

PLANNING COMMISSION MINUTES

Regular Meeting

June 24, 2019

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Regular Meeting: Planning Commission

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

Meeting Called to Order: Monday, June 24, 2019 at 5:30 p.m.

Presiding Official: Chairman, Jon Hanson

Members in Attendance: Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast

Members Absent: Baumann, Bullinger, Keller, Larshus, Sivertson

City Staff Present: Lance Meyer (City Engineer), Emily Huettl (Assistant City Engineer), Stephen Joersz (Traffic Engineer), Brian Billingsley (Community & Economic Development Director), Lance Lang (Principal Planner), Police Captain Klug,

Others Present: Stephan Podrygula (Alderman)

Meeting Called to Order by Chairman Jon Hanson

Approval of the May 28, 2019 Regular Meeting Minutes.

Motion by Commissioner Koop, seconded by Commissioner Hochhalter, to approve the May 28, 2019 regular meeting minutes and was carried by the following roll call vote: ayes: Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

Motion carries.

The following are the recommendations of the Planning Commission:

Item #1:

West Half of Lot 6, Thompson's 8th Plat

The City Council approve an ordinance for the annexation of the West Half of Lot 6, Thompson's 8th Plat by Mitch Holbach to allow independent connection to the city water main. This property is located at 110 43rd Avenue, SW.

Finding of Facts:

1. The applicant has made application to annex the subject property described as the West Half of Lot 6, Thompson's 8th Plat to enable him to connect to City water.
2. The land to be annexed is urban in character.
3. City government is required to protect the health, safety and welfare of the citizens including the provision of municipal water.
4. The annexation is in the best interest of the City and the applicant.

Staff Recommendations and Conditions:

Staff recommends approval of the annexation, based on the findings of fact included herein, subject to the following conditions;

- 1) The applicant shall work with the Engineering Department and follow all City requirements for the water connection.

The Principal Planner stated that there are adjacent properties to this one that should be annexed at some point to avoid "islands" of unannexed properties along the city limit line. This will be a topic of interest for the next Comprehensive Plan Update.

Commissioners had no comments.

No one from the public came forward to comment.

Motion by Commissioner Bartsch to approve based on staff finding of fact and recommendations, seconded by Commissioner DeMakis, and was carried by the following roll call vote: ayes: Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

Motion carries.

Item #2

Section 20-155-83, W68' of W108' of Outlot 5, E40' of W108' of Outlot 5, and 125'x82' SE Triangular Portion of Outlot 4

The Planning Commission approve an application by Jessica Jensen for a variance to rebuild an addition to the front of the house that was previously built out of compliance and damaged during the flood. This property is located at 3001 9th Avenue SE.

Finding of Facts:

1. The applicant came to the Building Division of the City to inquire about reconstruction of a failing addition and foundation at her home.
2. She was advised that the building addition was constructed too close to the street, approximately fifteen (15) feet back as opposed to the required twenty-five (25) feet.
3. Further investigation revealed that she had purchased the property with the addition already in its current location.
4. City staff could find no record that any building permits were issued for this work nor were any record of inspections of the work conducted.
5. A field investigation revealed that the foundation under the addition did not have any footings and was not built to meet building codes.
6. The addition and foundation were compromised during and after the 2011 flood event. The situation has continued to worsen in recent post-flood years. Now, the addition and foundation and associated patio all need to be removed to address a potential safety concern.
7. The homeowner would like to replace the addition, foundation and patio to its original footprint.
8. A variance to the front yard is required to rebuild these improvements at the current location.
9. Section 30-2(f) requires a specific finding that granting the variance will not cause substantial detriment to the public good or impair the general purpose or intent of the comp plan.
10. Staff finds the following;

- a. The encroachment of the addition into the front-yard setback is not the fault of the owner.
- b. The condition of the structure has deteriorated to a point where safety is a concern.
- c. The 100-year floodplain occupies the majority of this site. The addition cannot be relocated to another part of the house without being in the floodplain. If a structure were to be built after the revised FIRMS become effective, the attached calculations would apply for the required elevation. If the work is done prior to the adoption of the revised FIRMS the area would be considered to be in the 500-year floodplain.
- d. Granting of a variance to the front yard setback will not cause substantial detriment to the public good or impair the general purpose or intent of the comp plan.

Staff Recommendations and conditions:

Staff recommends approval of a variance for property described as the West 68' of the West 108' of Outlot 5, and the East 40' of the West 108' of Outlot 5, and 125' x 82' SE Triangular Portion of Outlot 4, all in Section 20-155-83, to grant a variance to the front yard building setback to allow reconstruction of a building addition, foundation, and associated patio at the same footprint as it was originally built, recognizing exceptional practical difficulties with the shape of the lot, the proximity to the 100-year floodplain, the fact that the original construction does not meet building codes and was done without the benefit of required permits and inspections which is of no fault by the owner but creates a potential safety hazard that must be addressed, and further recognizing that granting of this variance to the front yard setback will not cause substantial detriment to the public good or impair the general purpose or intent of the comp plan. If said variance is granted, the following conditions apply:

- 1) The applicant agrees to comply with the floodplain regulations in effect at the time of construction.
- 2) If a building permit for the proposed construction that is authorized by way of the approved variance is not obtained within one year of the date of approval by the Planning Commission, said variance shall become null and void.

Commissioners had no comments.

No one from the public came forward to comment.

Motion by Commissioner Wegenast to approve based on staff finding of facts and recommendations, seconded by Commissioner Koop, and was carried by the following roll call vote: ayes: Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

Motion carries.

Item #3

Prairie Green 24th Addition

The City Council pass an ordinance on first reading on application by Kurt Brorby to change the zone from C2 (General Commercial District) to R3C (Townhouse Residential District) to avoid nonconforming use issues due to existing residential townhomes located in a C2 zoning district, and also to replat Lot 17 less the South 30 feet of Amended Plats of Lots 12, 15, 16 & 17, Prairie Green Addition to be known as Prairie Green 24th Addition, to allow each townhouse unit on a separate lot. This property is located at 905 28th Avenue, SW.

Finding of Facts:

1. The applicant owns a townhome condo attached to three other condos, all on one lot.
2. Although these units are considered condos, there is no condo association, homeowners association, or other management group for the common areas. Each owner maintains his/her portion of the development even though all four units are currently on one lot.
3. The existing zoning of the property is C2, General Commercial.
4. In 2013, with the adoption of amendments to the zoning ordinance all existing residential units in commercial zones became legal nonconforming.
5. All four owners agreed they should have their unit on its own lot and the property should be rezoned from commercial to residential to correct the nonconformity.
6. The applicant took the lead and submitted the appropriate documents and fees for rezoning and a subdivision plat. The other three owners signed the paperwork as well and are party to the application.
7. The submittal meets the requirements set forth in the zoning ordinance for rezoning and subdivision plats.
8. The existing dwelling units are not separately connected to the City sewer and water mains.

Staff Recommendations & Conditions:

Staff recommends approval of the requested zone change from C2, General Commercial District to R3C, Townhouse Residential District, and also a four-lot subdivision plat known as Prairie Green 24th Addition subject to the following conditions:

- 1) Each dwelling unit must be separately connected to the City sewer main and City water main.
- 2) Common walls between units must meet rated fire wall requirements. (added by motion of Commissioner Wegenast)

Commissioners had no comments.

No one from the public came forward to comment.

Motion by Commissioner Wegenast to approve based on staff finding of fact and recommendations and also to add a recommendation to require inspection by city official of the common walls between units for compliance with firewall requirements, seconded by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

Motion carries.

Elections of Planning Commission Officers

Chairman Hanson (term ends August 2019) opened up the floor for nominations for Chairman. Commissioner Wegenast nominated Vice-Chairman DeMakis. DeMakis accepted the nomination.

Motion was carried by the following votes: ayes, Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

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Motion carries.

Chairman Hanson opened up the floor for nominations for Vice-Chairman (to replace DeMakis). Chairman Wegenast nominated Commissioner Offerdahl. Offerdahl accepted the nomination.

Motion was carried by the following votes: ayes, Bartsch, Barnett, DeMakis, Hanson, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

Motion carries.

With no other business before the committee, Chairman Hanson adjourned the meeting at 5:52pm.