

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
JULY 25, 2016**

CHAIR: JOHN ZIMMERMAN

VICE CHAIR: TYLER NEETHER

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

ROLL CALL.

PLEDGE OF ALLEGIANCE.

APPROVAL OF JUNE 27, 2016, MINUTES OF REGULAR MEETING.

SUGGESTED ITEMS ON CONSENT: 3 & 4

1. Goheens Addition, Block 6, Lot 5

Application by Roosevelt Watts for a variance to the City of Minot Zoning Ordinance Section 5-9 a) to allow an accessory building to exceed the size of the primary structure on Goheens Addition, Block 6, Lot 5.

This property is located at 2019 4th ST NW.

2. Greenland 2nd Addition, Lot 1

Application by Shane Trulson & Rick Hovde to change the zone from C2 (General Commercial) District to RA (Agricultural Residential) District for the purpose of building a home on Greenland 2nd Addition, Lot 1.

Also, to amend the Future Land Use map to change the designation from Office Business Park to Residential on Greenland 2nd Addition, Lot 1.

This property is located at 1011 46th Ave NE.

3. Proposed Hacienda Hills 11th Addition, Lots 1 & 2

Application by Ron LaCount to subdivide Lots 6-10, Replat of Lots 7-9, Hacienda Hills Addition into 2 lots to be known as Hacienda Hills 11th Addition, Lots 1 & 2.

This property is located east and west of 1701 12th Ave SE.

4. Proposed River Oaks 5th Addition, Lots 1 & 2

Application by Alejandro Lopez Herrera to subdivide River Oaks Subdivision, Block 2, Lot 19 and River Oaks 4th Addition, Block 1, Lot 1 into 2 lots to be known as River Oaks 5th Addition, Lots 1 & 2.

This property is located at 1801 & 1805 Rivers Edge Dr. SE.

5. Minot AG Complex 6th Addition, Lot 5

Reconsider an application by AGT Foods USA, represented by Les Knudson, for a variance to Section 23-6 (e) of the Zoning Ordinance regarding paving requirements on Minot AG Complex 6th Addition, Lot 5.

This property is located at 625 42nd ST NE.

6. Other Business:

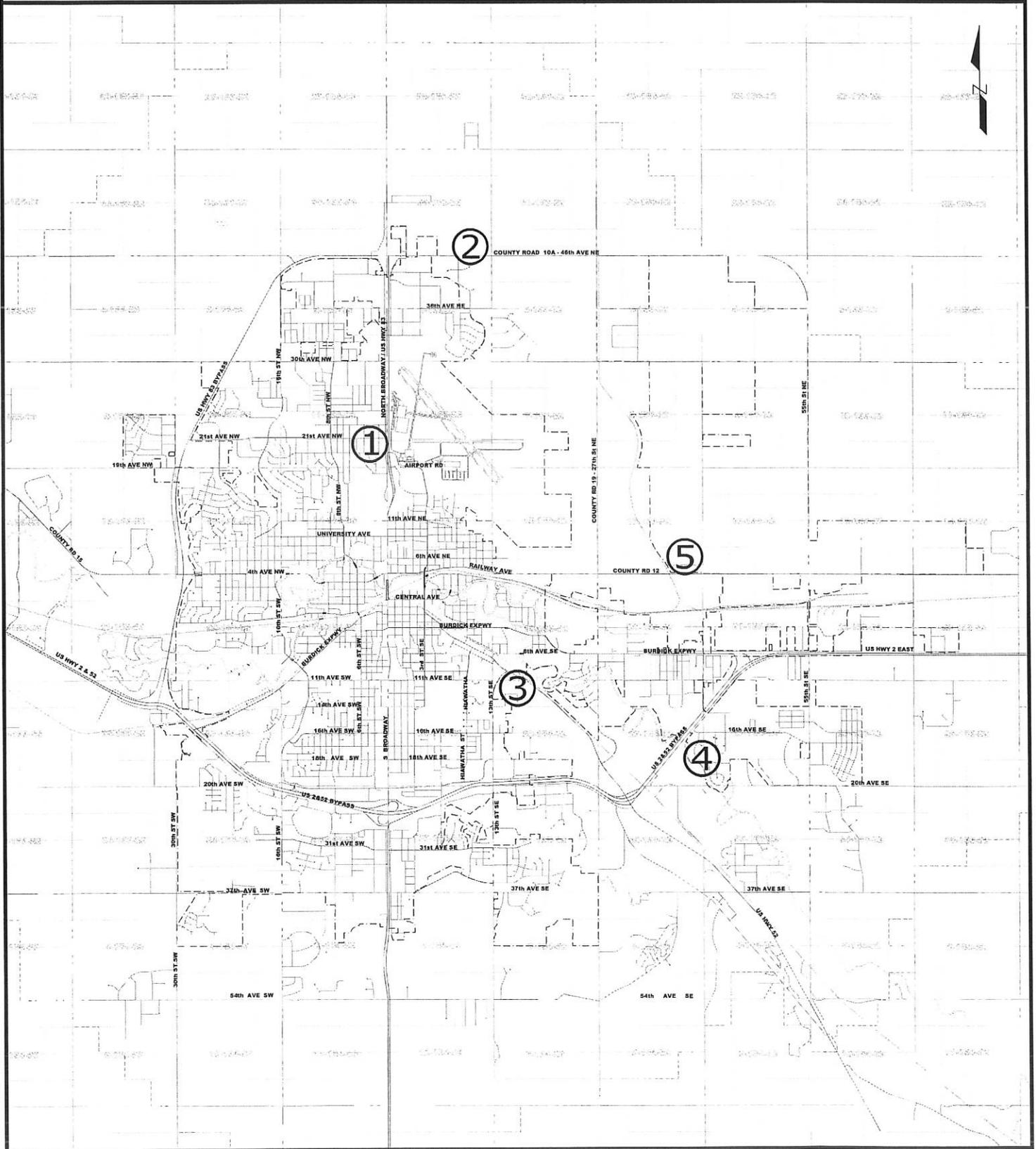
- a. Notice is hereby given that on July 25, 2016; the Minot Planning Commission will hold a public hearing to remove the concealed fastener requirement in M1 (Light Industrial) & M2 (Heavy Industrial) Districts of the Zoning Supplement to the City Of Minot.
- b. Correction to September 8, 2015, Subdivision - Edgeview Estates 8th Addition, Block 1, Lot 1-2, Block 2, Lots 1-3 should have read as follows:

Edgeview Estates 8th Addition; Block 1, Lots 1-3; Block 2, Lots 1 & 2.

- c. Correction to Ordinance No. 5005 – Rezoning – Edgeview Estates 8th Addition; Block 1, Lot 1-2; Block 2, Lots 1-3 should read as follows:

Edgeview Estates 8th Addition, Block 1, Lots 2 & 3, Block 2, Lots 1 & 2 – Change the zone from C2 (General Commercial) District to P (Public) District. Edgeview Estates 8th Addition, Block 1, Lot 1 will remain C2 (General Commercial) District.

VICINITY MAP for JULY 2016 PLANNING AGENDA



City of Minot

Planning Commission

Staff Report

Meeting Date:	07/25/2016	Item #:	1
Project #:	8016-7.3	Staff Recommendation:	Denial
Development Title:			
Current Legal Description:	Goheens Addition, Blk 6, Lot 5		
Address: (if applicable)	2019 4 th St NW		
Current Zoning:	RM	Proposed Zoning:	RM
Guided Use:	Medium Density Residential		

Applicant/Owner: Roosevelt Watts
 2019 4th St NW
 Minot ND, 58703
 (701)578-0009
wattsenterprises@srt.com

Rep/Contractor: N/A

Zoning Ordinance Ref: Section 30-2: Variance
 Section 21-8: Height, Area, and Yard Requirement

No accessory building shall be permitted on any lot, in any zoning district, prior to the erection of the primary use structure thereon. **Also, accessory buildings shall be subordinate to the existing primary building or use, regardless of the zoning district in which the primary building or use is located.** For example, a subordinate building to a single-family dwelling (use) in an RM District shall comply with the accessory building regulations in Chapter 5.

PROJECT DESCRIPTION:

REQUEST: The applicant is requesting:

- A **variance** to the City of Minot Zoning Ordinance Section 21-8 a) that states an accessory building shall be subordinate to the existing primary building on Goheens Addition, Block 6, Lot 5.
- This property is located at 2019 4th ST NW.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

The applicant is requesting a variance to the allowable size of an accessory building at the above mentioned property. The applicant applied for a foundation only permit in 2014, without a full set of building plans.

The property under consideration is currently zoned RM, Medium Density Residential District. The surrounding properties are zoned RM as well. The subject property is identified on the Future Land Use Plan

as Medium Density Residential (see Planning Location Map below). The proposed use would be in compliance with the Comprehensive Plan.

A majority of the accessory buildings within the block and adjacent block to the west conform to the size standards of Section 21-8, allowable square foot for accessory building. It appears if the applicant was granted the proposed variance, the accessory building of the subject property would be the largest garage on the block.

Although the Zoning Ordinance gives guidelines on the type of accessory building, it does not specify the size of foundation or concrete slab. By applying for only a foundation permit and not submitting building plans, further review of the accessory building was not possible. Therefore, staff could not at the time review and approve any proposed accessory building plans. Unfortunately, according to the criteria for the granting of a variance, the situation regarding the foundation size is self-created and not a valid reason to grant a variance from the Zoning Code.

Recommendation

Because the request does not meet the criteria for the granting of a variance, Staff recommends denial of the petition.

FINDINGS OF FACT:

1. The property is zoned RM, Medium Density Residential District.
2. The request does not meet Section 21-8, allowable square foot for accessory building.
3. Section 30-2, the request does not meet the general intent of this section.
4. The proposed variance request does not demonstrate a hardship identified in Section 30-2.

DEVELOPMENT SUMMARY CHART:

Site Area: 10,500 SF
Building Area: 1,512SF

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 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 checked="" type="checkbox"/> Does <u>NOT</u> meet criteria for a variance (explain below). | |

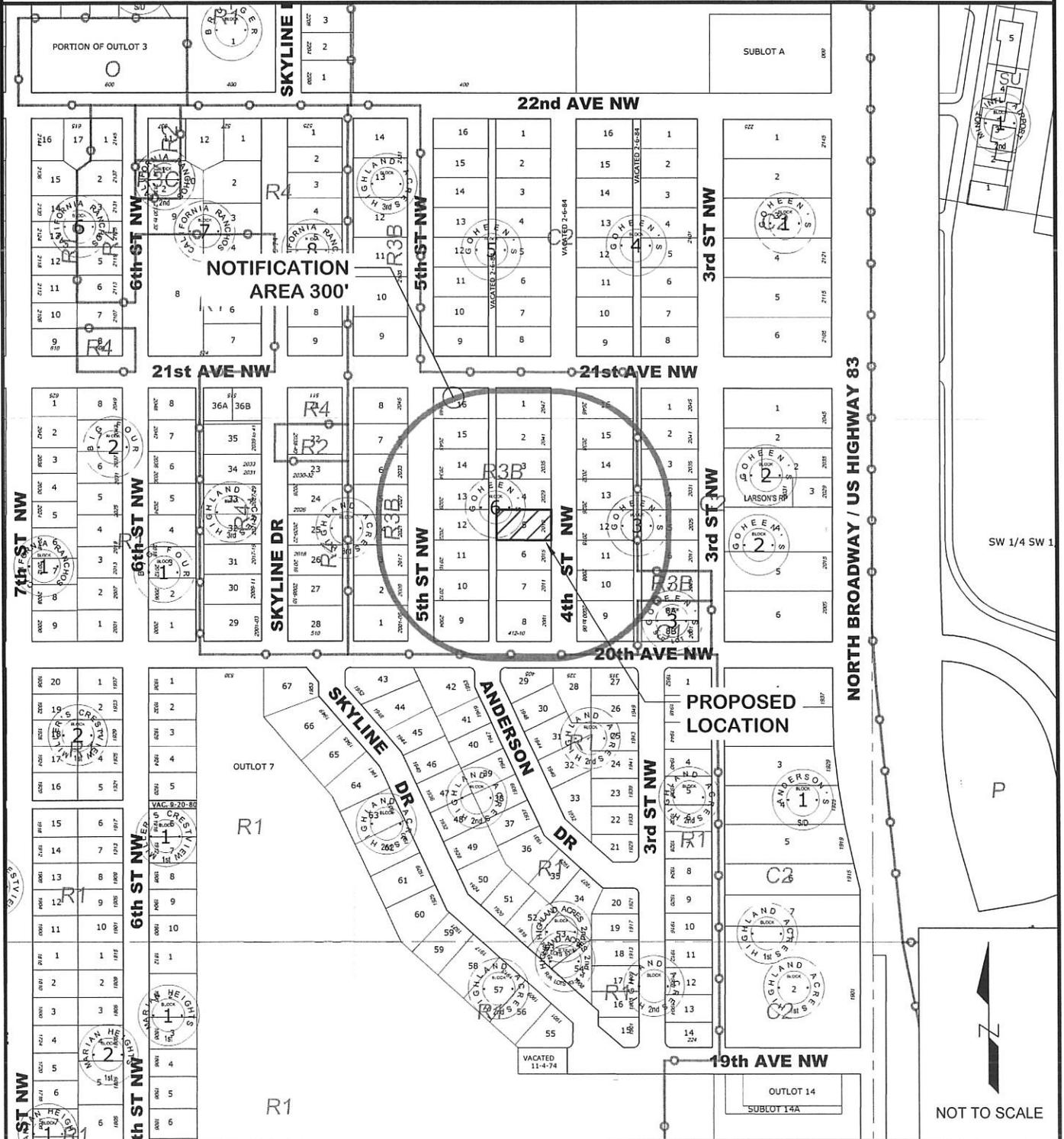
Zoning Ordinance, Section 30-2 a

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.

PROPOSED VARIANCE IN ZONING REGULATION GOHEEN'S ADDITION BLOCK 6 LOT 5

CITY OF MINOT, NORTH DAKOTA



City of Minot

Planning Commission

Staff Report

Meeting Date:	07/6/2016	Item #:	2
Project #:	8016-7.2	Staff Recommendation:	Denial
Development Title:			
Current Legal Description:	Greenland 2nd Addition, Lot 1		
Address: (if applicable)	1011 46 th Ave NE		
Current Zoning:	C2	Proposed Zoning:	RA
Guided Use:	Office Business Park		

Applicant/Owner: Shane Trulson/Rick Hovde
1201 46 Ave NE
Minot ND 58701
(701)621-1746
Shane_trulson@eogresources.com

Rep/Contractor: N/A

Zoning Ordinance Ref: Section 30-5: Text Amendments and Zoning District Changes

PROJECT DESCRIPTION:

REQUESTS: The applicant is requesting:

- To **change the zone** from C2 (General Commercial) District to RA (Agricultural Residential) District for the purpose of building a home.
- Also, to amend the Future Land Use Map to change the designation from Office Business Park to Residential on Greenland 2nd Addition, Lot 1.
- This property is located at 1011 46th Ave NE.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

The subject property is located outside the City limits, within the two (2) mile ETA (Extraterritorial Area) Plan and within the Future Land Use Map. The applicant is requesting a zone change from C2, General Commercial District to RA, Agricultural Residential District at the above mentioned address. Also requested is an amendment to the Future Land Use Map from Office Business Park to Residential. Properties to the south and east are zoned RA; properties to the north are zoned AG, while properties to the west are zoned C2.

The Future Land Use Map identifies the 46th Ave. NE corridor from N. Broadway to 13th St. NE as Office Business Park with a minor arterial road classification on 46th Ave NE and should remain as so. Commercial activity is encouraged along this roadway and the corridor accommodates several commercial uses to the west. Although the subject property bounded by a commercial use directly west, it is also adjacent to

residential uses to the east, south and north. The commercial use abutting the property directly to the west appears to function more as an industrial use and would be incompatible with a residential use. The subject site may function better as a commercial use and is already buffered from the residential use to the east by heavy landscaping. Given these factors, it would be appropriate to maintain a commercial land use designation on the site.

With regard to access, Ward County would not allow any additional access points onto the NE Bypass and the lot would need to use the platted access from the north of the lot.

Recommendation

Because the subject property is within the Office Business Park future land use designation, because the subject property is located on a minor arterial and because the subject site it is located adjacent to a commercial use directly to the west, Staff recommends denial to the proposed rezoning and land use plan amendment.

FINDINGS OF FACT:

1. The property is zoned C2, General Commercial District.
2. The Future Land Use designation is Office Business Park.
3. The subject property would be provided access from a minor arterial.
4. The proposed zone change is not compatible with the Future Land Use map.
5. The proposed amendment to the Future Land Use map is not in harmony with the Comprehensive Plan.

Conditions (if approved):

1. Ward County would not allow any additional access points onto the NE Bypass and the lot would need to use the platted access from the north of the lot.
2. A buffer strip will be required to screen the industrial activity to the west.

DEVELOPMENT SUMMARY CHART:

Site Area: 2 acres

ENGINEERING AND PUBLIC WORKS DEPARTMENT CONSIDERATIONS:

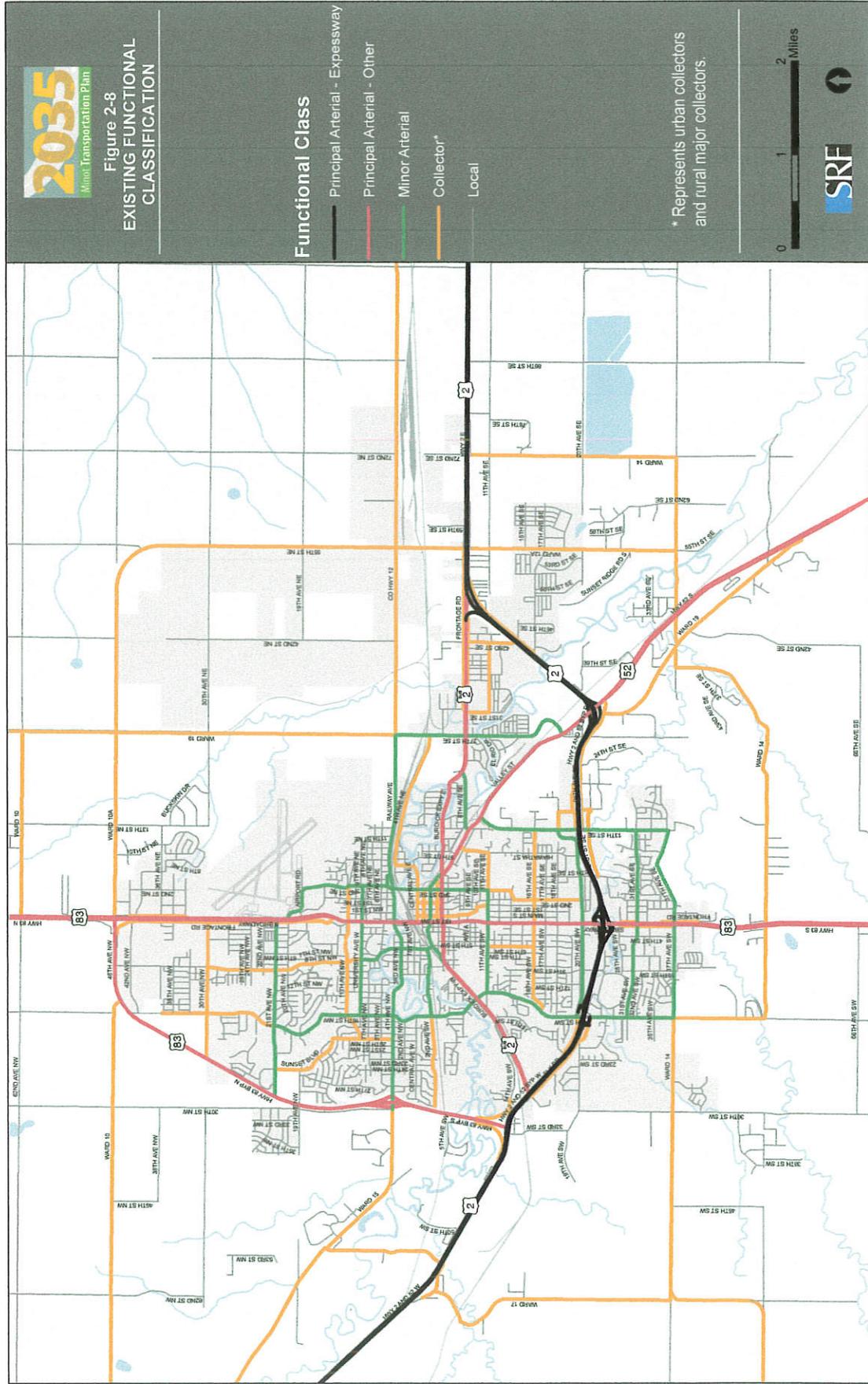
TRAFFIC AND TRANSPORTATION PLAN REQUIREMENTS:

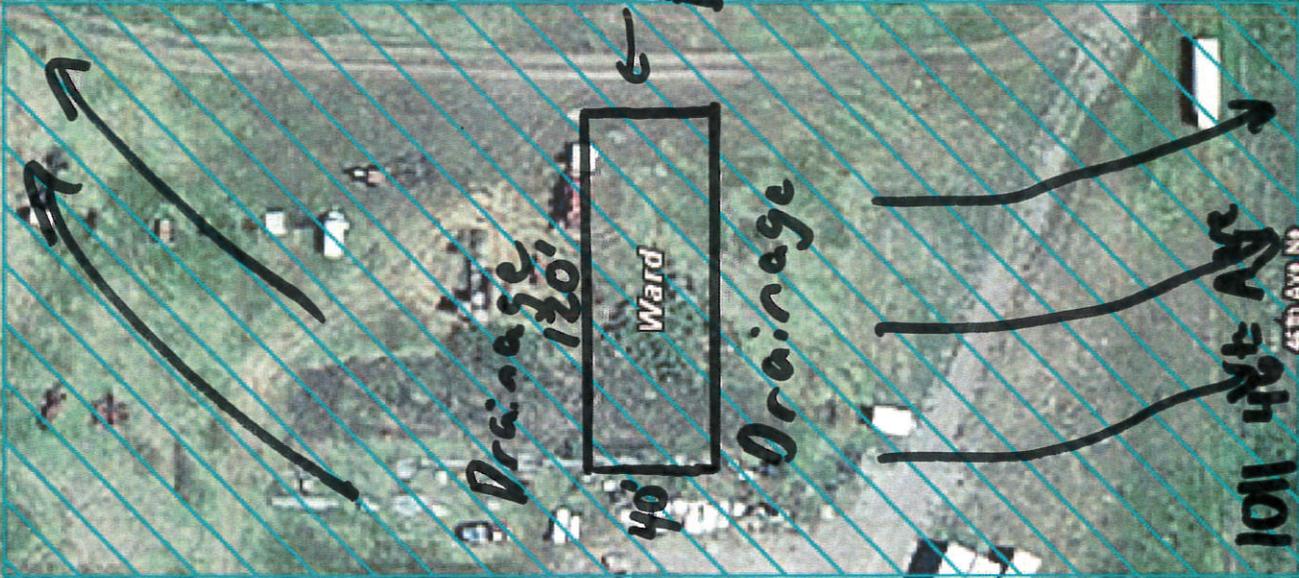
Ward County would not allow any additional access points onto the NE Bypass and the lot would need to use the platted access from the north of the lot in order to access the site.

2035 Minot Transportation Plan:

Street Classification Map

Figure 2-8: Existing Functional Classification





N

Highest Elevation

1101 46th Ave
46th Ave NE

Drainage
120'

Ward

Drainage

1011 46th Ave
46th Ave NE

175'

500'

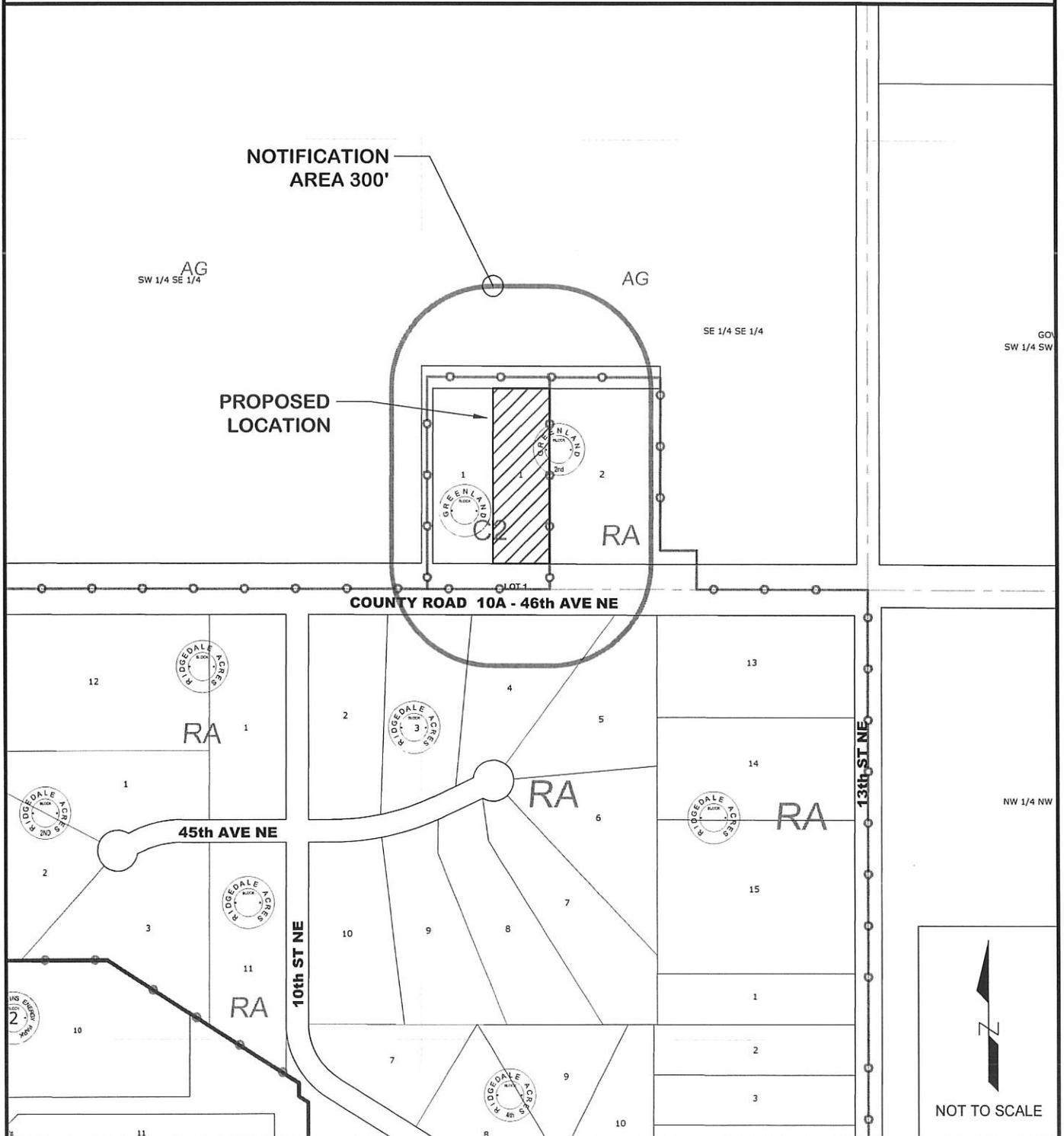
First
Choice
Energy

1001 46th Ave

100 ft

PROPOSED ZONE CHANGE GREENLAND 2nd ADDITION, LOT 1

WARD COUNTY, NORTH DAKOTA



MAP CREATED JUNE 24, 2016

City of Minot

Planning Commission

Staff Report

Meeting Date:	7/25/2016	Item #:	3
Project #:	8016-7.4	Staff Recommendation:	APPROVAL
Development Title:			
Current Legal Description:	Hacienda Hills Addition, Lots 6-10, Replat of Lots 7-9		
Address: (if applicable)	1701 12 th Ave SE		
Current Zoning:	R1	Proposed Zoning:	R1
Guided Use:	Medium Density Residential		

Applicant/Owner: Ron LaCount
1701 12th Ave SE
Minot ND 58701
Ronald@rolac-nd.com

Rep/Contractor: N/A

Zoning Ordinance Ref: Section 28: Land Subdivision Regulations

PROJECT DESCRIPTION:

REQUEST(S): The applicant is requesting:

- To **subdivide** Lots 6-10, Replat of Lots 7-9, Hacienda Hills Addition into 2 lots to be known as Hacienda Hills 11th Addition, Lots 1 & 2. This property is located east and west of 1701 12th Ave SE.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

The applicant is requesting to subdivide Lots 6-10, Replat of Lots 7-9, Hacienda Hills Addition into 2 lots for the purpose of selling the lot in the future.

The property under consideration is currently zoned R1, Single Family Residential and is identified on the Future Land Use Plan as Medium Density Residential. The Medium Density Residential Land Use designation for the site should be reviewed. Staff finds that perhaps the Medium Density Residential Land Use designation was applied in order to buffer the residential areas from industrial uses to the north. The site actually has a natural buffer in the form of a grade change of more than 100 feet to the industrial uses to the north. In addition, because of limitations of sanitary sewer infrastructure, the area may not be able to accommodate medium density housing.

As such, the combining of the five (5) lots into two (2) lots would be inconsistent with the Medium Density Residential land use designation, but in practical terms should be allowed as there is not enough sewer availability in the area to accommodate more than single family residential.

Recommendation

- 1. Staff recommends approval of the requests to combine Lots 6-10, Replat of Lots 7-9, Hacienda Hills Addition into 2 lots,**
- 2. Staff recommends that the Steering Committee review the land use designation of the subject property and surrounding area to a less intense residential future land use, and**
- 3. Staff recommends developing a policy statement for the consolidation or combining of lots as oppose to classifying this action as a subdivision of lots.**

FINDINGS OF FACT:

1. The property is zoned R1, Single-Family District.
2. The proposed subdivision meets the R1, single family, lot size requirements.
3. The subject property is identified as Medium Density Residential by the Future Land Use map. Medium Density Residential allows attached and detached townhome development at a density of 6-12 units per acre.

Conditions

1. It is contingent upon the property owner to provide sidewalks at such time when 12th Ave. SE is rebuilt to urban road standards.

DEVELOPMENT SUMMARY CHART:

Site Area: 12.50 acres

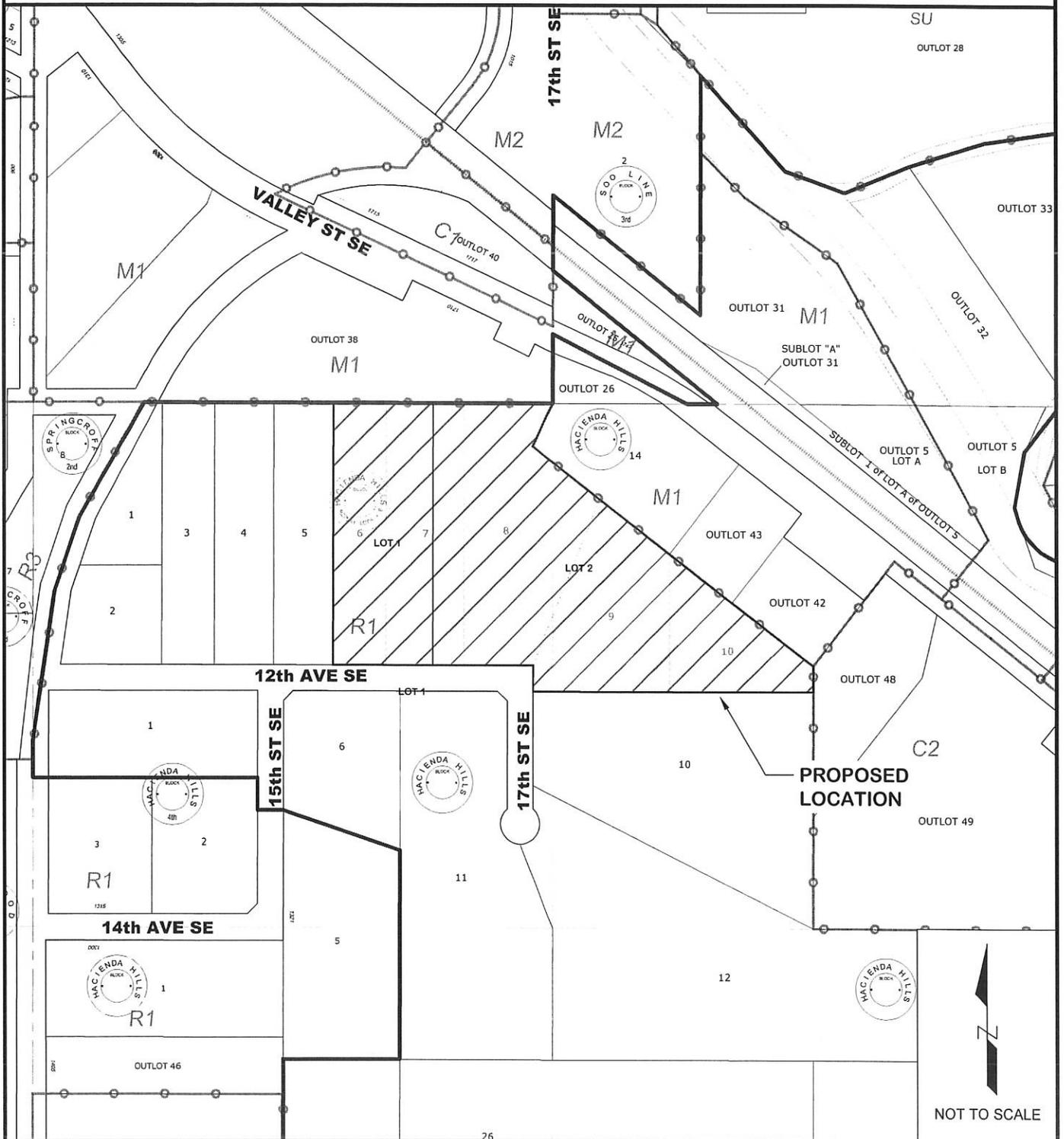
ENGINEERING AND PUBLIC WORKS DEPARTMENT CONSIDERATIONS:

SIDEWALK REQUIREMENTS:

Sidewalks will be required when roadways are built to urban road standards

PROPOSED SUBDIVISION PLAT HACIENDA HILLS 11th ADDITION

BEING REPLAT OF LOTS 7, 8, & 9 HACIENDA HILLS ADDITION, LOTS 6-10
WARD COUNTY, NORTH DAKOTA



City of Minot

Planning Commission

Staff Report

Meeting Date:	7/25/2016	Item #:	4
Project #:	8016-7.5	Staff Recommendation:	APPROVAL
Development Title:	River Oaks 5 th Addition, Lots 1 & 2		
Current Legal Description:	River Oaks Subdivision, Block 2, Lot 19 and River Oaks 4 th Addition, Block 1, Lot 1		
Address: (if applicable)	1801 & 1805 Rivers Edge Dr. SE		
Current Zoning:	R1	Proposed Zoning:	R1
Guided Use:	Low Density Residential		

Applicant/Owner: Alejandro Lopez
1805 Rivers Edge Dr. SE.
Minot ND 58701
(701)314-0008
Alexlopez2081@gmail.com

Rep/Contractor: N/A

Zoning Ordinance Ref: Section 28: Land Subdivision Regulation

PROJECT DESCRIPTION:

REQUEST: The applicant is requesting:

- To **subdivide** River Oaks Subdivision, Block 2, Lot 19 and River Oaks 4th Addition, Block 1, Lot 1 into 2 lots to be known as River Oaks 5th Addition, Lots 1 & 2.
This property is located at 1801 & 1805 Rivers Edge Dr. SE.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

SUMMARY/CONDITIONS/ISSUE:

The applicant is requesting to subdivide the subject property for the purpose of adding a new building to the site in the future. The property under consideration is currently zoned R1, Single Family Residential and is identified on the Future Land Use Plan as Low Density Residential. The proposed use would be in general compliance with the Comprehensive Plan.

The proposed new structure should be subordinate to the main dwelling and conform to Section 5-1 of the Zoning Code as follows:

- Accessory buildings may be used for vehicle or other storage, play areas or private use only.
- It is advisable that at the time the proposed Accessory Building is added, that it be screened from view from the residence at 1801 Rivers Edge Drive and that a site plan is submitted for review.

Staff recommends the request to subdivide River Oaks Subdivision, Block 2, Lot 19 and River Oaks 4th Addition, Block 1, Lot 1 into 2 lots.

FINDINGS OF FACT:

1. The property is zoned R1, Single-Family District.
2. The proposed subdivision meets the R1, single family, lot size requirements.
3. The subject property is identified as Low Density Residential by the Future Land Use map.

Conditions:

1. It is contingent upon the property owner to provide sidewalks at such time when Rivers Edge Dr. SE is rebuilt to urban road standards.

DEVELOPMENT SUMMARY CHART:

Site Area: 40,501 SF

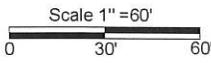
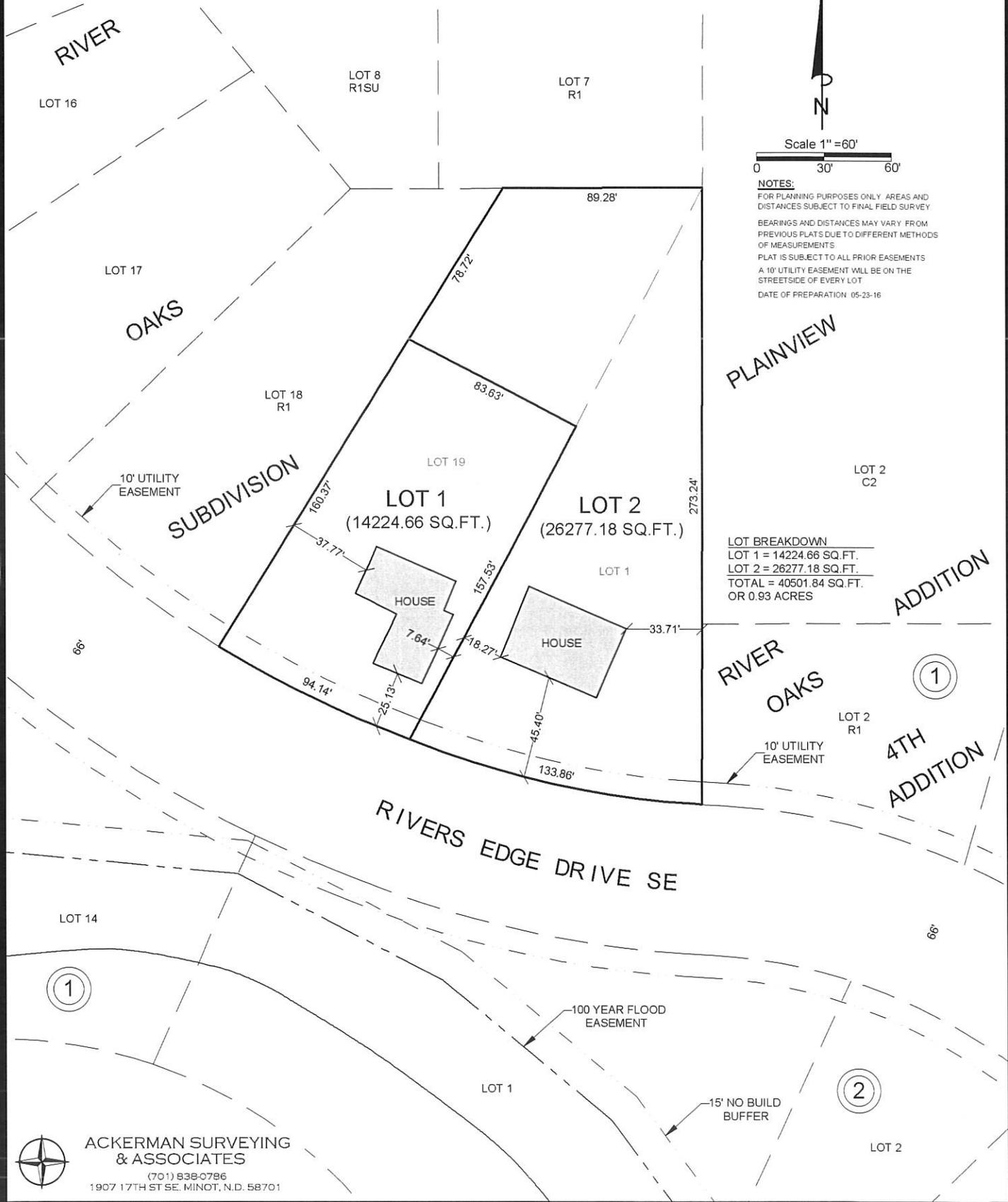
ENGINEERING AND PUBLIC WORKS DEPARTMENT CONSIDERATIONS:

SIDEWALK REQUIREMENTS:

It is contingent upon the property owner to provide sidewalks at such time when Rivers Edge Dr. SE is rebuilt to urban road standards.

PRELIMINARY PLAT OF RIVER OAKS 5TH ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA
BEING LOT 19, BLOCK 2, RIVER OAKS SUBDIVISION AND LOT 1, BLOCK 1, RIVER OAKS 4TH ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA

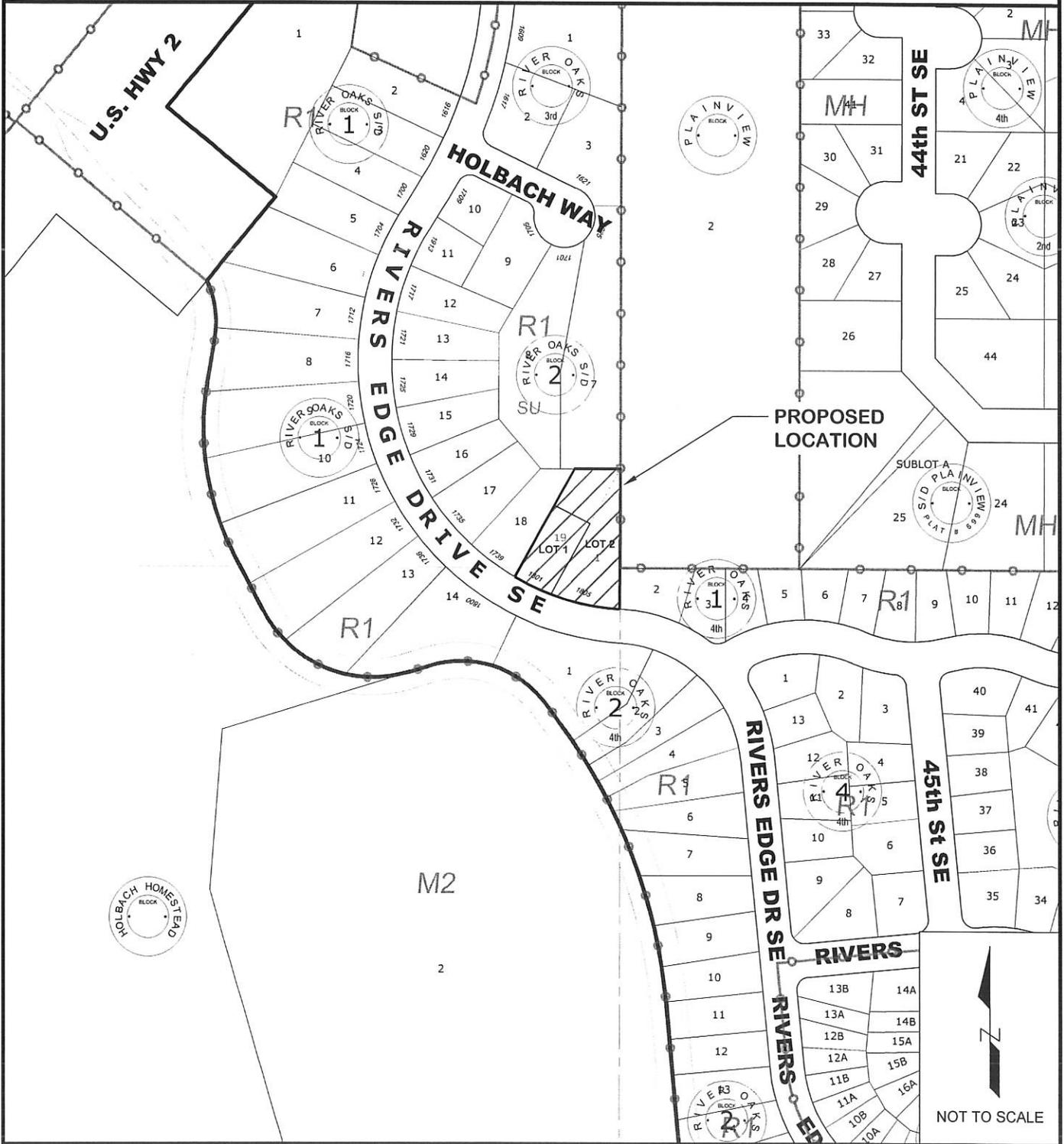


NOTES:
FOR PLANNING PURPOSES ONLY. AREAS AND DISTANCES SUBJECT TO FINAL FIELD SURVEY.
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
PLAT IS SUBJECT TO ALL PRIOR EASEMENTS.
A 10' UTILITY EASEMENT WILL BE ON THE STREETSIDE OF EVERY LOT.
DATE OF PREPARATION: 05-23-16

LOT BREAKDOWN
LOT 1 = 14224.66 SQ.FT.
LOT 2 = 26277.18 SQ.FT.
TOTAL = 40501.84 SQ.FT.
OR 0.93 ACRES

ACKERMAN SURVEYING & ASSOCIATES
(701) 838-0786
1907 17TH ST SE, MINOT, N.D. 58701

PROPOSED SUBDIVISION BY PLAT
RIVER OAKS 5TH ADDITION
 BEING RIVER OAKS SUBDIVISION, BLOCK 2, LOT 19;
 AND RIVER OAKS 4TH ADDITION, BLOCK 1, LOT 1
 CITY OF MINOT, NORTH DAKOTA



MAP CREATED JUNE 29, 2016

City of Minot

Planning Commission

Staff Report

Meeting Date:	7/25/2016	Item #:	5
Project #:	8016-6.2	Staff Recommendation:	Denial
Development Title:			
Current Legal Description:	Minot AG Complex 6 th Addition, Lot 5		
Address: (if applicable)	625 42 nd St NE		
Current Zoning:	M2	Proposed Zoning:	M2
Guided Use:	Industrial		

Applicant/Owner: AGT Foods USA Inc.
1611 East Century Ave Suite 102
Bismarck ND, 58503
(701) 751-1623
ebartsch@agtfoods.com

Rep/Contractor: Les Knudson
625 42nd St NE
Minot ND, 58703
(701)837-7530
lknudson@agtfoods.com

Zoning Ordinance Ref: Section 30-2: Variance

Section 15-9 (e) Additions or Alterations to existing Building:

2. When an existing building is expanded over fifty percent (50%) but below seventy-five (75%) of the existing square footage the building addition plus the existing building area shall meet the standards of this Section with an enhanced entry or building accenting added to the existing portion to bring the existing building closer to conformance.

PROJECT DESCRIPTION:

REQUEST(S): The applicant is requesting:

- A reconsideration of a **variance** to Section 23-6 (e) of the Zoning Ordinance regarding paving requirements on Minot AG Complex 6th Addition, Lot 5.
- This property is located at 625 42nd ST NE

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

The applicant was before the Planning Commission at the June 27, 2016 meeting. The request was denied based on Staff's finding of facts and is requesting a reconsideration of the previous application based on new information.

The property under consideration is currently zoned M2, Heavy Industrial District, as is the property to the north. Properties to the east, south, and west are zoned M1, Light Industrial District. The subject property is identified on the Future Land Use Plan as Industrial. The proposed use would be in compliance with the Comprehensive Plan.

The applicant is requesting a variance to a site plan approved in November 2015 that included paved parking lots. As shown in the attached site plan, the plans included a building expansion providing 129 employees and warehouse parking including 5 ADA stalls along the existing building.

Currently, the proposed building addition is almost complete and the applicant is waiting on a Certificate of Occupancy. A full Certificate of Occupancy can't be issued until the approved site plan requirements have been met by the applicant including landscaping.

The applicant feels that the gravel parking lot is justified in lieu of paved parking due to the fact that the only entrance into the site (42nd St NE) is not paved. The applicant also states that a paved parking lot will require constant maintenance for dirt and mud removal from the parking lot due to unpaved access.

Under Section 15-9 of the Zoning Code, when a building is expanded over fifty percent (50%), but below seventy-five (75%), the building addition or alteration in an M2 district is required to meet the alteration standards with the following:

- An enhanced entry or building accenting added to the existing portion to bring the existing building closer to conformance. This applies to the existing square footage of the building addition plus the existing building area.

The applicant has not provided any plans to accent the building with an improved entry. The applicant states that there may be up to two more expansions of buildings on the site.

Recommendation

In order to abide by the Zoning Code, it is recommended that the petitioner pave the parking areas deemed for employees. As such, Staff does not support the variance request and feels that there is no hardship as outlined in Section 30-2 of the Zoning Ordinance to justify granting the requested variance.

FINDINGS OF FACT:

1. The subject property is zoned M2, Heavy Industrial District.
2. The proposed addition is over 60% of the existing building and Section 15-9 e) 2) shall apply to this site.
3. Regarding Section 30-2, the request does not meet the general intent of this section as the proposed variance request does not demonstrate a hardship.

DEVELOPMENT SUMMARY CHART:

Site Area:	38 acres
Building Area:	Existing Building = 65,732 SF Building Addition = 39,480 SF
Green Area Required:	10%
Green Area Proposed:	10%
Parking Required:	110
Parking/ Loading Proposed:	129

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.

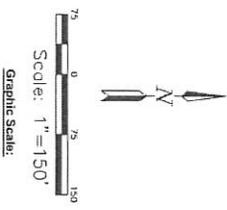
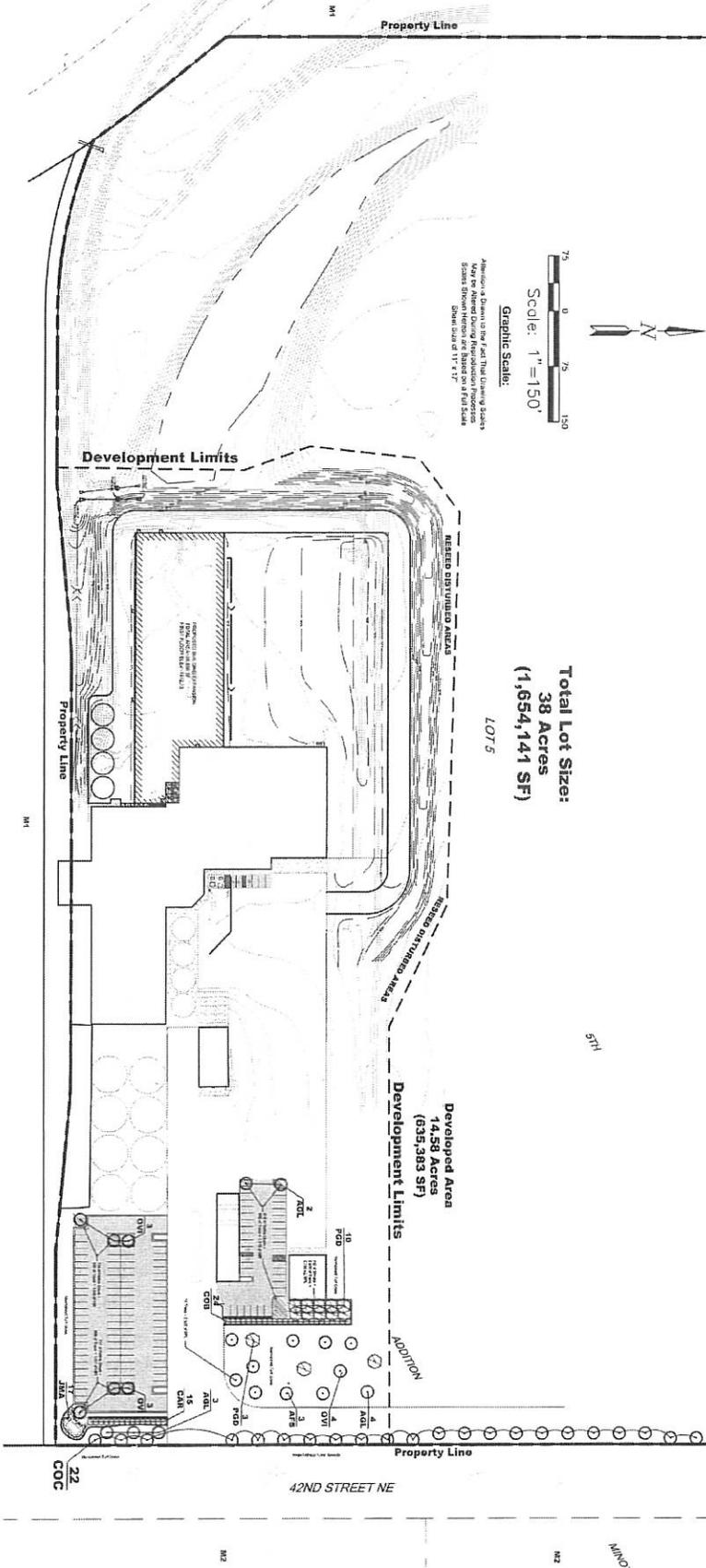
Which of the following criteria does the request meet? (Check all that apply)

- | | |
|---|---|
| <input 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 checked="" 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.



Total Lot Size:
38 Acres
(1,654,141 SF)

Developed Area
14.58 Acres
(635,383 SF)

Landscape Summary:

Lot Type	M2
Developed Area	1,654,141 s.f.
Landscape s.f. Required (10%)	63,538 s.f.
Landscape s.f. Provided	63,538 s.f.
Plant Material	x 200 = 12,400 s.f.
Plant Material	x 16 = 896 s.f.
Plant Material	x 1 = 51,358 s.f.
Building Permitted Landscaping (BPL)	38011
Main Building Permitted	18011
Accessory Building Permitted	3360 s.f.
Permitted Landscaping Required	4,993 s.f.
Permitted Landscaping Provided	4,993 s.f.
Final Plant Reduction (BPL)	45,028 s.f.
Total Planting on site	2,292 s.f.
HR Provided	4,183 s.f.

PLANT SCHEDULE

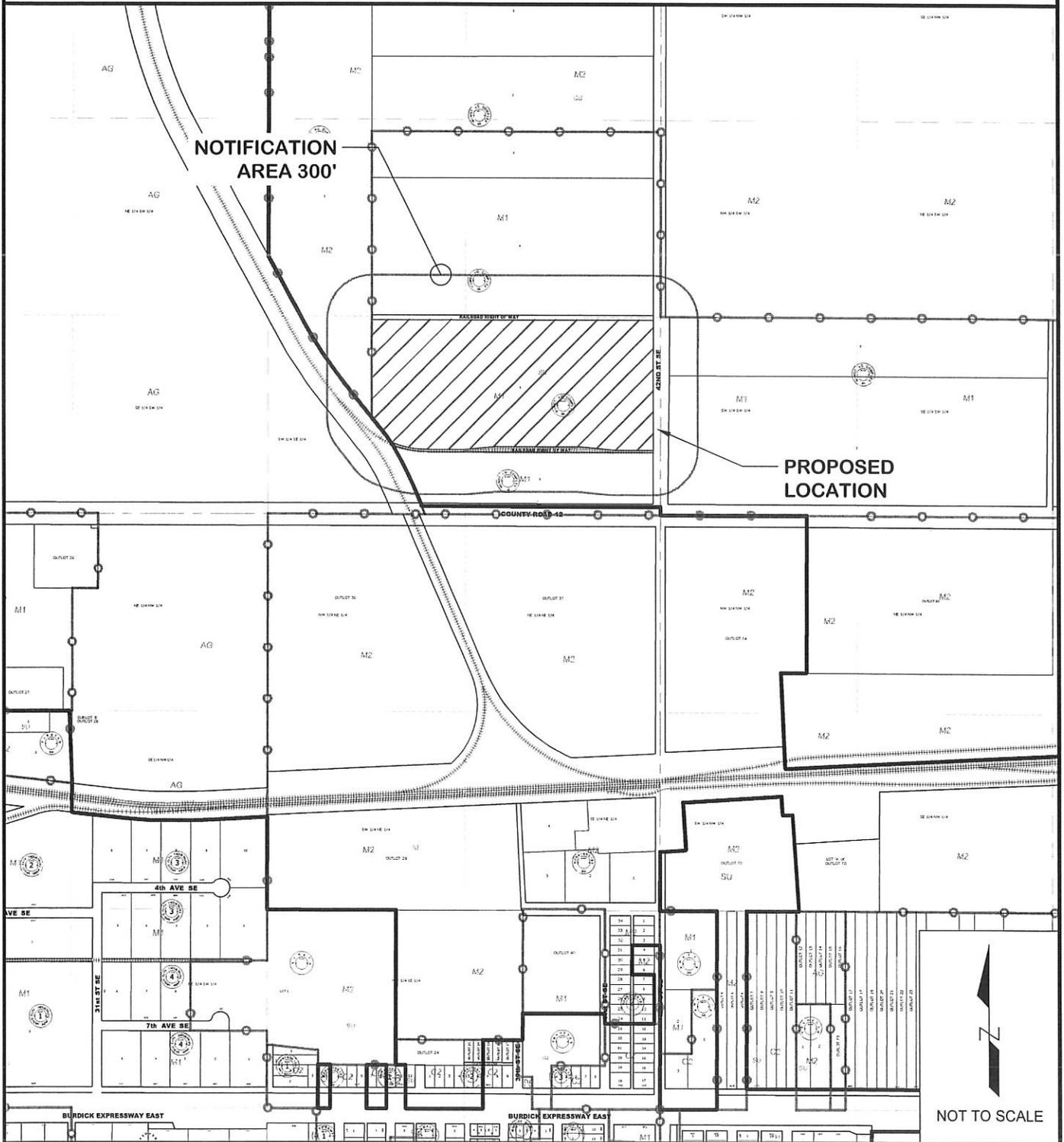
QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
2	44L	ARBOREAL SCILLA	SNOW BELL	3 1/2" IN. CALYX	
22	02C	ELUIS OCCIDENTALIS	COMMON HICKORY	50-75' SB, ADAPTABLE	
10	02V	OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM	22" IN. CALYX	3800' SB, ADAPTABLE
13	02D	QUERCUS BICOLOR	BLACK OAK	18" IN. CALYX	ADAPTABLE, 60' H, 15'-20'
3	02S	ACER X FREDERICK BRUNN	RED BARK OAK	32" IN. CALYX	
13	02H	DAURICUM AMERICANUM	SARAWAK HAZEL	30-35' S&D	
24	02B	CRATAEGUS BATAICA	RED THORN DOGWOOD	8-10' S&D	
11	02M	AMMANNIA CANTONIA	MAINT. PLANT	4-7' S&D	
2	02L	SPARGANGLIA ANTHRACTIS	LITTLE BLUE STAR	12" IN. CALYX	CONVULSIVE, TOXIC, COMMON

- Notes:**
1. All work and design shall be compliant with the City of Minot Zoning Ordinance, Chapter 24 - Landscaping/Watering schedule and Landscaping Maintenance shall be the Owner's Responsibility.
 2. Contractor is responsible for identifying utilities located on site. Developer or engineer is not responsible for damaged utilities.
 3. Final plant location and species is to be determined by owner.
 4. All Disturbance areas are to be re-seed with turf grass.
 5. Shrub are to be atleast 12" tall at time of installation.
 6. Areas disturbed by construction is to be re-seeded.
 - 7.

THIS DOCUMENT WAS
ORIGINALLY ISSUED AND
SEALED BY SETH J. LANGE
- PE 8098 -
ON 09/14/15 AND THE
ORIGINAL IS STORED AT
ACKERMAN-ESTVOLD,
1907 17th STREET
SOUTHEAST
MINOT, ND 58701

PROPOSED VARIANCE IN ZONING REGULATION FOR MINOT AG COMPLEX 6TH ADDITION, LOT 5

CITY OF MINOT, NORTH DAKOTA



MAP CREATED MAY 17, 2016

2

To: Planning Commission

From: Steering Committee & Robert Davis, Planning Director 

Date: July 25, 2016

Re: Concealed Fasteners referenced in the M1 & M2 District

The Steering Committee recommends that the reference to concealed fasteners be removed from the M1 & M2 Districts in the Zoning Ordinance. Below is that portion of the Ordinance with the change.

Sections 14-9 & 15-9 – Building Design and Materials for the M1 & M2 Districts:

- b) Exterior Building Finishes:
- 1) The exterior building finish of the front façade facing a public street shall consist of materials comparable in grade and quality to the following list. A minimum of two (2) materials (in differing but compatible colors and wrapped around the sides a minimum of ten (10) feet shall be used:
 - a. Brick
 - b. Stone (natural or synthetic)
 - c. Integral colored split face (rock face) concrete block
 - d. Glass
 - e. Stucco and synthetic stucco (EFIS)
 - f. Cast in place concrete or pre-cast concrete panels (not to include raked or plain finish)
 - g. Architectural metal ~~with semi or fully concealed fasteners~~ provided such panels are factory fabricated and finished with a durable non-fade surface.
 - h. Wood, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
 - i. Other materials determined as acceptable by the Planning Director.

To: Planning Commission
From: Robert C. Davis, Planning Director 
Date: July 25, 2016
RE: Correction to Edgeview Estates 8th Addition plat and zone change

At the August 31, 2015, Planning Commission meeting it was recommended that the City Council approve the subdivision and zone change for Edgeview Estates 8th Addition at their September 8, 2015, meeting. Due to an administrative oversight the legal description was not correctly reflected in the minutes and an incorrect legal description was approved. It is recommended that the Planning Commission recommend the correction to the City Council for approval. The legal description should read as follows for the subdivision:

- Edgeview Estates 8th Addition; Block 1, Lots 1-3; Block 2, Lots 1 & 2.

And the zone change should read as follows:

- Edgeview Estates 8th Addition; Block 1, Lots 2 & 3; Block 2, Lots 1 & 2 – Change the zone from C2 (General Commercial) District to P (Public) District. Edgeview Estates 8th Addition, Block 1, Lot 1 will remain C2 (General Commercial) District.

Regular Meeting: Planning Commission Committee

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

Meeting Called to Order: June 27, 2016 at 6:30 p.m.

Presiding Official: Vice Chair Pam Karpenko

City Clerk: Kelly Matalka

Members in Attendance: Wallace Berning, Jody Bullinger, Jon Hanson, Larry Holbach, Brenden Howe, Pam Karpenko, Todd Koop, Tyler Neether, Todd Wegenast, John Zimmerman

Members Absent: Bob Wetzler, Travis Zabloutney

City Staff Present: Asst. City Planner, City Engineer, City Manager, City Attorney, Chief Resilience Officer, Building Official, Public Information Officer, Captain White, Public Works Director, Assistant Public Works Director.

Others Present: Aldermen Hedberg, Jantzer, Schuler.

Meeting Called to order by Chairman John Zimmerman

Approval of the May 31, 2016 Regular Meeting Minutes.

Motion by Hanson, seconded by Koop, to approve the May 31, 2016 regular meeting minutes, and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Howe, Karpenko, Koop, Neether, Wegenast, Zimmerman. nays: none

Motion passed

RECOMMENDATIONS

Approval of Agenda Item 3 & 4 included in the Consent Agenda.

Commissioner Karpenko moved the Consent Agenda be approved as follows:

Item #3:

The City Council pass an ordinance to change the zone from AG (Agricultural) District to P (Public) District on Section 22-155-82, Outlot 8.

Also, the City Council adopt a resolution for a Conditional Use Permit to allow Nedrose School to exist on Section 22-155-82, Outlot 8.

This property is located at 6900 Hwy 2 E.

Finding of Facts:

1. The subject property is zoned AG, Agricultural District.
2. Proposed zone change to Public brings the site into compliance with the Zoning Ordinance.
3. Any proposed use or change of use of land or building by any public agency, or others on public land shall be submitted to the Planning Commission for review and approval.

Item #4:

The City Council pass an ordinance to change the zone from C2 (General Commercial) District to M1 (Light Industrial) District on Section 36-156-83, Outlot 2.

Also, the City Council adopt a resolution to amend the Future Land Use map to change the designation from Office Business Park to Industrial on Section 36-156-83, Outlot 2.

This property is located at 125 46th Ave NE.

Finding of Facts:

1. The subject property is zoned C2, General Commercial District.
2. Section 30-5, intent of land use and the required information for Planning Commission consideration of the zoning ordinance have been met.

Seconded by Howe and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Howe, Karpenko, Koop, Neether, Wegenast, Zimmerman. nays: none

Motion passed.

Item #1:

The Planning Commission approved an application by Northern Plains Equipment represented by Greg Bierschbach, for a variance to allow a second sign on Holbach Homestead, Lot 1 subject to the following conditions.

This property is located at 1915 Hwy 2 Bypass East.

Greg Bierschbach came forward representing Northern Plains Equipment. He explained by saying, his company has contracts with New Holland Implement and Case II which requires they have separate signs for each manufacturer. He stated, there were two signs prior to the flood in 2011 but they have not been replaced yet. He is requesting a variance to permit a second sign for his business.

Upon questioning by Chairman Zimmerman, the Assistant City Planner stated, for an industrial district, only one freestanding sign is permitted per business. They are allowed to have multiple cabinets on one pole but the request is for a second pole, which is not allowed. There is a second business, Magic City

PLANNING COMMISSION

Regular Meeting

June 27, 2016

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Oil, located at the same address so, she added, Magic City Oil is entitled to a sign with a conditional use permit.

Commissioner Karpenko asked how it would affect their contract if they installed a stacked sign which complies with the zoning ordinance. Mr. Bierschbach replied by saying, if they do not follow the guidelines required by the manufacturers, they will not qualify for the discounts on their products.

The City Attorney reminded the Commission, the City makes a recommendation based on the property and not on the owner's circumstances. She also commented, the City has not been a party to the business's contracts and she cannot advise on their content.

Chairman Zimmerman inquired about the fact there were two signs prior to the flood, to which the Assistant City Planner stated, there was a timeframe for businesses to bring their property to the original arrangement but that period has elapsed.

Commissioner Neether questioned whether this is a common request and if this section of the zoning ordinance should be analyzed. The City Engineer replied by saying, the City does not want to design the ordinance around an exception but rather, should work on conditions for the specific applicant. He continued by saying, the businesses around town that appear to be exceptions to the ordinance could pre-date the sign regulations.

Whereupon Commissioner Karpenko moved to approve the variance, with the finding of fact that the requested variance is a property right enjoyed by others, but subjected the approval to the following conditions:

Conditions

1. No more than two signs are permitted regardless of any other business existing on the property
2. If the ownership of the property changes hands, the property shall revert to the current zoning requirements relating to signage

Seconded by Neether, to approve the item with staff finding of fact(s) and condition(s); and was carried by the following roll call vote: ayes: Bullinger, Hanson, Holbach, Howe, Karpenko, Koop, Neether, Wegenast, Zimmerman. nays: Berning

Motion passed.

Item #2:

The Planning Commission denied an application by AGT Foods USA, represented by Les Knudson, for a variance to Section 23-6 (e) of the Zoning Ordinance regarding paving requirements on Minot AG Complex 6th Addition, Lot 5.

This property is located at 625 42nd ST NE.

Staff proposed the following findings of fact:

1. The subject property is zoned M2, Heavy Industrial District.
2. The proposed addition is over 60% of existing building and Section 15-9 e) 2) shall apply to this site.
3. Section 30-2, the request does not meet the general intent of this section.
4. The proposed variance request does not demonstrate a hardship identified in Section 30-2.

Les Knudson appeared before the Commission and stated, his property is located within City limits but it is far outside, on 42nd St NE. He explained, the roads leading to the property are unpaved which will not help to control dust, improve the appearance, or prevent mud from ruining a paved lot. He stated, he does not see the logic in having the only paved road in the area.

Upon questioning by Commissioner Karpenko, Mr. Knudson said he would use crushed asphalt rather than gravel to help control the dust.

Chairman Zimmerman asked the applicant what changes have occurred since the site plan was approved in November 2015. Mr. Knudson replied by saying, the engineers got ahead of themselves but now that they have gotten farther in the construction, he doesn't see why the lot should be paved.

Commissioner Neether asked if 42nd St NE is owned by the County, to which the City Engineer replied by saying, it is a Minot road, maintained by Public Works.

Commissioner Wegenast moved to deny the request for a variance based on city staff's findings of fact. Seconded by Berning and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Koop, Neether, Wegenast, Zimmerman. nays: Howe

Motion passed.

Other Business

Election of Chairperson

Nominations for Planning Chairperson were called for.

Nomination by Karpenko for John Zimmerman. No other nominations were given.

Motion by Karpenko, seconded by Neether, for nomination of John Zimmerman as Chairperson, and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Howe, Karpenko, Koop, Neether, Wegenast nays: none abstain: Zimmerman

Motion Passed

Election of Vice-Chairperson

Nominations for Planning Commission Vice-Chairperson were called for.

Nomination by Karpenko of Tyler Neether. No other nominations were given.

PLANNING COMMISSION

Regular Meeting

June 27, 2016

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Motion by Karpenko, seconded by Wegenast, for nomination of Tyler Neether as Vice-Chairperson, and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Howe, Karpenko, Koop, Wegenast, Zimmerman nays: none abstain: Neether

Other Business

Donna Bye, the Chief Resilience Officer, gave a presentation on the Brownfields Redevelopment project. She stated, in 2013 the City received two grants toward the assessment and planning for resilient development opportunities. The grants are being used toward planning and testing of Brownfields, which are defined as development opportunities whose reuse may be complicated by the presence of pollution or a hazardous substances. After several advisory board meetings which took place since 2014, five catalyst sites have been identified. They are; the Coca Cola bottling plant, Robinson Insulation, Porter Brothers Salvage, Bridgeman Creamery, and Farmer's Salvage. Ms. Bye also described the development concepts discussed by the Brownfield Advisory Board including Burdick Expressway, 3rd Street, a triangle site, and senior housing. She presented information on the area's land use, urban design, transportation and open space. Ms. Bye concluded by saying the improvements they hope to make with the Brownfields will be integrated with the National Disaster Resilience Competition Efforts.

The Commissioners Thanked Ms. Bye and the committee for all of their hard work on the project so far.

Motion by Neether, seconded by Karpenko, to adopt the Brownfields plan as presented, and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Howe, Karpenko, Koop, Neether, Wegenast, Zimmerman nays: none

Other Business

Staff Updates

The City Manager announced the new Planning Director, Robert Davis, will start on July 11th.

The Assistant City Planner stated, there are five applications currently processing for next month's meeting, including one variance and she reminded the Commissioners to be familiar with that particular section of the ordinance.

Meeting adjourned at 7:24 pm.