

Regular Meeting: Planning Commission Committee

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

Meeting Called to Order: January 25, 2016 at 6:30 p.m.

Presiding Official: Vice-chair Pam Karpenko

Secretary: Sybil Tetteh

Members in Attendance: Vice-chair Pam Karpenko, Wallace Berning, Jody Bullinger, Jon Hanson, Todd Koop, Larry Holbach, Brenden Howe, Todd Wegenast, Tyler Neether, Travis Zabloutney

Members Absent: Chairman John Zimmerman, Kevin Mehrer, Bob Wetzler

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

Others Present: Aldermen Pankow, Miller, Hatlelid, Schuler, Olson, Shomento, Mark Sweeney, Mark Vickerman, and others.

Meeting Called to order by Vice-chair Pam Karpenko

Approval of 11/30/2015 Regular Meeting Minutes

Motion by Holbach, second by Koop, to approve the 11/30/2015 Regular Meeting Minutes, and was carried by the following roll call votes: ayes: Karpenko, Berning, Bullinger, Hanson, Koop, Holbach, Howe, Wegenast, Neether, Zabloutney. Nays: none.

Motion passed

RECOMMENDATIONS

Approval of Agenda Items (4, 6, 8, & 9) included in the Consent Agenda.

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

Motion passed.

Item # 1:

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

Also, that the City Council approve a resolution to vacate and reestablish a 30' water main easement on Dakota Square 2nd Addition, Lot 11 less portion Dakota Square 3rd Addition.

This property is located 2400 10th St SW.

Conditions (if approved):

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

FINDING OF FACT:

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

Mark Sweeney – KLJ was present to answer any questions.

Motion by Zabloutney, second by Koop, to approve items with staff finding of fact(s) and condition(s) and strikethrough of condition number 2; and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zabloutney, Wetzler Nays: none

Motion passed.

Item # 2:

The Planning Commission denied a request by Mark Vickerman, for a variance to the rear yard setback from the required 25' to approximately 2' for the purpose of building a 12' x 20' cooler on Northdale 1st Addition, N25', Lot 7, all Lot 8 & S75', Lot 9 Less E40, Block 1.

This property is located at 2601 N. Broadway.

FINDING OF FACT:

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

Mark Vickerman representing Columbian Club Association Inc. stated that the specific reason for placing the cooler at the proposed location is because of the design and layout of the building and proximity to

the kitchen. Proposed location by staff to put the cooler either on the north or east side of the building will require the staples be brought into the kitchen through the dining and the lounge area. Based on that factor, a slab was placed on the southwest corner of the building by the alley for easy access for delivery. Mr. Vickerman stated he was not on the board and not aware that the slab has been poured without a permit.

Mr. Vickerman stated that he understands the site is legal non-conforming and the board is willing to provide some landscaping and a fence to the north and west of the building to reduce visibility and help protect the lot.

City Manager asked Mr. Vickerman if the slab had been poured without a permit. He answered yes, as stated in the staff report.

Commissioner Zablotney asked if other methods have been discussed to accomplishing the goal of the applicant. Mr. Vickerman stated what was discussed is what has been proposed and any other location will require bringing staples through the dining or the lounge area.

Commissioner Karpenko asked the time of delivery of staples and when dinner is served. Mr. Vickerman stated delivery is in the morning and the dining room is opened at 5pm.

Assistant Public Works Director discussed snow storage and removal on the alley and stated that he's not aware of any problems in the area. Most alleys don't have enough room to move snow.

Building Official stated that this came to his attention in November of 2015. He called the applicant to inform him that the site was not meeting setback requirements and the location of the cooler is a code violation. He asked for analysis that would show the walls meet a 1 hour fire rating. The Building Official did not get a response back and the slab was poured without benefit of a permit. The Building Official also stated that these conditions were made known to the applicant two years before the slab was poured.

Motion by Wegenast, second by Zablotney, to deny the item and was carried by the following roll call votes: Karpenko, Berning, Conklin, Hanson, Koop, Holbach, Howe, Wegenast, Mehrer, Neether, Zablotney, Wetzler Nays: none

Motion passed.

Item # 3:

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

This property is located at 8 20th Ave SE.

CONDITIONS (if approved):

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

FINDING OF FACT:

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

There was no representative to discuss this item.

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

Motion passed

Item #4: As part of consent motion, it was recommended:

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

- A variance to the front yard setback along 4th Ave NW from the required 25' to approximately 20'4".
- A variance to the south side yard setback from the required 5' to approximately 3'8".
- A variance to the front yard setback along 6th St NW on the existing home from the required 25' to approximately 20'7".

This property is located at 327 6th St NW.

Conditions (if approved):

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

Finding of Facts:

1. Subject property is zoned R3B, Multiple Density Residential.
2. Section 30-2: The request meets the general intent of this section.
3. A variance can be granted based on the shallowness or shape of the lot and property right enjoyed by others.

4. Granting of the variance can be done without substantial detriment to the public good and without impairing the general purpose and intent of the Comprehensive Plan.

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

Motion passed.

Item # 5:

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

This property is located at 1200 31st Ave SW.

Conditions (if approved):

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

Finding of Facts:

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

There was no representative to discuss this item.

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

Motion passed.

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

That City Council introduce an ordinance on first reading approving a request by the City of Minot represented by Andy Solsvig, to annex into city limits Section 7-155-82, SE¼, Less Outlot 1 and County Road.

Also, that City Council introduce an ordinance on first reading to approve the change the zone from AG (Agricultural) District to P (Public) District on Section 7-155-82, SE¼, Less Outlot 1.

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

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

Finding of Facts:

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

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

Motion passed.

Item # 7:

That the City Council pass a motion approving a request by Northern Lights Property Development LLC, represented by KLJ - Andrew Werder to subdivide Tollberg Shores Addition, Lots 1-2, Block 8 & Lot 6, Block 2 into two lots to be known as Tollberg Shores 2nd Addition, Block 1, Lots 1 & 2.

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

FINDING OF FACT:

1. The subject property is zoned R1, Single-Family Residential.
2. Proposed subdivision meets lot size requirements.

Commissioner Zaboltny asked if the City or the Park District is prepared take subject property. City Engineer stated that as part of the Northern Lights development agreement this was identified as a regional detention pond for a significant portion of northwest Minot. Water has been regulated through inlet and outlet of this pond that allows overflows to Livingston Coulee. The City is working with the Park District to potentially turn this into a park.

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

Motion passed.

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

That the City Council pass a resolution to approving a request by Ken Herslip, represented by KLJ - Mark Sweeney to vacate 40th Ave SE between Lots 1-2, Urijah's 1st Addition.

This property is located at 3600 40th Ave SE.

Finding of Facts:

1. The subject property is zoned R1, Single-Family Residential.
2. Proposed subdivision meets lot size requirements.

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

Motion Passed

Item # 9: As part of consent motion, it was recommended:

That the City Council pass a motion approving the request by West Oaks Development, LLC and Dick Butts to subdivide West Oaks 4th Addition, Lot 2 and West Oak 5th Addition, Lot 2 into two lots to be known as West Oaks 7th Addition, Block 1 Lots 1-2.

This property is located at 12 & 14 Oak Dr.

CONDITIONS:

1. Sidewalks will be required.

FINDING OF FACT:

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

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

Motion Passed

Other Business

That the City Council pass a resolution to reenact a moratorium on billboards for a period of 6 months from the expiration date of February 3rd, 2016

A memo and a Resolution were drafted addressing the reason for the extension. The extension will give the Steering Committee a chance to examine the impact of digital billboards in our community.

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Motion by Karpenko, second by Howe to approve item and was carried by the following roll call votes: Karpenko, Berning, Bullinger, Hanson, Koop, Holbach, Howe, Wegenast, Neether, Zablotney. Nays: none.

Motion Passed.

Commission Wegenast requested that the Steering Committee and the Commission review the city roof sign ordinance, due to the fact that requests for roof sign has been denied by Planning Commission but over turned by City Council.

Meeting adjourned.