

## PLANNING COMMISSION – PROCEDURAL INFORMATION

The City of Minot Planning Commission generally meets on the last Monday of each month, prior to the City Council meetings, regarding zone change requests and other matters pertaining to planning within Minot and the two-mile extraterritorial zone. Recommendations made by the Planning Commission may be discussed at the City Council meetings prior to the City Council making any decision. Planning Commission members are volunteers that are appointed by the Mayor and confirmed by the City Council. All agenda items are considered a public hearing unless otherwise specified.

Additionally, the attached items are listed in a sequential and tentative agenda which will be commencing at 6:30 P.M. on the date of the Monday meeting. However, the Planning Commission reserves the right, and gives notice at this time, that the sequential order of this agenda may be modified by the Planning Commission in accordance with the complexity and anticipated time periods which may be involved in the determination of each agenda item. Therefore, all individuals planning to attend the Planning Commission meeting should arrive at the City Council Chambers by 6:30 P.M. in order to ensure their presence and opportunity to participate in the discussion of the applicable agenda item.

**The procedure in addressing the Planning Commission's Agenda for tonight's meeting will be as follows:**

1. Approval of prior Commission minutes.
2. Consideration of Consent Items – The Planning Commission will determine which agenda items, if any, may be considered and approved on a consent basis. Consent approval means that these agenda items have not encountered any known opposition or protest, and will therefore be approved or recommended by the Planning Commission without further discussion. If anyone from the public desires to address or protest any agenda item being considered on a consent basis, they must inform the Commission Chairman of this request before the consent items are approved in a single motion by the Planning Commission. Failure to advise the Chairman of these circumstances and of the request to pull the item from the consent agenda will result in passage of the item without further discussion or consideration of the opposition's arguments.
3. After determination and approval of the consent items, the following format will be followed by the Commission with regard to the remaining agenda items.
  - a. Each remaining agenda item will be individually read aloud and the Chairman will state the reported City staff recommendation, if any;
  - b. The Chairman will call for comments by those individuals in attendance who are in favor of the agenda item and will also allow the Planning Commission members to direct questions, if any, to those individuals addressing the Planning Commission;
  - c. The Chairman will call for comments by those individuals in attendance who are opposed to the agenda item and will also allow the Planning Commission members to direct questions, if any, to those individuals addressing the Planning Commission;
  - d. The Chairman may permit, in his discretion, brief rebuttal or rejoinder comments from individuals in attendance with regard to the pending issue and will allow the Planning Commission members to direct questions, if any, to those individuals addressing the Planning Commission;
  - e. The Chairman will terminate comments and public input, with the agenda item now being discussed solely by the Planning Commission members following a formal Motion (appropriately seconded) for resolution of the agenda item;
  - f. Following appropriate discussion by the Commission members, the Chairman will call for a roll call vote on the pending motion before the Commission;
  - g. The decision or recommendation of the Planning Commission, as determined by the roll call vote, shall be pronounced by the Chairman and also noted for the subsequent preparation of the Commission minutes; and
  - h. All remaining agenda items will be addressed in the foregoing manner until full completion of the written and approved Agenda for tonight's Meeting.

**PLANNING COMMISSION  
MEETING AGENDA  
JANUARY 25, 2016**

**CHAIR:** JOHN ZIMMERMAN

**VICE CHAIR:** PAM KARPENKO

**SUBJECT:** THE CITY PLANNING COMMISSION WILL MEET IN REGULAR SESSION AT 6:30 PM ON MONDAY, JANUARY 25, 2016, IN CITY COUNCIL CHAMBERS, 515 2<sup>nd</sup> AVENUE SW.

**ROLL CALL.**

**PLEDGE OF ALLEGIANCE.**

**APPROVAL OF NOVEMBER 30, 2015, MINUTES OF REGULAR MEETING.**

**SUGGESTED ITEMS ON CONSENT:** 4, 6, 8, & 9

**1. Dakota Square 2nd Addition, Lot 11 less portion Dakota Square 3rd Addition**

Application by Jeff Allen represented by KLJ- Mark Sweeney, for a C4 Plan Review and Approval for the expansion of the Dakota Square Mall to allow the addition of three retail shops on Dakota Square 2nd Addition, Lot 11 less portion Dakota Square 3rd Addition.

Also, to vacate and reestablish a 20' water main easement on Dakota Square 2nd Addition, Lot 11 less portion Dakota Square 3rd Addition.

This property is located 2400 10th St SW.

**2. Northdale 1st Addition, N25', Lot 7, all Lot 8 & S75', Lot 9 Less E40, Block 1**

Application by Columbian Club Association, represented by Mark Vickerman, for a variance to the rear yard setback from the required 25' to approximately 2' for the purpose of building a 12' x 20' cooler on Northdale 1<sup>st</sup> Addition, N25', Lot 7, all Lot 8 & S75', Lot 9 Less E40, Block 1.

This property is located at 2601 N. Broadway.

**3. Replat Portion of Block 1 & All Blocks 2 & 3 of Norton's Addition, Lots 1 & 2, Block 2**

Application by Minot Automotive Center, dba Cartiva Of Minot, represented by Brad Myerchin, for a Conditional Use Permit to allow the sale of cars in a C2 (General Commercial) District on Replat Portion of Block 1 & All Blocks 2 & 3 of Norton's Addition, Lots 1 & 2, Block 2.

This property is located at 8 20th Ave SE.

**4. Parkland Addition, Block 2, Lot 1**

Application by Jacob & Jozey Keith for the following variances on a corner lot for the purpose of building an attached garage on Parkland Addition, Block 2, Lot 1.

- A variance to the front yard setback along 4<sup>th</sup> Ave NW from the required 25' to approximately 20'4".
- A variance to the south side yard setback from the required 5' to approximately 3'8".

- A variance to the front yard setback along 6<sup>th</sup> St NW on the existing home from the required 25' to approximately 20'7".

This property is located at 327 6<sup>th</sup> St NW.

**5. Prairie Green 2nd Addition, Block 1, Lot 5**

Application by Levi Kraft for a Conditional Use Permit to allow the sale of cars in a C4 (Planned Commercial) District on Prairie Green 2nd Addition, Block 1, Lot 5.

This property is located at 1200 31st Ave SW.

**6. Section 7-155-82, SE¼, Less Outlot 1 & County Road**

Application by the City of Minot represented by Andy Solsvig, to annex into City limits Section 7-155-82, SE¼, Less Outlot 1 and County Road. Also, to change the zone from AG (Agricultural) District to P (Public) District on Section 7-155-82, SE¼, Less Outlot 1.

Also, a Public Plan Review and Approval on Section 7-155-82, SE¼, Less Outlot 1.

This property is located south 30th Ave NE and west 27th St NE.

**7. Proposed Tollberg Shores 2<sup>nd</sup> Addition, Block 1, Lots 1 & 2**

Application by Northern Lights Property Development LLC, represented by KLJ - Andrew Werder, to subdivide Tollberg Shores Addition, Lots 1-2, Block 8 & Lot 6, Block 2 into two lots to be known as Tollberg Shores 2nd Addition, Block 1, Lots 1 & 2.

This property located along 16th St NW and north of 24th Ave NW.

**8. Urijah's 1st Addition, Lots 1 & 2**

Application by Ken Herslip, represented by KLJ - Mark Sweeney, to vacate 40<sup>th</sup> Ave SE between Lots 1-2, Urijah's 1<sup>st</sup> Addition.

This property is located at 3600 40<sup>th</sup> Ave SE.

**9. West Oaks 7<sup>th</sup> Addition, Lots 1-2, Block 1**

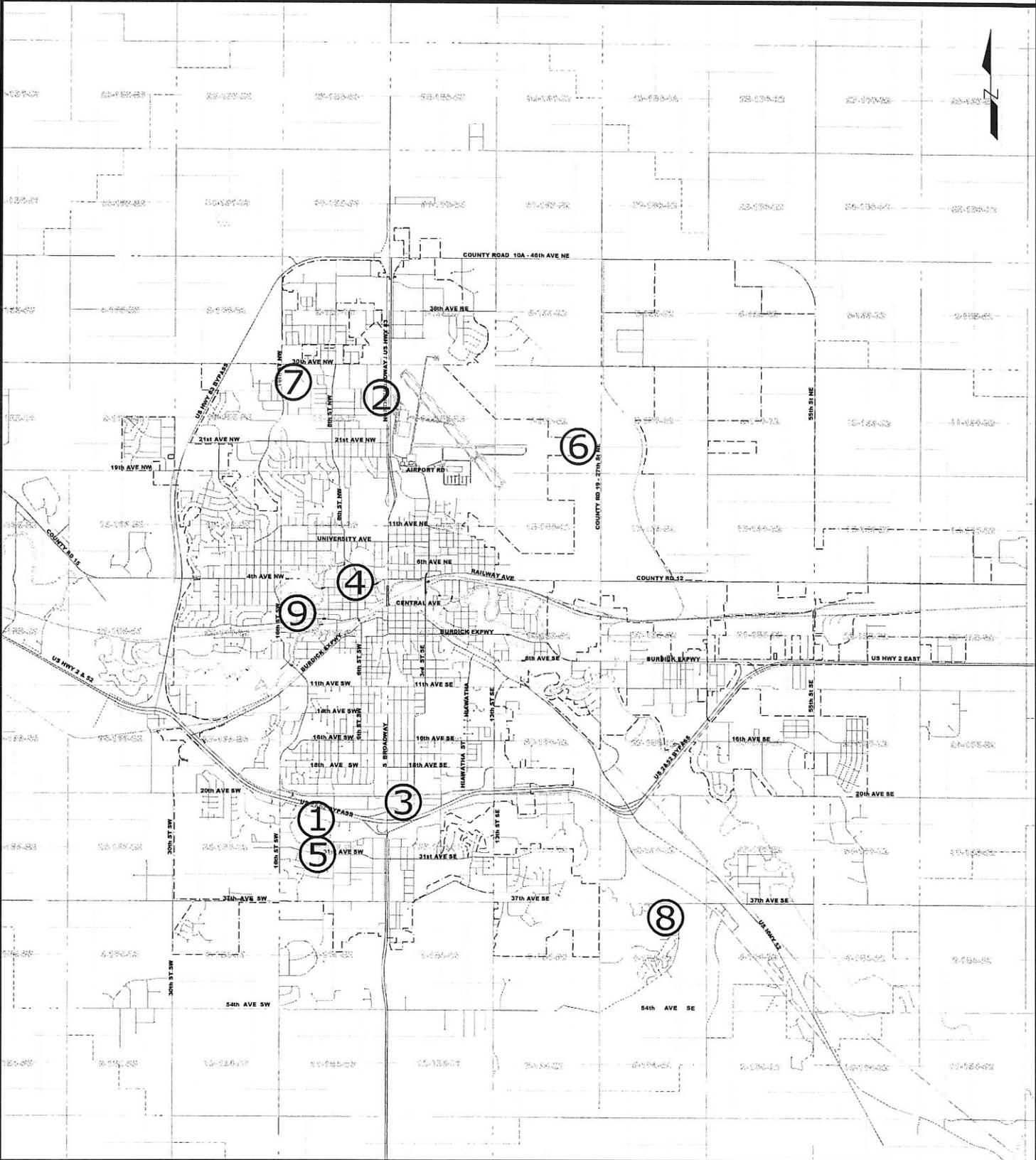
Application by West Oaks Development, LLC and Dick Butts to subdivide West Oaks 4th Addition, Lot 2 and West Oak 5th Addition, Lot 2 into two lots to be known as West Oaks 7th Addition, Lots 1-2, Block 1.

This property is located at 12 & 14 Oak Dr.

**Other Business**

10. The Minot Planning Commission will hold a public hearing to discuss extending the Billboard Permit Moratorium for an additional 6 (six) months.

# VICINITY MAP for JANUARY 2016 PLANNING AGENDA





Planning Commission  
Staff Report

Meeting Date:	01/25/2016	Item #: 1
Project #:	8016-1.2	Staff Recommendation: APPROVAL
Development Title:		
Current Legal Description:	Dakota Square 2 <sup>nd</sup> Addition, Lot 11 less portion Dakota Square 3 <sup>rd</sup> Addition	
Address: (if applicable)	2400 10 <sup>th</sup> St SW	
Current Zoning:	C4	Proposed Zoning: C4
Guided Use:	Commercial	

**Applicant/Owner:** Dakota Square Mall CMBS, LLC  
 Jeff Allen  
 2030 Hamilton Place Blvd, Suite 500  
 Chattanooga, TN 37421  
 (423)605-6586  
[Jeff.allen@cblproperties.com](mailto:Jeff.allen@cblproperties.com)

**Rep/Contractor:** KLJ – Mark Sweeney  
 2900 10<sup>th</sup> St SW, Suite A  
 Minot ND, 58701  
[Mark.sweeney@kljeng.com](mailto:Mark.sweeney@kljeng.com)  
 (701)839.3383

**Zoning Ordinance Ref:** Section 13: Planned Unit Development  
 Section 13 (May 12, 2004 Zoning Ordinance)

PROJECT DESCRIPTION:

**REQUEST(S):** The applicant is requesting:

- A **C4 Plan Review and Approval** for the expansion of the Dakota Square Mall to allow the addition of three retail shops on Dakota Square 2nd Addition, Lot 11 less portion Dakota Square 3rd Addition.
- Also, to **vacate** and reestablish a 30’ water main easement on Dakota Square 2nd Addition, Lot 11 less portion Dakota Square 3rd Addition.

This property is located 2400 10th St SW.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting to expand the northeast side of Dakota Square mall located at 2400 10<sup>th</sup> St. SW. The proposed expansion consists of three retail shops, totaling 24,073 sf additional area to the existing mall. The expansion is proposed to be located between Herberger’s and JcPenney, extending beyond the mall

internal traffic loop and eliminating 115 parking spaces. The internal traffic loop will be configured to redirect traffic around the proposed building. In 2015, Dakota Square mall was granted a parking variance for stall widths from the required 10' to 9' for the entire Dakota Square Mall. A parking study shall be reviewed and approved by the Traffic Engineer.

A water main easement will need to be vacated and relocated because of the expansion. The reconfiguration will increase the width of the easement from the 20' to 30' for the water main. The property is zoned C4, Planned Commercial District, and requires a C4 Plan Review and Approval per Section 13 of the Zoning Ordinance.

Staff supports request.

## FINDINGS OF FACT:

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### Finding of Facts:

1. Subject property is zoned C4 (PUD) Planned Commercial District.
2. Proposed addition meets intent of the ordinance.
3. Proposed addition doesn't reduce parking requirements.

### Conditions (if approved):

1. A parking study shall be reviewed and approved by the Traffic Engineer.
2. 10 percent landscaping is required per site to meet required minimum.
3. Public Utility Fees will be required.

## DEVELOPMENT SUMMARY CHART:

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<b>Site Area:</b>	49.05 acres
<b>Building Area:</b>	551,217 sf
<b>Green Area Required:</b>	10% entire site
<b>Green Area Proposed:</b>	N/A
<b>Parking Required:</b>	3,503
<b>Parking/ Loading Proposed:</b>	3,571

## PLANNING DEPARTMENT CONSIDERATIONS

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### CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The property is zoned C-4, Planned Commercial as are surrounding properties. The property is guided Commercial on the future land use plan. The mall use and all related retail are consistent with the future land use plan.

### BUILDING MATERIALS AND ARCHITECTURE / LANDSCAPING AND BUFFER SCREENING PLANS:

The applicant has provided renderings showing building materials and architecture that meet the specifications of the zoning ordinance. The designs show different materials such as brick, stone, and glass; and design elements showing different roof lines, complementary colors, and windows exceeding 20 percent of wall coverage.

Landscaping is required and would need to meet the ordinance requirements and be approved by the Planning Department. The applicant submitted landscaping plans with calculations, however, 10 percent

landscaping is required per site to meet required minimum. The applicant will need to revise document and resubmit for approval.

**ENGINEERING AND PUBLIC WORKS DEPARTMENT CONSIDERATIONS:**

**TRAFFIC AND TRANSPORTATION PLAN/REQUIREMENTS:**

A parking study shall be reviewed and approved by the Traffic Engineer.

**STORM WATER MANAGEMENT PLAN/REQUIREMENTS:**

N/A

**EROSION CONTROL PLAN/REQUIREMENTS:**

N/A

**CITY AND RURAL UTILITY PLAN/REQUIREMENTS:**

N/A

**SIDEWALK REQUIREMENTS:**

N/A

**PLANNING LOCATION MAP:**

Planning Map with Future Land Uses



# Memorandum

**Date:** 12/15/2015  
**To:** City of Minot  
**Copy to:** Donna Bye  
**From:** KLJ  
**RE:** Dakota Mall Expansion Application Description

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## Remarks

### Overview

The purpose of this memo is to provide a written description and justification for approval of the Dakota Mall Expansion project. The project area is on the northeast side of Dakota Square Mall. The shopping center is located at 2400 10<sup>th</sup> St. SW and its legal description is Dakota Square 2<sup>nd</sup> Addition Lot 11 Less Portion to Dakota Square Third. The property is currently zoned as "C-4" Planned Commercial District within a Planned Unit Development. The expansion will adhere to uses permitted by the zoning and will not change any existing surrounding uses or zoning. Dakota Mall currently has an approved variance for the use of 9' foot stalls throughout the entirety of the parking lot. We do not anticipate the expansion project requiring any additional variances.

The expansion proposes to add three retail shops, totaling approximately 24,073 sq. ft. and the proposed building elevations are underneath the maximum height of 60 ft. The mall road will be redirected around the proposed buildings maintaining the internal traffic loop. Exhibits are attached with this application to further detail the expansion and building configuration.

A portion of the existing water main easement shall be vacated and relocated as a part of the project to accommodate the new mall layout. At the direction of city engineering, the proposed reconfiguration will increase the easement width from 20 feet to 30 feet for the rerouted section of water main.

Thank you for your consideration in this matter and if you have any questions regarding the project, please contact our office.





NO.	DATE	REVISION

DESIGNED BY	JMM
DRAWN BY	GJR
CHECKED BY	7615140
DATE	12/07/15

**DAKOTA MALL EXPANSION**  
HERSCHMAN ARCHITECTS, INC.  
MINOT, ND

**LANDSCAPE PLAN**

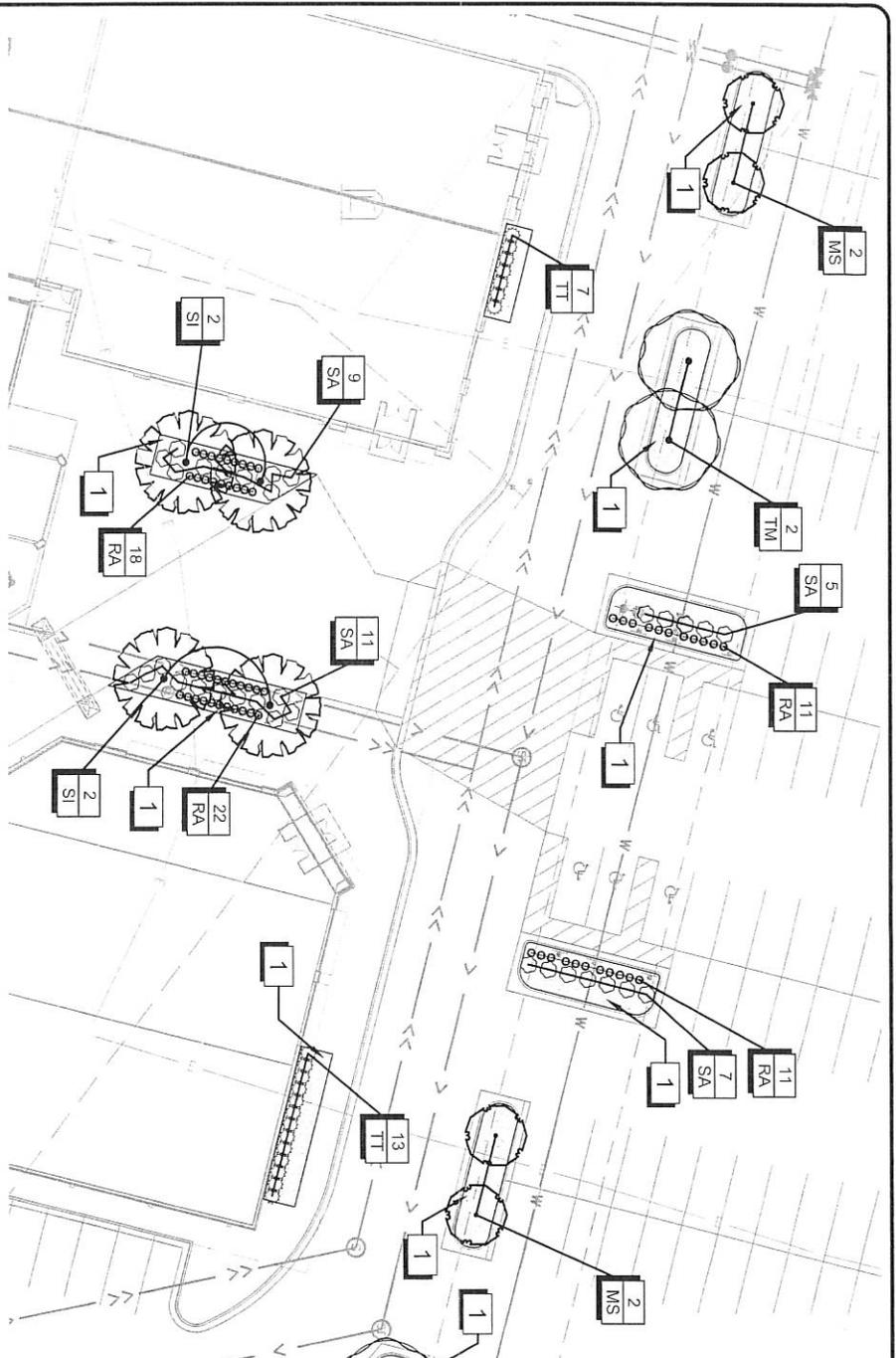
SHEET  
**L1.0**

© KLJ 2015

**LEGEND**

	<b>SYMBOL</b>
	<b>DESCRIPTION</b>

Tree symbols vary, for species see schedule.  
(1) Quantity  
(A) Species, see schedule



**PLANT SCHEDULE - ALL SHEETS**

TREES	QTY	COMMON NAME	BOTANICAL NAME	TYPE	SIZE	MIN. HEIGHT	ZONE
MS	4	Spring Snow Crab	Malus x Spring Snow	B & B	2" CAL.	12-14'	4-7
SI	4	Apple	Syringa reticulata Ivory Silk	B & B	2" CAL.	12-14'	3-8
TM	4	Ivory Silk Japanese Tree Lilac	Tilia mongolica Harvest Gold	B & B	2" CAL.	12-14'	2-7
SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	TYPE	SIZE	ZONE	
RA	62	Black-eyed Susan	Rudbeckia flugda sullivanii 'Goldsun'	CONT	#2 CONT	3-9	
SA	32	Anthony Waterer Spiraea	Spiraea x buninada Anthony Waterer	CONT	#2 CONT	4-8	
TT	20	Taunton Yew	Taxus x media Taunton	CONT	#2 CONT	4-7	

**REFERENCE NOTES SCHEDULE**

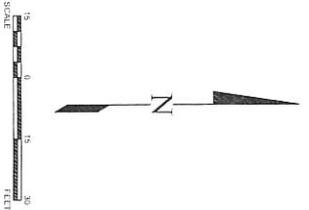
SWM	DESCRIPTION
1	INSTALL 3" DEPTH OF 3/4" CRUSHED LANDSCAPE ROCK OVER WEED BARRIER.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Registered Landscape Architect under the laws of the State of North Dakota.

Date: \_\_\_\_\_ Ref. No. \_\_\_\_\_

ONE CALL  
BEFORE DIGGING  
1-800-795-0555

CONTRACTOR TO LOCATE  
UTILITIES PRIOR TO PLANTING

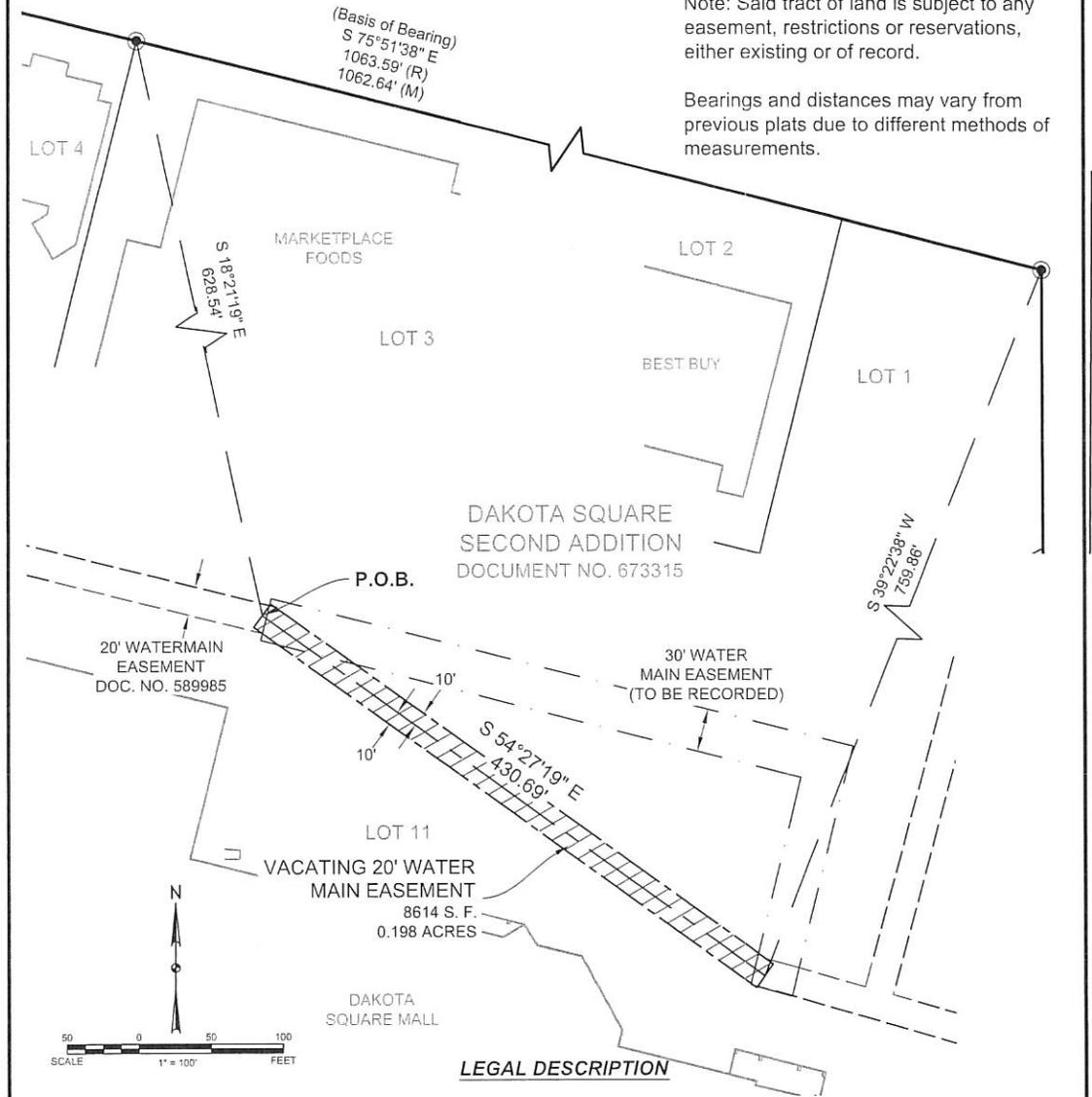


# VACATING 20' WATER MAIN EASEMENT

A tract of land lying in Lot 11 of Dakota Square Second Addition, City of Minot, Ward County, North Dakota

Note: Said tract of land is subject to any easement, restrictions or reservations, either existing or of record.

Bearings and distances may vary from previous plats due to different methods of measurements.



**LEGAL DESCRIPTION**

A tract of land lying in Lot 11 of Dakota Square Second Addition, City of Minot, Ward County, North Dakota, being more particularly described as follows:

A 20.00 foot wide Water Main Easement being 10.00 feet on either side of the following described centerline:

Commencing at the northwest corner of Lot 3 of said Dakota Square Second Addition as described in Document No. 673315, recorded in the Ward County Recorders Office; thence S 18°21'19" E a distance of 628.54 feet to the POINT OF BEGINNING; thence S 54°27'19" E a distance of 430.69 feet to the POINT OF TERMINATION; said POINT OF TERMINATION being S 39°22'38" W a distance of 759.86 feet from the northeast corner of Lot 1 of said Dakota Square Second Addition.

Said easement contains 8614 square feet or 0.198 acres, more or less.

**LEGEND**

-  Found Monument
-  Easement to be Vacated
-  Proposed 20' Water Main Easement
- (M) Measured Distance
- (R) Record Distance per Recorded Document

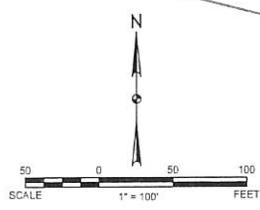
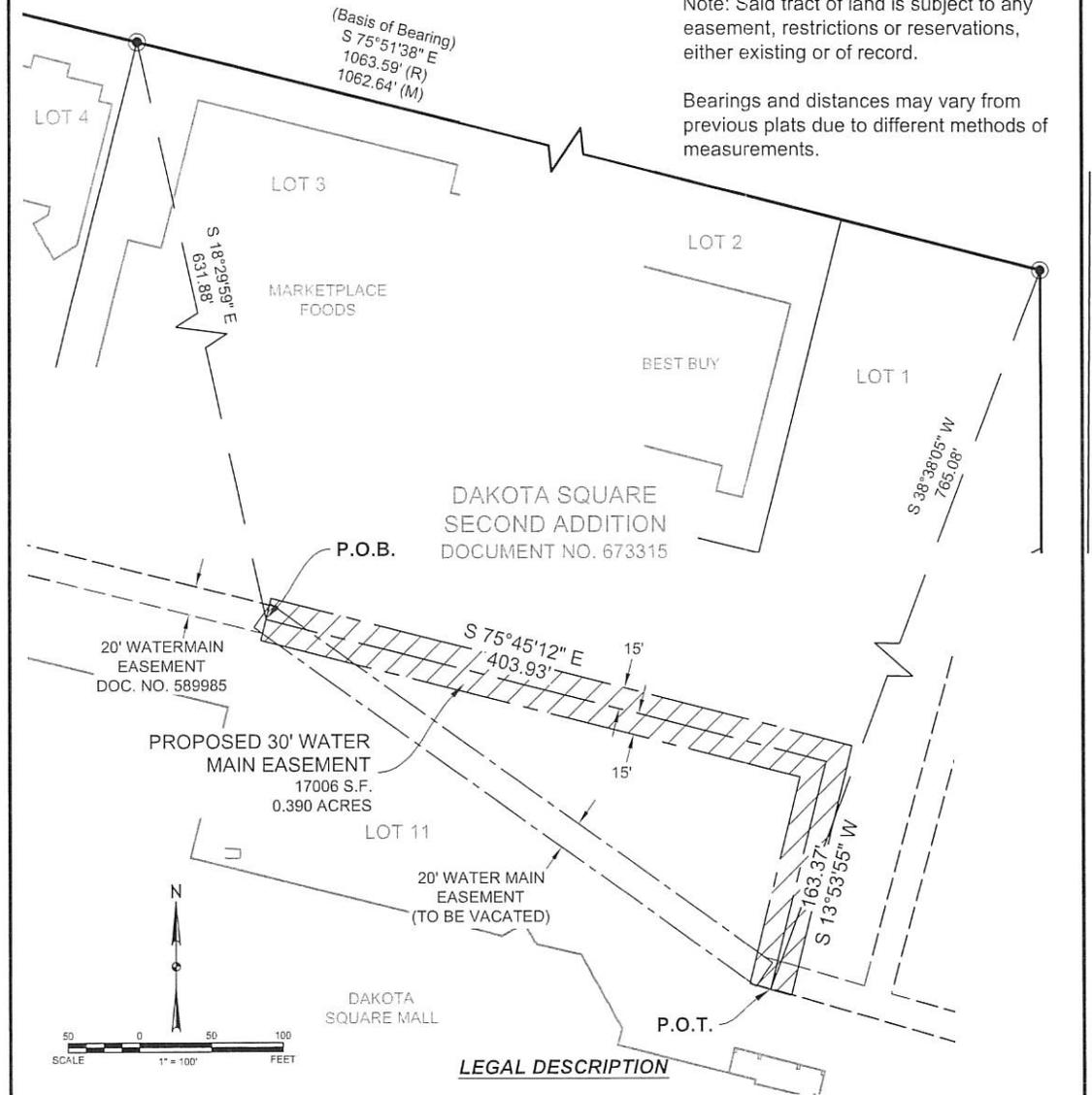


# PROPOSED 30' WATER MAIN EASEMENT

A tract of land lying in Lot 11 of Dakota Square Second Addition, City of Minot, Ward County, North Dakota

Note: Said tract of land is subject to any easement, restrictions or reservations, either existing or of record.

Bearings and distances may vary from previous plats due to different methods of measurements.



**LEGAL DESCRIPTION**

A tract of land lying in Lot 11 of Dakota Square Second Addition, City of Minot, Ward County, North Dakota, being more particularly described as follows:

A 30.00 foot wide Water Main Easement being 15.00 feet on either side of the following described centerline:

Commencing at the northwest corner of Lot 3 of said Dakota Square Second Addition as described in Document No. 673315, recorded at the Ward County Recorders Office; thence S 18°29'59" E a distance of 631.88 feet to the POINT OF BEGINNING; thence S 75°45'12" E a distance of 403.93 feet; thence S 13°53'55" W a distance of 163.37 feet to the POINT OF TERMINATION, said POINT OF TERMINATION being S 38°38'05" W a distance of 765.08 feet from the northeast corner of Lot 1 of said Dakota Square Second Addition.

Said easement contains 17006 square feet or 0.390 acres, more or less.

**LEGEND**

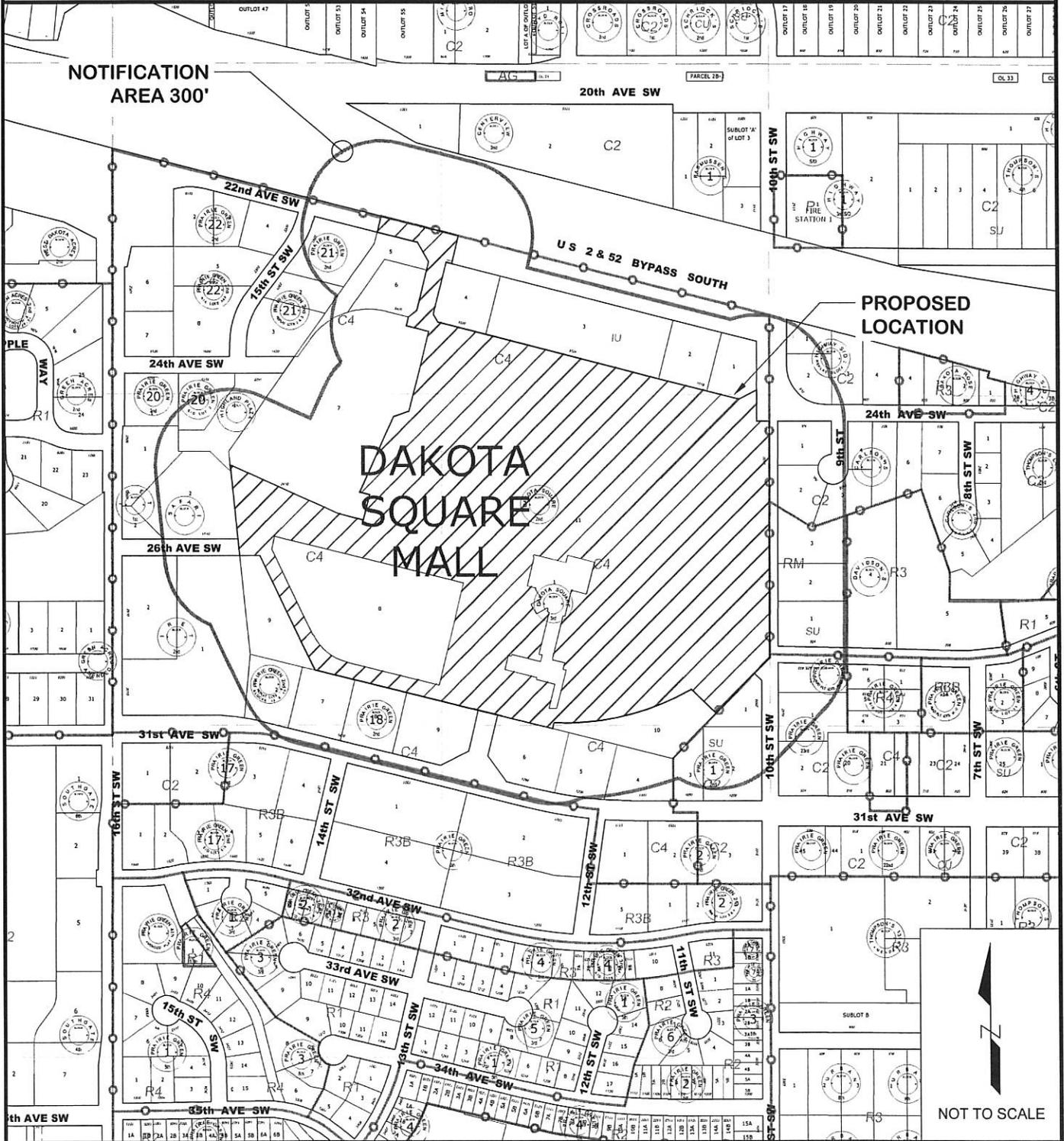
- Found Monument
- Easement to be Vacated
- ▨ Proposed 30' Water Main Easement
- (M) Measured Distance
- (R) Record Distance per Recorded Document







PROPOSED EASEMENT VACATION AND P.U.D. PLAN REVIEW FOR  
DAKOTA SQUARE 2ND ADDITION LOT 11  
LESS PORTION TO DAKOTA SQUARE THIRD ADDITION  
CITY OF MINOT, NORTH DAKOTA



MAP CREATED DECEMBER 16, 2015

# City of Minot

## Planning Commission

### Staff Report

<b>Meeting Date:</b>	01/25/2016	<b>Item #:</b>	2
<b>Project #:</b>	8016-1.6	<b>Staff Recommendation:</b>	DENIAL
<b>Development Title:</b>			
<b>Current Legal Description:</b>	Northdale 1st Addition, N25', Lot 7, all Lot 8 & S75', Lot 9 Less E40, Block 1		
<b>Address: (if applicable)</b>	2601 N. Broadway		
<b>Current Zoning:</b>	C2	<b>Proposed Zoning:</b>	C2
<b>Guided Use:</b>	Commercial		

**Applicant/Owner:** Columbian Club Association Inc.  
2601 N. Broadway  
Minot ND, 58703  
(701)852-3901

**Rep/Contractor:** Mark Vickerman  
613 23<sup>rd</sup> Ave NW  
Minot ND, 58703  
(701)240-4626

**Zoning Ordinance Ref:** Section 30-2 e): Variance  
Section 11-7: Lot, Height, Area and Yard Requirements (c) (5):  
Rear – Zero except where the rear of the lot adjoins the "AG" district or any "**R" district in which case the minimum rear yard shall be twenty-five (25) feet.**

#### PROJECT DESCRIPTION:

**REQUEST(S):** The applicant is requesting:

- A **variance** to the rear yard setback from the required 25' to approximately 2' for the purpose of building a 12' x 20' cooler on Northdale 1st Addition, N25', Lot 7, all Lot 8 & S75', Lot 9 Less E40, Block 1.

This property is located at 2601 N. Broadway.

#### EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

##### SUMMARY/CONDITIONS/ISSUE:

The applicant is requesting a variance to the rear yard setback from the required 25' to approximately 2' to construct a 12' x 20' cooler. The site is zoned C2, General Commercial, with a total lot size of 68,000 sf. A concrete pad has been poured for the construction of the cooler without a building permit indicating setbacks, location of cooler, type of construction, fire separation distance, and foundation design.

The applicant states in the submittal letter that a variance can be granted for the setback to similar properties in the neighborhood. However, the property directly south of the subject property meets all required setbacks with a buffer separating the residential property west of the lot. The property to the north with similar building setbacks was constructed in 2002 under a different zoning ordinance that allowed a 5' setback across a public right-of-way from any "R" district. The claim on property right enjoyed by others should be granted under the same zoning ordinance as similar building for the uniformity and true interpretation of the zoning ordinance.

The site is currently legal non-conforming with setbacks, lack of buffering to the west, landscaping, paving, and striping of the parking lot. The Ordinance does not require that the site be brought into compliance until an addition or alterations to the existing building exceeding 25 percent of the existing building. The addition of the cooler does not meet these criteria. There is ample room to the north and east to allow remodeling of the interior to accommodate the cooler.

In Section 2-1 an alley is defined as a public right of way less than thirty (30) feet in width dedicated to public use, primarily to provide vehicular service access to side or rear of properties otherwise abutting on a street. No parking or storage is permitted on alleys.

Staff does not support request because the alternative locations for the cooler exist on the property and can be used reasonably without a variance. Moreover, there is no hardship with the request and when alternatives exist to meet the goal of the application, staff affirms no hardship exists.

#### FINDINGS OF FACT:

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##### **Finding of Facts:**

1. Subject property is zoned C2, General Commercial District.
2. Section 30-2 Variance: The request doesn't meet the general intent of this section.
3. When alternatives exist to meet the goal of the application, staff affirms no hardship exists to granting a variance.
4. Granting of the variance cannot be done without substantial detriment to the public good and without impairing the general purpose and intent of the Comprehensive Plan.

##### **Conditions (if approved):**

1. A fence would be required to protect vehicular activities.

#### DEVELOPMENT SUMMARY CHART:

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<b>Site Area:</b>	68,000 sf
<b>Building Area:</b>	9,296 sf

#### PLANNING DEPARTMENT CONSIDERATIONS

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##### **CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property under consideration is currently zoned C2, General Commercial and is guided on the Future Land Use Plan as Commercial. Properties to the north and south are zoned C2; properties to the west are zoned R3B, Medium Density Residential and there is a frontage road to the east. The proposed use would be in compliance with the Comprehensive Plan.

**BUILDING MATERIALS AND ARCHITECTURE / LANDSCAPING AND BUFFER SCREENING PLANS:**

The subject property is legal non-conforming with setbacks, with the lack of buffering to the west, landscaping, paving, and striping of the parking lot. The Ordinance does not require that the site be brought into compliance until an addition or alterations to the existing building exceeding 25 percent of the existing building. The addition of the cooler does not meet those criteria.

**PLANNING LOCATION MAP:**

Planning Map with Future Land Uses



COLUMBIAN CLUB ASSOCIATION INC.

2601 N BROADWAY

MINOT, ND 58702-0685

TO: MINOT CITY PLANNING COMMISSION

Ladies and gentlemen of the commission this is a request for variance to the zoning regulation for the property described: "Northdale first addition north 25' lot 7 and all lot 8 and south 75' lot 9 of block 1, at the above address. We are asking to be granted a variance for set-back to 2', similar to other property on the alley north of us and landscaping requirements. Attached please find an aerial view of our property with the cooler location indicated in blue.

Our request for building permit to construct a walk in cooler on the cement pad on the west side of the south, west corner of our building was not approved. I contact our Alderman Mr. Hatleid to inquire on our behalf and he suggested I contact Ms. Aucker, El. On Dec 7<sup>th</sup> I met with her and Ms. Tetteh to discuss our options. I explained the reasoning for our placement in the desired location and why for operations of the facility, her suggestion for placing it on the north or east sides were not conducive to the operation, as both would require that the staples be brought into the kitchen through the dining and or lounge area. She informed me that we were not approved because we were not in compliance with chapter 24 of the "ZONING SUPPLEMENT TO THE CITY OF MINOT CODE OF ORDINANCES" that called for a 25' set back with greenery buffer because we were adjacent to M2 property.

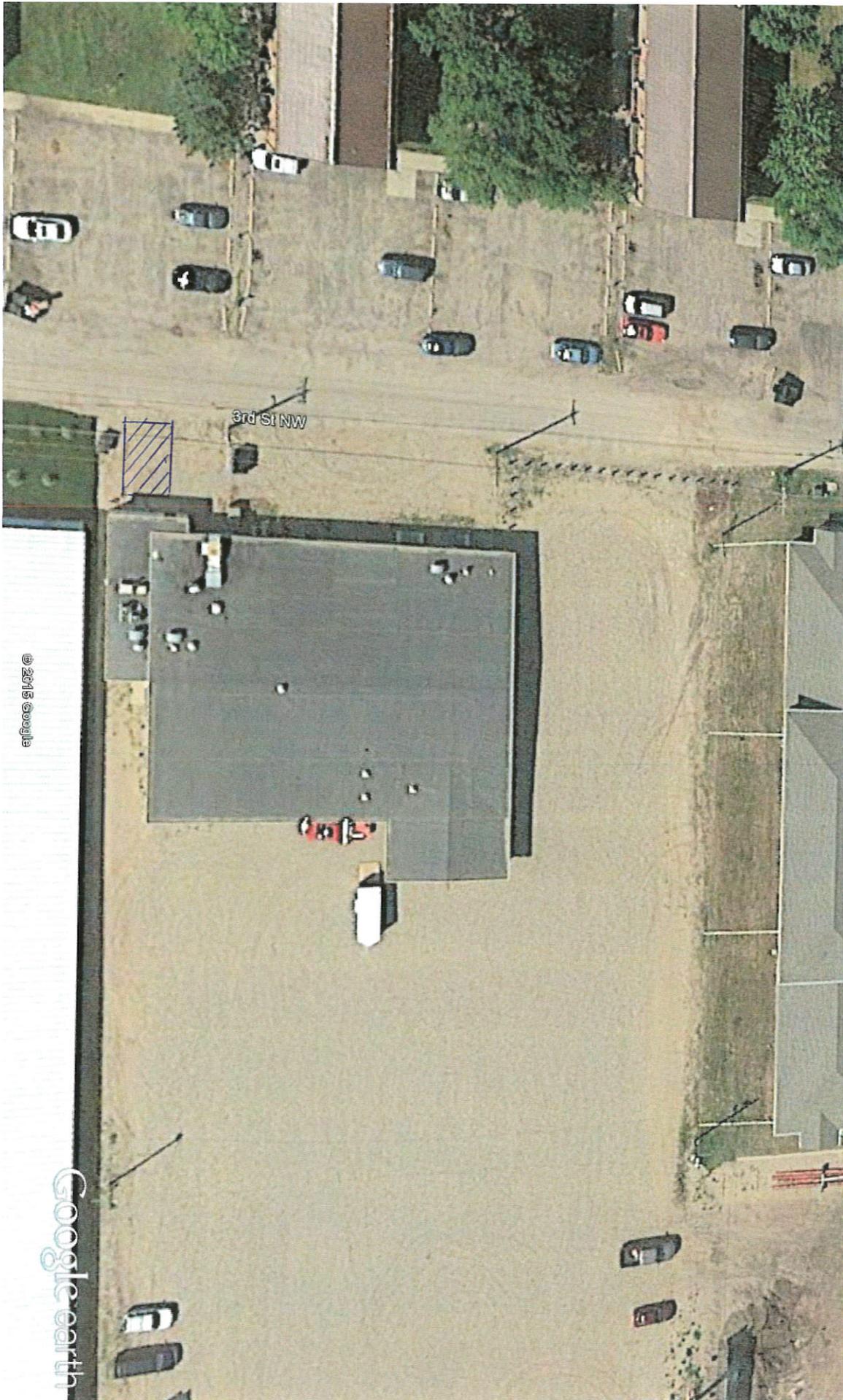
We started this project and placed our cooler in that location after board member Mr. Dean Rubbelke made inquiries about its placement and was lead to believe from members of the city engineering department that it should not be a problem. At this time all deliveries are made from the alley to this structure. Solid waste pick-up is from the alley and utilities are all from the alley. Placement of any greenery on the west side of the structure would disrupt current operations. What we are in fact asking is to be granted the "similar property right enjoyed by other property owners in the neighborhood" for example the garage located on the north end east side of alley and the recently constructed apartment immediately north of our property.

Your consideration in this matter is greatly appreciated;



Mark Vickerman

Board member



Google earth

feet  
meters

200

70

Google earth

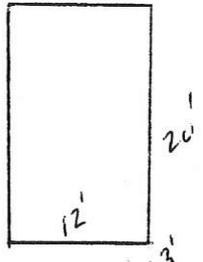


3rd St. NW

2' set back Not to scale

7'9" set back

W Line

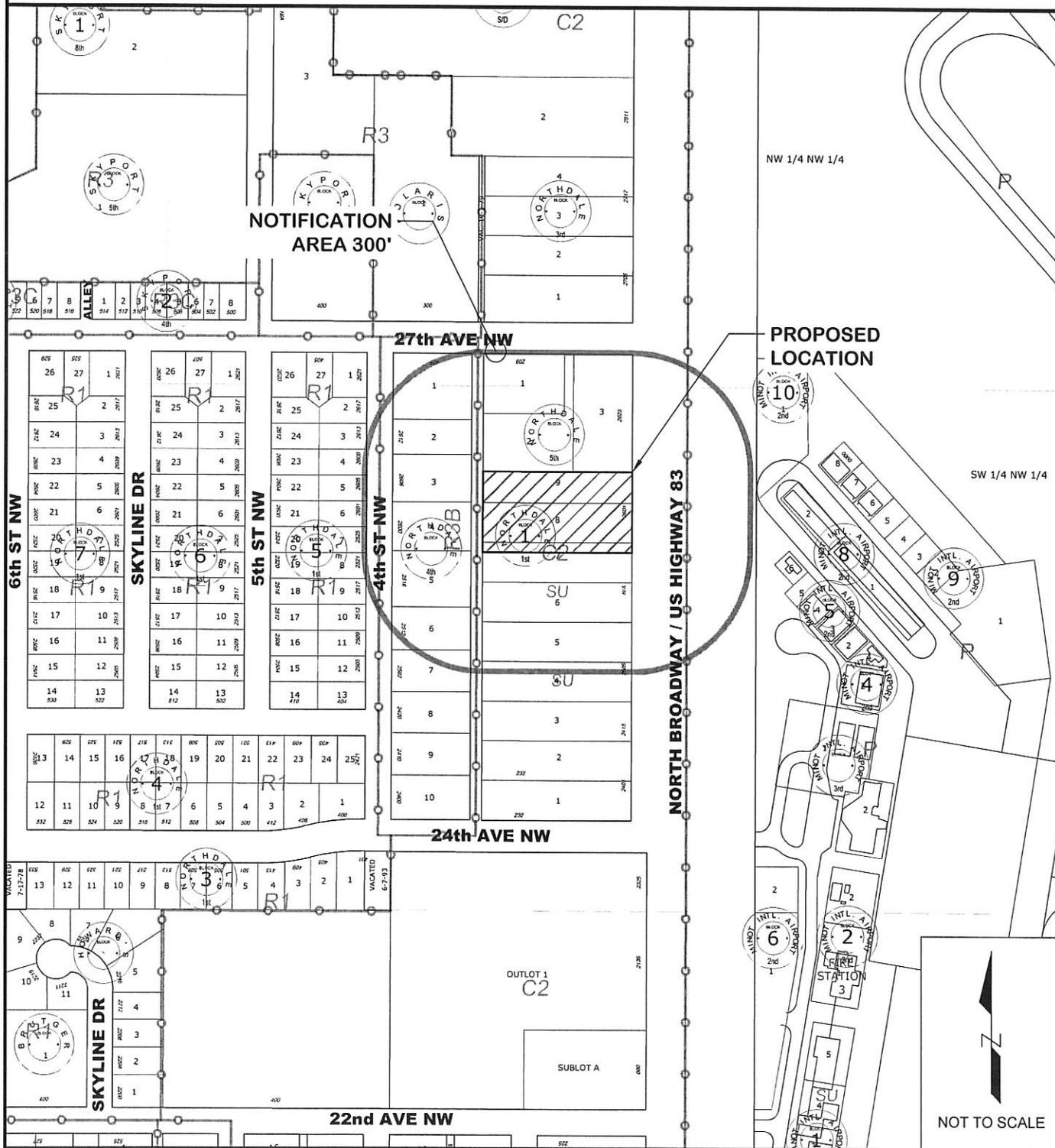


Existing Structure



S Line

# PROPOSED VARIANCE IN ZONING REGULATION FOR NORTHDALE 1ST ADDITION, N25' OF LOT 7, ALL OF LOT 8, AND S75' OF LOT 9 CITY OF MINOT, NORTH DAKOTA



MAP CREATED DECEMBER 28, 2015



Planning Commission  
Staff Report

<b>Meeting Date:</b>	1/25/2016	<b>Item #:</b>	3
<b>Project #:</b>	8016-1.4	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>			
<b>Current Legal Description:</b>	Replat Portion of Blk 1 & All Blocks 2 & 3 of Norton's Addition, Lots 1 & 2, Block 2		
<b>Address: (if applicable)</b>	8 20 <sup>th</sup> Ave SE		
<b>Current Zoning:</b>	C2	<b>Proposed Zoning:</b>	C2
<b>Guided Use:</b>	Commercial		

**Applicant/Owner:** Minot Automotive Center dba Cartiva of Minot  
P.O Box 1607  
Minot ND, 58702  
(701)852-0151  
[mctcoffice@srt.com](mailto:mctcoffice@srt.com)

**Rep/Contractor:** Brad Myerchin  
P.O Box 1607  
Minot ND, 58702  
(701)852-0151  
[mctcoffice@srt.com](mailto:mctcoffice@srt.com)

**Zoning Ordinance Ref:** Section 11-4 a): Conditional Uses  
Section 23-1 dd): Open Sales Lot  
Section 30-3: Conditional Use Permits

**PROJECT DESCRIPTION:**

**REQUEST(S):** The applicant is requesting:

- A **Conditional Use Permit** to allow the sale of cars in a C2 (General Commercial) District on Replat Portion of Block 1 & All Blocks 2 & 3 of Norton's Addition, Lots 1 & 2, Block 2. This property is located at 8 20<sup>th</sup> Ave SE.

**Zoning Ordinance Ref:**

Section 11-4. Conditional Uses:

Within any C2 district, no structure or land shall be used for the following uses except by a conditional use permit:

a) Open sales/rental lots (motor vehicles, manufactured homes, recreational vehicles) for permitted or conditional uses in the C2 district subject to the following requirements:

- 1) Shall have a principal structure on the lot.

- 2) Vehicles for sale, lease, or rental shall be parked on a paved surface that conforms to Chapter 23.
- 3) No outside repair or maintenance of vehicles.
- 4) Parking lot landscaping shall comply with all requirements of Chapter 21 and 23.
- 5) No auctions shall be permitted.
- 6) The use of outdoor speaker systems shall be limited to the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- 7) Delivery and loading hours shall be limited to the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. for all open sales/rental lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

**Section 23-1 dd). Open Sales Lot:**

Open Sales Lot: 1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet over 24,000.

**Section 30-3. Conditional Use Permits:**

a) Intent: The provisions of this section are intended to permit certain land uses which, under special conditions and review, can be compatible with the uses permitted by right in a zoning district, and desirable to the development of the City as a whole. Only those uses identified in the zoning district regulations are eligible for a conditional use permit under the procedure described below. A conditional use permit shall not be granted unless it meets the minimum standards and requirements of the applicable zoning district where permitted.

d) ...Before making a recommendation, the Planning Commission shall review the application for a Conditional use permit to ascertain compliance with the specific standards governing individual conditional uses, and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- 2) Off-street parking and loading areas where required.
- 3) Refuse and service areas.
- 4) Utilities, with reference of locations, availability, and compatibility.
- 5) Screening and buffering with reference to type, dimensions, and character.
- 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- 7) Required yards and other open space.
- 8) General compatibility with adjacent properties and other property in the district.

**EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:**

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting a conditional use permit to operate an automobile sales business on the above mention property. The applicant has been operating a car dealership prior to requesting a Conditional Use Permit. Per section 23-1, applicant would have to provide 7 parking spaces for guests. The proposed use is

an approved use with a conditional use permit for the zoning district and is consistent with the general uses of the area.

Staff recommends an approval with the following findings of facts.

#### **FINDINGS OF FACT:**

---

##### **Finding of Facts:**

1. The property is zoned C2.
2. Section 11-4 a), the requested use is allowed with a conditional use permit.
3. Section 23-1. Off-street parking requirements can be met on the property.
4. Section 30-3 a) and d) Intent of land use and the required information for Planning Commission consideration of the Zoning Ordinance have been met.

##### **Conditions (if approved):**

1. Parking lot would need to be striped for parking stalls, including ADA compliance stalls.

#### **DEVELOPMENT SUMMARY CHART:**

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<b>Site Area:</b>	18,083 SF
<b>Building Area:</b>	6,232 SF
<b>Parking Required:</b>	7 parking space for guests
<b>Parking/ Loading Proposed:</b>	5 parking space for guests and 6 for employees

#### **PLANNING DEPARTMENT CONSIDERATIONS**

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##### **CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

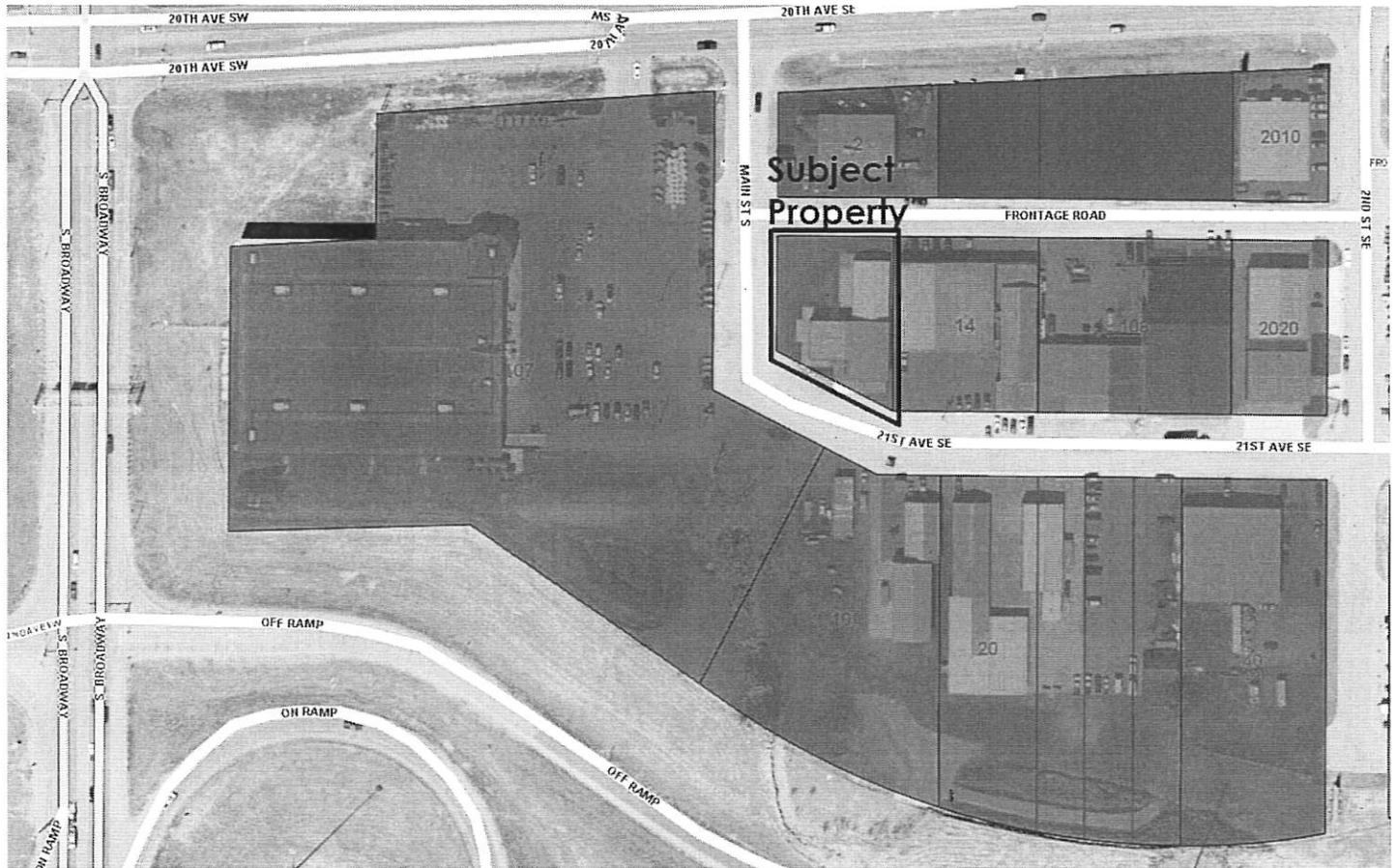
The property under consideration is currently zoned C2, General Commercial, as are all surrounding properties. The subject property is guided on the Future Land Use Plan as Commercial and the proposed use would be in compliance with the Comprehensive Plan.

##### **BUILDING MATERIALS AND ARCHITECTURE / LANDSCAPING AND BUFFER SCREENING PLANS:**

No building is been proposed.

PLANNING LOCATION MAP:

Planning Map with Future Land Uses



# **CARTIVA OF MINOT CLEARANCE CENTER PROPOSAL FOR SERVICES**

Selling Pre-Owned Vehicles and Automotive Parts

## **OVERVIEW**

Cartiva Clearance Center is pleased to submit this proposal to the city of Minot that will show that the new business at 8 20<sup>th</sup> Ave Se will add value to the city of Minot and its neighbors. Our purpose of this new building is to sell pre-owned vehicles and automotive body parts to the surrounding communities.

### **1) Endangering the public health, safety and general welfare of the neighborhood**

- Cartiva Clearance Center will not have any chemicals or any other product on site that might endanger the neighborhood.
- Cartiva Clearance Center does have specific demo route that moves customer away from the neighborhood when customer are test driving vehicles.
- Cartiva Clearance Center will be keeping vehicle well maintain and properly park for the convince of the neighborhood.

### **2) Will be harmonious with the general and applicable specific objectives of the city's comprehensive plan**

- Cartiva Clearance Center will be another retail shop in the area of automotive product for its customers and fit in with the other business in this neighborhood well.
- Hopefully Cartiva Clearance Center will bring more traffic to this area of Minot and bring more guest in to the other business already in this area.

### **3) Will be designed, constructed, operated and maintained so to be comparable in appearance with existing structures**

- Building was completely remodeled in 2015 and will be maintain to meet all standard of surrounding building and structures. Building will clean and the grounds will be maintained for snow removal and cleanliness.
- Hopefully Cartiva Clearance Center will bring more traffic to this area of Minot and bring more guest in to the other business already in this area.

### **4) Will not be hazardous or disturbing to existing of future neighboring uses**

Cartiva Clearance Center will not be disturbing to and existing business or future business. Hours of operations will fall in line with all the other business operating in this neighborhood.

**5) Will be served adequately by essential public facilities and services**

- Cartiva Clearance Center does have adequately public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sew systems.

**6) Will not create excessive additional requirement at public cost for public facilities and services and will be detrimental to the economic welfare**

- Cartiva Clearance Center will not be creating any additional requirement at public cost

**7) Will not involve uses, activities, processes, materials, equipment and conditions of operations the will not be detrimental to any persons or property because of excessive traffic, noise, smoke fumes, glare or odors**

- Cartiva Clearance Center will not have any chemicals on site. We do have a designated test drive route for customer and we have designate parking for customer.
- Hopefully Cartiva Clearance Center will bring more traffic to this area of Minot and bring more guest in to the other business already in this area.

**8) Will have vehicular approaches to the property which do not create congestion or interfere with traffic on surrounding public thoroughfares.**

- Cartiva Clearance Center already has approaches on both the front and rear of the building that do not interfere with the traffic. We will be keeping these entries clear of traffic and employee parking.

**9) Will not result in destruction, loss or damage of a natural, scenic or historic feature of major importance.**

- Cartiva Clearance Center does not have in any way destruct or damage the surrounding area or property. It is in the same structural build as any other building in the area.

**10) Will not depreciate surrounding property values.**

- Cartiva Clearance Center will not depreciate the surrounding property values. Hopefully we will bring in more customer to the area and increase the value of the property with more customer for the surrounding business. We will be keeping our building neat and clean to attract more customer to the area.



November 19, 2015

City of Minot

Planning Dept.

PO Box 5007

Minot, ND 58702

Please find enclosed a conditional use permit completed by Minot Automotive Center for the property at 8 – 20<sup>th</sup> Ave SE, Minot.

If there are any questions or any additional information is needed, please contact Brad Myerchin (General Manager) or Kara Haugenoe (Controller).

Thank you!

A handwritten signature in blue ink that reads "Kara Haugenoe". The signature is written in a cursive style and is positioned above the printed name.

Kara Haugenoe

Minot Automotive Center

701-852-0151

**minotcars.com**

3615 South Broadway • PO Box 1607 • Minot, North Dakota 58702-1607 • 1-800-735-4483



# Floorplan

Name \_\_\_\_\_ of \_\_\_\_\_

NORTH DAKOTA STATE UNIVERSITY  
COLLEGE OF ENGINEERING & ARCHITECTURE

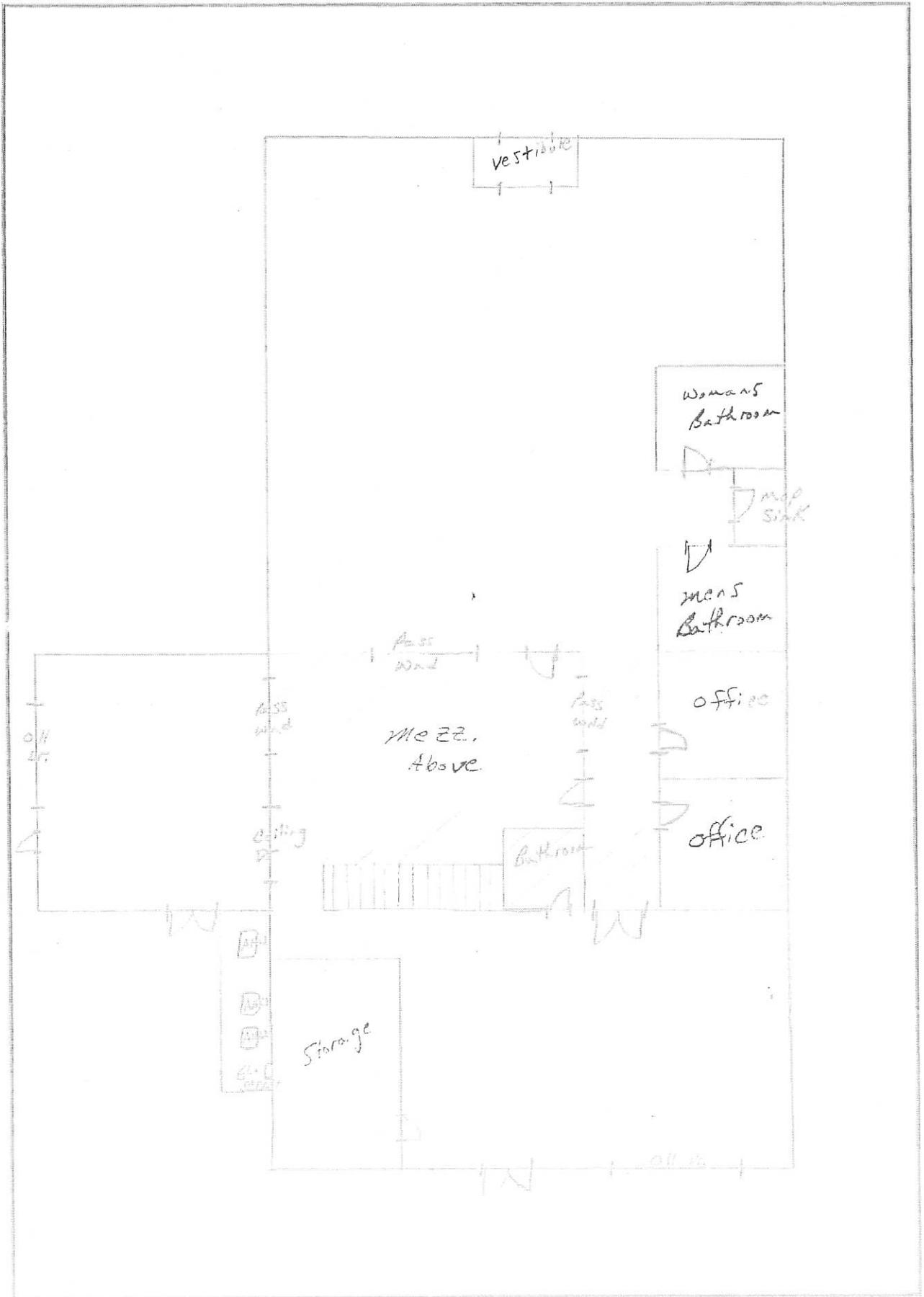
Course: \_\_\_\_\_

Problem: \_\_\_\_\_

Date: \_\_\_\_\_

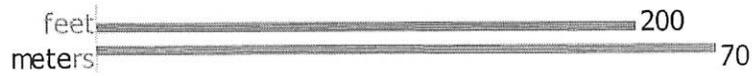


Sold for student use by  
The NDSU Student Section  
The American Society of  
Mechanical Engineers





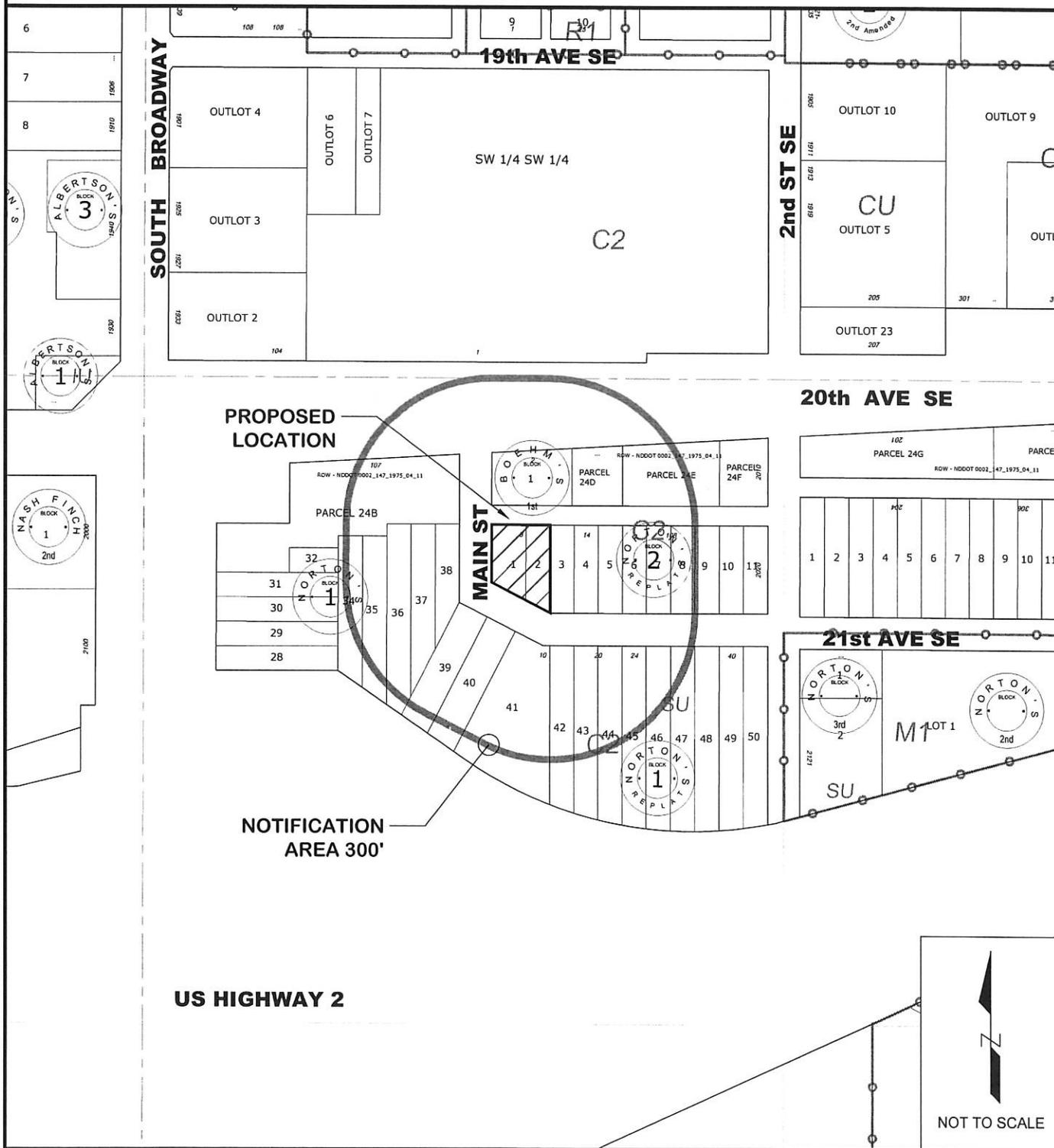
Google earth



Parking Spaces:

- \* 5 for guests
- \* 6 for employees (south side)
- \* 35 for vehicles available for sale

# PROPOSED CONDITIONAL USE PERMIT FOR REPLAT OF LOTS 41-49, BLOCK 1 & ALL OF BLOCKS 2 AND 3, NORTON'S ADDITION - BLOCK 2, LOTS 1 & 2 CITY OF MINOT, NORTH DAKOTA



MAP CREATED DECEMBER 22, 2015



Planning Commission  
Staff Report

<b>Meeting Date:</b>	01/25/2016	<b>Item #:</b>	4
<b>Project #:</b>	8016-1.3	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>			
<b>Current Legal Description:</b>	Parkland Addition, Block 2, Lot 1		
<b>Address: (if applicable)</b>	327 6 <sup>th</sup> St NW		
<b>Current Zoning:</b>	R3B	<b>Proposed Zoning:</b>	R3B
<b>Guided Use:</b>	Medium Density Residential		

**Applicant/Owner:** Jacob & Jozey Keith  
 327 6<sup>th</sup> St NW  
 Minot ND, 58703  
 (701)721-7026  
[Jacob.f.keith@gmail.com](mailto:Jacob.f.keith@gmail.com)

**Rep/Contractor:** N/A

**Zoning Ordinance Ref:** Section 30-2 e): Variance

**PROJECT DESCRIPTION:**

**REQUEST(S):** The applicant is requesting:

- The following variances on a corner lot for the purpose of building an attached garage on Parkland Addition, Block 2, Lot 1.
  - A variance to the front yard setback along 4th Ave NW from the required 25' to approximately 20'4".
  - A variance to the south side yard setback from the required 5' to approximately 3'8".
  - A variance to the front yard setback along 6th St NW on the existing home from the required 25' to approximately 20'7".

This property is located at 327 6th St NW.

**EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:**

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting a variance to the front yard setback along 4th Ave NW from the required 25' to approximately 20'4" for the purpose of building an attached garage. The lot size is 7,000 sf with a 940 sf existing home. The zoning of R3B allows for 50 percent coverage of the lot and the applicant has room to build an attached garage. Staff feels that given the shape of the lot, a variance can be granted under Section 30-2 (1) shallowness of lot. Staff supports requests.

**FINDINGS OF FACT:**

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**Finding of Facts:**

1. Subject property is zoned R3B, Multiple Density Residential.
2. Section 30-2: The request meets the general intent of this section.
3. A variance can be granted based on the shallowness or shape of the lot and property right enjoyed by others.
4. Granting of the variance can be done without substantial detriment to the public good and without impairing the general purpose and intent of the Comprehensive Plan.

**Conditions (if approved):**

1. Section 7-6: The total coverage and floor area of all accessory building shall not exceed those of the primary structure.
2. Section 21-8 h): In the R1, R2, RM and RH districts any accessory structure, (over 120 square feet in size) including detached garage, shall be constructed with a complimentary building design and roof style as the principle structure (house) using the same or similar building materials and colors.

**DEVELOPMENT SUMMARY CHART:**

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**Site Area:** 7,000 sf  
**Building Area:** 940 sf

**PLANNING DEPARTMENT CONSIDERATIONS**

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**CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property under consideration is currently zoned R3B, Multiple Density Residential, as are all surrounding properties. Subject property is guided on the Future Land Use Plan as Medium Density Residential. The proposed use would be in compliance with the Comprehensive Plan.

**BUILDING MATERIALS AND ARCHITECTURE / LANDSCAPING AND BUFFER SCREENING PLANS:**

The proposed garage should be in compliance with Section 21-8 h):

**VARIANCE REVIEW/HARDSHIP:**

Before granting a variance, the Planning Commission must specifically find that it can be granted without substantial detriment to the public good and without actually impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

Which of the following criteria does the request meet? (Check all that apply)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Narrowness or Shallowness or shape of lot.         | <input type="checkbox"/> Exceptional practical difficulties.          |
| <input type="checkbox"/> Exceptional topographical conditions.                         | <input type="checkbox"/> Unreasonable hardship.                       |
| <input type="checkbox"/> Property rights enjoyed by neighbors.                         | <input type="checkbox"/> Other exceptional situation (explain below). |
| <input type="checkbox"/> Does <u>NOT</u> meet criteria for a variance (explain below). |   |

Zoning Ordinance, Section 30-2 a)

**Granting of Variances:** The granting of variance shall be considered under the following conditions: Whereby, a reason of:

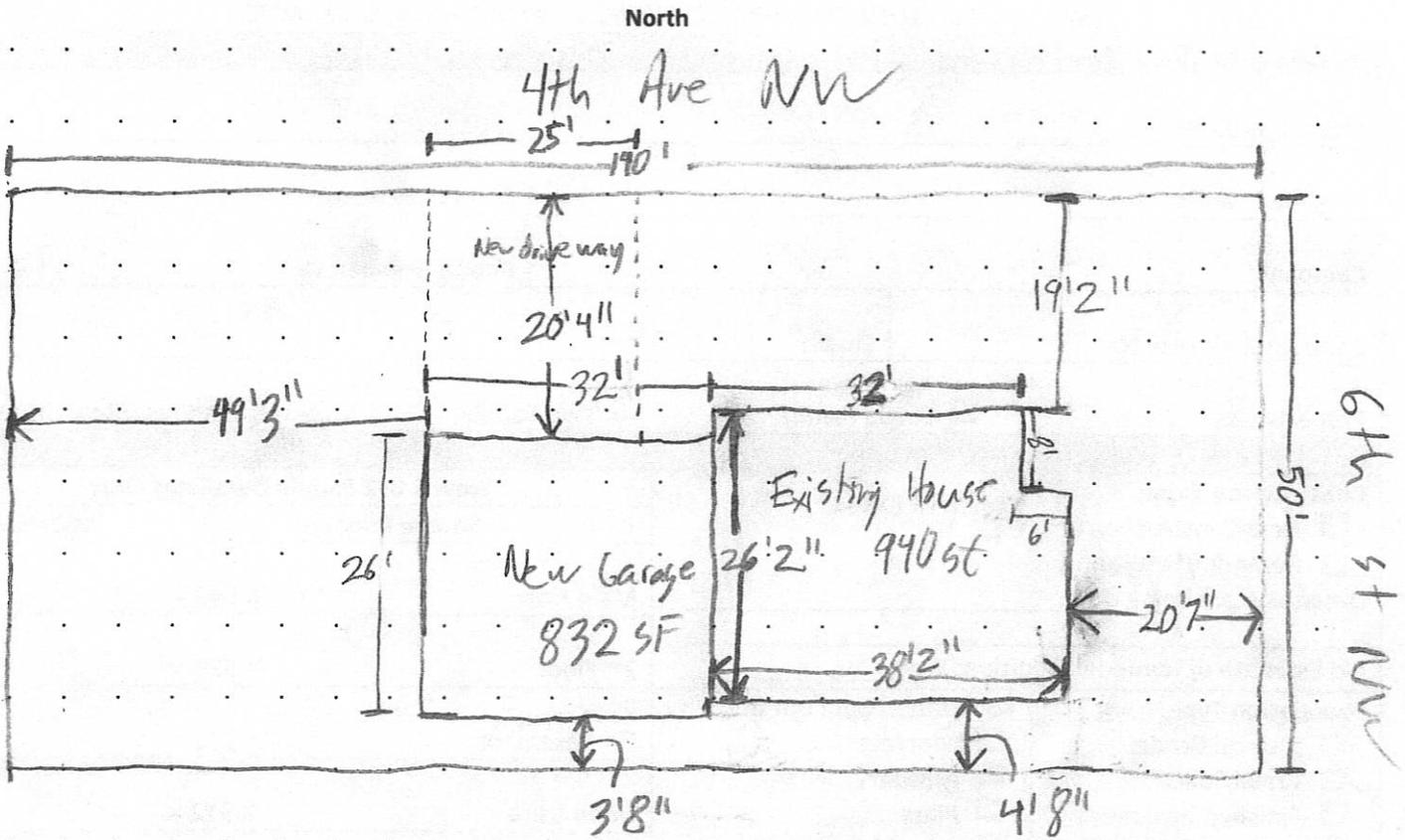
1. Exceptional shallowness or shape of a specific piece of property;
2. Exceptional topographical conditions, or
3. Other extraordinary or exceptional situation or condition of a specific piece of property the strict application of any provision of this ordinance would result in:
  - Exceptional practical difficulties (without the variance *reasonable use of the property* is not possible); or
  - Unreasonable hardships (due to circumstances unique to the property not created by the landowner, that would otherwise allow for *reasonable use of the property*) upon or fundamental unfairness to the owner of such property (as opposed to mere or even substantial inconvenience); or
  - The denial to a property owner of a similar property right enjoyed by other property owners in the neighborhood – the Planning Commission may authorize, after notice and hearing, a variance to the *strict application* of the terms of this ordinance to the extent that justice may be done.

**PLANNING LOCATION MAP:**

Planning Map with Future Land Uses



FOR NEW STRUCTURES AND ADDITIONS SUPPLY PLOT PLAN OF LOT  
 (Show distances to new structure from property lines and existing buildings)  
 FOR INTERIOR WORK SUPPLY NEW FLOOR PLAN OR DESCRIBE WORK



This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS. APPLICANT SIGN [Signature] DATE 12/7/2015

**CERTIFICATE OF OCCUPANCY CAN NOT BE ISSUED UNTIL ALL REQUIRED INSPECTIONS AS SHOWN ON THE HARD CARD AS APPROVED.**



←  
North

proposed attached garage  
↑ property line

This is the west side of the house, which is the side of the house we would like to put an attached garage.

South  
↑



←  
East

This is the existing driveway which is an eye sore at the moment. It is also hard to use because cars bottom out on it. If we are permitted to build an attached garage we will remove the existing driveway and put a new one in 7 feet to the west.

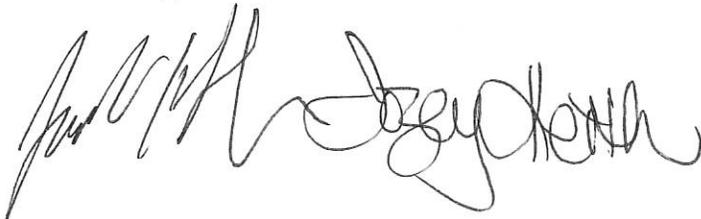
Dear Minot Planning Committee,

We are writing to you all today to apply for a variance. We are applying because we feel that with the current offset rules we cannot reasonably build an attached garage. This variance should be granted based on the Zoning Ordinance, Section 30-2 (a). 1. Exceptional shallowness or shape of a specific piece of property.

The current lot size for a new subdivision is 7500 square feet. Ours is 7000 square feet with two side yards and two front yards. With current offset rules for an attached garage and our 50 foot lot, we would have to be 25 feet from the property lines on the front yards and 6 feet from the property line on the side yard closest to our neighbor. This would only leave about 19 feet for building. Because our proposed attached garage will have the dimensions of 32 feet wide and 26 feet deep, the 19 feet of building area would not work. These dimensions are shown in more detail in our enclosed paperwork.

We are wanting to build this attached garage to improve the appeal of our house, to make a larger entryway than we currently possess, to allow for more guest parking, and to be able to have the peace of mind and comfort of having our vehicles inside (especially with these brutal North Dakota winters). Thank you for your consideration!

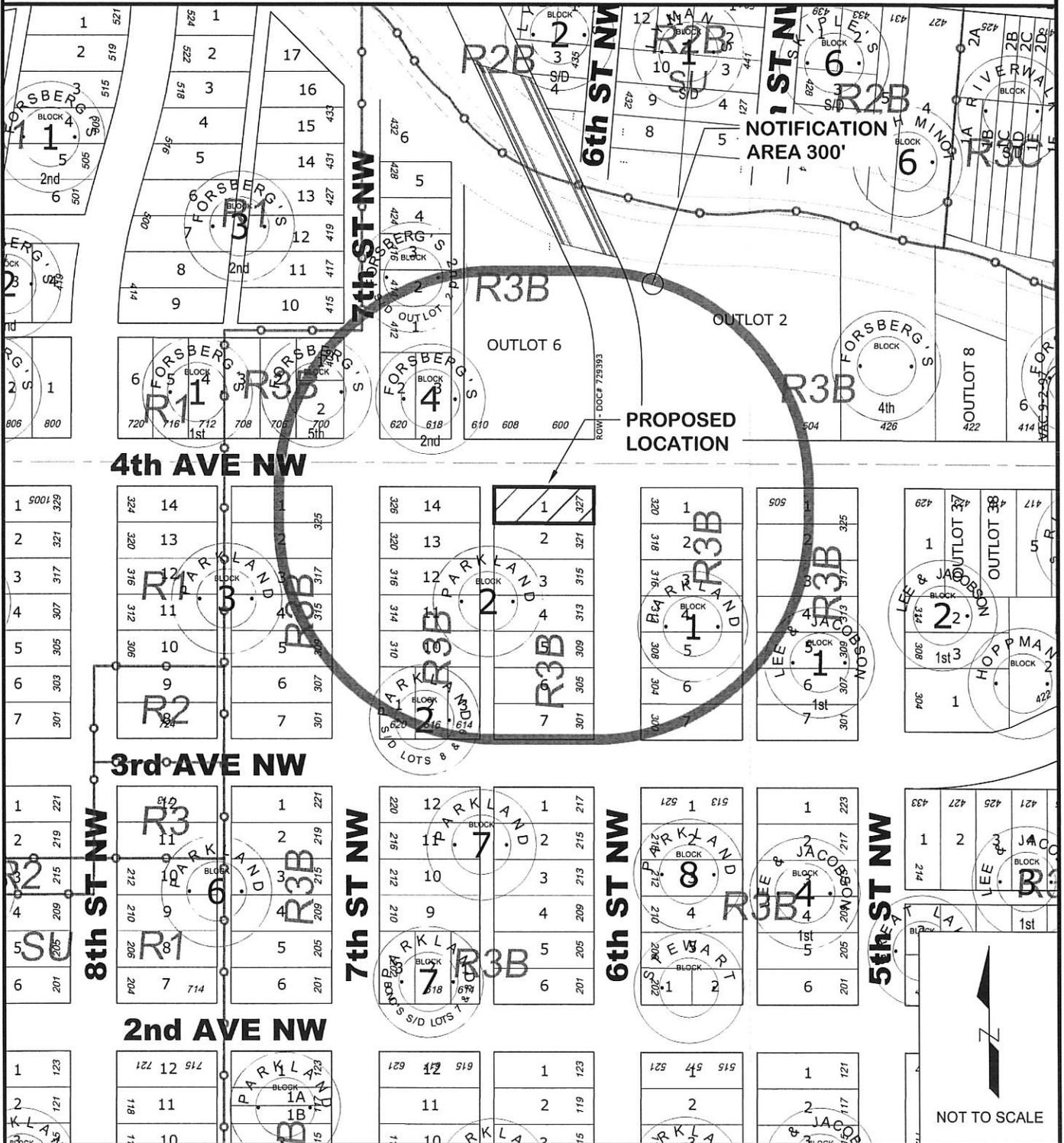
Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob and Jozey Keith'. The signature is fluid and cursive, with the first name 'Jacob' and the last name 'Keith' being more prominent.

Jacob and Jozey Keith

# PROPOSED VARIANCE IN ZONING REGULATION FOR PARKLAND ADDITION BLOCK 2 LOT 1

CITY OF MINOT, NORTH DAKOTA



4

# City of Minot

## Planning Commission

### Staff Report

Meeting Date:	1/25/2016	Item #: 5
Project #:	8016-1.7	Staff Recommendation: APPROVAL
Development Title:		
Current Legal Description:	Prairie Green 2nd Addition, Block 1, Lot 5	
Address: (if applicable)	1200 31 <sup>st</sup> Ave SW	
Current Zoning:	C4	Proposed Zoning: C4
Guided Use:	Commercial	

Applicant/Owner: Levi Kraft  
1200 31<sup>st</sup> Ave SW  
Minot ND, 58701  
(701)833-9083  
[Lgkraft86@gmail.com](mailto:Lgkraft86@gmail.com)

Rep/Contractor: N/A

Zoning Ordinance Ref: Section 11-4 a): Conditional Uses  
Section 23-1 dd): Open Sales Lot  
Section 30-3: Conditional Use Permits

#### PROJECT DESCRIPTION:

REQUEST(S): The applicant is requesting:

- A **Conditional Use Permit** to allow the sale of cars in a C4 (Planned Commercial) District on Prairie Green 2nd Addition, Block 1, Lot 5.  
This property is located at 1200 31st Ave SW.

#### Zoning Ordinance Ref:

##### Section 11-4. Conditional Uses:

Within any C2 district, no structure or land shall be used for the following uses except by a conditional use permit:

- a) Open sales/rental lots (motor vehicles, manufactured homes, recreational vehicles) for permitted or conditional uses in the C2 district subject to the following requirements:
- 1) Shall have a principal structure on the lot.
  - 2) Vehicles for sale, lease, or rental shall be parked on a paved surface that conforms to Chapter 23.
  - 3) No outside repair or maintenance of vehicles.
  - 4) Parking lot landscaping shall comply with all requirements of Chapter 21 and 23.
  - 5) No auctions shall be permitted.

- 6) The use of outdoor speaker systems shall be limited to the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- 7) Delivery and loading hours shall be limited to the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. for all open sales/rental lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

**Section 23-1 dd). Open Sales Lot:**

Open Sales Lot: 1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet over 24,000.

**Section 30-3. Conditional Use Permits:**

a) Intent: The provisions of this section are intended to permit certain land uses which, under special conditions and review, can be compatible with the uses permitted by right in a zoning district, and desirable to the development of the City as a whole. Only those uses identified in the zoning district regulations are eligible for a conditional use permit under the procedure described below. A conditional use permit shall not be granted unless it meets the minimum standards and requirements of the applicable zoning district where permitted.

d) ...Before making a recommendation, the Planning Commission shall review the application for a Conditional use permit to ascertain compliance with the specific standards governing individual conditional uses, and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- 2) Off-street parking and loading areas where required.
- 3) Refuse and service areas.
- 4) Utilities, with reference of locations, availability, and compatibility.
- 5) Screening and buffering with reference to type, dimensions, and character.
- 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- 7) Required yards and other open space.
- 8) General compatibility with adjacent properties and other property in the district.

**EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:**

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting a conditional use permit to operate an automobile sales business on the above mention property. The applicant has been operating a car dealership prior to requesting a Conditional Use Permit. Per Section 23-1, applicant would need to provide 12 parking spaces for guests. The proposed use is an approved use with a conditional use permit for the zoning district and is consistent with the general uses of the area.

Staff recommends an approval with the following findings of facts

**FINDINGS OF FACT:**

**Finding of Facts:**

1. The property is zoned C4, (Planned Commercial).
2. Section 11-4 a), the requested use is allowed with a conditional use permit.
3. Section 23-1. Off-street parking requirements can be met on the property.
4. Section 30-3 a) and d) Intent of land use and the required information for Planning Commission consideration of the zoning ordinance have been met.

**Conditions (if approved):**

1. Parking lot would need to be striped for parking stalls, including ADA compliance stalls.
2. Applicant would need to demonstrate there is enough parking for guests and employees.

**DEVELOPMENT SUMMARY CHART:**

Site Area:	47,504 sf
Building Area:	3,750 sf
Parking Required:	12 parking spaces required
Parking/ Loading Proposed:	11 parking for guests

**PLANNING DEPARTMENT CONSIDERATIONS**

**CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property under consideration is currently zoned C4, Planned Commercial Development and is guided on the Future Land Use Plan as Commercial. Properties to the north, west, and east are zoned C4; properties to the south are zoned R3B, Multiple Residential District. The proposed use would be in compliance with the Comprehensive Plan.

**PLANNING LOCATION MAP:**

Planning Map with Future Land Uses



**- I see no public health, safety, comfort, convenience or general welfare being sacrificed by the intended use of this property.**

**- This use of this property will be harmonious with the general and applicable objectives of the city's comprehensive plan. There is a used car sales lot bordering this property to the East. There is a used car sales lot 2 blocks to the East on the south side of 31st ave. There is an auto body repair shop 2 blocks east of this property. Just south of the property is a number of high density apartment complexes with outdoor and on street parking. Directly to the west is a 3 story extended stay hotel with outdoor parking.**

**-This property will be designed, operated and maintained so to be comparable in the appearance with the existing or intended character of the general vicinity and will not change the essential character of that. This building was originally built to be used as a used car sales lot. I have already made improvements to the visual aspect of the property; removing overgrown weeds, removing garbage from area to the north of the property. I have plans for spring of 2016 to remodel the exterior of the building to bring its look into the modern style. To me, 31st ave sw is very fitting for the use of used car sales. I will be displaying modern vehicles that are in good condition and vehicles that are unique that people enjoying looking at. With two other used car sales lots and a body shop, I believe Ideal auto fits nicely into this neighborhood.**

**-This property and its intended use will no be hazardous or disturbing to existing or future neighboring uses. Our cars are kept clean and in good appearances. Customer traffic is minimal, people don't buy cars like they do food and clothing.**

**-Will be served adequately by essential public facilities. This is an existing building and lot.**

**-Will not create excessive additional requirements at public cost for public facilities and services. This property will not be detrimental to to the economic welfare of the community. I have customers coming from all over ND MT and Canada to purchase vehicles. Vehicles are**

not the only things they purchase when in Minot, but typically are the main reason they come here rather than other cities with similar services. I have had multiple customers stay at the neighboring hotels when they make a long trip for a vehicle purchase.

-There will be no uses, activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property. Traffic is minimal coming in and out of the property. Noise, smoke, fumes, glare and odors will not be present.

-already has approach to the property.

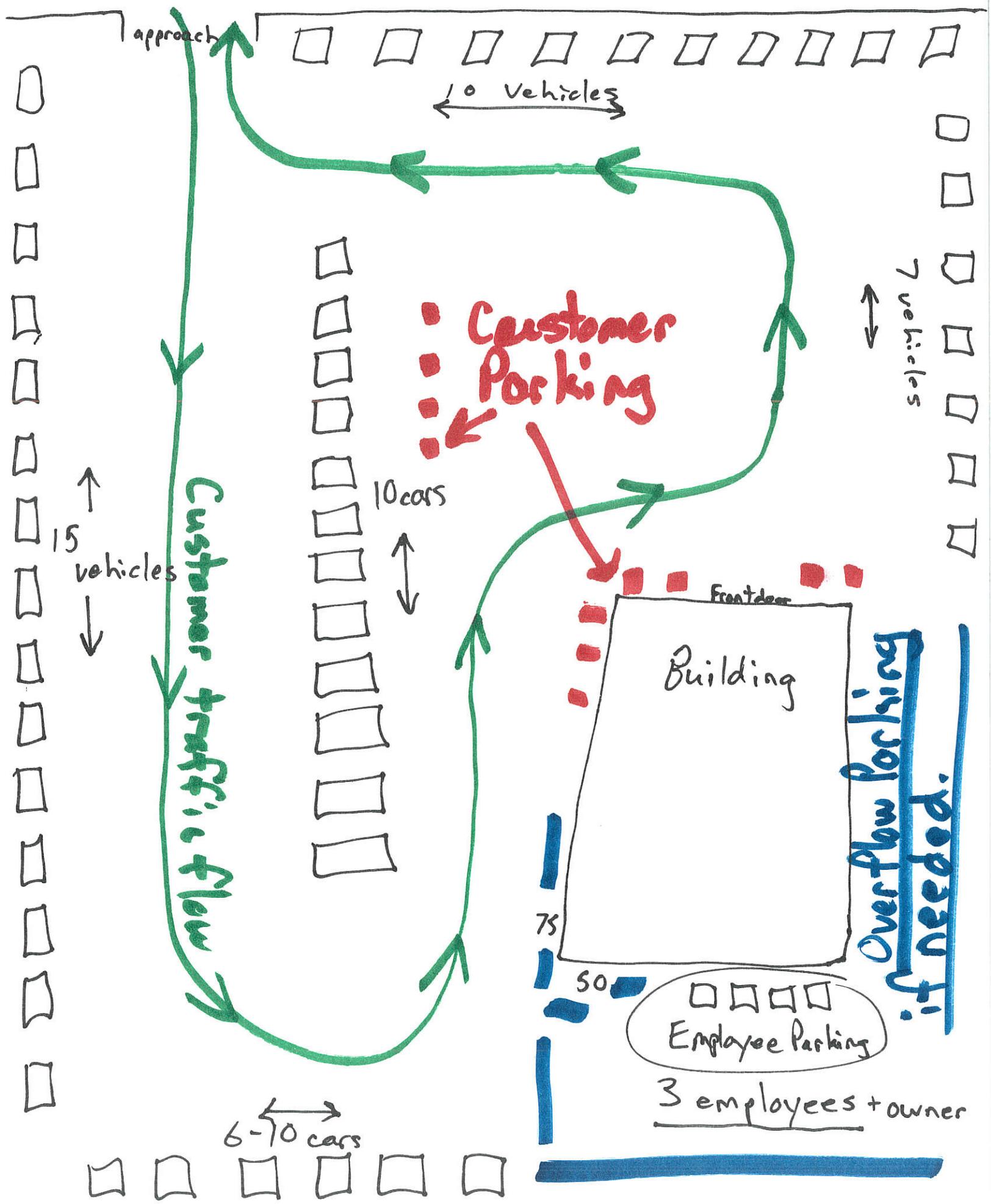
-pre existing building and parking lot.

- Will not depreciate surrounding property values. This is by far the nicest looking use of this property in the last 8 years. It has been vacant at times and used as outdoor storage for non visually appealing items. Now that I am occupying this property it is kept in high maintenance with future plans of making the exterior of the building more appealing. The way I see it is, I purchased this property to run my business. As a business owner you understand that your image is not just that of your person, but of your property and your merchandise. I intend on keeping this property in excellent visual appeal. It would only hurt me to anything less.

-The questions not on the page that I was asked to address were pertaining to overflow parking to other sites or streets and traffic disturbances. This lot offers enough parking to handle the most customers I have ever had at one time in the last 6 years with the most vehicles held for sale that intend to have. There is a turning lane for traffic that would need to yield to west bound vehicles, allowing east bound traffic to not be slowed. The approach into the lot allows easy access for taking a right hand turn from 31st ave.

14th ST SW

31st Ave SW



# PROPOSED CONDITIONAL USE PERMIT FOR PRAIRIE GREEN 2ND ADDITION BLOCK 1 LOT 5

CITY OF MINOT, NORTH DAKOTA

# DAKOTA SQUARE MALL

PROPOSED  
LOCATION



NOTIFICATION  
AREA 300'

NOT TO SCALE

5



Planning Commission

Staff Report

<b>Meeting Date:</b>	01/25/2016	<b>Item #:</b>	6
<b>Project #:</b>	8016-1.10	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>			
<b>Current Legal Description:</b>	Section 7-155-82, SE¼, Less Outlot 1		
<b>Address: (if applicable)</b>	N/A		
<b>Current Zoning:</b>	AG	<b>Proposed Zoning:</b>	P
<b>Guided Use:</b>	Industrial		

**Applicant/Owner:** Minot International Airport - City of Minot  
 25 Airport Rd  
 Minot ND, 58703  
 (701)857-4724  
[Andrew.solsvig@minotnd.org](mailto:Andrew.solsvig@minotnd.org)

**Rep/Contractor:** Andy Solsvig  
 25 Airport Rd  
 Minot ND, 58703  
 (701)857-4724  
[Andrew.solsvig@minotnd.org](mailto:Andrew.solsvig@minotnd.org)

**Zoning Ordinance Ref:** Section 30-5: Zone Change  
 Section 30-7: Annexation

PROJECT DESCRIPTION:

**REQUEST(S):** The applicant is requesting

- To **annex** into City limits Section 7-155-82, SE¼, Less Outlot 1.
  - Also, to **change the zone** from AG (Agricultural) District to P (Public) District on Section 7-155-82, SE¼, Less Outlot 1.
  - Also, a **Public Plan Review and Approval** on Section 7-155-82, SE¼, Less Outlot 1.
- This property is located south 30th Ave NE and west 27th St NE.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting to annex into city limits the above mention legal description, which is owned by the City of Minot/Airport. Subject property is 130.66 acres surrounded by farmland. The zone change is consistent to the use of the airport, and a Public Plan Review and Approval is required with a zone change to Public.

Staff supports the requests.

**FINDINGS OF FACT:**

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**Finding of Facts:**

1. The property is zoned AG, Agricultural District and a zone change to P, Public is pending.
2. The property is currently located outside city boundaries.
3. Section 30-5, intent of land use and the required information for Planning Commission consideration of the zoning ordinance have been met.

**DEVELOPMENT SUMMARY CHART:**

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**Site Area:** 130.66 acres

**PLANNING DEPARTMENT CONSIDERATIONS**

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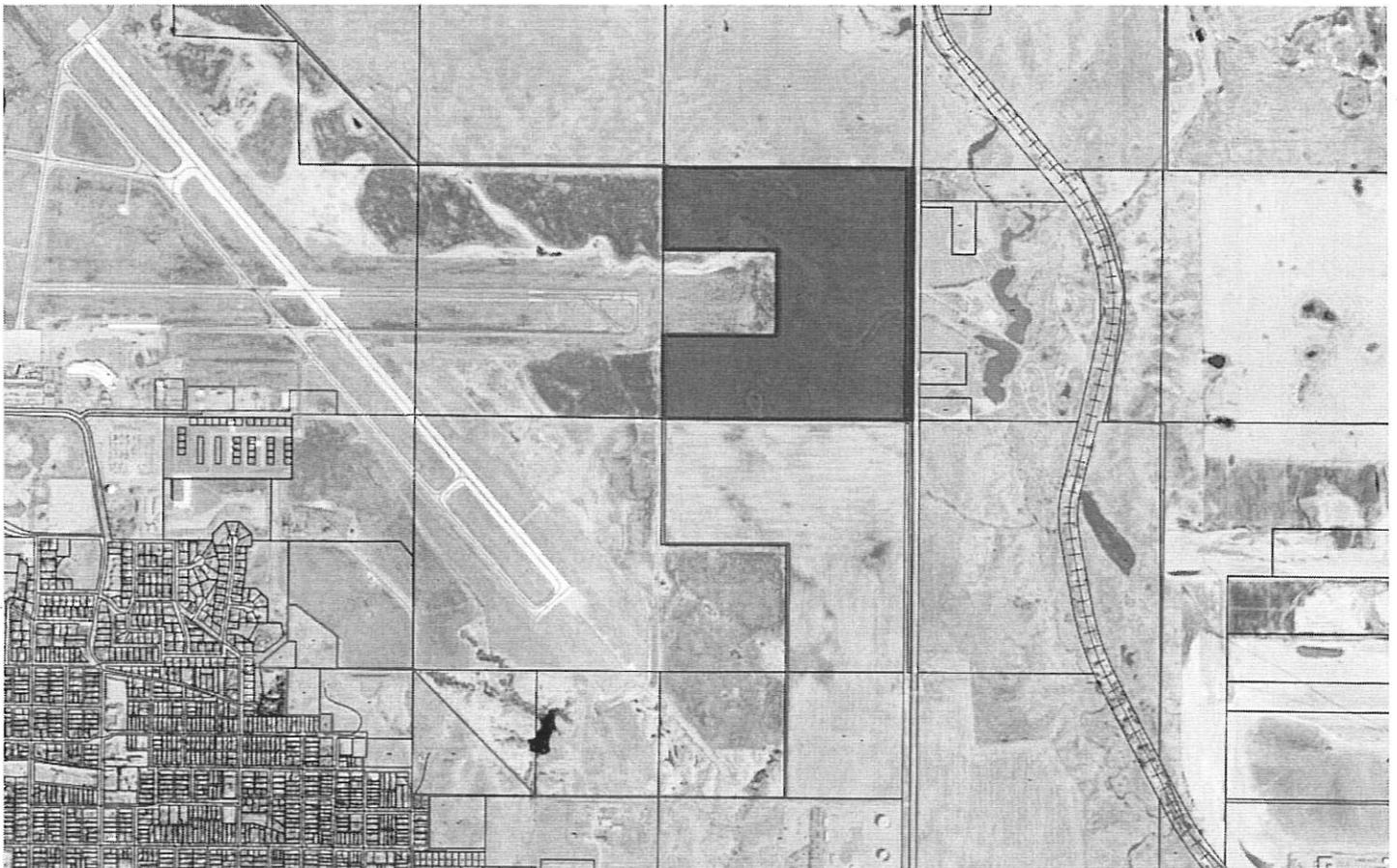
**CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property under consideration is currently zoned AG, Agricultural and surrounding properties are zoned AG, Agricultural. The property is located outside the City limits, within the two (2) mile ETA (extraterritorial area).

**PLANNING LOCATION MAP:**

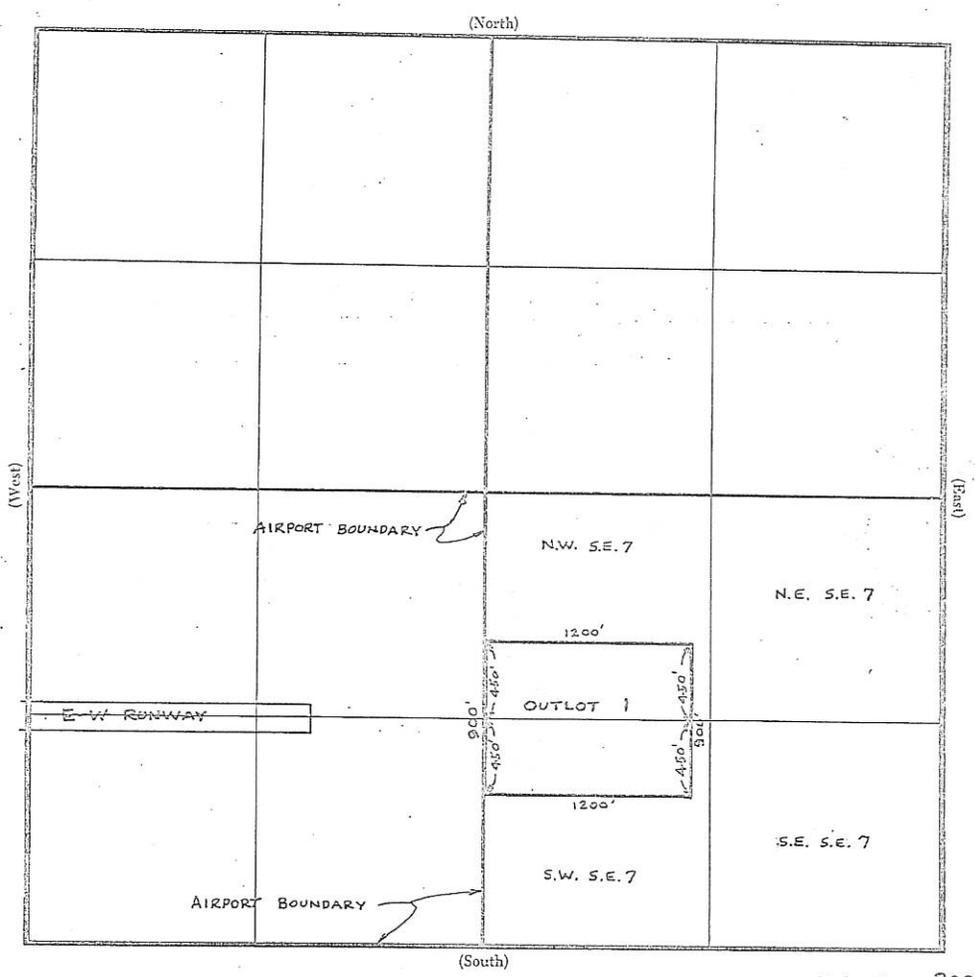
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Planning Map with Future Land Uses



487224 PLAT OF OUT LOT 1

of NW $\frac{1}{4}$ SE $\frac{1}{4}$  & SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 7, Township 155N, Range 82W  
 Owner Joseph and Anna Killian



(Scale: 1" = 800')

Out lot 1 of NW $\frac{1}{4}$ SE $\frac{1}{4}$  & SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 7, Township 155, Range 82W described as follows:

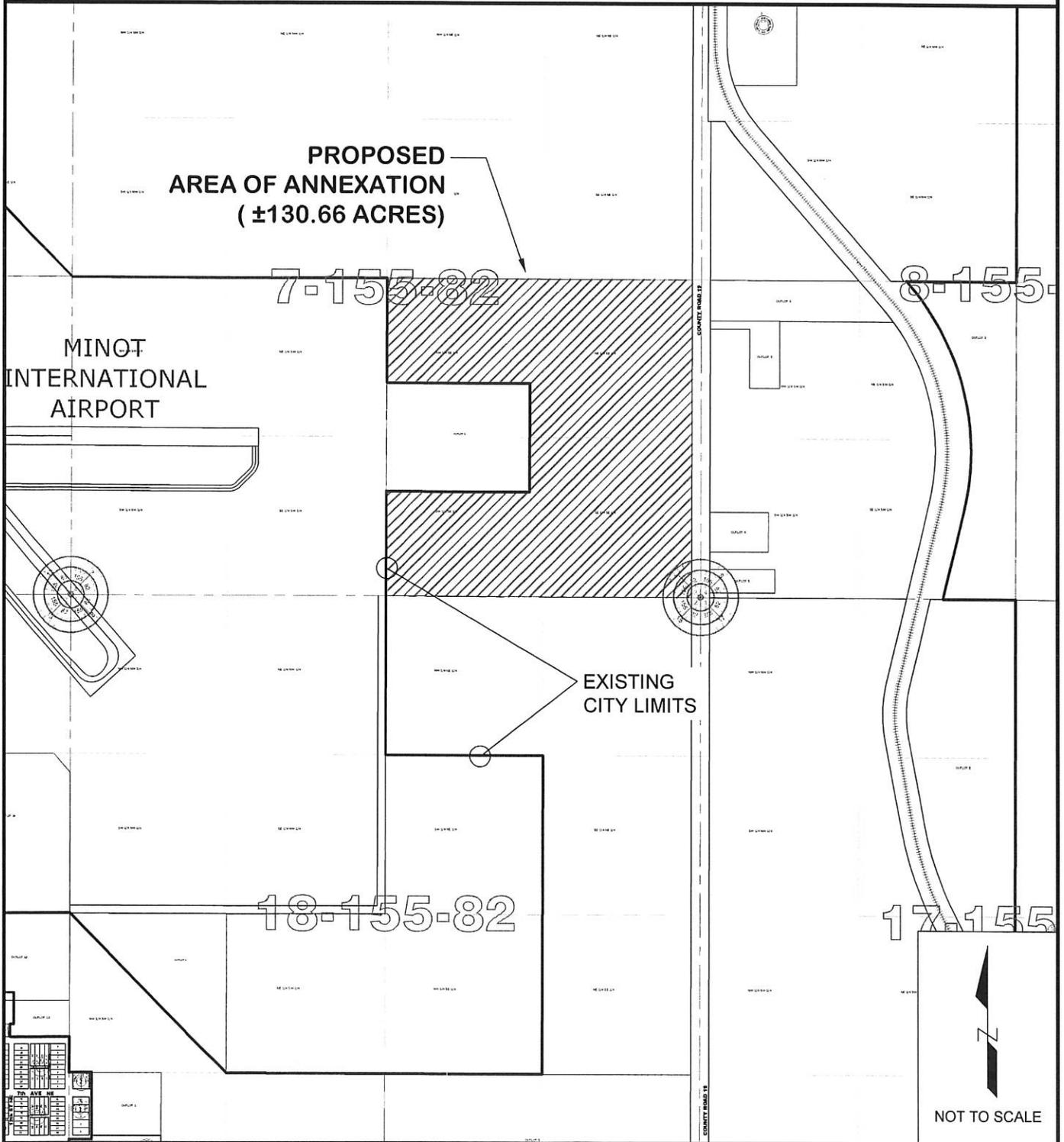
Beginning at the S. W. corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 7; thence North 450 feet; thence East 1200 feet; thence South 900 feet; thence west 1200 feet; thence North 450 feet of the point of beginning.

Containing 24.8 acres more or less.

Delinquent Taxes and Special Assessments or Installments of Special Assessments paid and transfer entered on this day of July 1968  
 J. C. Peterson  
 Auditor, Ward Co., N. D.

# ANNEXATION EXHIBIT

LEGAL DESCRIPTION: SECTION 7-155-82, SE<sup>1</sup>/<sub>4</sub>  
LESS OUTLOT 1 AND COUNTY HIGHWAY  
TO THE CITY OF MINOT, NORTH DAKOTA  
SAID TRACT CONTAINS 130.66 ACRES MORE OR LESS



MAP CREATED DECEMBER 15, 2015



Planning Commission

Staff Report

<b>Meeting Date:</b>	01/25/2016	<b>Item #:</b>	7
<b>Project #:</b>	8016-1.9	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>			
<b>Current Legal Description:</b>	Tollberg Shores Addition, Lots 1-2, Block 8 & Lot 6, Block 2		
<b>Address: (if applicable)</b>	N/A		
<b>Current Zoning:</b>	R1	<b>Proposed Zoning:</b>	R1
<b>Guided Use:</b>	Residential		

**Applicant/Owner:** Northern Lights Property Development, LLC  
 4585 Coleman St  
 Bismarck, ND 58502  
 (701)355-8400  
[Dean.anagnost@kljeng.com](mailto:Dean.anagnost@kljeng.com)

**Rep/Contractor:** Andrew Werder, PE  
 P. O Box 1157  
 Bismarck, ND 58502  
 (701)355-8742  
[andrew.werder@kljeng.com](mailto:andrew.werder@kljeng.com)

**Zoning Ordinance Ref:** Section 28: Subdivision

PROJECT DESCRIPTION:

**REQUEST(S):** The applicant is requesting:

- To subdivide Tollberg Shores Addition, Lots 1-2, Block 8 & Lot 6, Block 2 into two lots to be known as Tollberg Shores 2<sup>nd</sup> Addition, Block 1, Lots 1 & 2.  
 This property located along 16<sup>th</sup> St NW and north of 24<sup>th</sup> Ave NW.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting to subdivide a portion of Tollberg Shores Addition to dedicate Lot 1 to the City of Minot or the Park District for the purpose of storm water detention and potential construction of a park. Additional land has been included to Lot 1 for additional parking for the public. Staff supports request.

FINDINGS OF FACT:

**Finding of Facts:**

- The subject property is zoned R1, Single-Family Residential.

- 2. Proposed subdivision meets lot size requirements.

**DEVELOPMENT SUMMARY CHART:**

**Site Area:** 39.45 acres

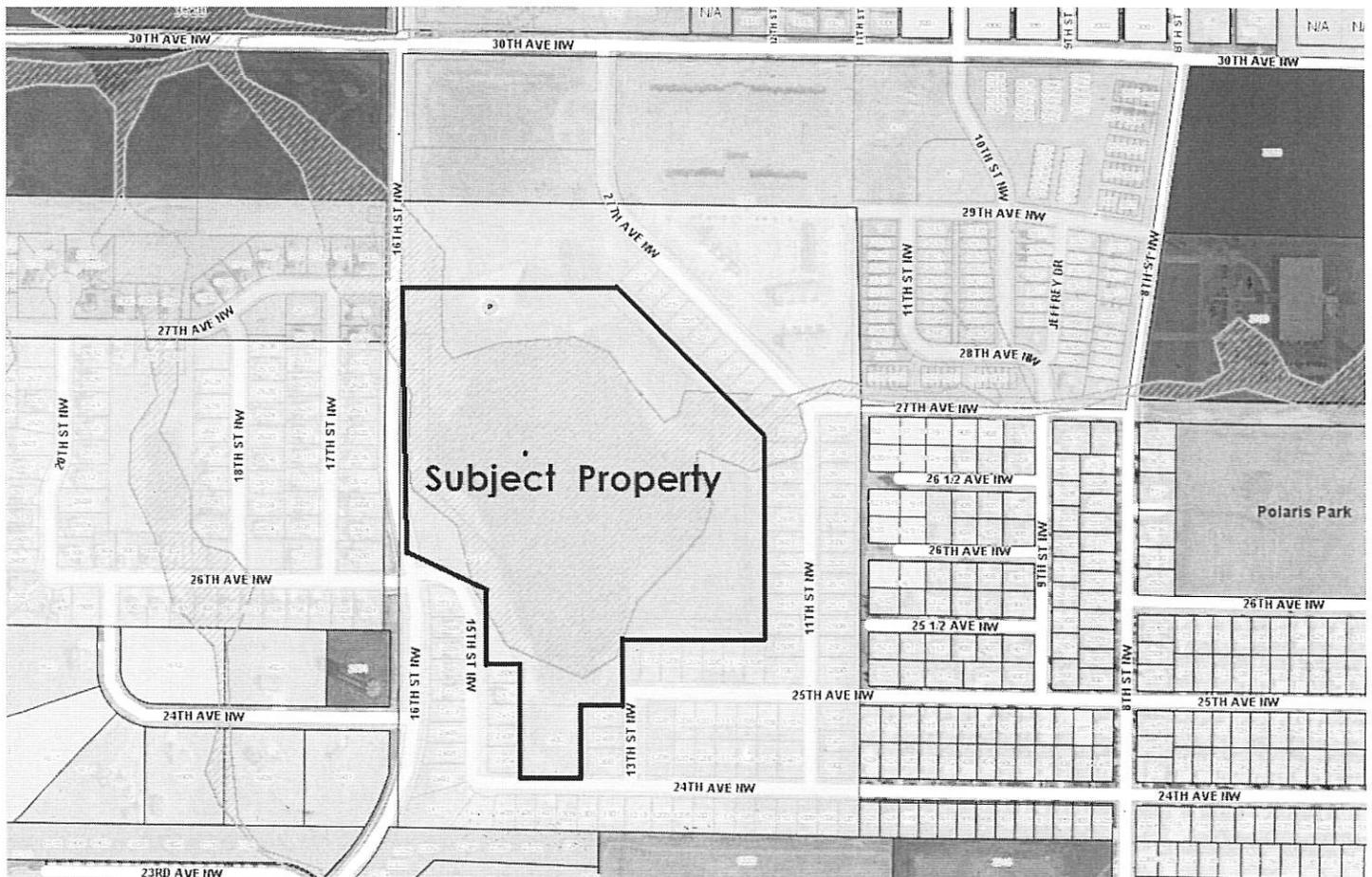
**PLANNING DEPARTMENT CONSIDERATIONS**

**CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property under consideration is currently zoned R1, Single-Family Residential as are all surrounding properties. The subject property is guided on the Future Land Use Plan as low density residential. The proposed use would be in compliance with the Comprehensive Plan.

**PLANNING LOCATION MAP:**

Planning Map with Future Land Uses





December 15, 2015

Donna Bye  
City Planner  
City of Minot, ND  
1025 31st Street SE  
Minot, ND 58702

Re: Tollberg Shores Second Addition - Written Statement

Dear Donna:

Enclosed is a proposal to plat Tollberg Shores Second Addition which is a re-plat Lot 6, Block 2 and Lots 1 & 2, Block 8 of Tollberg Shores Addition. This letter is to serve as the required written statement.

The purpose of this proposal is to create two lots. One lot will be dedicated to the City of Minot or the Minot Parks and Recreation District for the purposes of stormwater detention and potential construction of a park. The second lot will be retained by the owner for future development.

Per the meeting held on November 16, 2015 with the Minot Planning Department and Minot Parks and Recreation District, dedication of street right of way was eliminated. Additional property was included in the portion to be dedicated to the City/Park District.

The property does not contain any natural rock outcrops or stands of mature trees. Construction on the property was completed in 2015 which included grading of an approximately 15-foot wide bench upon which a shared use path and/or a maintenance access road could be constructed. This area is located above the calculated peak ponding elevation of the regional detention pond.

This proposal does not contain any change in zoning, waiver or variance requests, commonly owned land, or restrictive covenants. A conceptual site plan is provided to identify potential future park improvements. However, the developer currently has no plan for development on the property.

A stormwater management plan was previously prepared and approved for Tollberg Shores Addition. It is anticipated that future development will be generally consistent with the master plan. Utilities to the property boundaries were constructed in previous construction phases. No new utilities are proposed. The enclosed preliminary utility plans identify locations of the existing utilities.

A series of 10 photographs of the project site are provided for reference.

## Sybil Tetteh

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**From:** Andrew Werder <Andrew.Werder@kljeng.com>  
**Sent:** Monday, January 18, 2016 3:52 PM  
**To:** Lance Meyer  
**Cc:** Sybil Tetteh  
**Subject:** Tollberg Shores Addition - Detention Pond

Lance,

The 100-year water surface elevation of the regional detention pond was calculated to be 1719.31 in the SWMP for Tollberg Shores Addition. This is for the 100-year, 24-hour storm using TP 40 rainfall depths.

Site grading was designed to accommodate a 15' bench for a shared use path above elevation 1721.00. There is additional storage of approximately 40.5 acre-feet between 1719.31 and 1721.00 and another approximately 24.9 acre-feet between 1721.00 and 1722.00.

The park concept we submitted assumed that all buildings will be constructed at a minimum finished floor elevation of 1722.00 for flood protection. However, if a building containing bathrooms is constructed at the north end of the site the finished floor will need approximately 1725.00 to accommodate gravity sewer flow with appropriate cover.

Please let us know if you require more information and feel free to contact me with questions.

Andrew Werder PE



701-355-8742 Direct  
320-533-0571 Mobile  
4585 Coleman Street  
Bismarck, ND 58503-0431  
kljeng.com

PRELIMINARY PLAT

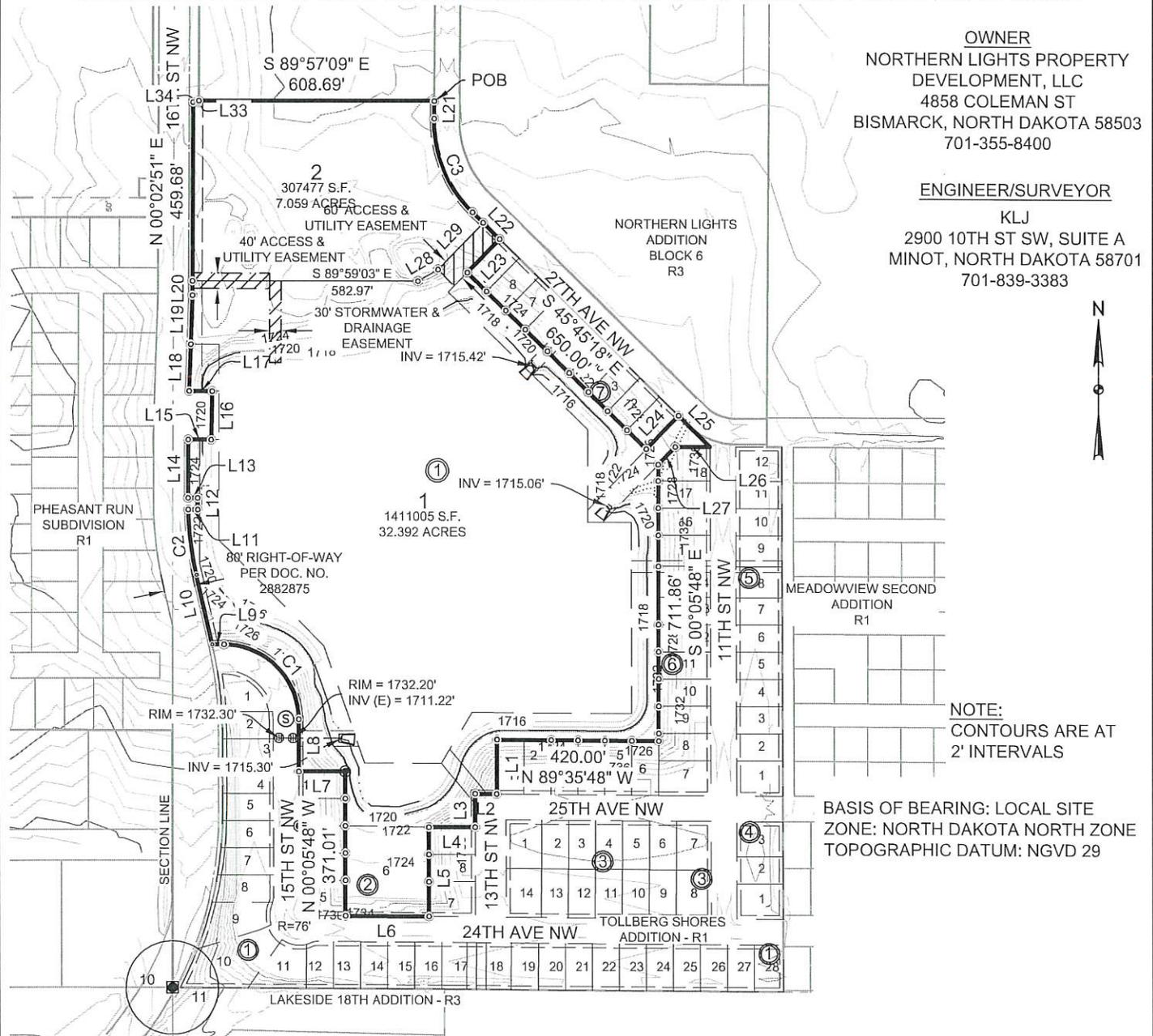
**TOLLBERG SHORES SECOND ADDITION**

A REPLAT OF LOT 1 AND LOT 2, BLOCK 8 AND LOT 6, BLOCK 2 OF TOLLBERG SHORES ADDITION IN SECTION 11, TOWNSHIP 155 NORTH, RANGE 83 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF MINOT, WARD COUNTY, NORTH DAKOTA

OWNER  
 NORTHERN LIGHTS PROPERTY DEVELOPMENT, LLC  
 4858 COLEMAN ST  
 BISMARCK, NORTH DAKOTA 58503  
 701-355-8400

ENGINEER/SURVEYOR

KLJ  
 2900 10TH ST SW, SUITE A  
 MINOT, NORTH DAKOTA 58701  
 701-839-3383



NOTE:  
 CONTOURS ARE AT  
 2' INTERVALS

BASIS OF BEARING: LOCAL SITE  
 ZONE: NORTH DAKOTA NORTH ZONE  
 TOPOGRAPHIC DATUM: NGVD 29

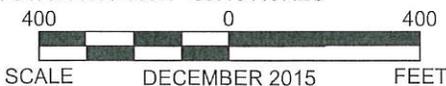
CURRENT ZONING: SINGLE FAMILY (R1)  
 PROPOSED ZONING: SINGLE FAMILY (R1)

PLAT AREA IS CLASSIFIED ZONE X PER FIRM 38101C0590D. FIRM EFFECTIVE DATE IS JANUARY 19, 2000. ZONE X IS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

- NUMBER OF LOTS: 2
- LOT 1 ACREAGE - 32.39 ACRES
- LOT 2 ACREAGE - 7.06 ACRES
- TOTAL ACREAGE - 39.45 ACRES

PLAT LEGEND

- LOT CORNER (TO BE SET)
- ⊙ REBAR & YELLOW PLASTIC CAP FOUND
- ⊠ REBAR AND ORANGE LS 5476 PLASTIC CAP FOUND
- EXISTING ADJACENT PROPERTY LINE
- - - EXISTING EASEMENT LINE
- ST — EXISTING SANITARY SEWER LINE
- ..... EXISTING GRAVEL EDGE
- · - · - EXISTING EASEMENT LINE



# Tollberg Shores Conceptual Park Site Plan

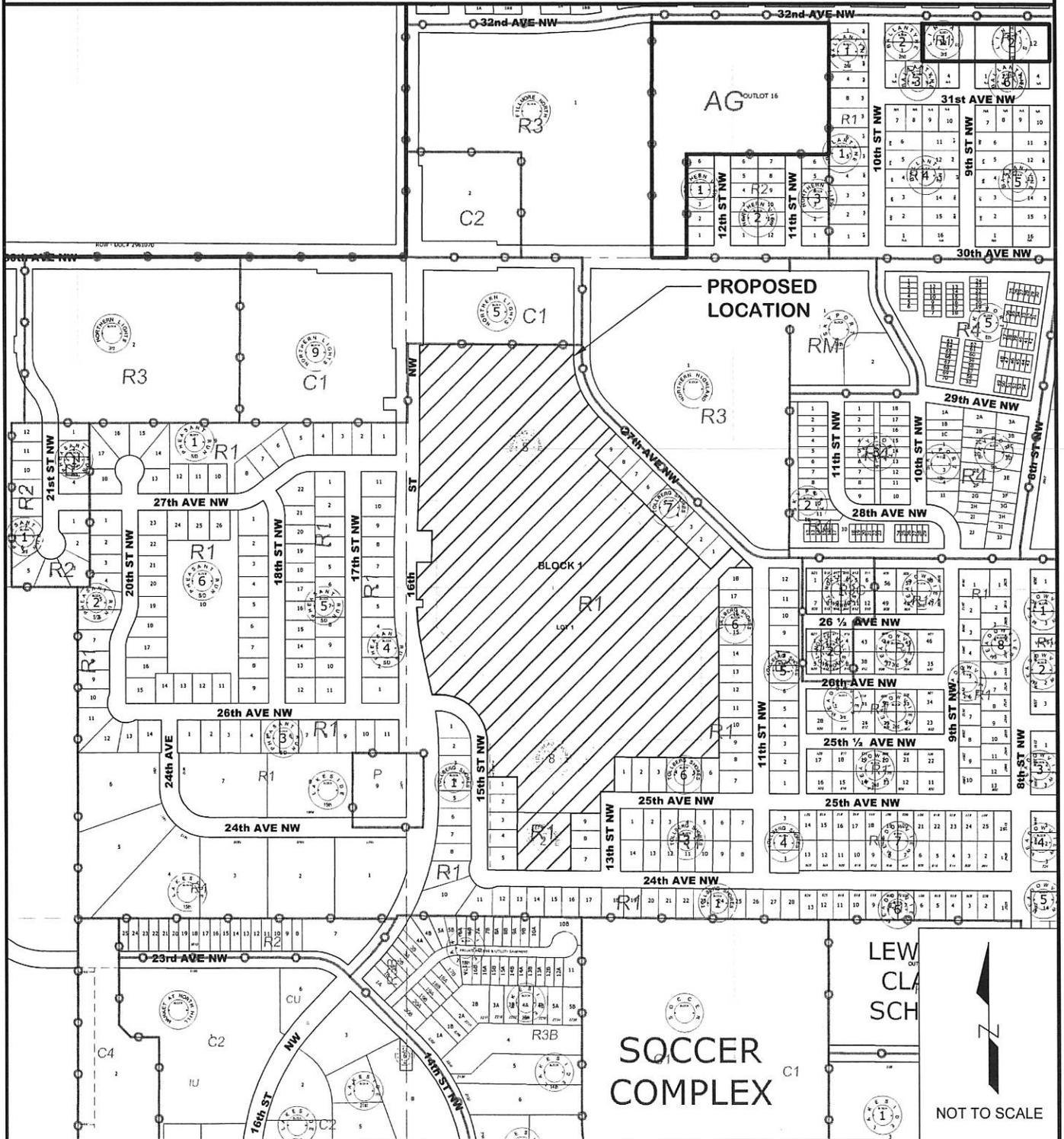


100 0 100 200  
SCALE FEET

Minot, North Dakota  
12.15.2015



**PROPOSED PLAT OF  
TOLLBERG SHORES 2ND ADDITION  
BEING TOLLBERG SHORES ADDITION, BLOCK 8, AND BLOCK 2 LOT 6  
CITY OF MINOT, NORTH DAKOTA**



MAP CREATED DECEMBER 16, 2015



Planning Commission  
Staff Report

<b>Meeting Date:</b>	01/25/2016	<b>Item #:</b>	8
<b>Project #:</b>	8016-1.1	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>			
<b>Current Legal Description:</b>	Urijah's 1 <sup>st</sup> Addition, Lot 1-2		
<b>Address: (if applicable)</b>	3600 & 3615 40 <sup>th</sup> Ave SE		
<b>Current Zoning:</b>	R1	<b>Proposed Zoning:</b>	R1
<b>Guided Use:</b>	Very Low Density Residential		

**Applicant/Owner:** Ken Herslip / Danielle Reichenberger  
300 3<sup>rd</sup> Ave SW  
Minot ND, 58701  
(701)852.6303  
[kherslip@minot.com](mailto:kherslip@minot.com)

**Rep/Contractor:** KLJ – Mark Sweeney  
2900 10<sup>th</sup> St. SW  
Minot, ND 58701  
(701)839.3383  
[Mark.sweeney@kljeng.com](mailto:Mark.sweeney@kljeng.com)

**Zoning Ordinance Ref:** Section 3 – 5: Street, Alley, or Public Way Vacation:  
Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended districts.

**PROJECT DESCRIPTION:**

**REQUEST(S):** The applicant is requesting:  
• To vacate 40<sup>th</sup> Ave SE between Lots 1-2, Urijah's 1<sup>st</sup> Addition.  
This property is located at 3600 & 3615 40<sup>th</sup> Ave SE.

**EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:**

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting to vacate a 40<sup>th</sup> Ave SE, a recently platted street. The applicant's plans for the property have changed and an access easement will be platted as part of this application to vacate the right of way. The easement will allow access from 38<sup>th</sup> St. to both lots. The applicant will be submitting an updated storm water management plan for the property as this will impact a previously approved storm water management plan.



# Memorandum

**Date:** 12/15/2015  
**To:** Donna Bye - Planning & Zoning  
**Copy to:** File  
**From:** Eric Schuler - KLJ  
**RE:** Urijah's First Addition Street Vacation

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## Remarks

The property owner/applicant is requesting to vacate a recently platted street on his property. When the street was originally platted, the owner was planning on having multiple lots on the property with an eventual need of extending the road through the property to the north. The road would then tie into 37<sup>th</sup> Ave SE along the north side of the property.

The street has not been constructed at this point and the owner's plans for the property have changed. With the removal of the street, an access easement will be platted as part of this application to vacate. The easement will allow access from 38<sup>th</sup> St. SE to the house currently being built on lot 1 of the property.

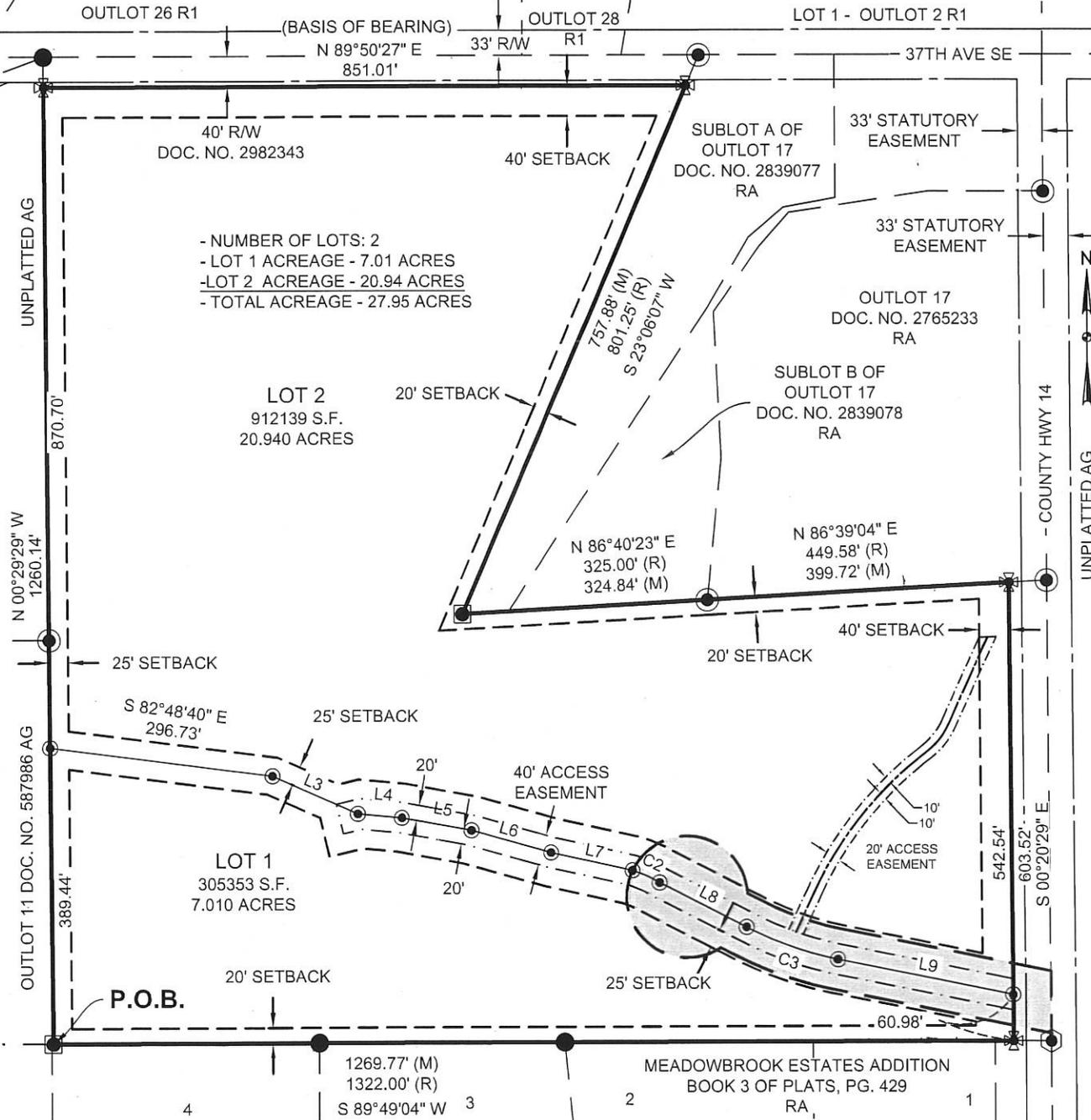
The property owner is aware these changes will impact the storm water plan for the property. A revised Storm Water Management Plan is under way and will be submitted to the City immediately upon completion.

Regards,

Eric Schuler  
KLJ

**PRELIMINARY PLAT**  
**REPLAT OF URIJAHS FIRST ADDITION**

A REPLATED PORTION OF GOVERNMENT LOT 2 IN SECTION 5, TOWNSHIP 154 NORTH, RANGE 82 WEST  
 OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF MINOT, WARD COUNTY, NORTH DAKOTA



- NUMBER OF LOTS: 2  
 - LOT 1 ACREAGE - 7.01 ACRES  
 - LOT 2 ACREAGE - 20.94 ACRES  
 - TOTAL ACREAGE - 27.95 ACRES

**LOT 2**  
 912139 S.F.  
 20.940 ACRES

**LOT 1**  
 305353 S.F.  
 7.010 ACRES

**P.O.B.**

**PLAT LEGEND**

- |  |                         |  |                                  |
|--|-------------------------|--|----------------------------------|
|  | REBAR & LS CAP 3881 SET |  | PK NAIL FOUND                    |
|  | LOT CORNER (TO BE SET)  |  | #4 REBAR & LS 6551 2" AS FOUND   |
|  | 1" IRON PIPE FOUND      |  | EXISTING ADJACENT PROPERTY LINE  |
|  | #5 REBAR FOUND          |  | PROPOSED EASEMENT LINE           |
|  |                         |  | PROPOSED ROAD CENTERLINE         |
|  |                         |  | PREVIOUSLY RECORDED RIGHT OF WAY |



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# URIJAHS FIRST ADDITION

AN UNPLATTED PORTION OF GOVERNMENT LOT 2 IN THE SECTION 4, TOWNSHIP 54 NORTH, RANGE 82 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF MINOT, WARD COUNTY, NORTH DAKOTA

**ENGINEER/RECORDOR**  
 BK PROPERTIES  
 300 3RD AVE SW #C  
 MINOT, ND 58701  
 701-832-2303

**ENGINEER/RECORDOR**  
 KJL  
 2800 10TH ST SW, SUITE A  
 MINOT, ND 58701  
 701-832-3383

**STATE PLANE COORDINATES**  
 E-1787510 620  
 N-807028 440

**STATE PLANE COORDINATES**  
 E-1788378 832  
 N-807028 440

**STATE PLANE COORDINATES**  
 E-1787510 620  
 N-807028 440

**LOT LINE DATA**

SEGMENT	LENGTH	DIRECTION
L1	244.12'	N 7° 48' 01" W
L2	23.79'	N 83° 01' 32" W
L3	123.19'	S 87° 14' 15" E
L4	58.42'	N 84° 48' 01" W
L5	93.82'	N 7° 52' 22" W
L6	109.35'	N 74° 52' 11" W
L7	109.84'	N 77° 39' 15" W
L8	23.79'	S 83° 07' 02" E
L9	271.79'	S 78° 48' 01" E

**LOT CURVE DATA**

CURVE NUMBER	LENGTH	RADIUS	DELTA	CHORD DIST.	CHORD BEING
C1	134.12'	48.00'	15° 45' 52"	133.79'	S 70° 52' 32" E
C2	207.85'	80.00'	148° 29' 10"	154.15'	S 48° 29' 24" E
C3	209.44'	80.00'	105° 05' 07"	154.59'	N 78° 02' 02" W
C4	112.22'	40.00'	15° 45' 52"	111.87'	S 70° 52' 32" E

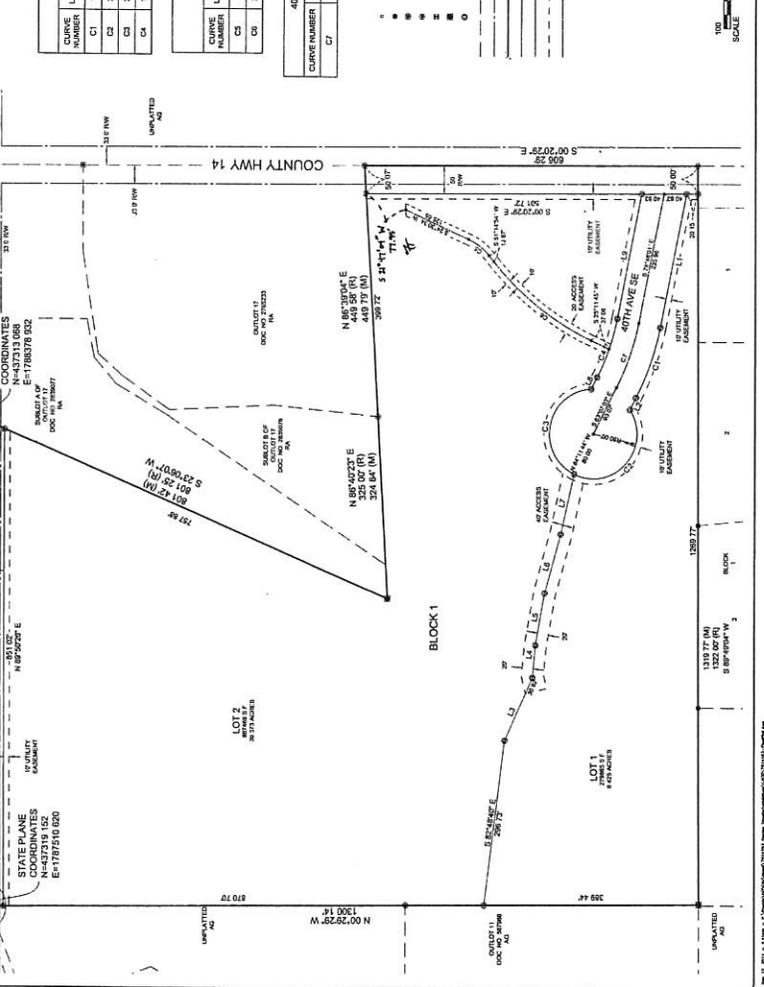
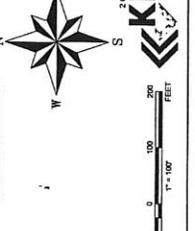
**EASEMENT CURVE DATA**

CURVE NUMBER	LENGTH	RADIUS	DELTA	CHORD DIST.	CHORD BEING
C5	48.87'	160.00'	28° 42' 02"	46.25'	S 77° 52' 44" W
C6	227.25'	300.00'	28° 42' 02"	225.46'	S 38° 17' 20" W

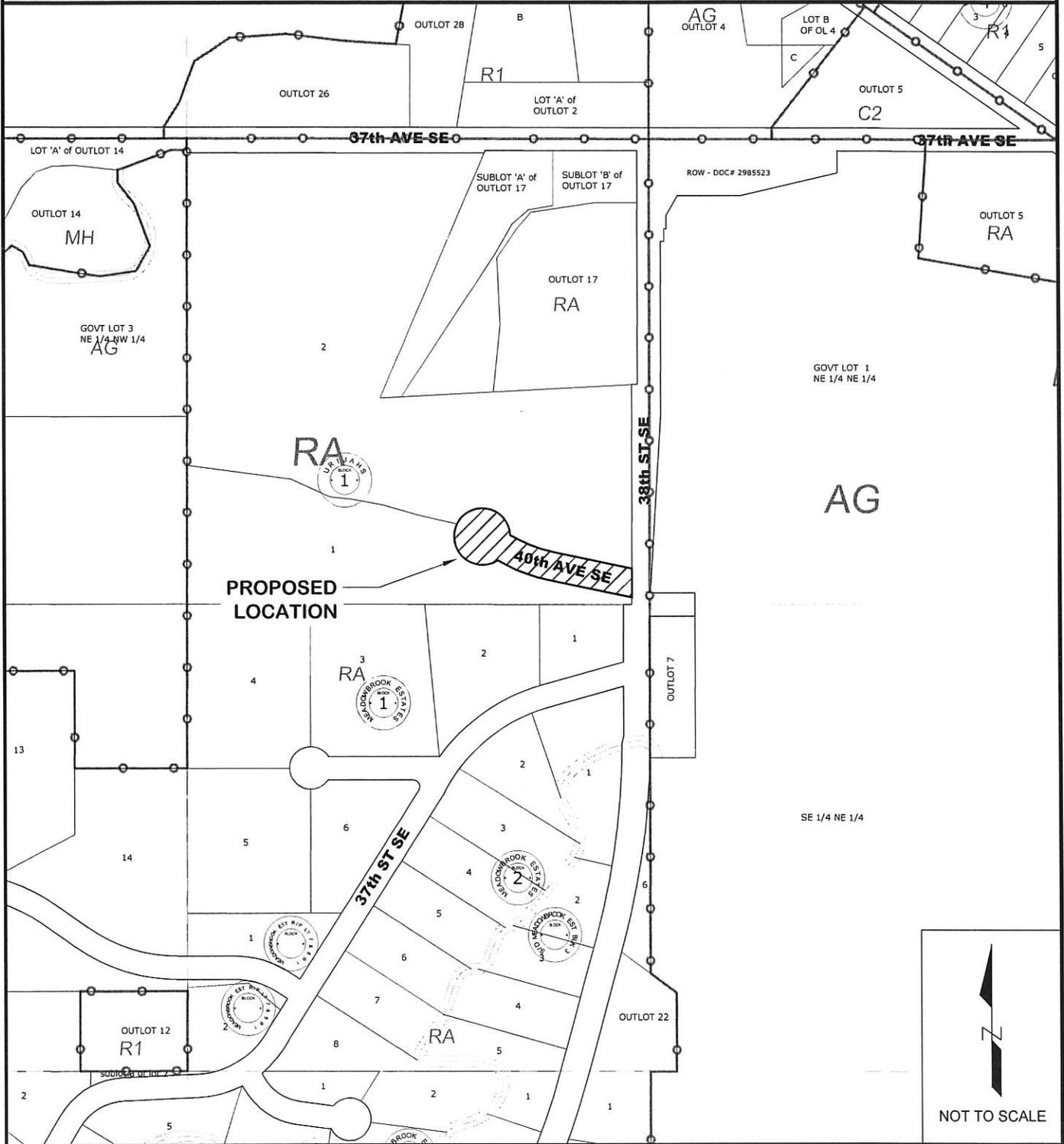
**40TH AVE SE CENTERLINE CURVE DATA**

CURVE NUMBER	LENGTH	RADIUS	DELTA	CHORD DIST.	CHORD BEING
C7	123.17'	450.00'	18° 45' 52"	122.79'	S 70° 52' 32" E

- PLAT LEGEND**
- CENTERLINE MONUMENT (NOT TO BE SET)
  - MONUMENT FOUND
  - REMAIN FOUND
  - PK NAIL FOUND
  - RAILROAD SPIKE FOUND
  - #4 REBAR & L3 6551 2" ANG SET
  - LOT CORNER (TO BE SET)
  - EXISTING ADJACENT PROPERTY LINE
  - EXISTING ROW LINE
  - PROPOSED ADJACENT PROPERTY LINE
  - PROPOSED RIGHT-OF-WAY LINE
  - PROPOSED LOT LINE
  - PROPOSED EASEMENT LINE
  - PROPOSED ROAD CENTERLINE



**PROPOSED STREET VACATION OF  
40TH AVE SE  
BETWEEN LOTS 1 & 2 OF URIJAH'S ADDITION  
(EAST OF 38TH ST SE)  
WARD COUNTY, NORTH DAKOTA**



MAP CREATED DECEMBER 16, 2015

8



Planning Commission

Staff Report

<b>Meeting Date:</b>	01/25/2016	<b>Item #:</b>	9
<b>Project #:</b>	8016-1.5	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>	West Oaks 7th Addition, Lots 1-2, Block 1		
<b>Current Legal Description:</b>	West Oaks 4th Addition, Lot 2 and West Oak 5th Addition, Lot 2		
<b>Address: (if applicable)</b>	12 & 14 Oak Drive		
<b>Current Zoning:</b>	R1	<b>Proposed Zoning:</b>	R1
<b>Guided Use:</b>	Low Density Residential		

**Applicant/Owner:** West Oak Development, LLC and Dick Butts  
6251 30<sup>th</sup> Ave NW  
Minot ND, 58703  
(701)721-4510  
[rgalster@srt.com](mailto:rgalster@srt.com)

**Rep/Contractor:** N/A

**Zoning Ordinance Ref:** Section 28: Land Subdivision Regulation

**PROJECT DESCRIPTION:**

**REQUEST(S):** The applicant is requesting

- To subdivide West Oaks 4th Addition, Lot 2 and West Oak 5th Addition, Lot 2 into two lots to be known as West Oaks 7th Addition, Lots 1-2, Block 1.  
This property is located at 12 & 14 Oak Dr.

**EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:**

**SUMMARY/CONDITIONS/ISSUE:**

The applicant is requesting the subdivision to allow a shed to be transferred from Lot 1 to Lot 2. Staff has no concerns with request.

**FINDINGS OF FACT:**

**Finding of Facts:**

- Subject property is zoned R1.
- The proposed lots meet the lot requirements of the R-1 Zoning District.

**Conditions (if approved):**

- Sidewalks will be required.

**DEVELOPMENT SUMMARY CHART:**

**Site Area:** 1.15 acres

**PLANNING DEPARTMENT CONSIDERATIONS**

**CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property under consideration is currently zoned R1, Single-Family Residential as are properties to the south and east; property to the north is zoned public and C1, Neighborhood Commercial to the west. Subject property is guided on the Future Land Use Plan as low density residential. The proposed use would be in compliance with the Comprehensive Plan.

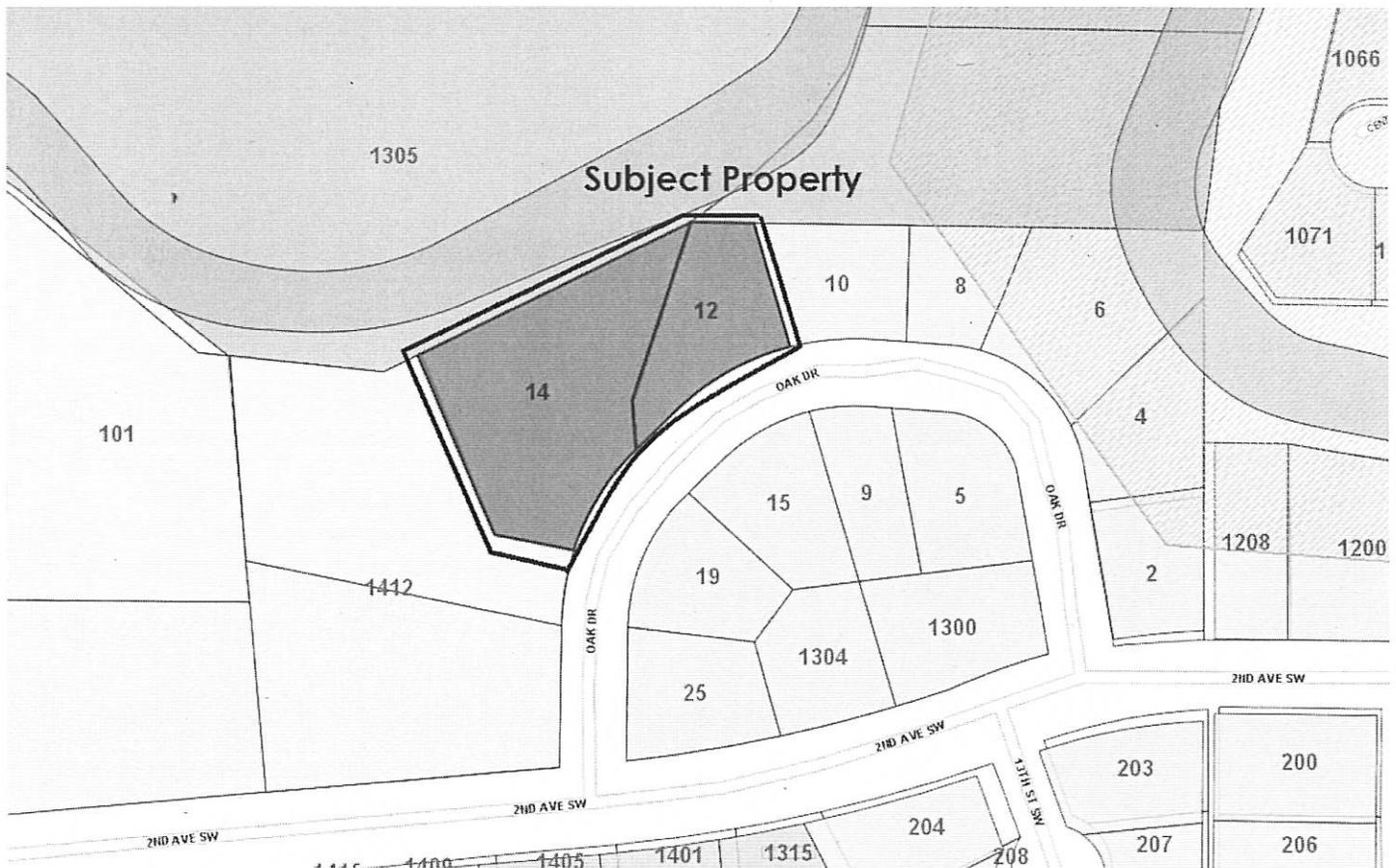
**ENGINEERING AND PUBLIC WORKS DEPARTMENT CONSIDERATIONS:**

**SIDEWALK REQUIREMENTS:**

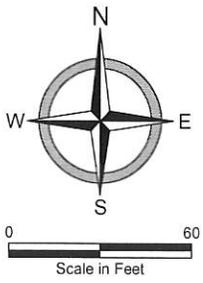
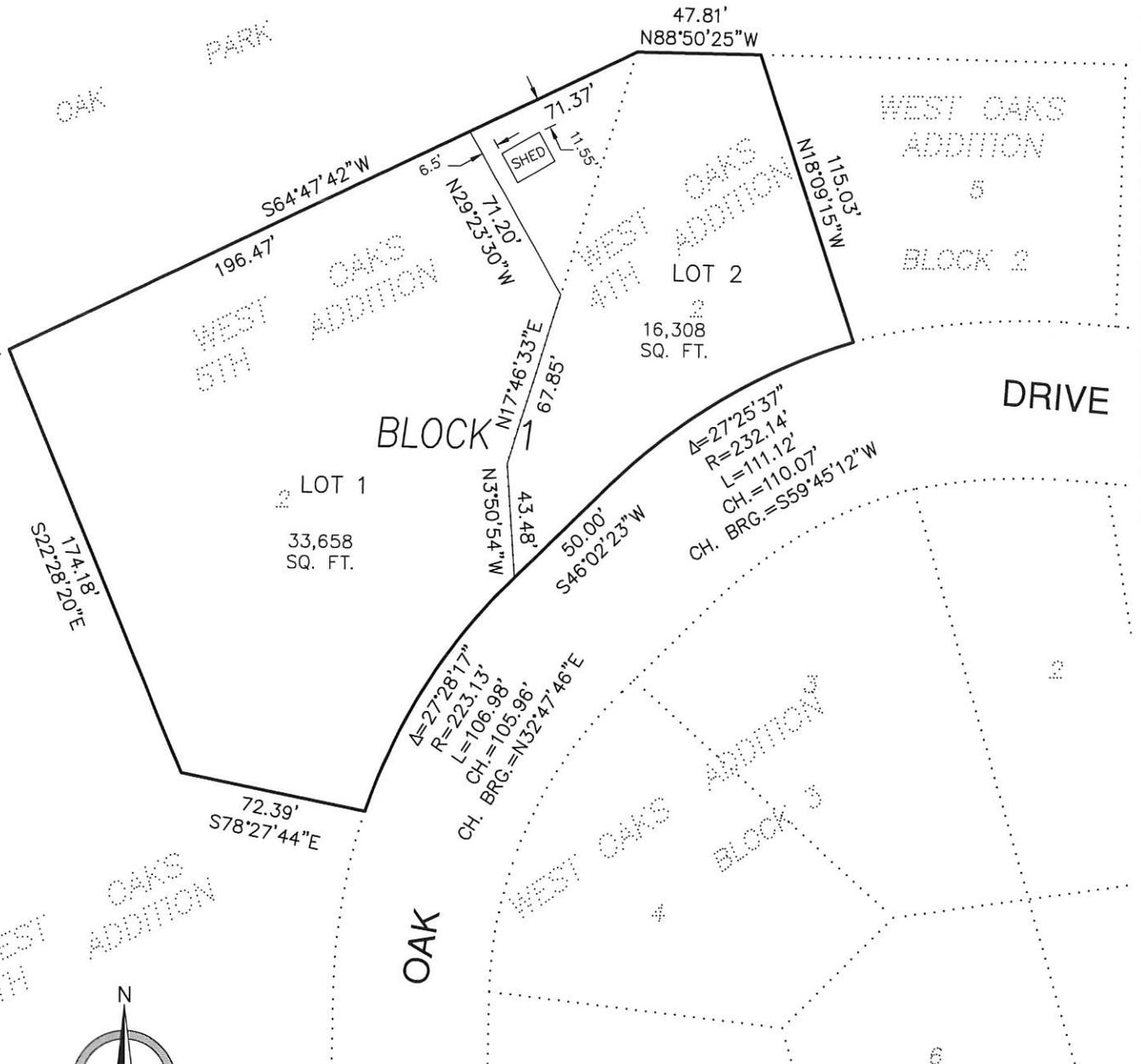
Sidewalks will be required.

**PLANNING LOCATION MAP:**

Planning Map with Future Land Uses



**EXHIBIT**  
**WEST OAKS 7TH ADDITION**  
**TO THE CITY OF MINOT**  
 ( BEING LOT 2, WEST OAKS 5TH ADDITION AND  
 LOT 2 WEST OAKS 4TH ADDITION,  
 SECTION 23 TOWNSHIP 155 NORTH, RANGE 83 WEST,  
 WARD COUNTY, NORTH DAKOTA.)



PROJECT No.	18639	
DATE:	06.11.15	
REVISED:	01.13.16	
DRAWN BY:	MPL	
CHECKED BY:	BMS	



Date: January 25, 2016  
To: Planning Commission  
From: Jacqueline Aucker, Acting Planning Director   
Re: Extending the Moratorium on Sign Permits for Billboards

On January 6, 2016, the Zoning Ordinance Steering Committee along with City Staff met to discuss extending the moratorium on billboards for 6 months. The current moratorium is set to expire on February 3, 2016. The committee would like some additional time to study the issue and place more appropriate regulations on billboards. Technology has improved and LED signs are becoming more prevalent. The current ordinance does not adequately address the technology and the safety concerns associated with the lighting.

Attached are the statistics for the existing billboards in the City of Minot and 2 mile extra territorial area. As indicated in the data, 17% of the existing signs are vacant and without advertisement.

The action we are requesting of the City Council is to extend the moratorium on billboards until a new sign ordinance can be drafted and brought before the council for consideration.

## Current 2016 Billboard Statistics

North Broadway – West Central Ave to 72<sup>nd</sup> Ave NW

Double – 12

Double with one blank face – 2

Single – 4

South Broadway – West Central Ave to 66<sup>th</sup> Ave SW

Double – 18

Double with one blank face – 2

Double with two blank faces – 3

Single – 4

East Burdick – South main to 86<sup>th</sup> St SE plus one mile

Double – 6

Double with two blank faces – 3

Single – 13

West Burdick – South main to 2 & 52 Bypass

Double – 3

Hwy 83 Bypass North – 2 & 52 Bypass to North Broadway

Double with one blank face – 1

Double with two blank faces – 3

2 & 52 Bypass – 62<sup>nd</sup> St NW to East Burdick

Double – 21

Double with one blank face – 7

Double with two blank faces – 1

Single with one blank face – 1

Hwy 52 East – 2 & 52 Bypass to County 19

Double – 1

Single – 3

**Total signs – 108**

**Total faces – 193**

**Total blank faces – 33**

**17% of existing sign faces are blank**

PLANNING COMMISSION

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**Regular Meeting: Planning Commission Committee**

**Location:** City Hall, Council Chambers, 515 2nd Avenue SW, City of Minot, ND

**Meeting Called to Order:** November 30, 2015 at 6:00 p.m.

**Presiding Official:** Vice-chair Pam Karpenko

**Secretary:** Sybil Tetteh

**Members in Attendance:** Vice-chair Pam Karpenko, Wallace Berning, Ryan Conklin, Jon Hanson, Todd Koop, Larry Holbach, Brenden Howe, Todd Wegenast, Kevin Mehrer, Tyler Neether, Travis Zabloutney, Bob Wetzler

**Members Absent:** Chairman John Zimmerman

**City Staff Present:** Donna Bye, Chief Resilience Officer; Sybil Tetteh, Asst. City Planner; Kelly Hendershot, City Attorney; Lance Meyer, City Engineer; Jacqueline Aucker, Assistant City Engineer; Traffic Engineer, Sunil Jeboo; Mitch Flanagan, Building Official; Jason Sorenson, Asst. Public Works Director; Dan Jonasson, Public Works Director; Police Chief, Jason Olson; Brian Andersen, Fire Marshal; Bob Lindee, Public Information Officer

**Others Present:** Aldermen Pankow, Miller, Hatlelid, Schuler, Olson, Shomento, Berg, Isaiah Keller, Rolly Ackerman, Jake Maxson, Dennis Nussbaum, and others.

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**Meeting Called to order by Vice-chair Pam Karpenko**

**Approval of 10/26/2015 Regular Meeting Minutes**

A correction was made to the voting of item 1 on the October 26<sup>th</sup> Planning Commission minute by Commissioner Wegenast to Nay.

Motion by Holbach, second by Koop, to approve the 10/26/2015 Regular Meeting Minutes, and was carried by the following roll call votes: ayes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zabloutney, Wetzler. Nays: none.

**Motion passed**

**RECOMMENDATIONS**

**Approval of Agenda Item (1, 3, 6, 7, 8, & 10) included in the Consent Agenda.**

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion passed.**

Motion by Wegenast, second Koop by to move Item 13 as first discussion, and was carried by the following roll call Votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion Passed.**

**Item # 1: As part of consent motion, it was recommended:**

**That the City Council pass a motion to approve a request by James Jensen to subdivide an unplatted portion of Section 34-155-83, NE1/2 Less Green Acres & Amended Outlot 1 and Green Acres Addition, Lot 19 into one lot to be known as Green Acres 4<sup>th</sup> Addition, Lot 1.**

**Also, that City Council introduce an ordinance on first reading to change the zone from R1 (Single-Family Residential) District and AG (Agricultural) District to R1 (Single-Family Residential) District on proposed Green Acres 4<sup>th</sup> Addition, Lot 1.**

This property is located at 1920 Meadowlark Dr.

**CONDITIONS:** *(if Approved)*

1. Sidewalks will be required when roadways are built to urban road standards.
2. 31<sup>st</sup> Ave will continue west and any future building must be set back 40' from south property line.
3. Driveway access to future 31<sup>st</sup> Ave will not be granted.

**FINDING OF FACT:**

1. Subject properties are zoned AG, Agricultural and R1, Single -Family
2. Proposed subdivision meets lot size requirements.
3. Proposed subdivision and zone change are consistent with the neighborhood and land use.

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion passed.**

**Item # 2:**

**That the City Council introduce an ordinance on first reading, a request by Isaiah Keller, to change the zone from C2 (General Commercial) District to R1 (Single-Family Residential) District to bring home**

**into compliance with residential zoning on Keyes S/D Lots A, B & N1/2 Lot C Keyes Amended Plat Lot 5, Block 1.**

This property is located at 900 42<sup>nd</sup> St SE.

**CONDITION:**

1. The Future Land Use Map will need to be updated.

**FINDING OF FACT:**

1. Subject property is zoned C2, General Commercial.
2. The request to rezone would bring property into compliance with the R1, Single-Family District, but not in harmony with Future Land Use Plan.
3. Section 30-5, Intent of land use and the required information for Planning Commission consideration of the zoning ordinance have been met.

Isaiah Keller, the applicant, stated that he has not had success finding a bank willing to refinance his home without a zone change.

Motion by Wegenast, second by Hanson, to deny item with staff finding of facts and failed by the following roll call votes: Hanson, Holbach, Wegenast, Nays: Howe, Karpenko, Koop, Wetzler, Mehrer, Neether, Zablotney, Berning, Conklin

**Motion failed**

Motion by Berning, second by Wetzler, to approve the item with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Koop, Wetzler, Mehrer, Neether, Berning, Conklin, Nays: Wegenast, Zablotney, Hanson, Holbach

**Motion passed.**

**Item # 3: As part of consent motion, it was recommended:**

**That the City Council pass a motion to approve a request by Sanford Health, Bob Winkels, represented by Mark Sweeney, KLJ, to subdivide unplatted portion of Section 3-154-83, S ½ NE ¼ and Government Lots 1 & 2, into two lots to be known as Prairie Grass Addition, Block 1, Lots 1 & 2 for the purpose of purchasing property.**

**Also, that City Council introduce an ordinance on first reading to annex into City limits proposed Prairie Grass Addition, Block 1, Lots 1 & 2.**

This property is located east of Crossing St SW and south of 37th Ave SW.

**CONDITIONS (if approved):**

1. The Future Land Use Map Amendment with a zone change will be required for future development.

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2. Sidewalks will be required along all public right of ways.
3. Public Land Dedication will be required.
4. A master plan will be required and approved for any proposed development.
5. Traffic impact study will be required before permits are issued.
6. Developer's agreements with the City will be required before permits are issued.
7. Storm Water Management Plan will be required before permits are issued.

**FINDING OF FACT:**

1. Subject property is Zoned AG, Agricultural District.
2. The property is currently located outside city boundaries.
3. The property is located within 200' of existing services that are available for utilization.
4. Benefits for annexation are provided to the property owner and city.
5. Proposed subdivision meets lot size requirements.

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion passed**

**Item #4:**

**The Planning Commission denied a request by Souris River Brewing, LLC, represented by Jake Maxson, for a variance to place a 92" x 72" sign on the roof of a building, which is not permitted by the current Zoning Ordinance on Ramstad's 2nd Addition, N35' Lot 15 all Lots 16 & 17 Less E6.4', Block 2.**

This property is located at 32 3rd ST NE.

**Finding of Facts:**

1. Subject property is zoned M2, Heavy Industrial District.
2. Section 30-2: The request doesn't meet the general intent of this section.
3. Section 22-4 h) Zoning Ordinance does not permit a roof sign.
4. No hardship exists to support the variance request.
5. When alternatives may exist to meet the goal of the application, staff affirms no hardship exists and therefore, there are no hardships with the application to granting a variance.
6. Granting of the variance cannot be done without substantial detriment to the public good and without impairing the general purpose and intent of the comprehensive plan.

Jake Maxson, 408 Hillcrest Dr., the applicant stated that he was not aware of the prohibited roof signs till he started the process and understood the intent of Section 22-4, not wanting signs interfering with traffic, or signs obstructing the view of pedestrians or vehicles, or advertising that is illegal under state or federal law. And most of these rules make sense with the exception of a roof sign which has no explanation as to why it's not permitted. He stated that the application should be granted because of

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exceptional difficulty with the size of the parking lot. He also proposed a condition with the variance if commissioners are willing to permit a temporary variance.

Bob Miller, 512 5<sup>th</sup> Ave NW, in support stated that there is precedence with roof signs and this will be continuity with what has been approved. Mr. Miller gave the example of a roof sign located at 3<sup>rd</sup> St NW saying there was a hardship (topographic) with granting other roof sign and SRB has a similar situation. Miller asked the commission to approve the request because there are other roof signs approved in Minot.

Commissioner Zabolney asked Mr. Miller if he is suggesting that roof signs should be allowed or removed in the ordinance. Mr. Miller stated this is a possible solution by asking for a temporary variance.

Commissioner Wegenast and Howe elaborated on the history of roof sign requests and stated the Commission did vote no on the roof sign on 3<sup>rd</sup> St NW but City Council over turned it.

Motion by Zabolney, second by Berning, to deny the item with staff finding of fact(s); and was carried by the following roll call votes: Berning, Conklin, Koop, Holbach, Neether, Wegenast, Zabolney, Nays: Karpenko, Hanson, Howe, Mehrer, Wetzler

**Motion passed.**

**Item # 5: Withdrawn by applicant until the January 2016 agenda**

**Continuation of an application by Wayne & Karen Aga to change the zone from C2 (General Commercial) District to MH (Manufactured Home) District on Section 4-154-82, Outlot 2 to remain a Manufactured Home Park.**

**Also, for a Manufactured Home Community Site Plan Review on Section 4-154-82, Outlots 2.**

**This property is located at 4821 HWY 52 S, directly across from Zaharia Drive. (This was formerly known as the Frontier Campground).**

**Item # 6: As part of consent motion, it was recommended**

**That the City Council pass a resolution to approve a request by Enerbase, represented by Tony Bernhardt, for a Conditional Use Permit to install a new double wall 12,000 gallon kerosene tank for retail distribution on Section 36-156-83, Outlots 3, 5 & 6 SESW.**

This property is located at 205 46th Ave NE.

**FINDING OF FACT:**

1. Subject property is zoned M1, Light Industrial District.
2. Section 5-5 c), the request is allowed with a conditional use permit.
3. Section 30-3 a) and d) Intent of land use and the required information for Planning Commission consideration of the zoning ordinance have been met.

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion passed.**

**Item # 7: As part of consent motion, it was recommended**

**That the Planning Commission approve a request by Paradise Homes Inc., represented by Richard Straus, for a variance on new construction of a townhouse unit on the rear yard setback from the required 25' to approximately 15.59' on Stonebridge Farm 4<sup>th</sup> Addition, Block 5, Lot 30B.**

This property is located at 3106 8<sup>th</sup> St NE and abuts park land.

**FINDING OF FACT:**

1. Subject property is zoned R3C, Townhouse Residential District.
2. Section 30-2: The request meets the general intent of this section.
3. Variance can be granted based on shallowness or shape of the lot and property right enjoyed by others.
4. Granting of the variance can be done without substantial detriment to the public good and without impairing the general purpose and intent of the comprehensive plan.

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion passed.**

**Item # 8: As part of consent motion, it was recommended:**

**That the City Council pass a motion approving a request by Jo Ann Vannett to subdivide Outlot 8, Section 25-156-83 into two lots to be known as Vannett Addition, Lots 1 & 2.**

This property is located at 6901 13th St NE.

**FINDING OF FACT FOR APPROVAL:**

1. Subject property is zoned RA, Agricultural Residential.
2. Proposed subdivision and zone change meets minimum requirements of a RA zoning district.

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion Passed**

**Item # 9:**

**That the City Council pass a resolution to approve the request by Sundre Sand & Gravel represented by Dennis Nussbaum, to extend an Interim Use Permit for an additional year to mine/excavate aggregates that was originally approved by City Council in October 2014 on Whispering Meadows 4<sup>th</sup> Addition, Lot 2.**

This property is located west of 6611 37<sup>th</sup> Ave SE.

Dennis Nussbaum representing Sundre Sand and Gravel stated that due to time consuming process to approve required plans from the City Engineering Department, no mining was done last year and would like to extend the request one more year to mine the gravel.

**CONDITIONS:**

1. Responses to IUP standards shall be submitted by the applicant and approved by staff.
2. Only excavation shall occur on site, no processing or crushing activities shall occur on site
3. The outer limit or edge of any extraction operation shall not be closer than one hundred feet (100') to any abutting property line. Soil excavation may occur within one hundred feet (100') of any property line when the proposed grading plan has been approved by the City Engineer.
4. Finished slopes or any edge contiguous to property owned by others shall not be less than a ratio of three feet (3') horizontal to one foot (1') vertical, or as approved by the appropriate regulating authority.
5. No extraction operations shall be closer than one hundred feet (100') to the right of way line of any existing street, road or highway, except upon approval by the city council.
6. The operator shall be responsible for lowering any well so as to provide potable water for each individual whose well is affected by the proposed operations.
7. All rocks which are not crushed and which are one foot (1') or larger in size shall be removed from the site, buried after termination of operations, or used on site as a landscape feature.
8. The owner or applicant shall prevent water runoff damage, including erosion on adjacent property and the deposit of material by water runoff on adjacent property. A storm water management plan shall be approved by the City Engineer.
9. The applicant or owner shall submit a landscape screening plan consisting of suitable trees which shall be placed to eliminate unsightly view of the operations.
10. The operator shall operate and maintain all equipment in such a manner as to minimize air pollution. Any emission which can cause any damage to health, animals or vegetation or other forms of property or which can cause an excessive silting at any point or any emission of any solid or liquid particles in concentrations exceeding air quality regulations shall be prohibited.
11. All excavated materials shall be removed from the premises especially within highways, streets or other public ways as the council shall order and direct.
12. No noise resulting from the excavation use shall exceed the most current noise control regulations.

13. Any vibration resulting in any combination of amplitude and frequencies beyond the "safe" range of the most current standards of the United States bureau of mines for any equipment or structure shall be prohibited.
14. The slope of banks during the excavation of material shall be kept in such a condition so as not to be dangerous because of overhangs, sliding or caving banks. Such dangerous conditions shall be declared to be a nuisance and the city may give notice to the operator or owner to abate the same.
15. Upon closing operations or leaving any particular excavation or area in the site, the applicant shall regrade the area which he has excavated or disturbed in order that no slopes are steeper than three feet (3') horizontal to one foot (1') vertical
16. The hours of operation (limited to only excavation) shall occur only between 8:00 a.m. to 5:00 p.m. daily, provided that no excavation or trucking shall be conducted on Saturdays, Sundays or legal holidays with the exception of Columbus Day and Veterans Day except upon approval by the city council. Certain activities such as loading, maintenance and repair of equipment and hauling may be allowed; provided that these activities do not cause undue noise or disturbances to adjoining property or facilities and that these activities are specified in the operations plans and approved by the city at the time of issuance of the permit.
17. All fill material shall be clean, compactable fill, and shall not contain refuse, construction debris, or any other items (tires, barrels, furniture, etc.) not found in soils. The fill material must be approved by the city engineer and protective inspections division if the fill area will be used for a road or building construction site.
18. Security Requirement: The council shall require the applicant, owner or user of the property on which the proposed operation is located, to post a letter of credit acceptable to the city or cash escrow in such form and sum as the council shall determine, conditioned to pay the city the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from the hauling and removal of material from any operation; the amount of such cost and expense to be determined by the city engineer; and conditioned further to comply with all the requirements of this chapter, and the particular permit, and to pay any expense the city may incur by having to do anything which the applicant fails to do to comply with the terms of the conditional use permit.
19. Interim Use permit shall valid for two years from date of issuance and begin once the Zone Change is complete.
20. All conditions approved with the previous permit still apply to this application. See attached IUP.

**FINDING OF FACT:**

1. The subject property is zoned AG which allows mining with an Interim Use Permit.
2. Section 19-5: The conditions require approval of IUP
3. The conditions limit use, hours of operations and other site related protections to allow the use while also limiting disturbance to neighboring properties.
4. All conditions approved with the previous permit still apply to this application. See attached IUP.

Motion by Wegenast, second by Berning, to approve item with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zabloutney, Wetzler Nays: none

**Motion Passed**

**Item # 10: As part of consent motion, it was recommended**

**That the City Council pass a motion to approve a request by Duemelands Retail LLLP, represented by Landon Niemiller, Swenson Hagen & Co., to subdivide Wal-Mart Addition, Lot 7 into two Lots to be known as Willow Creek Addition, Lots 1 & 2.**

This property is located at 3808 S. Broadway.

**Finding of Facts:**

1. Subject property is zoned C4, Planned Commercial District.
2. Proposed subdivision meets lot size requirements and parking required.

Motion by Neether, second by Koop, to approve consent items with staff finding of fact(s) and condition(s); and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

**Motion Passed**

**Item # 11**

**A public hearing on an Ordinance Repealing And Reenacting, with Amendments, Chapter 20 (Flood Protection Requirements) Of The City Of Minot Zoning Ordinance (Flood Plain Management).**

City Engineer explained that, the current floodplain ordinance is grossly out of compliance with FEMA. FEMA mandated that the City bring the ordinance into compliance to enter the Community Rating System. By using FEMA template and administrative procedures required with Planning Commission and City Council, this ordinance will now meet the FEMA language requirements and matches neighboring cities ordinances. This ordinance will also help to improve the Community's rating based on a point system. The City is trying to start at a step 9 or higher on the scale.

Motion by Neether, second by Wegenast, to approve item and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Wetzler Nays: Zablotney

**Item # 12**

**A public hearing on an Ordinance amending Chapter 28.1 (Storm Water Management) of the City of Minot Zoning Ordinance.**

City Engineer stated that there is new rainfall data, NOAA Atlas 14, which will be used to model 2 years, 10 years, and 100 years rain storms. The City has been using this new data for over a year and this will be formalizing the process. With the updated ordinance, staff will be able to streamline the reports and

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compare data more efficiently. At the request of the Ward County Water Board the City will start to implement volume control were possible.

Motion by Neether, second by Wegenast, to approve and amend item as proposed and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Wetzler Nays: Zaboltny

**Item # 13:**

**That the City Council introduce an ordinance on first reading amending Chapter 5-5 (c) of the City of Minot Zoning Ordinance for a Conditional Use Permit to raise the number of persons from 14 (fourteen) to 18 (eighteen) in a daycare facility in an R1 (Single-Family) and all residential District.**

City Planner stated that the Mayor recently appointed a Daycare Ad Hoc Committee, chaired by Minot City Council President, Mark Jantzer. They met on Tuesday, November 17, 2015, to discuss daycare requirements to be licensed in the City of Minot as it relates to the Zoning Ordinance, the Building Code, the Fire Code, and licensing regulations of the County. The committee is recommending that the ordinance be amended to require conditional use permits only for home daycares with more than 18 children. Ward County Social Services began notifying providers this fall during their license renewals of the new ordinance, which caused providers to take concerns to the Council.

Input were gathered from Amy Jenkins, who handles child-care licensing with Ward County Social Services, Kristi Aasendorf, parent services supervisor with Child Care Aware, Minot fire marshal Brian Anderson and Minot Rural fire officials.

It is recommended that the Planning Commission approve the recommendations from the Daycare Ad Hoc Committee as well as consider amending the additional residential districts to reflect that a daycare facility, licensed – serving more than 18 persons requires a conditional use permit.

Motion by Neether, second by Berning to approve and amend Section 5-5 and all residential districts to increase the number of persons from 14 (fourteen) to 18 (eighteen) for a conditional use permit, and was carried by the following roll call Votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Wetzler Nays: Zaboltny

**Motion Passed.**

**Item # 14**

**Discussion regarding changing the Planning Commission meeting time to 6:30 PM.**

Commissioner Karpenko explained that considering a meeting time at 6:30pm will allow her to close her business without looking for additional help.

Motion by Wegenast, second by Neether, to approve 2016 calendar year meeting time at 6:30pm and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Wetzler, Zaboltny Nays:

Meeting adjourned.