

Regular Meeting: Planning Commission Committee

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

Meeting Called to Order: October 31, 2016 at 6:30 p.m.

Presiding Official: Chairman, John Zimmerman

City Clerk: Kelly Matalka

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

Members Absent: Matt Geinert, Jessica Henderson, Todd Koop

City Staff Present: Planning Director, Principal Planner, Assistant City Planner, Acting City Manager, City Attorney, Airport Director, City Engineer, Asst. City Engineer, Traffic Engineer, Fire Chief, Building Official, Public Works Director, Asst. Public Works Director.

Others Present: Aldermen Hedberg, Jantzer, Schuler, Shomento, Sipma.

Meeting Called to order by Chairman John Zimmerman

Approval of the September 26, 2016 Regular Meeting Minutes.

Motion by Holbach, seconded by Karpenko, to approve the September 26, 2016 regular meeting minutes, and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Neether, Wegenast, Wetzler, Zimmerman. nays: none

Motion passed

RECOMMENDATIONS

Item #1:

The City Council approve an application by Duane Johnson, Future Builders, to subdivide an unplatted portion of the SE1/4, Section 36-155-83 into 31 lots to be known as Bluff Point Estates, Lots 1-31.

The City Council pass an ordinance to change 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 1-31.

The City Council pass an ordinance to annex proposed Bluff Point Estates, Lots 1-31 and adjacent 13th ST SE & 37th Ave SE right-of-way into city limits.

The City Council adopt a resolution to amend the Future Land Use map from Medium Density, Agricultural, and Commercial designations to Medium Density Residential on proposed Bluff Point Estates, Lots 1-31.

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 on the Future Land Use Map and said map shall be amended to accommodate the change in use.
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 the extent that garage doors are not the dominant feature of the front façade. Revised elevation renderings have been provided to the Planning Department for review and approval. The side facade 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 more 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
 - d. Provisions of Section 7-8. Homeowner's Association requirements.
8. Identify where and how trash will be handled on the site.

9. Provide sizes of all proposed plant materials as shown on the Landscape Plan.
10. Provide irrigation notes on the Landscape Plan.
11. Storm Water Management Plans will be required and approved by the City Engineer.
12. Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer.
13. Developer's Agreement and/or Home Owners Association will be in place prior to the plat being recorded.
14. Sidewalks will be required along improved public right of ways and that there are connections from the buildings in the PUD to sidewalks that serve the neighborhood.
15. 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.
16. Public Utility Fees will be required.
17. A suitable vehicular turn-around for emergency services shall be provided on the east private drive as approved by Engineering.

Principal Planner, Lance Lang described the progress that was made since the application was brought to a previous meeting of the Planning Commission. He stated, three additional conditions were added and staff now believes the proposed luxury condo units will meet the definition of a PUD.

Rolly Ackerman, of Ackerman Surveying and Associates, showed a video of a three dimensional flyover of the proposed project. It illustrated a private common area, shared lawn and public running path, for which more specific details will be provided when landscaping plans are complete.

Upon questioning regarding the time schedule, Duane Johnson of Future Builders stated, the project will begin in the spring and will take two years.

Whereupon a motion was made by Karpenko, seconded by Wegenast to approve the items with staff findings of fact and conditions; and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Wegenast, Wetzler. nays: Zimmerman. abstain: Neether.

Motion Passed

Item #2:

The City Council approve an application by Golf Minot, Inc. represented by Chris Strange, to subdivide The Bluffs Addition, Block 1, Lot 16, 20, 21, 24, 28-30, 32, 33, 35-37, 47, & 49; The Bluffs 2nd Addition, Block 1, Lots 8, 10-13, 16-20, 26-29, 31, 35, 38, 40, 45, & 47-50; The Bluffs 5th Addition, Lots 1 & 2; The Bluffs 6th Addition, Lots 2 & 3 into 38 lots to be known as The Bluffs 7th Addition, Lots 1-38.

This property is the Country Club Golf Course, various properties adjacent to the golf course and 4260 27th St SE.

Findings of Fact:

1. The Property is zoned R-1, Single-Family Residential and its highest and best use is low density residential.
2. Golf courses, public and private, are an allowable use in R-1 zoning.

3. Golf courses are compatible with surrounding single-family land use.
4. The existing zoning is consistent with the comprehensive plan for the city.
5. The property owners of the lots in question have agreed to purchase the additional land from the golf course.
6. The existing development pattern has been established through previous platting in terms of access points, road alignments, overall lot and block configurations, and availability of public services.

Mr. Lang explained, this application is a housekeeping project for the developer and landowners. The applicant is requesting an adjustment of lot lines in order to give the landowners an opportunity to purchase additional land to extend their properties.

Chris Strange, the applicant, stated, he is selling the land that is not being used by the golf course to the surrounding owners. He said they held several public meetings and have had positive support and participation.

Whereupon a motion was made by Neether, seconded by Wegenast to approve the item based on staff's findings of fact; and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Neether, Wegenast, Wetzler, Zimmerman. nays: none

Motion passed.

Item #3:

The City Council pass an ordinance approving a request by the City of Minot represented by Dan Jonasson, to annex into city limits Outlots 6, 20, 27, & 28, Section 21-155-83.

This property is located east of the Hwy 83 Bypass, between 7th Ave SW and 14th Ave SW.

Mr. Lang explained, the proposed area to be annexed is undevelopable land and it sits low in the floodplain. The annexation is the appropriate step prior to approval of the subdivision, zone change and variance requested in the next item.

Whereupon a motion was made by Karpenko, seconded by Wegenast, to approve the item based on staff's findings of fact; and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Neether, Wegenast, Wetzler, Zimmerman. nays: none

Motion passed.

Item #4:

The City Council subdivide, Outlots 6, 20, 27, & 28, Section 21-155-83; Outlots 8, 17-20, 22, and unplatted portions of the NW1/4SW1/4, SW1/4SW1/4, SE1/4SE1/4SE1/4NW1/4SE1/4 & SE1/4SE1/4, Section 22-155-83; Outlot 31, Section 27-155-83; Napa Valley Addition, Block 5, Lot 1; Napa Valley 18th Addition, Lots 1 & 2 into 7 lots to be known as Napa Valley 19th Addition; Block 1, Lots 1-3; Block 2, Lot 1; Block 3, Lots 1 & 2, Block 4, Lot 1.

The City Council pass an ordinance to rezone proposed Napa Valley 19th Addition, Block 1, Lots 1-3 from AG (Agricultural) District, P (Public) District, C1 (Neighborhood Commercial) District, and R1 (Single Family Residential) District to R1 (Single Family Residential) District.

The City Council pass an ordinance to rezone proposed Napa Valley 19th Addition, Block 2, Lot 1, Block 3, Lots 1 & 2, Block 4, Lot 1 to P (Public) District.

The Planning Commission approved a variance to the required front yard setback in P zoning districts from twenty five feet (25') to fourteen feet (14') for a proposed pump house on Lot 1, Block 3 of proposed Napa Valley 19th Addition.

This property is the Souris Valley Golf Course and dog park and ball diamonds to the north, and lots to the northeast of the golf course.

Findings of Fact:

1. The property is primarily in the 100-year and 500-year floodplain, and as such, not developable except for recreational uses.
2. The existing outlots along U.S. Hwy. 83 By-Pass are also in the floodplain, have never been annexed even though they abut the corporate limits, and would continue to be an "island" of un-annexed land if they are not brought into the City limits at this time.
3. The highest and best use of this land is recreational and open space, with very limited low density residential north of 7th Avenue SW.
4. The various zoning categories in place on this property today including AGP, AG, R-1 and C-1 would better represent the use of the land as recreational and open space if the zoning districts were changed to P, Public zone, while the three existing R-1 lots can remain R-1. Golf courses, public and private, are an allowable use in R-1 zoning.
5. Platting of this property allows for the dedication of public right-of-way to complete the 7th Avenue SW corridor and also dedication of the permanent flood control levees.
6. The applicant has requested a variance based on a demonstrable hardship such that the proposed pump house cannot be located on the irregularly shaped lot without the setback variance.

Mr. Lang stated, the site is already the location of a dog park, baseball diamonds, and golf course in which the zoning can be consolidated into Public Districts. The proposed pump house will replace the existing Perkett pump station but a variance is required because of the irregular shape of the lot. The items requested in the application work in conjunction with the US Army Corps of Engineers to accomplish the comprehensive flood protection project which will be constructed in the future.

Whereupon a motion was made by Wegenast, seconded by Karpenko to approve the items based on staff's findings of fact; and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Neether, Wegenast, Wetzler, Zimmerman. nays: none

Motion Passed

Item #5:

The City Council pass an ordinance to change the zone from AG (Agricultural) District to C2 (General Commercial) District on Trinity Health Addition, Lot 1.

The City Council adopt a resolution for a conditional use permit to build a new hospital and for that hospital to exceed the allowable maximum height of 60' to approximately 100' on Trinity Health Addition, Lot 1.

The City Council adopt a resolution to amend the Future Land Use Map from General Mixed Use, Medium Density Residential, & Low Density Residential to Hospital on Trinity Health Addition, Lot 1.

This property is located along 37th Ave SW, between 20th St SW and Crossing St SW.

Findings of Fact:

1. The property location is well suited for C2 zoning and a proposed hospital.
2. The existing Future Land Use map contemplates a mixture of uses and must be amended to conform to the proposed zoning before the subject property can be rezoned to C2.
3. Hospitals require a Conditional Use Permit to locate and operate in C2 zones.
4. Since efficiency is of utmost importance to providing the best possible hospital services, the building can operate more efficiently as it grows vertically by adding stories and maintaining a compact footprint, as opposed to sprawling out across a large footprint adding more distance between functional areas. Therefore, the height variance is justifiable from a maximum height of sixty feet (60') to an increase of one hundred feet (100') as allowed by the conditional use permit.

Conditions:

1. Final building elevations and materials are submitted prior to the issuance of any building permits.
2. An illustrative Landscaping Plan is submitted prior to the issuance of any building permits.
3. A traffic impact analysis is submitted prior to the issuance any building permits.

Mr. Lang reviewed the findings of fact and conditions.

Sean Weeks of Ackerman Estvold, representing the applicant, stated, they are fine with the conditions and said, the landscape plan will be provided with subsequent development.

Wayne Estopinal, with TEG Architects gave a presentation on the design of the facilities. He showed diagrams and explained the design features for the proposed buildings. He stated, they are working with the natural topography to enhance the land in that area.

Whereupon a motion was made by Neether, seconded by Karpenko, to approve the items with staff findings of fact and conditions; and was carried by the following roll call vote: ayes: Berning, Bullinger, Hanson, Holbach, Karpenko, Neether, Wegenast, Wetzler, Zimmerman. nays: none

Motion Passed

Other Business

The City Council authorize a correction to Resolution no. 3517, A Conditional Use Permit reassigned to a new legal description for a cell tower to read: Hilltop 6th Addition, Lot 2.

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

Meeting adjourned at 7:42 pm.