement of the SUP, so they are asking to amend or issue an SUP to move in the secondary plant for temporary use. I have listed the criteria for the special use permit process below and I am including the answers to the SUP from the Strata Corporation. Since this is an existing site, most of the criteria should already be met. Additional questions, such as time of operation, length of operation and noise have also been addressed and included for your review.

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 the 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 Chapter 10, 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.

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.

STAFF RECOMMENDATION

Staff recommends approval of the Special Use Permit (SUP) to operate a second concrete plant, provided:

1. It meets any additional conditions requested by the Planning Commission or Council regarding noise, time of operation, length of operation, traffic congestion or requested truck route to project.



83.00052.00

Storm Water

Hydrant

83.03049.00

Storm Water
Proposed Portable RMI Plant Area

83.04517.00

83.00016.00

83.00008.00

83.04518.00

83.00113.93

83.00022.01

83.02197.00

Owner: Strata Corporation
Address: P.O. Box 13500 Grand Forks, ND 58208
Project: Portable Concrete Batch Plant



1600 North 48th Street
PO Box 13500
Grand Forks, ND 58203
701.746.7491

Thursday, December 28, 2023

Ms. Nancy Ellis, East Grand Forks Community Development Director
East Grand Forks Planning Department
600 Demers Avenue
East Grand Forks, MN 56721
218-773-0124
Email: nellis@egf.mn

RE: Strata Corporation Special Use Permit Extension

Dear Nancy,

Below is the narrative information requested by the East Grand Forks Planning Department regarding Strata Corporation's request for a Special Use Permit Extension in perpetuity.

II.A.1. Strata Corporation plans to utilize the current ready mixed concrete facility area to accommodate an additional ready mixed concrete plant and ancillary activities associated with the plant under the current grandfathered special use permit and the temporary special use permit approved for the 2024 construction season. The proposed Use will not create an excessive burden on public facilities and utilities which serve the area as these activities are simply an extension of the current site activities under the current permitted Use.

II.A.2. As stated in A.1., Strata Corporation plans to utilize the current ready mixed concrete facility area to accommodate an additional ready mixed concrete plant and ancillary activities associated with the plant under the current grandfathered special use permit. The proposed Use will be sufficiently compatible with adjacent land use.

II.A.3. The proposed structures will not hinder the orderly and harmonious development of the district.

II.A.6. The proposed Use will use the existing ingress and egress which provide adequate access to public roads. Sufficient on-site parking will be provided.

II.A.7. The proposed structures will meet the required intent of the Building Code governing such installations.

II.A.8. The proposed Use will be an extension of the current Use and will not have any adverse effects or impacts on public facilities, utilities, and services including but not limited to streets, law enforcement, emergency services, fire protection, city administration, schools, or other utilities.

Sincerely,

A handwritten signature in blue ink that reads "Jay Evans". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline.

Jay Evans
Aggregate Performance Manager
Strata Corporation