

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

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.

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.