

Regular Meeting: Planning Commission Committee

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

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

Presiding Official: Vice Chair, Tyler Neether

City Clerk: Kelly Matalaka

Members in Attendance: Matt Geinert, Jon Hanson, Larry Holbach, Pam Karpenko, Todd Koop, Tyler Neether, Todd Wegenast, Bob Wetzler

Members Absent: Wallace Berning, Jody Bullinger, Brenden Howe, Travis Zablotney, John Zimmerman

City Staff Present: Planning Director, Asst. City Planner, City Engineer, City Attorney, Chief Resilience Officer, Traffic Engineer, Public Information Officer, Chief Olson, Public Works Director.

Others Present: Aldermen Jantzer, Olson, Schuler, Shomento.

Meeting Called to order by Vice Chairman Tyler Neether

Approval of the June 27, 2016 Regular Meeting Minutes with the amendment that John Zimmerman was the presiding official.

Motion by Karpenko, seconded by Koop, to approve the June 27, 2016 regular meeting minutes as amended, and was carried by the following roll call vote: ayes: Geinert, Hanson, Holbach, Karpenko, Koop, Neether, Wegenast, Wetzler. 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 authorize the subdivision of 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.

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.

Item #4:

The City Council authorize the subdivision of 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.

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.

Motion seconded by Wegenast and was carried by the following roll call vote: ayes: Geinert, Hanson, Holbach, Karpenko, Koop, Neether, Wegenast, Wetzler. nays: none

Motion passed.

Item #1:

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.

The Planning Director stated, City Staff recommends denial of this application because the accessory building would be larger than the primary building which would be in contradiction of section 21-8 a) of the Minot Zoning Ordinance. The applicant has already placed concrete on the location which is a self-created hardship.

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Roosevelt Watts came before the Commission. He explained, he poured the concrete after receiving a permit from the City Inspector. He said, after the concrete was poured the first time, the City Inspector came back to inspect the area for a building permit. Because there are different requirements for concrete as a foundation for a building, Mr. Watts said he removed the first slab and replaced it using rebar and a thicker edging to support a building. He stated, he cannot install a smaller building since the thicker edging is around the outline of the proposed building.

Upon questioning by Commissioner Neether, Mr. Watts stated he received the initial permit September 17, 2014.

Roger Iverson of 21 30th St SW came forward in opposition to the application. He stated the proposed garage does not conform to the rest of the neighborhood.

Debra Huber of 410 20th Ave NW came before the Commission and read a letter of protest which she had sent to City staff. She voiced her concerns regarding the conformity of the garage to the rest of the neighborhood, the purpose of the building and the proposed landscaping. She also stated she had reached out to her Alderman regarding the issue.

Mr. Watts stated, he has been a citizen of Minot for 22 years. Throughout this time, he has made improvements to his property, all of which increased the value and the amount of taxes he pays. He said he has never done anything wrong and did not believe building the garage would be an issue.

Upon questioning by Commissioner Neether, the City Engineer clarified how the permit process worked for this property. He stated, Mr. Watts initially applied for a permit to lay concrete which did not include any plans for a building. When he applied for the building permit, the building inspector was given the information about the garage which is why the slab had to be thickened and include rebar.

Commissioner Wegenast asked about the difference in size between the proposed building and what is allowable by ordinance. Commissioner Geinert said he measured the property and the proposed garage would be 69' long opposed to the permitted 59'. There would be no difference in width or height.

Commissioner Wetzler asked what the building would be used for, to which Mr. Watts replied by saying it would be a five stall garage for the four-plex he owns.

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

Motion passed.

Item #2:

The City Council deny an application to change the zone from C2 (General Commercial) District to RA (Agricultural Residential) District for the purpose of building a home. Also, to deny an amendment to 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.

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.

Shane Trulson of 1201 46th Ave NE stated, his dad lives to the east of this property and he would like to build a house there. He said he would buffer the area with trees to create a separation between the business to the west which uses that property for storage.

Whereupon Commissioner Wegenast moved to deny the request for a zone change and future land use amendment based on City staff's findings of fact. Motion seconded by Koop and was carried by the following roll call vote: ayes: Geinert, Hanson, Holbach, Koop, Wegenast. Nays: Karpenko, Wetzler. Abstain: Neether

Motion passed.

Item #5

The Planning Commission denied an application 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

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.

The Planning Director stated, the recommendation from the Planning department is to deny the variance. This item was before the Commission at the last meeting, it was brought before City Council and they sent it back to Planning Commission. He said, there have been several conversations with the applicant since then regarding changes to the required amount of spaces to be paved, and appropriate landscaping if the variance is not granted.

Les Knudson, of AGT Foods, requested City Council delay the paving requirement until future development occurs. He said he has met with City staff who informed him there is no mechanism for enacting such a requirement.

Commissioner Holbach asked about future expansion of the company, to which Mr. Knudson stated, he cannot speak on behalf of the publicly traded company of AGT Foods, but he does expect to double the size of the facility over the next few years.

In response to the concerns over ADA parking requirements, Mr. Knudson assured the Commission the ADA requirements are being taken care of in the upcoming weeks since it is a federal requirement.

Upon questioning regarding the potential changes in landscaping, the Assistant City Planner stated, those requests were not in the original application. The City Attorney confirmed that would require an additional application for a variance.

Upon the request for clarification, the City Engineer explained, the variance requiring approval is whether or not the property owner needs to pave the parking lot.

Commissioner Karpenko asked if contingencies could be placed upon the property that would require the owner to pave the lot after the road leading to it is paved. The City Attorney replied by saying, there is no mechanism to enforce compliance and there is no such thing as a temporary variance.

Commissioner Wegenast moved the Planning Commission deny the variance based on City staff's findings of fact. Motion seconded by Commissioner Hanson and failed by the following roll call vote: ayes: Hanson, Neether, Wegenast, Wetzler. Nays: Geinert, Holbach, Karpenko, Koop

Motion Failed

Commissioner Karpenko moved the Planning Commission approve the variance. Motion seconded by Commissioner Koop and failed by the following roll call vote: ayes: Geinert, Holbach, Karpenko, Koop, Wetzler. Nays: Hanson, Neether, Wegenast

Motion Failed

Commissioner Karpenko moved the Planning Commission approve the variance. Motion seconded by Commissioner Holbach and failed by the following roll call vote: ayes: Geinert, Holbach, Karpenko, Koop, Wetzler. Nays: Hanson, Neether, Wegenast

Motion Failed

Other Business

The City Council pass an ordinance to remove the concealed fastener requirement on M1 (Light Industrial) & M2 (Heavy Industrial) Districts of the Zoning Supplement to the City of Minot Code of Ordinances.

The Planning Commission held a public hearing to consider a request to remove the concealed fastener requirement on M1 (Light Industrial) & M2 (Heavy Industrial) Districts of the Zoning Supplement to the City of Minot Code of Ordinances.

Rolly Ackerman of Ackerman Surveying, came forward and stated there have been several requests for variances on this issue and after meeting with industry professionals, is requesting the requirement be removed.

No one appeared in opposition.

Commissioner Karpenko moved to approve the request. Motion seconded by Commissioner Koop and carried by the following roll call vote: ayes: Geinert, Hanson, Holbach, Karpenko, Koop, Neether, Wegenast, Wetzler. nays: none

Motion Passed

Other Business

The City Council authorize a correction to the September 8, 2015, Subdivision - Edgeview Estates 8th Addition, Block 1, Lot 1-2, Block 2, Lots 1-3 to read as follows: Edgeview Estates 8th Addition; Block 1, Lots 1-3; Block 2, Lots 1 & 2.

Motion by Commissioner Karpenko, seconded by Commissioner Koop and carried by the following roll call vote ayes: Geinert, Hanson, Holbach, Karpenko, Koop, Neether, Wegenast, Wetzler. nays: none

Motion Passed

Other Business

The City Council authorize a 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.

Motion by Commissioner Karpenko, seconded by Commissioner Wetzler and carried by the following roll call vote ayes: Geinert, Hanson, Holbach, Karpenko, Koop, Neether, Wegenast, Wetzler. nays: none

Motion Passed

Meeting adjourned at 7:33 pm.