

PLANNING COMMISSION MINUTES

Regular Meeting

April 29, 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, April 29, 2019 at 6:30 p.m.

Presiding Official: Chairman, Jon Hanson

Members in Attendance: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast

Members Absent: Bullinger, Hochhalter, Larshus

City Staff Present: Kelly Matalka, Kelly Hendershot, Lance Meyer, Stephen Joersz, Mitch Flanagan,

Others Present: Kathy Somerville, Mark Black, Alderman Stephan Podrygula

Meeting Called to Order by Chairman Jon Hanson

Approval of the February 25, 2019 Regular Meeting Minutes.

Motion by Commissioner DeMakis, seconded by Commissioner Koop, to approve the February 25, 2019 regular meeting minutes and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #1:

Countryside Villas 6th Addition

The City Council approve an application by Kevin Frederick, represented by Norman Sollid, to replat Countryside Villas Third Addition, Lot 24 and Sublot B of Lot 23, into a one-lot subdivision to be known as Countryside Villas 6th Addition.

Finding of Facts:

1. The applicant would like to combine an existing platted lot and a part of an outlot that are under common ownership into a single lot subdivision.
2. All of this property is zoned R1, Single-Family Residential.
3. The applicant has submitted a one-lot subdivision to be known as Country Side Villas 6th Addition.

Staff Recommendations and Conditions:

Staff recommends approval of the one-lot subdivision to be known as Countryside Villas 6th Addition as presented.

Motion by Commissioner Koop, seconded by Commissioner Sivertson, and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion passes

Item #2

Goheens Addition, Lot 6, Block 3

The City Council pass an ordinance on first reading to change the zone from C2 (General Commercial District) to RM (Medium Density Residential District).

Finding of Facts:

1. The residential use of this property does not match the commercial zoning.
2. This situation creates a non-conforming use which makes it difficult to obtain traditional financing or refinancing.
3. A rezoning request from C2, General Commercial District to RM, Medium Density Residential District has been submitted.
4. Although there is existing commercial zoning to the north and east of this property, the neighborhood to the west is medium density residential.
5. Single-Family Housing is an allowable use in RM zones, therefore the nonconforming use becomes conforming if this rezoning is approved.

Staff Recommendations and Conditions:

Staff recommends approval of the rezoning request from C2 to RM for Lot 6, Block 3, Goheens Addition.

Motion by Commissioner Koop, seconded by Commissioner Sivertson and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast

Motion carries

Item #3

Northern Plains Energy Park Addition, Lots 7, 8 & 9, Block 3

The City Council approve a resolution on an application by Meadow Lark Holdings, LLC for a Conditional Use Permit (CUP) for self-storage units.

Finding of Facts:

1. The applicant has successfully developed a self-service storage facility on property abutting this tract to the west. He now wishes to expand the storage use to this property, but the development regulations have changed requiring a conditional use permit.
2. The base zoning district of this property is M1, Light Industrial District. Self-storage is allowed in M1, but requires the CUP.
3. The applicant has submitted the required information for a CUP submittal including a site plan that addresses building, landscaping, screening, and drainage concerns.

Staff Recommendations & Conditions

Staff recommends approval of this CUP application subject to the following conditions:

- a) Units are to be used for cold storage only.
- b) Units are not to be used for retail sales or services, auto repair, or any commercial activity.
- c) No human habitation of the units.
- d) The twenty-foot wide buffer yard including the existing conifer trees along the south property line shall be preserved as a bufferyard. No pavement, or storage of any items or materials is allowed in the twenty-foot wide buffer strip.
- e) Thirteen (13) Street trees are required as shown on the Site Plan. These trees shall be deciduous canopy tree species a minimum size of one and one-half (1 ½) caliper inches.
- f) The proposed buildings shall be constructed as agreed upon with faux-brick wainscoting on the corners along the streets extending ten (10) feet in either direction from the corner, then horizontal metal wainscoting of the same height as the faux brick between the areas of faux-brick for facades facing the street(s). The remainder of the siding shall be vertical metal panels of earth tone color with contrasting accent colors at the corners, for the roof, and for the horizontal metal wainscot.
- g) Solid fencing a minimum of six (6) feet in height and of complementary color to the buildings shall be erected in areas between the buildings to provide screening of the interior of the site from the view of the public street.
- h) No overhead doors shall face the street(s).
- i) Access to the site shall be through privately owned property abutting to the west. No curb cuts on either street are requested.

Motion by Commissioner Wegenast, seconded by Commissioner Keller, and was carried by the following roll call vote: ayes: Bartsch, Baumann, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none, abstained: DeMakis

Motion carries

Item #4

Ramstad Heights Addition

The City Council approve an application by Bakken Development Group Minot I, LLC to subdivide Lots 4A through 9B, Statesboro Addition to be known as Ramstad Heights Addition.

The City Council to pass an ordinance on first reading to change the zone from R4 to R1S.

Finding of Facts:

1. The developer has decided to pursue a different type of residential development in this subdivision that was previously platted and partially constructed.
2. Existing lots were platted to accommodate twin homes but the developer would like to replat the existing lots by combining each two thirty (30) foot wide lots into one new sixty (60) foot wide lot. There are twelve (12) existing lots that will be combined to form six (6) new lots.
3. The current zoning is R4, Planned Residential District, which is a defunct zone. The developer has requested rezoning from R4 to R1S, Single-Family Residential with Small Lot Capability.

Staff Recommendations & Conditions:

Staff recommends approval of the rezoning request from R4 to R1S and further recommends approval of the subdivision plat for Ramstad Heights Addition subject to the following conditions:

- a) Abandoned utility services must be capped at the utility mains in 15 Street NW.

Motion by Commissioner Bartsch to approve based on staff findings, seconded by Commissioner DeMakis, and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion carries

Item #5

Ramstads Heights 2nd Addition

The City Council approve an application by the Bakken Development Group Minot I, LLC to subdivide Lots 4A through 9B, Statesboro Addition to be known as Ramstad Heights Addition.

The City Council pass an ordinance on first reading to change the zone from R4 to R1S.

Finding of Facts:

1. The developer has decided to pursue a different type of residential development in this subdivision that was previously platted and partially constructed.
2. Existing lots were platted to accommodate twin homes but the developer would like to replat the existing lots by combining each two thirty (30) foot wide lots into one new sixty (60) foot wide lot. There are eight (8) existing lots that will be combined to form four (4) new lots.

3. The current zoning is R4, Planned Residential District, which is a defunct zone. The developer has requested rezoning from R4 to R1S, Single-Family Residential with Small Lot Capability.

Staff Recommendations & Conditions:

Staff recommends approval of the rezoning request from R4 to R1S and further recommends approval of the subdivision plat for Ramstad Heights 2nd Addition subject to the following conditions:

- a) Abandoned utility services must be capped at the utility mains in 15 Street NW.

Motion by Commissioner Offerdahl, seconded by Commissioner Keller, and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion passes

Item #6

Terrace Heights 16th Addition, Lot 1 & Lot 2

The City Council approve an application by Wade D. Christianson to replat Terrace Heights 15th Addition, Lot 1 & Lot 2 to be known as Terrace Heights 16th Addition.

Kathy Somerville, daughter of the applicant, came forward to explain the reason for the request to alter the lot line and offered to answer any questions. The Commissioners had no questions.

Finding of Facts:

1. Even though the owner of this property recently subdivided it into two separate lots with the platting of Terrace Heights 15th Addition, after the fact the owner realized the interior lot line was in the wrong place.
2. A mature row of conifer trees is located between the two buildings and the lot line that was created bisected the tree row. The owner wants the trees to be on proposed Lot 2.
3. A replat of Terrace Heights 15th Addition has been submitted that adjusts the interior lot line several feet to the north. The new plat is titled Terrace Heights 16th Addition.
4. With approval of the new lot line arrangement, the trees will be on proposed Lot 2.

Staff Recommendations & Conditions

Staff recommends approval of the replat of Terrace Heights 15th Addition, now to be known as Terrace Heights 16th Addition, Lots 1 and 2.

Motion by Commissioner Koop to approve, seconded by Commissioner Sivertson, and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion passes

Item #7

Southwest Crossing CCRC, Lot 1, Block 1, Lot 2, Block 1, Lot 1, Block 2, Lot 2, Block 2

The City Council approve a resolution for a PUD (Planned Unit Development).

This item was tabled to the May 28 Planning Commission meeting and will not go to City Council until after the May Planning Commission meeting.

Finding of Facts:

1. The development team for Southwest Crossing CCRC has submitted a PUD application requesting approval of the entire campus with the understanding that the project will be built out in phases and staff will review the submittals for each phase to insure that each phase is in substantial conformance with the approved PUD package and that the plans and specifications meet the development requirements of the City of Minot ordinances.
2. Staff has reviewed the submittal and prepared comments for the Planning Commission to consider, however staff feels given the scope of this project more time needs to be taken for adequate review and approval by the City.

Staff Recommendations and Conditions:

Staff recommends that this PUD application be tabled and continued to the May Planning Commission meeting to allow Planning Commission adequate time to review the proposal and request any further information needed from the development team.

Summary of Specific Issues and Staff Direction:

All of these aspects are discussed in detail later in the Planning Commission staff report.

1) Phasing.

Both Phase Three and Phase Four reference proposed twin homes in a gated environment. The twin homes are not part of this submittal. Plans regarding the development of these areas shall be submitted in the future.

2) Bulk Regulations.

The proposed buildings are taller than allowed by the current ordinance and the density of the development is at the upper limit of allowable residential density. The PUD is the proper approach to allow the Commission to consider these kinds of deviations from standards established in the ordinance, however generally such deviations are viewed as a tradeoff for other public benefits offered by the development. Chapter 13, PUD states the purpose of the district as;

- a) *To encourage a more creative and efficient development of land and its improvements through the preservation of natural features and amenities than is possible under the more*

restrictive application of zoning requirements. This section may allow modifications such as non-standard lot sizes, private streets and driveways, reduced rights-of-way and street widths, housing types, lines and building setbacks. These changes shall meet the standards and purposes of the comprehensive plan while preserving the health, safety, and welfare of the citizens of the city.

- b) To allow for the potential mixture of uses in an integrated and well planned area when such mixing of land uses could not otherwise be accomplished under this chapter.*
- c) To ensure concentration of open space into more usable areas, and a preservation of the natural resources of the site.*
- d) To protect natural features in private, common and public open space.*
- e) To facilitate the economical provision of streets and public utilities (consideration may be made for reduced right-of-way or setbacks)*
- f) To facilitate one or more of the following: mixed use developments, affordable housing, recreational uses and institutional uses.*

3) Parking.

The amount of parking proposed for the Independent Living Facility does not meet the parking demand formula in the Minot Ordinance. The developer has submitted parking calcs based on the ITE Traffic Generation Manual.

4) Recreation and Open Space.

The developer has met with Minot Park District and they have developed a plan for a multi-use trail and other amenities. An agreement will be required setting forth the obligations and responsibilities of all parties. Generally speaking, overall campus landscaping is addressed in a generic manner with photos from other similar projects that the development team has built instead of plans specific to the Minot site. It is not certain if the submittal contains enough information for the Planning Commission to approve as presented.

5) Amenities.

The submittal contains a laundry list of both indoor and outdoor amenities and which parts of the campus they will be located within along with supplemental photos depicting examples of the amenity in question from other similar projects. Plans specific to the Minot site are not provided.

6) Proposed Buildings and Architecture.

Although the submittal contains floorplans and architectural elevations of two sides of one of the buildings, they are not represented in color and there is no information regarding the architectural character or construction materials for any of the other buildings other than the color photos of a different similar project and some general written statements.

7) Engineering Aspects.

The submittal contains a review of the proposed development compared to the original

approved stormwater management and drainage plan for the subdivision. In the engineer's opinion, the proposed development is in compliance. Also, a conceptual layout plan for sanitary sewer and municipal water mains is included and has been reviewed and accepted by the Engineering Department. More detailed plans for engineering review will be submitted with the subsequent phases.

8) Zoning and Land Use.

The proposed campus will require rezoning. The application is to rezone from four different residential districts to RM, Medium Density Residential, and RH, High Density Residential. The maximum allowable height in both zones is 45 feet or three stories, but RH allows an increase to four stories which would be part of the consideration for the PUD approach. The maximum allowable density in RH is 24 units per acre and the aggregate density of the proposed development is 24.78 units per acre. The nature of this development, to provide convenient services to an elderly population, requires high density. The Future Land Use Map of the Comprehensive Development plan needs to be amended as well.

9) Subdivision Plat.

The existing lot layout approved as part of the Southwest Crossing subdivision is being replatted to meet the needs of the campus. The new plat is titled Southwest Crossing CCRC. Staff feels the plat is overly busy and needs some revisions and some information is missing from the plat. The plat can be revised accordingly.

10) Development Agreement.

A Development Agreement will be required in addition to the Park District Agreement. The Development Agreement must be executed before the Final Plat is recorded. Information covered in the agreement includes, but is not limited to;

- Public sidewalks along street frontages
- Utility connection fees
- Construction of Bison Court cul-de-sac to City of Minot standards
- Updated stormwater management plan
- A traffic Impact Study is required with any required improvements resulting from the study constructed prior to issuance of any certificates of occupancy for any of the buildings.

There was discussion between Commissioner Baumann and Principal Planner Lance Lang regarding the comfort level of staff moving forward with a recommendation at this time. Lang's response was hesitant to state that all the issues have been resolved. It depends on what the Commission is comfortable with. The staff recommendation is to table this for a month, but if the Commission decides to move it forward staff will adapt and make it happen. If there are specific recommendations from the Commission that could be addressed by the applicant before City Council, perhaps the Commission could make the motion that way. Staff is prepared to move forward if that is what the commission

wants, however staff is not all on “the same page” with this development proposal, there are some differences in opinion. Tabling the application for a month would give staff some time to discuss it further.

Developer, Mark Black came forward to answer questions and state that what their group is looking for is approval for the overall master plan. He is certain the Commissioners would like the product he is building, it is very high quality and he has built campuses like these in sixteen different states.

Commissioner DeMakis inquired if the PUD requirements have been met, i.e. landscape, building, garages and twin homes. Lang responded that yes, the basic requirements have been met, there are some grey areas, as with landscaping. The PUD application requires a Landscape Plan. The submittal addresses landscaping with verbiage and photos from other projects. It is not the same as a Landscape Plan. Does this suffice to meet the intent of the PUD application? Mr. Black said he can't go to his investors and tell them to spend \$60,000 to \$75,000 on a Landscape Plan for the campus when it is unclear if the project will get approved. However, he assured the Commission they are willing to commit to a full landscaping plan tied to permit review and approval for the phases.

Commissioner Hanson asked Mr. Black about the parking spaces, specifically that they are coming up short of the parking ordinance. Mr. Black indicated that they based their decision on guidelines from ITE (Institute of Traffic Engineers) Traffic Generation Manual.

Mr. Black stated that they would like to begin next spring with the development.

Commissioner Baumann raised several other questions:

- What is the Trinity Hospital tie-in?
- Is access to Trinity Hospital through 37th or is there a professional's access route elsewhere?
- Would Mr. Black be able to provide landscape designs for the time of year when there is snow cover?

Mr. Black responded that the access is through 37th and that he would be able to provide the requested winter landscape designs.

Motion by Commissioner Wegenast to table this item until the May PC meeting, seconded by Commissioner Bartsch, and was carried by the following roll call vote: ayes: Bartsch, DeMakis, Hanson, Keller, Koop, Wegenast, nays: Baumann, Offerdahl, Siverston

Motion carries

Item #8

Zoning Text Amendments – 2 part

The City Council approve the amendments made to Chapter 2, Definitions and Chapter 24, Landscaping, of the Minot Zoning Ordinance, amending Section 24-3, General Requirements, to allow artificial turf to be used in the City of Minot and its jurisdiction with specific restrictions as presented.

Also, the City Council adopt changes to Chapter 22, Signage Regulations, Section 22-9, Signage Permitted within the C3 District to amend the allowable location and size of wall signs on certain eligible properties in the Central Business District as presented.

Artificial turf will be allowed in every zoning district with differing restrictions. An encroachment agreement with City Council is required for artificial turf in the street right-of-way or over easements. There is some leeway built in for the Community and Economic Development Director and City Engineers to consider alternatives. Quality standards, installation specifications and maintenance responsibilities for artificial turf are all included.

Commissioner Baumann said he is on the Zoning Advisory Committee and one of the main areas of discussion revolved around whether artificial turf is appropriate in the front yards of house in residential neighborhoods. He wanted the Commission to be aware that there was a difference of opinions.

Motion by Commissioner Wegenast to approve artificial amendment as presented, seconded by Commissioner Keller, and was carried by the following roll call vote: ayes: Bartsch, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: Baumann, DeMakis

Motion carries

Lang presented the proposed amendment for downtown signage. There are some buildings downtown that are set back well away from the street. The existing sign regulations are tailored to typical “main street” buildings with store fronts and display windows up to the street. The buildings that are further back need a more lenient approach to signage, so the signs can be seen at a greater distance.

Motion by Commissioner DeMakis, to approve signage amendment, seconded by Commissioner Koop, and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion carries

Item #9

Meeting time

Recently, the City Council changed the meeting time from 6:30pm to 5:30pm. Staff would like the Commission to discuss changing the meeting time for the Commission in a similar fashion.

DeMakis stated he would like to see the change.

Motion by Commissioner DeMakis, to approve meeting start time change to 5:30 pm, seconded by Commissioner Sivertson, and was carried by the following roll call vote: ayes: Bartsch, Baumann, DeMakis, Hanson, Keller, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Lang reminded the Commission that May 27 is Memorial Day observed so the May Planning Commission meeting will be held Tuesday, May 28 at 5:30pm.

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With no other business before the Commission, the meeting was adjourned at 8:44pm.