TO: Mayor Shaun Sipma  
Members of the City Council

FROM: Lance Meyer, P.E., City Engineer

DATE: April 19, 2021

SUBJECT: DRIVEWAY PERMIT APPEAL – GREEN ACRES 4TH ADDITION LOT 1

I. RECOMMENDED ACTION
1. Recommend Council deny the appeal for a driveway permit at Green Acres 4th Addition, Lot 1

II. DEPARTMENT CONTACT PERSONS

Lance Meyer, City Engineer 701-857-4100
Emily Huettl, Assistant City Engineer 701-857-4100

III. DESCRIPTION

A. Background
Mr. Kenneth Melgaard is requesting a driveway permit to access the back half of Lot 1, Green Acres 4th Addition. The driveway would be used for access to a planned accessory structure that Mr. Melgaard wishes to construct.

The subdivision of this property was granted at the November 30, 2015 planning commission meeting with the condition that driveway access to 31st Avenue will not be granted. The meeting minutes for this application are attached for reference.

B. Proposed Project
On March 29, 2021 Mr. Melgaard applied for a Right of Way permit on 31st Avenue SW. The permit was denied by the City Engineer.

Section 28-55.g of the Code of Ordinances gives the City Engineer the authority to deny permits for driveways. The denial must be in writing and specify the reasons for denying the permit.

The reason for denial was due to access location restrictions on 31st Avenue SW. The roadway will be a future three lane minor arterial and will be the primary east-west corridor in this section of Minot. Access spacing is already becoming an issue and staff is concerned about a future proliferation of access points along this corridor which will decrease safety and levels of service. This was the reason for condition at the Planning Commission meeting.

While this one driveway alone will not cause significant issues, if this trend continues the number of accesses will create future traffic problems that will have to be mitigated.
In Section 28-57, the applicant has the ability to appeal the decision of the City Engineer to the Council, and the Council has the ability to grant a special permit to allow the driveway.

If allowed, the driveway can be constructed as long as the structure it connects to stands. Once the structure is removed, the permit is void and the driveway spacing and clearance fixed by ordinance shall become immediately effective.

C. Consultant Selection
   N/A

IV. IMPACT:
   A. Strategic Impact:
      N/A
   B. Service/Delivery Impact:
      N/A
   C. Fiscal Impact:
      N/A

V. ALTERNATIVES
   As stated above, Council has the ability to deny the appeal or grant a special permit to allow the driveway to be constructed.

VI. TIME CONSTRAINTS
    N/A

VII. LIST OF ATTACHMENTS
   A. Request by Kenneth Melgaard for an Appeal
   B. Denied Right of Way Permit
   C. November 2015 Planning Commission Minutes