



Planning Commission Staff Report

Application Date: 02/22/2024

Staff Contact: Doug Diedrichsen, Principal Planner

Date of Staff Report: 04/12/2024

Staff Recommendation: Approval

Date of Planning Commission Meeting: 05/07/2024

Case Number: 2024-05-05

Owners: JPW Ventures, Inc.

Project Name: Duchsherer – CUP

Representative: Floyd Duchsherer

Current Legal Description: Lot 1 Duchsherer
Addition to the City of Minot, North Dakota Section 27,
Township 155 north, Range 83 west

Entitlements Requested: See Project Description

Proposed Legal Description: No Change

Present Address: 1830 16th Street SW.

Present Zone(s): "C2" General Commercial
District

Proposed Zone(s): No Change

Present Use(s): Commercial Self Storage

Proposed Use(s): Commercial Self Storage with
requested condition of approval

Uses Allowed in Present Zone(s): See Table 2.2
for allowed and conditionally permitted uses
within each district.

Uses Allowed in Proposed Zone(s): See Table 2.2 for
allowed and conditionally permitted uses within each
district.

Present Future Land Use Map Designation:
General Commercial

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Floyd Duchsherer representing JPW Ventures Inc., owner for a request of a conditional use permit for a "C2" General Commercial District lot

The address for the property is 1830 16th Street SW. An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The subject property is located next to Western Village mobile home community and the KMOT facility. The property is operated by JPW Ventures, and is utilized as leasable storage unit space, which is categorized as commercial self-storage under the Land Development Ordinance of the City of Minot (LDO). Currently this use is operating as a legal non-conforming use in a "C2" General Commercial district. Commercial self-storage is permitted by conditional use permit in the "C2" General commercial district in the current iteration of the LDO. The applicant seeks a conditional use permit for their legal non-conforming use in order to request a condition that would allow for a galvanized chain link to be erected on the property to enhance the security of the storage units. Use of non-powder coated chain link fence in commercial districts is only allowed as a condition approved in a conditional use permit as outlined in Section 3.1-9. C. 2. Commercial and Industrial Fencing Standards. Fence materials allowed in commercial districts shall include maintenance free, wood, PVC vinyl, stone, masonry, black powder-coated chain link, or related materials. Traditional chain link (non-black powder-coated) may be erected in limited circumstances including schools, parks, or other public or semipublic facilities zoned "P" Public District following commercial standards or as noted as a condition of approval for conditionally permitted uses within commercial districts (e.g. Commercial Self Storage). A map of the location the applicant is requesting to install the fence may be found in **Exhibit 2**.

A map of the area zoning and future land use can be found in **Exhibit 3**.

Site photos can be found in **Exhibit 4**.

A letter authorizing the applicant to erect a fence across an easement benefiting the KMOT property can be found in **Exhibit 5**.

STAFF ANALYSIS:

Conditional Use Permit Analysis:

Section 9.1-4 of the Minot Land Development Ordinance (Zoning Ordinance) recognizes that certain land uses, when under special conditions and review can be compatible with uses that are permitted by right in a zoning district. The review of the conditional use permit (CUP) application and any special conditions imposed by either the Zoning Ordinance or City Staff should occur via a thorough public process as prescribed by Section 9.2-1 including a public hearing, direct noticing to neighboring property owners, and general public noticing within the Minot Daily News. Per Section 9.1-4 I., an amendment to a CUP follows the same process as a new application. The applicant has submitted the necessary application documents required per Section 9.1-4 C. and noticing has been conducted as required per Section 9.2-1.

Section 9.1-4 F. states that the Planning Commission shall find that the application meets all of the following, as applicable:

1. The request will be harmonious with the general and applicable specific objectives of the City's Comprehensive Plan and this Ordinance.
2. The proposed conditional use at the specified location will not be detrimental to or endanger the health, safety, welfare, comfort, or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other properties within the area in which it is located.
4. The location, size, design, and operating intensity of the proposed conditional use will not prevent the development and use of neighboring property in accordance with the applicable zoning district. In making this determination, the Planning Commission will consider the siting, nature, and height of existing and proposed buildings and structures, and the extent and effectiveness of proposed buffering or landscaping.
5. Adequate public services and facilities exist or will be provided by the developer at the time of development, including adequate utilities, water and sewer systems, drainage structures, and other such facilities and services which are necessary to serve the development.
6. The request will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
7. Adequate access roads or entrance and exit drives exist or will be provided by the developer to prevent traffic safety hazards and minimize traffic congestion on public streets.
8. The request will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Staff finds the proposed use to be harmonious with the comprehensive plan future land use map designation of General Commercial and the LDO. Section 9.1-4 F. 1. is satisfied.

Related to Section 9.1-4. F. 2 thru 4 generally relate to the overall impact of a proposal on property within the vicinity. The property is currently being utilized as a legal non-conforming commercial self-storage facility so staff has no concerns about its continued use for this purpose. Since the current use is legal non-conforming this request by the applicant is focused on obtaining this permit in order to seek a specific condition allowing for the use of galvanized chain link fencing as allowed under Section 3.1-9. C. 2. However, as this is a conditionally permitted use, each of the evaluative criteria must be found to be met in order to approve the conditional use permit.

The primary concern related to the excluding traditional chain link fencing as a permitted fencing material in commercial districts is aesthetic so it is important to consider how this permit and the requested condition could alter the character of the neighborhood. Both adjacent properties currently have existing residential or commercial chain link fences. The mobile home community to the south of the subject property has a residential four (4) foot chain link fence along the entire length of the eastern property boundary along 16th St. SW as a by right use in residential districts. The KMOT property to the north has chain link fencing as a security barrier at the foundation of the guy wires as a legal non-conforming use. One of the guy wire foundations is located on a portion subject property and is leased to KMOT by the applicant. Given the existence of

galvanized chain link fence on both neighboring properties and the subject property the additional chain link fencing on the subject property is likely to have little effect on neighborhood aesthetic, therefore staff finds that Section 9.1-4. F. 2 thru 4 is satisfied.

Staff finds Section 9.1-4. F. 5. related to the provision of appropriate public services such as utilities and drainage systems is satisfied, as no new public utilities are being sought and existing public utilities are adequate to support the proposed use.

Staff finds that Sections 9.1-4. F. 6. and 7. related to maintaining community economic welfare and providing adequate road access, respectively, are satisfied. There is currently adequate access onto 16th St. SW, and improvements, if any were required, would be at the expense of the developer to satisfy these two evaluative criteria going forward.

Finally, Section 9.1-4. F. 8. is satisfied, as Staff does not have any evidence that the request will result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Comments:

- a) There were no public comments at the time of writing this staff report.
- b) The application was distributed to city departments and external public agencies within the City for review and no comments were received.

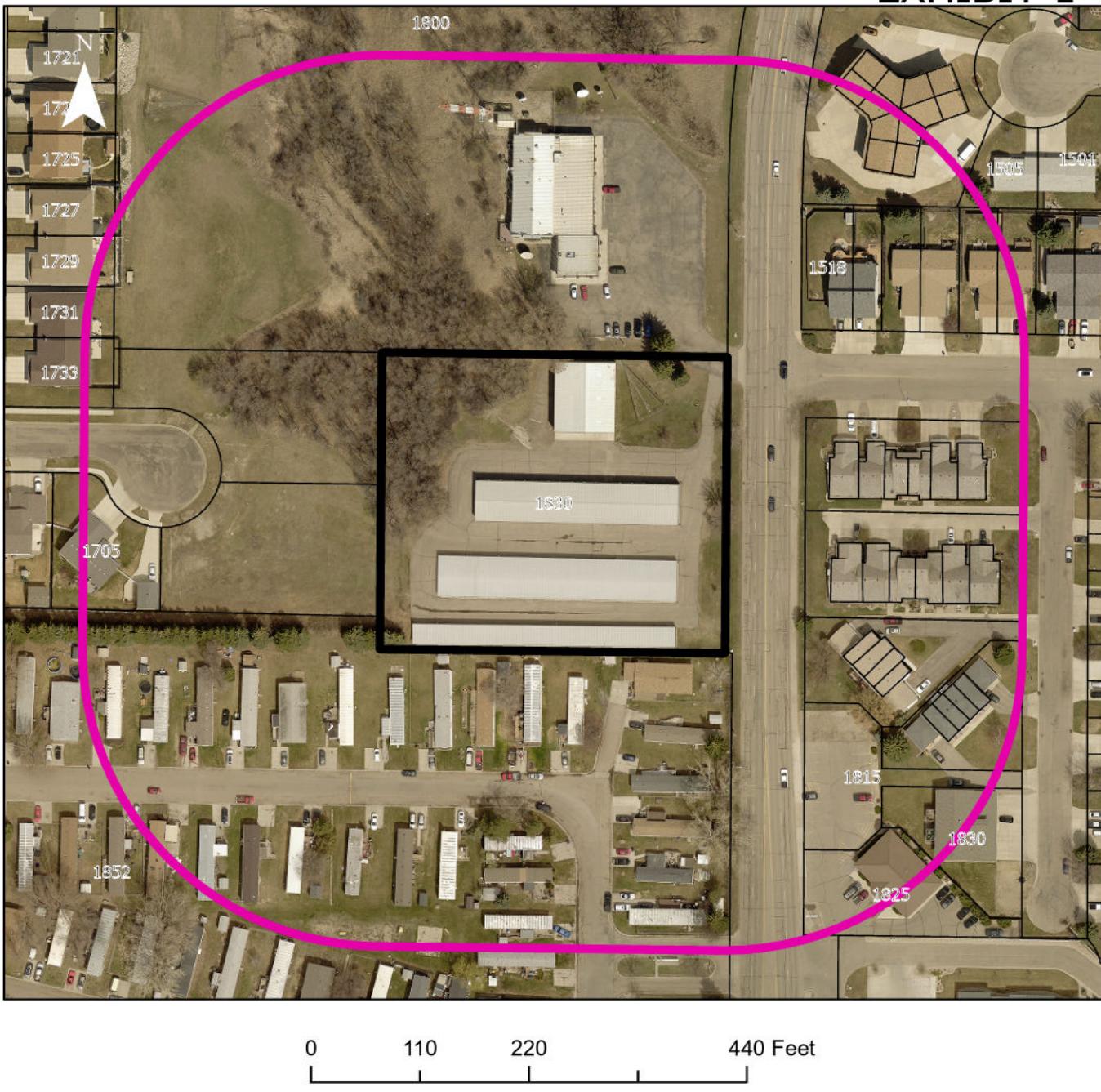
FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:

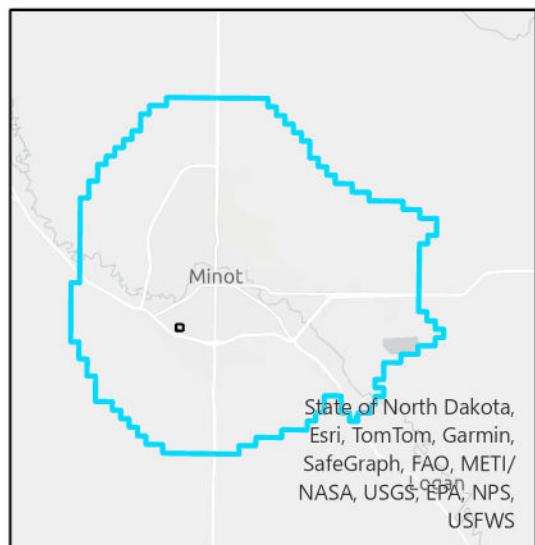
- 1) The applicant has submitted a complete application.
- 2) The property is zoned "C2" General Commercial District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as General Commercial.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1. thru 8. as outlined in the Staff Analysis section of staff's written report.
- 5) The Minot Planning Commission has the authority to hear this case and decide whether it should be approved or denied, with or without conditions. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and approve the conditional use permit for a commercial self-storage with the condition that galvanized chain link fencing be permitted as a fencing material.

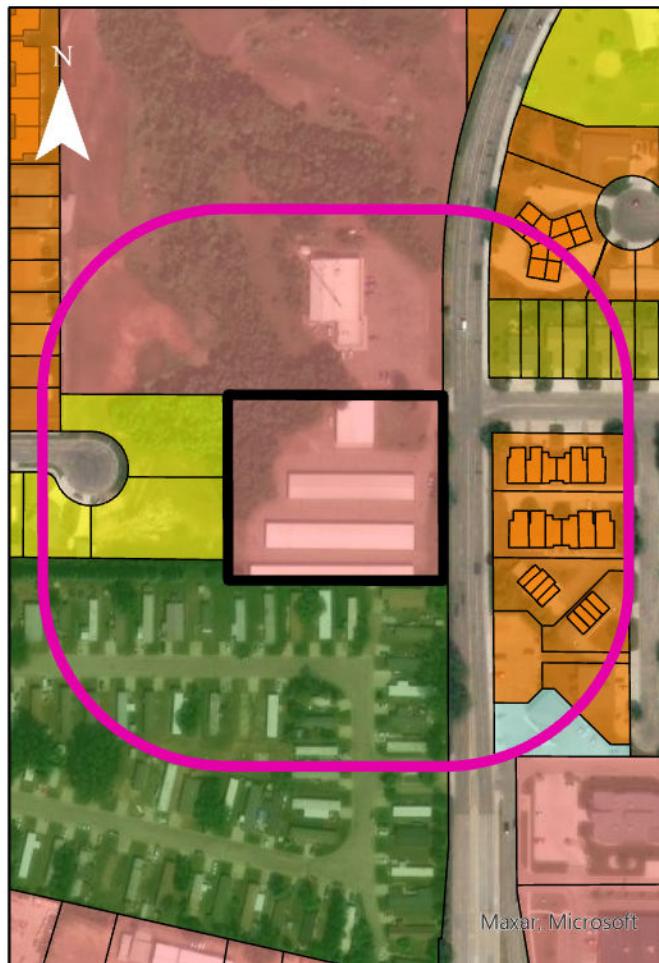


■ Case # 2024-02-05
■ Case # 2024-02-05
Notification Area

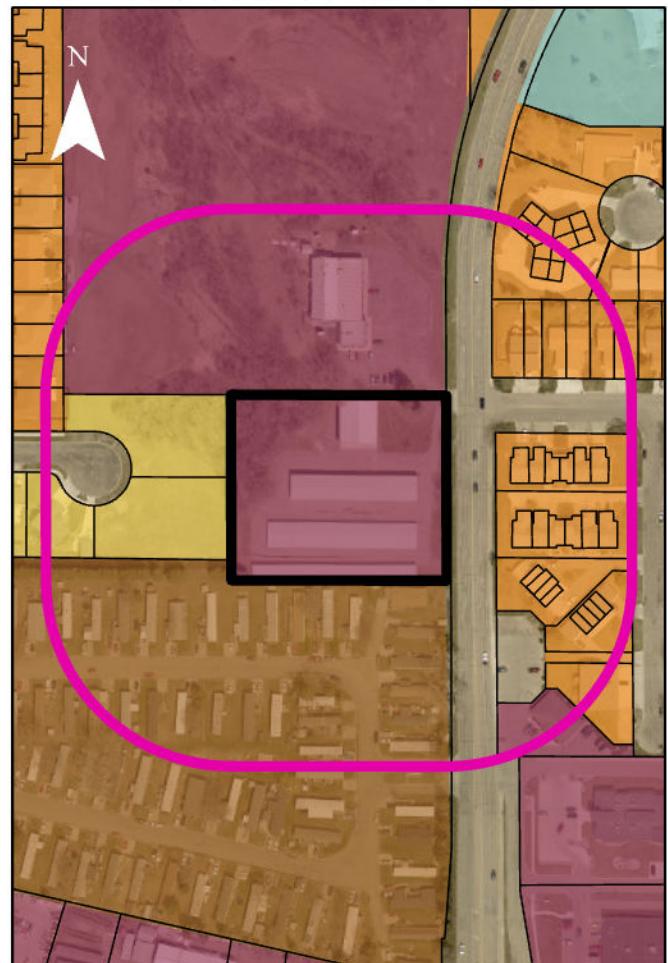




ZONING



FUTURE LAND USE



0 150 300 600 Feet

Zoning

Zoning	
C2	
MH	
O	
R1	
R2	
R3	

Both Maps

Case # 2024-02-05
Case # 2024-02-05 Notification Area

Land Use Type

	Public Institutional
	Suburban Residential
	General Commercial
	Urban Residential
	Manufactured Home Community

Exhibit 4 – Site Photos



Facing North



Facing South



Facing Northwest



Facing East



Facing West



To whoever it concerns,

I Todd Telin, station manager of KMOT give permission to JPW Ventures INC. 2716 23rd ST SW to put a gate up using one of our poles attached to the fence on the easement land from KMOT. This is to prevent unwanted individuals from entering JPW Ventures storage sheds.

A handwritten signature in black ink, appearing to read "Todd Telin".

Todd Telin
KMOT Station Manager