

## 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  
SEPTEMBER 26, 2016**

**CHAIR:** JOHN ZIMMERMAN

**VICE CHAIR:** TYLER NEETHER

**SUBJECT:** THE CITY PLANNING COMMISSION WILL MEET IN REGULAR SESSION AT 6:30 PM ON MONDAY, SEPTEMBER 26, 2016, IN CITY COUNCIL CHAMBERS, 515 2<sup>nd</sup> AVENUE SW.

**ROLL CALL.**

**PLEDGE OF ALLEGIANCE.**

**APPROVAL OF AUGUST 29, 2016, MINUTES OF REGULAR MEETING.**

**1. Proposed Bluff Point Estates, Lots 1-33**

Continuation on an application by Duane Johnson, Future Builders, to subdivide an unplatted portion of the SE1/4, Section 36-155-83 into 33 lots to be known as Bluff Point Estates, Lots 1-33.

Also, to change the zone from AG (Agricultural) District to RM (Medium Density Residential) District with PUD (Planned Unit Development) Overlay on proposed Bluff Point Estates, Lots 1-33.

Also, to annex proposed Bluff Point Estates, Lots 1-33 and adjacent 13th ST SE & 37th Ave SE right-of-way into city limits.

Also, to amend the Future Land Use map from Medium Density, Agricultural, and Commercial designations to Medium Density Residential on proposed Bluff Point Estates, Lots 1-33.

This property is located on the southwest corner of 37th Ave SE and 13th ST SE.

**2. Proposed The Bluffs 6<sup>th</sup> Addition, Lots 1-3**

Application by Mark Hildahl represented by Christopher Strange to subdivide The Bluffs Addition; Block 1, Lot 44; Block 7, Lot 1; Block 8, Lot 1 into 3 lots to be known as The Bluffs 6th Addition, Lots 1-3.

This property is located at 1912 Valley Bluffs Dr. SE, the Country Club Golf Course, and 4260 27th ST SE.

**3. Proposed Hilltop 6<sup>th</sup> Addition, Lots 1 & 2**

Application by SRT Communications, Ron Aberle, to subdivide Hilltop Addition, Lot 1 into two lots to be known as Hilltop 6<sup>th</sup> Addition, Lots 1 & 2.

Also, to reassign the special use permit, now known as a condition use permit, originally granted on Hilltop Addition, Lot 1 for a cell tower on May 5, 2003, to proposed Hilltop 6<sup>th</sup> Addition, Lot 1.

This property is located at 523 30<sup>th</sup> St NW.

**4. Minot AG Complex 6th Addition, Lot 5**

Application by AGT Foods represented by Les Knudson, for a variance to the landscaping requirements of Chapter 24, Section 24-1 f) Minimum Tree Planting Quantity Requirements on Minot AG Complex 6th Addition, Lot 5. This variance would eliminate 113 trees and shrubs as required.

This property is located at 625 42nd ST NE.

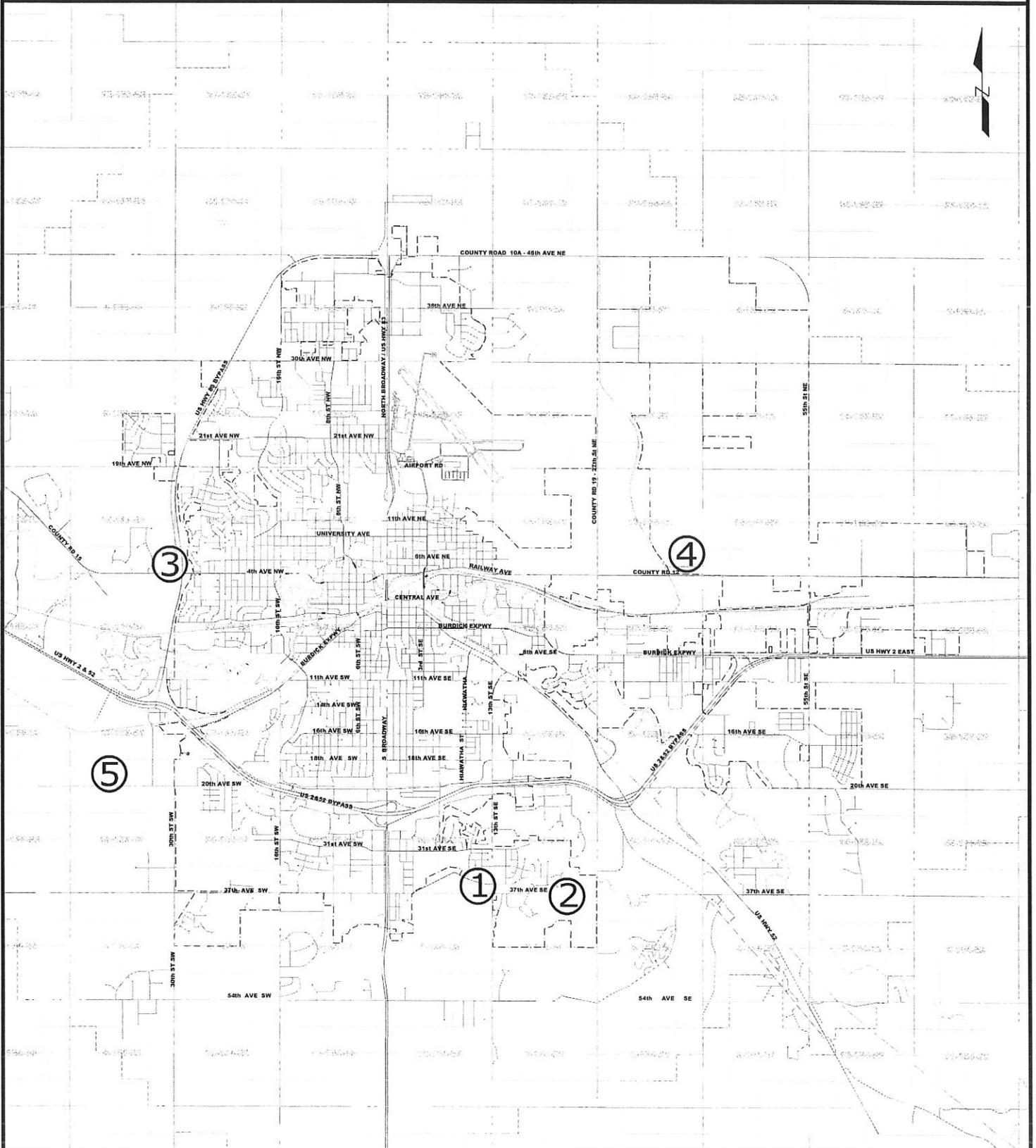
**5. Minot Landfill known as Section 33-155-83, NW1/4; Section 28-155-83, Outlots 18 & 20; S1/2S1/2SW1/4, S1/2N1/2S1/2SW1/4, & SW1/4SE1/4 less N330' & Sorenson's 4th Addition all in Section 28-155-83; Sorenson's 4th Addition, Lots 1, 2, 5, & 6**

Application by the City of Minot represented by Jason Sorenson, to change the zone from AG (Agricultural) District and R1 (Single Family Residential) District to P (Public) District on the Minot Landfill known as Section 33-155-83, NW1/4; Section 28-155-83, Outlots 18 & 20; S1/2S1/2SW1/4, S1/2N1/2S1/2SW1/4, & SW1/4SE1/4 less N330' & Sorenson's 4th Addition all in Section 28-155-83; Sorenson's 4th Addition, Lots 1, 2, 5, & 6.

Also, to amend the Future Land Use Map designation from High Density Residential, Business Office Park, and Industrial to Public on the same property.

This property is located along 20th Ave SW and west of 30th Street SW.

# VICINITY MAP for SEPTEMBER 2016 PLANNING AGENDA





**Planning Commission  
Staff Report**

<b>Meeting Date:</b>	09/26/2016	<b>Item #:</b>	2
<b>Project #:</b>	8016-9.2	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>	The Bluffs 6 <sup>th</sup> Addition, Lots 1-3		
<b>Current Legal Description:</b>	The Bluffs Addition; Block 1, Lot 44; Block 7, Lot 1; Block 8, Lot 1		
<b>Address: (if applicable)</b>			
<b>Current Zoning:</b>	R1	<b>Proposed Zoning:</b>	R1
<b>Guided Use:</b>	Very Low Density Residential		

**Applicant/Owner:** Mark Hildahl  
701-720-3909

**Rep/Contractor:** Christopher Strange  
1912 Valley Bluff Drive  
Minot ND 58701  
701-852-3591  
cmstrange1975@gmail.com

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

**PROJECT DESCRIPTION:**

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

- To subdivide The Bluffs Addition; Block 1, Lot 44; Block 7, Lot 1; Block 8, Lot 1 into 3 lots to be known as The Bluffs 6<sup>th</sup> Addition, Lots 1-3.

This property is located at 1912 Valley Bluffs Dr. SE, the Country Club Golf Course, and 4260 27<sup>th</sup> ST SE.

**DEVELOPMENT SUMMARY CHART:**

**Site Area:** 297.97 SF

**EXECUTIVE SUMMARY**

The property under consideration is currently zoned R1 (Single Family Residential) District and is guided on the Future Land Use Plan as Very Low Density Residential. Properties to the east, west, and south are zone AG. Properties to the north are zoned R1. The proposed use would be in general compliance with the Comprehensive Plan.

It was discovered that the first plat was done incorrectly and the subject plat is required in order to correct errors in previous plats. The first 6<sup>th</sup> Addition plat was never recorded. At the October Planning Commission meeting, the petitioner proposes to appear to finalize the subject plat by presenting a final 7<sup>th</sup> Addition plat

that will replace the 6<sup>th</sup> Addition, provide for extension of 34 lots and be the one that will eventually be recorded.

**FINDINGS OF FACT:**

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1. The property is zoned R1 (Single Family Residential) District.
2. The subject property is designated as Very Low Density Residential in the Future Land Use Plan.
3. The plat is required in order to correct surveying errors.
4. The resulting plat would be complimentary to the larger area and would eventually be beneficial to homeowners within the plat as it would provide them with more rear yard space.

**Conditions** (if approved):

1. Traffic Study will be required and approved by the Traffic Engineer.
2. Storm Water Management Plans will be required and approved by the City Engineer.
3. Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer.
4. Developer's Agreement will be in place prior to the plat being recorded.
5. Sidewalks will be required.
6. Public Utility Fees will be required.

**ENGINEERING AND PUBLIC WORKS DEPARTMENT CONSIDERATIONS:**

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**TRAFFIC AND TRANSPORTATION PLAN/REQUIREMENTS:**

Traffic Study will be required and approved by the Traffic Engineer prior to issuance of any building permits.

**STORM WATER MANAGEMENT PLAN/REQUIREMENTS:**

Storm Water Management Plans will be required and approved by the City Engineer prior to issuance of any building permits.

**EROSION CONTROL PLAN/REQUIREMENTS:**

Erosion Control practices will need to meet the state of North Dakota requirements and approved by the City Engineer prior to issuance of any building permits.

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

Public Utility Fees will be required.

**SIDEWALK REQUIREMENTS:**

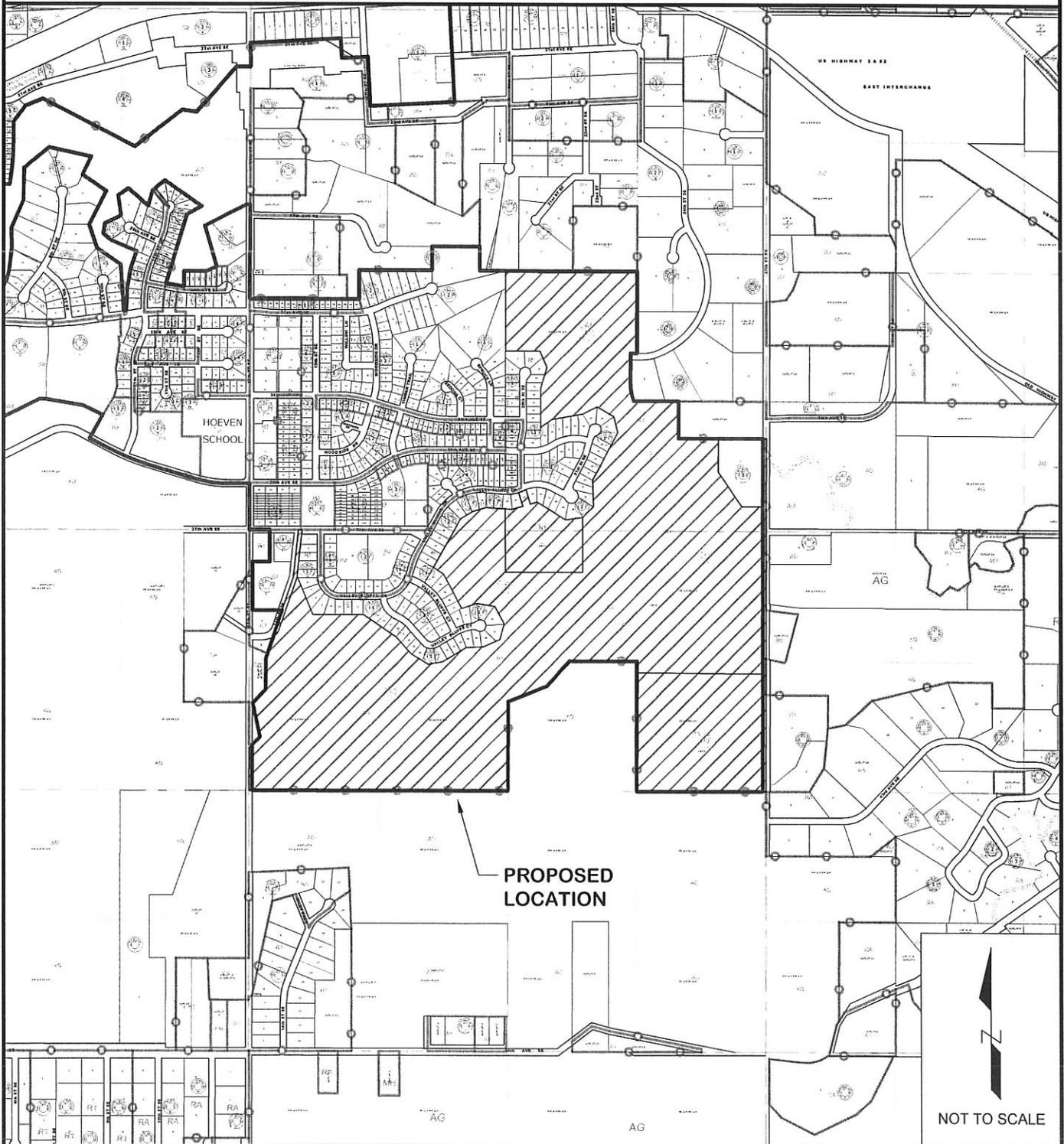
Sidewalks will be required.

**RECOMMENDATION**

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Staff recommends approval of the plat.

**PROPOSED SUBDIVISION BY PLAT**  
**THE BLUFFS 6TH ADDITION**  
BEING THE BLUFFS ADDITION, BLOCK 1 LOT 44, BLOCK 7 LOT 1,  
AND BLOCK 8 LOT 1  
CITY OF MINOT, NORTH DAKOTA



MAP CREATED AUGUST 24, 2016

# City of Minot

## Planning Commission

### Staff Report

<b>Meeting Date:</b>	09/26/2016	<b>Item #:</b>	<b>3</b>
<b>Project #:</b>	8016-9.4	<b>Staff Recommendation:</b>	<b>APPROVAL</b>
<b>Development Title:</b>	Hilltop 6 <sup>th</sup> Addition, Lots 1 & 2		
<b>Current Legal Description:</b>	Hilltop Addition, Lot 1		
<b>Address: (if applicable)</b>	523 30 <sup>th</sup> Street NW		
<b>Current Zoning:</b>	M2	<b>Proposed Zoning:</b>	M2
<b>Guided Use:</b>	Office Business Park		

**Applicant/Owner:** SRT Communications  
3615 North Broadway  
Minot ND 58703

**Rep/Contractor:** Ron Aberle  
3615 North Broadway  
Minot ND 58703  
701-858-1200  
[ronea@srttel.com](mailto:ronea@srttel.com)

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

#### PROJECT DESCRIPTION:

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

- To subdivide Hilltop Addition, Lot 1 into two lots to be known as Hilltop 6<sup>th</sup> Addition, Lots 1 & 2.
- Also, to reassign the Special Use Permit, now known as a Conditional Use Permit, originally granted for a cell tower on May 5, 2003 to proposed Hilltop 6<sup>th</sup> Addition, Lot 1.

This property is located at 523 30<sup>th</sup> St NW.

#### EXECUTIVE SUMMARY:

The applicant is requesting to subdivide Lot 1 into two (2) minor lots in order to allow SRT to purchase Minor Lot 2 from Star Rentals LLC which contains an existing cell tower. In addition, a granted Special Use Permit which is now known as a Conditional Use Permit would also need to be reassigned from what is now Lot 1 to the new lot or the proposed Lot 2.

The site is zoned M2 Heavy Industrial and is bounded by M2 to the west and north, C2 General Commercial to the south and by Highway 83 Bypass to the east.

The proposed Lot 2 is roughly 10,000 square feet in size and contains an existing cell tower. The cell tower is situated in the northwest quadrant of the site and the owner desires to split the tower away from the rest of

the site. Because there is no public thoroughfare connecting the cell tower to the 30<sup>th</sup> Street, access to the tower would have to be granted by traversing a 50 foot wide east-west driveway that runs through what is now Lot 1. The east-west drive provides for 19 parking spaces and a driveway of roughly 30 feet in width and 50 feet in width where there is no parking. As such, Staff is requiring that approval of the lot split would be contingent upon the owner of Lot 1, i.e., Star Rentals LLC granting an access easement to SRT for what will be Lot 2. The access agreement must be recorded on the revised plat.

#### FINDINGS OF FACT:

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1. The properties, i.e., proposed Lots 1 and 2 are zoned M2 Heavy Industrial.
2. The application would be consistent with the Comprehensive Plan as the site is designated as Office Business Park.
3. The surrounding zones are complimentary to the proposed zone change.
4. The proposed use meets the requirements of the proposed zone upon the transfer of the Conditional Use Permit.

#### Conditions (if approved):

1. Developer's Agreement will be in place prior to the plat being recorded.
2. An access agreement for Lot 2 must be recorded on the revised plat.

#### DEVELOPMENT SUMMARY CHART:

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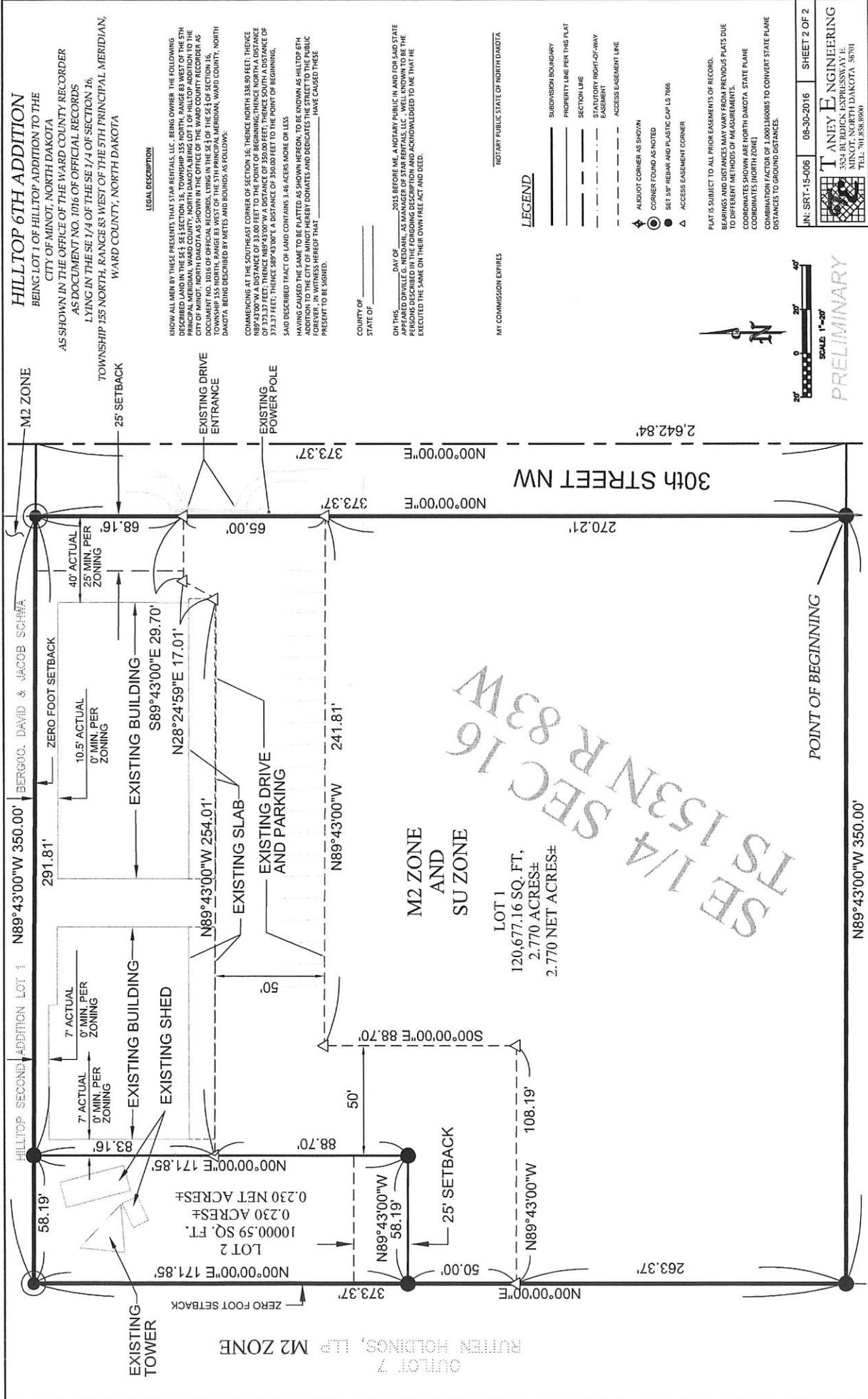
Site Area:	3 Acres
Building Area (Cell Tower):	10,000 SF

#### RECOMMENDATION

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Staff recommends approval of the subdivision with a condition that an access agreement be recorded on the revised plat and that the transfer of the Conditional Use Permit from what is now Lot 1 to the proposed Lot 2 of the subdivision be granted.

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**HILLTOP 6TH ADDITION**  
 BEING LOT 1 OF HILLTOP ADDITION TO THE  
 CITY OF MINOT, NORTH DAKOTA  
 AS SHOWN IN THE OFFICE OF THE WARD COUNTY RECORDER  
 AS DOCUMENT NO. 1016 OF OFFICIAL RECORDS  
 LYING IN THE SE 1/4 OF THE 5TH SECTION 16,  
 TOWNSHIP 155 NORTH, RANGE 83 WEST OF THE 5TH PRINCIPAL MERIDIAN,  
 WARD COUNTY, NORTH DAKOTA

**LEGAL DESCRIPTION**  
 KNOW ALL MEN BY THESE PRESENTS THAT STAR RENTALS, LLC, BEING OWNER, THE FOLLOWING  
 DESCRIBED LAND IN THE SE 1/4 SECTION 16, TOWNSHIP 155 NORTH, RANGE 83 WEST OF THE 5TH  
 PRINCIPAL MERIDIAN, WARD COUNTY, NORTH DAKOTA, BEING LOT 1 OF HILLTOP ADDITION TO THE  
 CITY OF MINOT, NORTH DAKOTA AS SHOWN IN THE OFFICE OF THE WARD COUNTY RECORDER AS  
 DOCUMENT NO. 1016 OF OFFICIAL RECORDS LYING IN THE SE 1/4 OF THE 5TH SECTION 16,  
 TOWNSHIP 155 NORTH, RANGE 83 WEST OF THE 5TH PRINCIPAL MERIDIAN, WARD COUNTY, NORTH  
 DAKOTA BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 16; THENCE NORTH 338.50 FEET; THENCE  
 N89°43'00"W A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH A DISTANCE  
 OF 241.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°43'00"W A DISTANCE OF  
 373.37 FEET; THENCE S89°43'00"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;  
 SAID DESCRIBED TRACT OF LAND CONTAINS 3.46 ACRES MORE OR LESS  
 AND THE SAME TO BE PLATTED AS SHOWN HEREON, TO BE KNOWN AS HILLTOP 6TH  
 ADDITION TO THE CITY OF MINOT HEREBY DONATES AND DEDICATES THE STREET TO THE PUBLIC  
 FOREVER, IN WITNESS WHEREOF THAT \_\_\_\_\_ HAVE CAUSED THESE  
 PRESENTS TO BE SIGNED.

COUNTY OF \_\_\_\_\_  
 STATE OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE  
 APPEARED OPVILLE G. NESDAM, AS MANAGER OF STAR RENTALS, LLC, WELL KNOWN TO BE THE  
 PERSON WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGED TO ME THAT HE  
 EXECUTED THE SAME ON THEIR OWN FREE ACT AND DEED.

MY COMMISSION EXPIRES \_\_\_\_\_  
 NOTARY PUBLIC STATE OF NORTH DAKOTA

- LEGEND**
- SUBDIVISION BOUNDARY
  - PROPERTY LINE PER THIS PLAT
  - SECTION LINE
  - - - STATUTORY RIGHT-OF-WAY
  - - - ACCESS EASEMENT LINE
  - ◊ ADJUT CORNER AS SHOWN
  - CORNER FOUND AS NOTED
  - SET 5/8" REBAR AND PLASTIC CAP L3 7/16"
  - △ ACCESS EASEMENT CORNER

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD.  
 BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE  
 TO DIFFERENT METHODS OF MEASUREMENTS.  
 COORDINATES SHOWN ARE NORTH DAKOTA, STATE PLANE  
 COORDINATES (NORTH ZONE)  
 CONVERSION FACTOR OF 1.000136085 TO CONVERT STATE PLANE  
 DISTANCES TO GROUND DISTANCES.

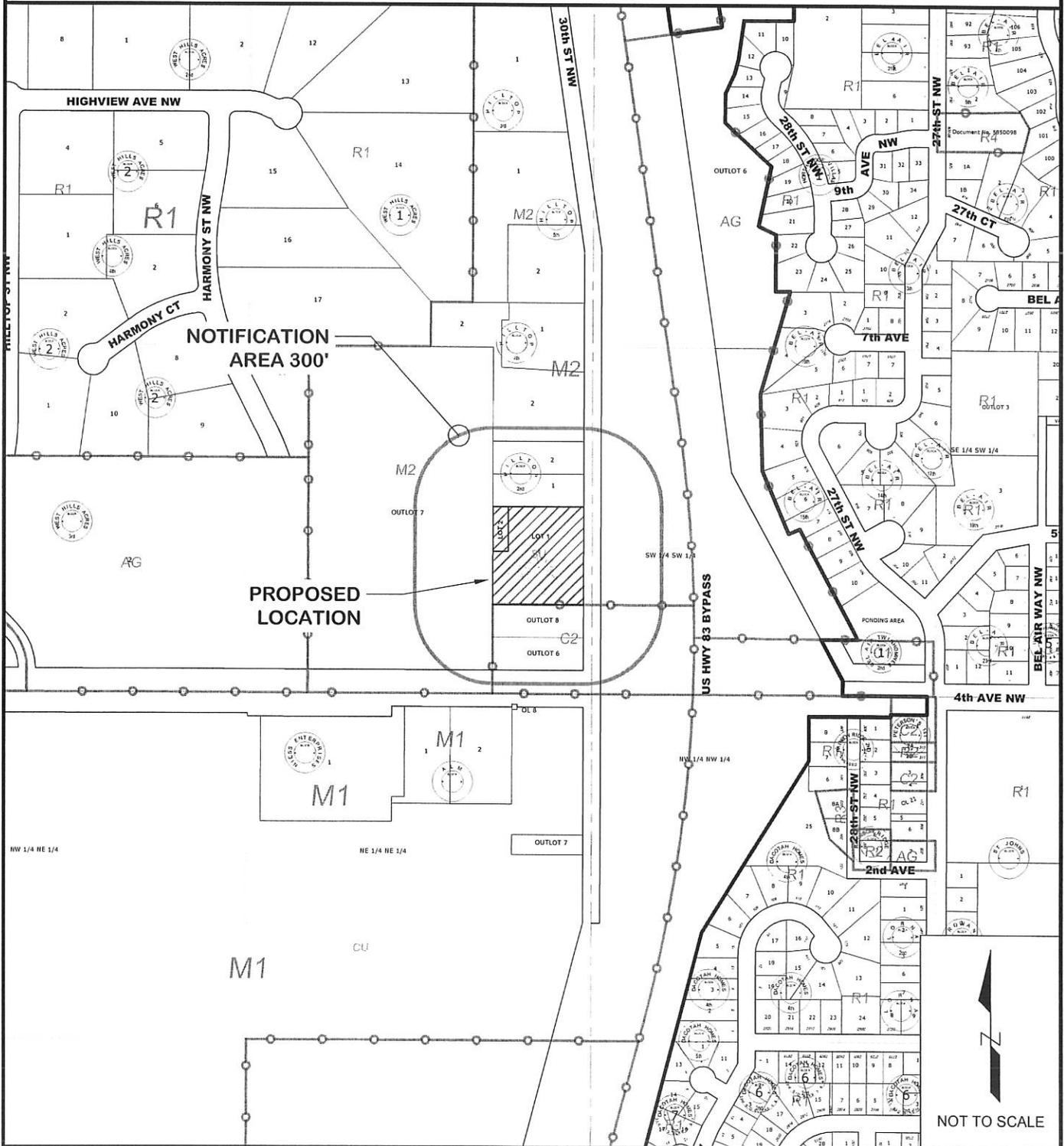
IN: SRT-15-006 09-30-2016 SHEET 2 OF 2

**TANNEY ENGINEERING**  
 554 PINEGROVE AVENUE, S.W.  
 MINOT, NORTH DAKOTA, 58701  
 TEL: 701.858.8990

SCALE: 1"=20'  
 PRELIMINARY

SECTION 16  
 T153NR83W  
 M2 ZONE AND SU ZONE  
 LOT 1  
 120,677.16 SQ. FT.  
 2.770 ACRES±  
 2.770 NET ACRES±

PROPOSED SUBDIVISION BY PLAT AND CONDITIONAL USE PERMIT  
HILLTOP 6TH ADDITION  
BEING HILLTOP ADDITION, LOT 1  
WARD COUNTY, NORTH DAKOTA



MAP CREATED SEPTEMBER 1, 2016

# City of Minot

## Planning Commission

### Staff Report

<b>Meeting Date:</b>	9/26/2016	<b>Item #:</b>	4
<b>Project #:</b>	8016-9.1	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>	Minot AG Complex 6 <sup>th</sup> Addition, Lot 5		
<b>Current Legal Description:</b>	Minot AG Complex 6 <sup>th</sup> Addition, Lot 5		
<b>Address: (if applicable)</b>	625 42 <sup>nd</sup> St NE		
<b>Current Zoning:</b>	M2	<b>Proposed Zoning:</b>	M2
<b>Guided Use:</b>	Industrial		

**Applicant/Owner:** AGT Foods  
 625 42<sup>nd</sup> ST SE  
 Minot ND 58701  
 701-839-7530

**Rep/Contractor:** Les Knudson  
 625 42<sup>nd</sup> ST SE  
 Minot ND 58701  
 701-641-0277  
[lknudson@agtfoods.com](mailto:lknudson@agtfoods.com)

**Zoning Ordinance Ref:** Section 30-2: Variance  
 Section 24-1 f) Minimum Tree Planting Quantity Requirements

#### PROJECT DESCRIPTION

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

- A variance to the landscaping requirements of Chapter 24, Section 24-1 f) Minimum Tree Planting Quantity Requirements on Minot AG Complex 6th Addition, Lot 5. This variance would eliminate 113 trees and shrubs as required.

This property is located at 625 42nd ST NE.

#### DEVELOPMENT SUMMARY CHART

**Site Area:** 37.97 Acres  
**Building Area:** 635,383 SF

#### EXECUTIVE SUMMARY

The petitioner, AGT Foods, is a food plant that maintains a series of certificates as required by the industry. One of the industry's primary requirements is pest and rodent control certification. The petitioner has provided Staff with the Federal

Register Rule for Current Good Manufacturing Practice, Hazard Analysis and Risk-Based Preventative Controls for Human Food as part of the Food Safety Modernization Act. In addition, the ISO/TS 22002-1:2009E document was also provided which sets out specific food safety requirements for organizations in the food chain.

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Apparently, certain landscaping on the property of food processing facilities similar to AGT foods creates a potential for rodents and air borne contamination and as such, should be limited on the property. The petitioner has met the burden of proof by providing evidence that certain vegetation and landscaping could result in the undue hardship of being able to run a food processing business if the required landscaping was placed on the site. Staff recognizes that exceptional practical difficulties exist, i.e., without the variance reasonable use of the property is not possible and concurs with the requested variance.

#### BACKGROUND AND ANALYSIS:

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The property under consideration is currently zoned M2 (Heavy Industrial) District and is guided on the Future Land Use Plan as Industrial. Properties to the west, east, & south are all zoned M1 (Light Industrial) District. The property to the north is zoned M2. The proposed uses would be in general compliance with the Comprehensive Plan.

The petitioner is requesting a relaxation of the tree requirement because they attract rodents and birds and their feces contain many pathogens that are harmful to humans. Salmonella and E Coli are some of the better known pathogens. The petitioner proposes to control rodents by providing substantial open space between the buildings and grass based on the understanding that rodents generally do not cross open spaces. Birds, on the other hand are not as easily controlled. As such the petitioner is asking for a variance to the requirement that over 100 trees be provided on the property. Grass will be provided, but away from the manufacturing areas.

The documents provided by the petitioner supports a need to limit the number of trees which can attract pests:

- The ISO/TS 22002-1:2009E document states that under Section 43 that, 'vegetation shall be tended or removed'.
- The National Pest Management Association provides instructions for managing pests at food plants and states that, 'vegetation should not be planted against the buildings (exterior). An inspection band and clear zone adjacent to the building should be encouraged as part of the periodic audit'.
- The Federal Register states that, 'effective measures must be taken to exclude pests from the manufacturing, processing, packing, and holding areas and to protect against the contamination of food on the premises by pests. *Pest* refers to any objectionable animals or insects including birds, rodents, flies, and larvae'.

Staff requires that the petitioner provide the city with a revised Landscaping Plan illustrating how it proposes to landscape the site conforming to aforementioned standards for pest management.

#### FINDINGS OF FACT:

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1. The property under consideration is currently zoned M2 (Heavy Industrial) District and is guided on the Future Land Use Plan as Industrial.
2. An exceptional practical difficulty exists because without the variance *reasonable use of the property* is not possible.

**Conditions (if approved):**

1. The petitioner should provide a revised Landscape Plan calling for industry accepted separation standards pertinent to the location of trees near the main processing facility.

**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 checked="" type="checkbox"/> <b>Exceptional practical difficulties.</b> |
| <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.

**RECOMMENDATION**

**Staff recommends approval of the requested variance.**

5-no  
 4 not applicable  
 9-  
 #2, yes

**Landscape Summary:**

Lot Type	M-2	1,645,141 SF
Lot Size		635,383 SF
Developed Area		63,582 SF
Landscaping Provided (10%)		6,358 SF
57 trees	4' x 16'	= 11,400 SF
55 shrubs	4' x 16'	= 898 SF
57,358 SF / Additional Grass	4' x 16'	= 57,358 SF

Building Perimeter Landscaping (BPL)

Main Building Perimeter	380' / 1'
Access Public Street + 40' (1)	180' / 1'
Perimeter Landscaping Required	3,380 SF
Perimeter Landscaping Provided	4,392 SF

Heat Island Reduction (HIR)

Total parking lot area	45,028 SF
HIR Required (25%)	11,257 SF
HIR Provided	4,183 SF

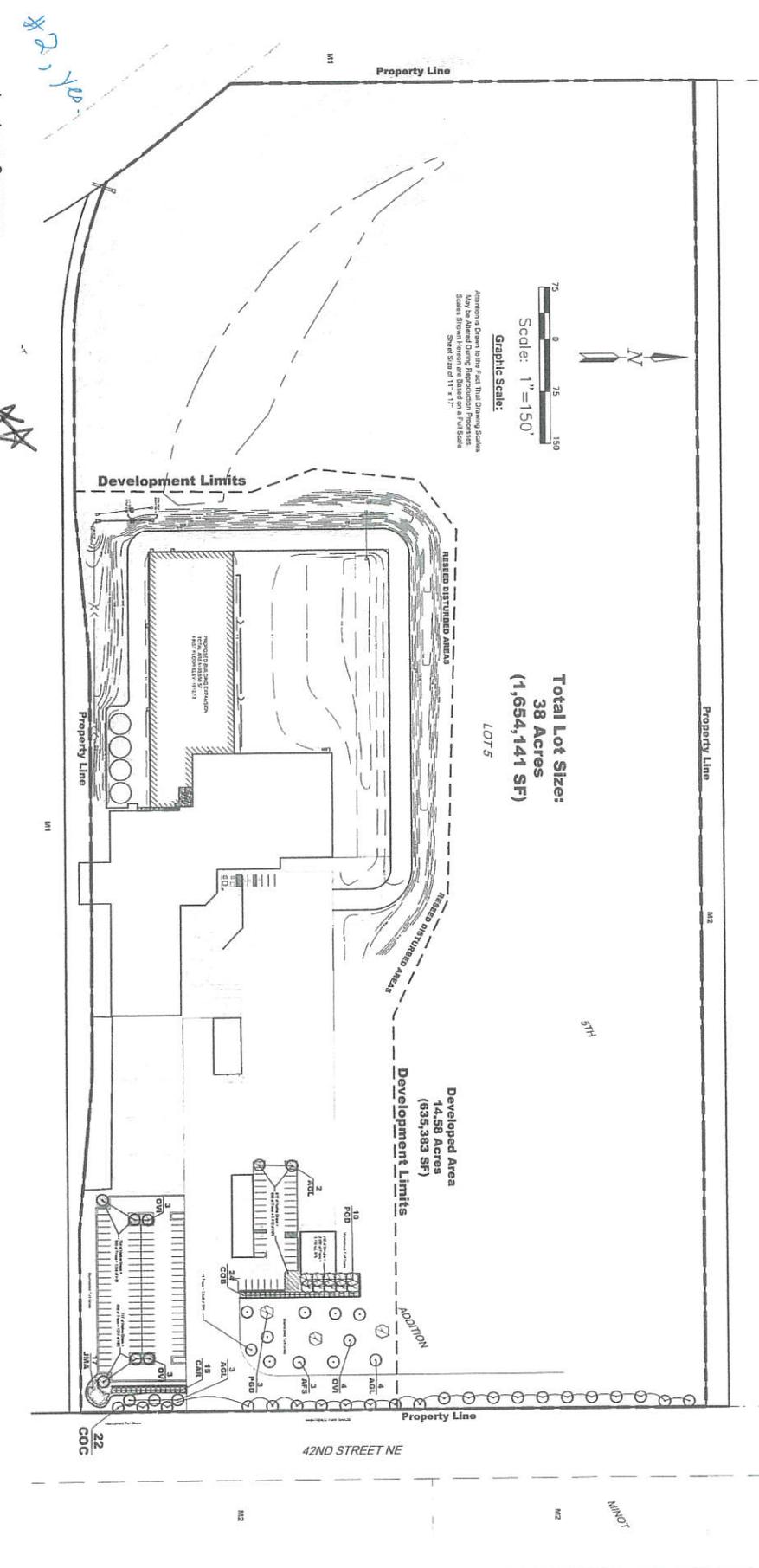
**PLANT SCHEDULE**

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
9	AOL	ABUTILON	DIAMONDBURGE	24" CALIBER	50% x 50" ADAPTABLE
22	COB	CORNUS BALEYI	MAHOGANY	12" W/D	30" x 30" ADAPTABLE
14	ONV	OSYRIS VICTORIANA	AMERICAN VINCENNA	24" CALIBER	30" x 30" ADAPTABLE
3	POD	PIEDMONT OREGONIA	BLACK HILLS SPRUCE	6" x 6"	ADAPTABLE 47" x 18" - 28"
3	AFS	ACER X FREEMANI SERVUM	SEMI-GLOSS MAPLE	24" CALIBER	-
13	CRF	CASCADIA-ROSEOPSIS	TIGERWOOD	10-15" x 10"	-
24	COB	CORNUS BALEYI	RED TWIG DOGWOOD	8-10" x 10"	-
17	JAN	JANEBIRD CHESTNUT	MAHOGANY	4-6" x 4-6"	-
2	BAC	BONAFIDE CORNUS	WHITE BURNING BUSH	10-12" x 10"	CHARACTERISTIC GRASS GROWN FROM SEEDS WITH NO TREATMENT

**Notes:**

- 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.
- Contractor is responsible for identifying utilities located on site. Developer or engineer is not responsible for damaged utilities.
- Final plant location and species is to be determined by owner.
- All Disturbed areas are to be re-seeded with turf grass. Shrubs are to be at least 12" tall at time of installation. Areas disturbed by construction is to be re-seeded.

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







<b>Meeting Date:</b>	9/26/2016	<b>Item #:</b>	5
<b>Project #:</b>	8016-9.3	<b>Staff Recommendation:</b>	APPROVAL
<b>Development Title:</b>	Minot Landfill		
<b>Current Legal Description:</b>	Minot Landfill known as Section 33-155-83, NW1/4; Section 28-155-83, Outlots 18 & 20; S1/2S1/2SW1/4, S1/2N1/2S1/2SW1/4, & SW1/4SE1/4 less N330' & Sorenson's 4th Addition all in Section 28-155-83; Sorenson's 4th Addition, Lots 1, 2, 5, & 6		
<b>Address: (if applicable)</b>	N/A		
<b>Current Zoning:</b>	AG, R1	<b>Proposed Zoning:</b>	Public
<b>Guided Use:</b>	Public, Industrial, and Business Office Park		

**Applicant/Owner:** City of Minot  
**Rep/Contractor:** Jason Sorenson  
PO Box 5006  
Minot ND 58702  
701-857-4140  
[jason.sorenson@minotnd.org](mailto:jason.sorenson@minotnd.org)

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

### PROJECT DESCRIPTION:

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

- to change the zone from AG (Agricultural) District and R1 (Single Family Residential) District to P (Public) District on the Minot Landfill known as Section 33-155-83, NW1/4; Section 28-155-83, Outlots 18 & 20; S1/2S1/2SW1/4, S1/2N1/2S1/2SW1/4, & SW1/4SE1/4 less N330' & Sorenson's 4<sup>th</sup> Addition all in Section 28-155-83; Sorenson's 4<sup>th</sup> Addition, Lots 1, 2, 5, & 6.
- Also, to amend the Future Land Use Map designation from High Density Residential, Business Office Park, and Industrial to Public on the same property.

This property is located along 20<sup>th</sup> Ave SW and west of 30<sup>th</sup> Street SW.

### EXECUTIVE SUMMARY

The City of Minot Landfill is currently zoned AG Agricultural District and R1 Single Family Residential. The AG and R1 districts do not allow for landfills. The 383 acre site needs to be rezoned to P Public Zone in order to bring the property into compliance with the Code.

### FINDINGS OF FACT:

1. The property is zoned AG Agricultural District and R1 Single Family Residential.

2. Properties to the south and west are zoned AG (Agricultural) District. Properties to the north are zoned R1 (Single Family Residential) District and C2 (General Commercial) District. Properties to the east are zoned R1 (Single Family Residential) District and AG (Agricultural) District.
3. The subject site is designated on the Future Land Use Plan as Public, Industrial, and Office Business Park.
4. The application would be consistent with the Comprehensive Plan.

#### DEVELOPMENT SUMMARY CHART:

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**Site Area:** 383 acres

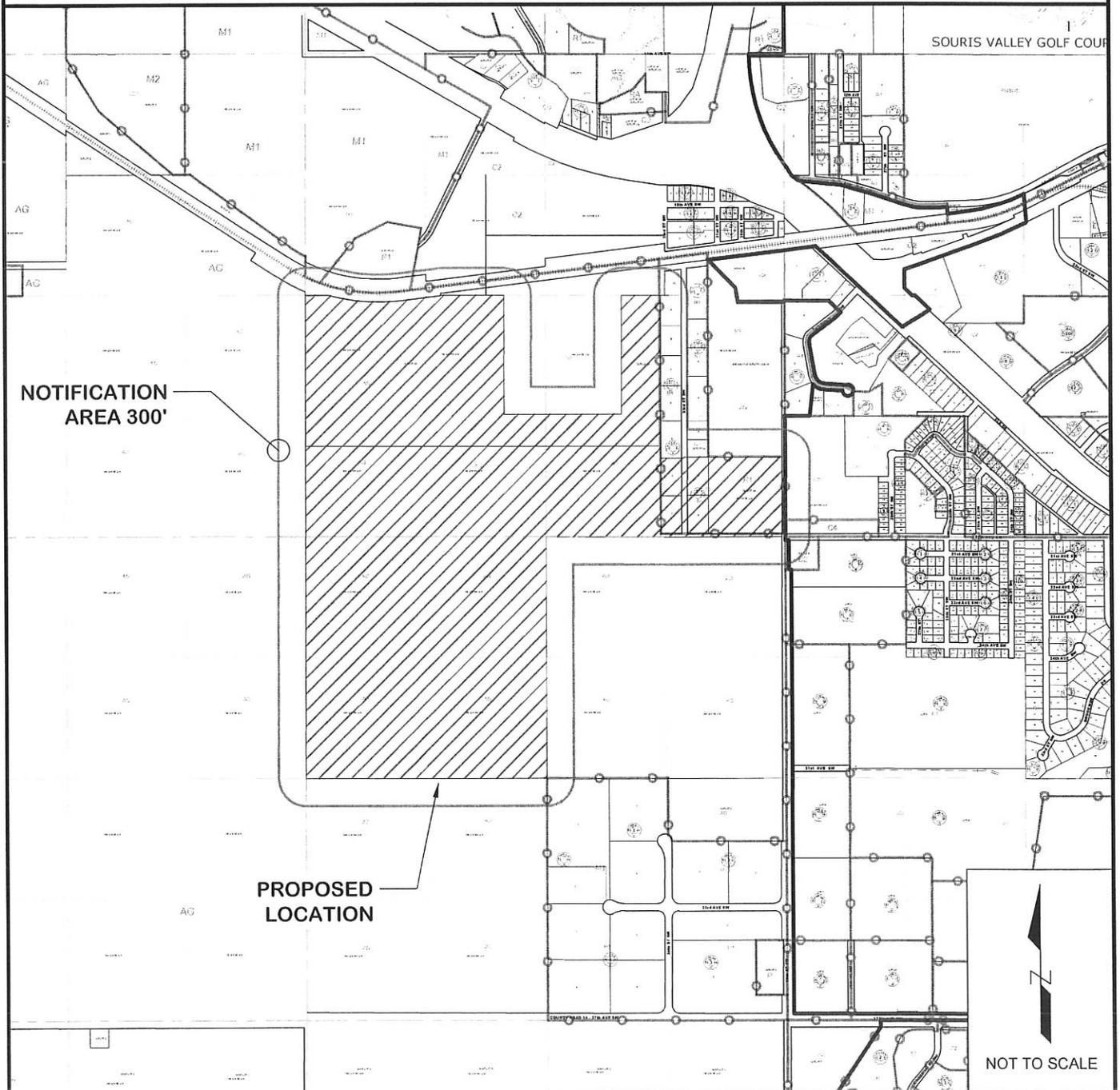
#### RECOMMENATION

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**Staff recommends approval of the rezoning from AG (Agricultural) District and R1 (Single Family Residential) District to P (Public) District for the site and to amend the Future Land Use Map designation from High Density Residential, Business Office Park, and Industrial to Public.**

# PROPOSED ZONE CHANGE MINOT LANDFILL

BEING: NW<sup>1</sup>/<sub>4</sub> SEC 33-155-83;  
OUTLOTS 18 & 20 OF SEC 28-155-83;  
S<sup>1</sup>/<sub>2</sub> S<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub> N<sup>1</sup>/<sub>2</sub> S<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, AND SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> LESS N330' & SORENSON'S 4TH  
ADDITION, ALL IN SEC 28-155-83;  
AND LOTS 1, 2, 5, & 6 OF SORENSON'S 4TH ADDITION  
WARD COUNTY, NORTH DAKOTA



MAP CREATED AUGUST 23, 2016

**Regular Meeting: Planning Commission Committee**

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

**Meeting Called to Order:** August 29, 2016 at 6:30 p.m.

**Presiding Official:** Chairman, John Zimmerman

**City Clerk:** Kelly Mataalka

**Members in Attendance:** Wallace Berning, Jody Bullinger, Matt Geinert, Larry Holbach, Pam Karpenko, Todd Koop, Tyler Neether, Bob Wetzler, John Zimmerman

**Members Absent:** Jon Hanson, Brenden Howe, Todd Wegenast, Travis Zabloutney

**City Staff Present:** Planning Director, City Attorney, Asst. City Engineer, Chief Resilience Officer, Public Information Officer, Chief Olson, Building Official, Asst. Public Works Director.

**Others Present:** Aldermen Jantzer, Olson, Pankow, Sipma.

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**Meeting Called to order by Chairman John Zimmerman**

**Approval of the July 25, 2016 Regular Meeting Minutes.**

Motion by Holbach, seconded by Koop, to approve the July 25, 2016 regular meeting minutes, and was carried by the following roll call vote: ayes: Berning, Bullinger, Geinert, Holbach, Karpenko, Koop, Neether, Wetzler, Zimmerman. nays: none

**Motion passed**

**RECOMMENDATIONS**

**Item #1:**

The Planning Commission held the application by Duane Johnson, Future Builders, for the subdivision of an unplatted portion of the SE1/4, Section 36-155-83 into 33 lots to be known as Bluff Point Estates, Lots 1-33.

The Planning Commission put on hold a change in the zone from AG (Agricultural) District to RM (Medium Density Residential) District with a PUD (Planned Unit Development) overlay on proposed Bluff Point Estates, Lots 1-33.

**The Planning Commission put on hold the annexation of proposed Bluff Point Estates, Lots 1-33 and adjacent 13th ST SE & 37th Ave SE right-of-way into City limits.**

**The Planning Commission put on hold an amendment to the Future Land Use map from Medium Density, Agricultural, and Commercial designations to Medium Density Residential on proposed Bluff Point Estates, Lots 1-33.**

This property is located on the southwest corner of 37th Ave SE and 13th ST SE.

Findings of Fact:

1. The Property is zoned Agriculture and its highest and best use would be residential.
2. The PUD would be consistent with the comprehensive plan for the city if certain conditions were met.
3. The PUD provides for preservation of surrounding natural amenities.
4. The subject property is designated as partially Medium Density Residential and partially Commercial.
5. The surrounding zones are complimentary to the proposed zone change.
6. The proposed use meets the requirements of the proposed zone.
7. The conditioned project details will provide a public benefit in that they are of improved site and architectural design and have shown preserved open space.

Conditions:

1. The developer must provide an explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations including public benefits it is providing.
2. A general indication of the expected schedule of development including progressive phasing and time schedule.
3. That the building plans be modified to provide for side loaded garage door lots or designed to the extent that garage doors are not the dominant feature of the front façade. Revised elevation renderings shall be provided to the Planning Department for review and approval. The front façade of the side loaded garage should provide windows and or dormers in a style consistent with what is found on the residential units.
4. Primary roofs shall be articulated by at least one of the following: changes in place and elevations combining low and high, dormers, gables.
5. Exterior building finishes and colors to include a variety of building materials, distributed through the facades and coordinated to create an architecturally balanced appearance. Facades of each attached unit shall be finished with a variety of colors to be less repetitive and exciting
6. Rear decks and porches should be provided as part of the dwelling unit building plans.
7. That the petitioner submit a Detailed Development Plan describing:
  - a. Uses permitted
  - b. Modifications to Section 7-7. Lot, Height, Area and Yard Setback Requirements of the RM District
  - c. Modifications to Section 7-8. Design Requirements for Buildings Containing Three Units or Greater of Attached Units
8. Identify where and how trash will be handled on the site.

9. Storm Water Management Plans will be required and approved by the City Engineer.
10. Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer.
11. Developer's Agreement and/or Home Owners Association will be in place prior to the plat being recorded.
12. Sidewalks will be required along improved public right of ways and that there are connections from the buildings in the PUD to sidewalks.
13. The gateway into the development from the sidewalk should provide for a sense of arrival by clearly designated entry points. Pedestrian treatment within the development should provide a clear connection to adjacent sidewalks in the right-of-way.
14. Public Utility Fees will be required.

The Planning Director explained staff's recommendation to change the zone on the proposed property to RM with a PUD overlay. He stated, staff requires the design be modified in order to achieve the highest quality architectural appeal as expected for a Planned Unit Development. He said there are 14 conditions for approval based on factors for the subdivision and the categorization as a PUD.

Rolly Ackerman of Ackerman Surveying and Associates, stated, they agree to all of the conditions except #3 and #5. He said there is no ordinance which requires side loading garages and believes the other features such as the size and number of units are sufficient for the designation of PUD. He also stated the topography dictates the alignment of the units. The other condition Mr. Ackerman discussed was the use of different exterior finishes and colors. He stated, there would be a variety of colors but he wanted to clarify the intention of the condition is not to contain different colors in one unit.

Duane Johnson of Future Builders explained they want to incorporate a good theme but maintain acreage for a view and the best way to accomplish that is to keep the garages as planned.

Commissioner Karpenko asked what other ideas they have to make sure the development doesn't look like a row of garages. Mr. Johnson responded by saying, because of the topography of the street, the units will have staggered elevations and also use a Dutch Hip to separate units. He said it would be difficult to move the garages to the side.

Upon questioning by Chairman Zimmerman, Mr. Johnson stated they intend to market toward residents already living within the Bluffs as well as retired individuals. He added, the landscaping will create a private type of entrance which will differentiate the property from other townhomes.

Chairman Zimmerman explained by saying, this development should be a showcase example in order to earn the designation as a Planned Unit Development and receive the flexibility which comes along with a PUD.

Mr. Johnson stated, as per the requirement of a PUD, they are conserving the natural topography. Mr. Ackerman added, since the property is near a school, a park and the country club and golf course, the added amenities fit the requirement for the underlying zoning.

Mr. Ackerman said there is not a strict time constraint but clarified, they are not concerned with any of the other conditions besides the garage restriction, since it is not a typical requirement.

Whereupon a motion was made by Karpenko, seconded by Wetzler to hold the item until further review, and was carried by the following roll call vote: ayes: Berning, Bullinger, Holbach, Karpenko, Koop, Wetzler, Zimmerman. nays: none. abstain: Geinert, Neether.

**Item #2:**

**The City Council pass a motion to approve the request by Carl & Carol Florez to subdivision of Roach's 3rd Addition, Block 5, Lots 5 & 6 into one lot to be known as Florez Addition, Lot 1.**

**The Planning Commission denied the request for a variance to the required side yard setback for an existing detached garage from 3' to approximately 2' at the wall and approximately zero at the eave on proposed Florez Addition, Lot 1.**

This property is located at 510 & 512 10th ST NE.

Findings of Fact:

1. The subject property is zoned R1 Single Family Residential.
2. The subject property has the available space to construct new or relocate the existing detached structure to bring it in to compliance.
3. The proposed variance request does not have the necessary hardship in which to support the variance request.

The Planning Director explained the purpose of the variance is to bring the existing garage into compliance as a result of a self-created hardship. The applicant is also requesting a subdivision to combine the lots.

Cameron Berdahl of 1047 W Central Ave, came before the Commission to represent the applicant Carl Florez. He stated, he built the garage in 2012 after the flood. He said there was a survey done at the time which showed the placement of the garage would be compliant with the spacing requirement of the lot lines but the survey that was taken when Mr. Florez applied for the subdivision shows different lines. He continued by saying, if they move the garage, it would not fit and they would no longer have access from the driveway.

Whereupon a motion was made by Karpenko, seconded by Neether to deny the variance request and approve the subdivision; and was carried by the following roll call vote: ayes: Berning, Bullinger, Karpenko, Koop, Neether, Zimmerman. nays: Geinert, Holbach, Wetzler.

**Motion passed.**

**Item #3:**

**The Planning Commission denied an application by Roosevelt Watts for 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.

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.
5. The Inspection Department has provided guidance for a smaller structure as it relates to modifying existing slab.

The Planning Director stated, the variance was denied the previous month because the size of the proposed garage violates the zoning ordinance. He continued by saying, the concrete slab was installed prior to presenting any building plans.

The applicant, Roosevelt Watts, came before the Commission to request alternatives so that he does not have to destroy the slab. The Planning Director, Mr. Davis, suggested he cut the slab to the permitted dimensions and construct the building within the zoning requirements.

Mr. Watts stated, he spoke with experts who agreed, that approach would not work. He continued by saying that type of work can be done in road construction but not on residential work. It would sink and fall apart.

Upon questioning by Commissioner Neether, Mr. Watts explained he was told to get a foundation permit first and there was no mention that he could not put a building on the slab.

The Building Official stated the permit was issued as foundation only which did not imply the use or size of the building. Mr. Watts was also told, if he was going to use the whole slab the building would not be approved. He continued by saying slabs are cut all the time, this is a lightweight construction and it would not affect a loadbearing wall if the building was shortened.

Whereupon a motion was made by Neether, seconded by Koop, to deny the variance with staff finding of fact(s); and was carried by the following roll call vote: ayes: Bullinger, Geinert, Holbach, Karpenko, Koop, Neether, Wetzler, Zimmerman. Nays: Berning

**Motion passed.**

**Item #4:**

**The Planning Commission approved the request by the City of Minot represented by Lance Meyer, City Engineer, for a public plan review regarding the parking garage on Original Minot Addition, W1/2 of Block 3.**

This property is located at 5 Central Ave W and is known as the Central Avenue Parking Garage.

Gloria Larsgaard, of EAPC, presented their proposal for the exterior of both of the downtown parking structures. She explained, if nothing is done to the current exterior, the winter weather could damage

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Regular Meeting

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the rest of the building. Their goal is to preserve the character of downtown while also abiding by the zoning and building codes. Their plan is to install EIFS, which is a versatile and cost effective material, during Phase 1. She also described Alternate 1 which includes a base made of nichiha to protect the exterior from damage around the bottom of the structures. She stated, the awning and finishes would be added later to prevent them from being damaged while further construction takes place. She also said the windows can be installed when retailers are secured and can personalize their own space.

Upon questioning by Commissioner Karpenko, Ms. Larsgaard stated, pending approval by City Council, the project will go to bid in September and the EIFS can be installed this fall. She explained, the finishing coat cannot be installed in weather under 40 degrees but local companies have suggested sheltering the building if necessary.

Whereupon a motion was made by Karpenko, seconded by Koop to approve the public plan review as presented; and was carried by the following roll call vote: ayes: Berning, Bullinger, Geinert, Holbach, Karpenko, Koop, Neether, Wetzler, Zimmerman. Nays: none

**Motion Passed**

**Item #5:**

**The Planning Commission approve the request by the City of Minot represented by Lance Meyer, City Engineer, for a public plan review regarding the parking garage on Original Minot Addition, Block 11, Lots 13-24.**

This property is located at 205 1st ST SW.

Motion made by Karpenko, seconded by Koop to approve the public plan review as presented; and was carried by the following roll call vote: ayes: Berning, Bullinger, Geinert, Holbach, Karpenko, Koop, Neether, Wetzler, Zimmerman. Nays: none

**Motion Passed**

**Other Business**

Commissioner Zimmerman acknowledged the years of service by Kevin Mehrer and Brenden Howe and also thanked Donna Bye for her 15 years working for the Planning Department.

Meeting adjourned at 7:36 pm.