



Planning Commission Staff Report

Application Date: 03/15/2024

Staff Contact: Doug Diedrichsen, Principal Planner

Date of Staff Report: 04/29/2024

Staff Recommendation: Denial

Date of Planning Commission Meeting: 05/07/2024

Case Number: 2024-03-01

Project Name: Popeyes Restaurant – Variance

Current Legal Description: See the project description below.

Proposed Legal Description: No Change

Present Address: 300 28th Ave SW

Entitlements Requested: Variance Request

Owners: MYLA Properties, LLC

Representative: Harold Rose

Present Zone(s): "C2" General Commercial

Proposed Zone(s): No Change

Present Use(s): Restaurant (New Build no Final Certificate of Occupancy)

Proposed Use(s): No Change

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 Harold Rose representing MYLA Property, LLC., owner for a variance for a "C2" General Commercial District lot. The legal description for the property is Outlot 9 of the northeast 1/4 less highway right-of-way Section 35, Township 155 north, Range 83 west, County of Ward, North Dakota.

An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The property owner is requesting a variance for relief of buffer yard requirements (Section 7.1-4. C.) and street landscaping and site landscaping requirements (Section 7.1-3. A & C.) as outlined in the City of Minot's Land Development Ordinance (LDO). A development review team (DRT) meeting was held with the applicant on February 15th, 2023 where the applicant was made aware of all of the site design standards required in the LDO and these minutes were provided to the applicant on February 23rd, 2023. A landscaping site plan was submitted as a part of the building permit application process and approved by the Planning Division and is available in Exhibit 3.

At the time of final inspection, it was noted by the City Building Inspector that the building and site as constructed had deviated from the approved plan considerably. The Inspector brought these concerns to the attention of the Principal Planner and Community Development Director. A meeting was scheduled with the applicant on March 15th, 2024 to discuss options moving forward. Requirements for the applicant to be issued a temporary certificate of occupancy were outlined by city staff at that time. The applicant was asked to submit a new proposed site plan, proof the City Forester had been contacted about street tree planning/planting, landscaping bond, variance application and a letter to engineering regarding the need for construction of a retaining wall on the north side of the property that was included in the plan and was not constructed. These items were submitted and the temporary certificate of occupancy was issued to allow for the application process for the variance.

The 2/15/23 Development Review Team meeting minutes are provided in **Exhibit 2**.

The proposed Landscaping Plan (Amendment to 09-25-03 Iteration) is provided in **Exhibit 3**.

The approved Landscaping Plan (09-25-03 Iteration) is provided in **Exhibit 4**.

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibits 5**.

Site photos are provided in **Exhibit 6**.

STAFF ANALYSIS:

Section 9.1-3 of the Land Development Ordinance of the City of Minot (LDO) provides the application procedures for variances, the types of variances allowed, and criteria necessary for approval by the Planning Commission. The applicant has submitted the necessary application documents required per Section 9.1-3 C. and noticing has been conducted per Section 9.2-1.

Section 9.1-3 G. requires the Planning Commission find that the applicable criteria for a unique hardship has been satisfied. To that end, staff provides the following guidance:

1. Sections 9.1-3. G. 1. A variance may not be approved unless the Planning Commission finds that there exists a unique hardship. The strict application of the applicable standards will constitute a unique hardship due to circumstances unique to the property not created by the landowner, not including economic or fiscal hardship. A unique hardship is limited by the LDO to one or more of the following; shape of property, topography or exceptional practical difficulties.
2. Staff finds that the variance criteria provided in Sections 9.1-3. G. 1. a. is not applicable. Requests relating to this provision are relevant on odd shaped lots or lots that are too shallow or narrow to accommodate development when all setbacks and other design requirements are considered. A site plan was submitted by the developer's Licensed Engineer and approved by the City of Minot for this property that met all of the design criteria for a restaurant drive-thru located in a "C2" General Commercial District as outlined in the LDO. If the site had been developed consistent with the site plan that was approved, the site would have met all relevant design standards. However, the Developer did not follow this site plan, which means any criteria arguably in favor of this provision were created by the Developer. Given the same, staff believes the exceptional shallowness or shape of the of a specific piece of property criteria is not satisfied.
3. Staff finds Section 9.1-3. G. 1. b. is not applicable. Requests for a hardship under this criteria are related to the topography of the lot as excessive slope can limit a buildable area so that would it would not accommodate development meeting all design standards. A site plan was submitted by the developer and approved by the City of Minot that included engineered elements (a retaining wall) to allow the site to be developed while mitigating the effects of the topography of the subject property. The Developer has not installed the retaining wall, and built his site in a manner contrary to the approved site plan. Therefore, staff believes the section relating to the topography of the property is not satisfied.
4. Staff finds Section 9.1-3. G. 1. c. relating to there being exceptional practical difficulties that would prevent the reasonable use of the property is not satisfied. A site design was created by a licensed design professional and approved by the City of Minot that showed the development potential of the subject property. Staff believes this section is not satisfied because any exceptional practical difficulties existing at present could have been alleviated had the Developer and his Contractor followed the approved site plan.
5. Staff finds Section 9.1-3. G. 2. a. relating to the granting of the variance and its effect on the rights of property owners in the surrounding neighborhood or the character of the neighborhood is applicable and is not satisfied because the commercial use adjacent to medium density residential could create significant visual and noise nuisances to neighboring property owners without the required mitigating design elements incorporated into the site. As defined in the LDO buffer strip/buffer yard are landscaped areas used to visibly separate incompatible uses or to shield or block noise, light or other nuisances.
6. Staff finds Section 9.1-3. G. 2. b. relating to the variance not being contrary to the comprehensive plan is not satisfied. As discussed in the Development Characteristics section of Chapter 3 of City of Minot 2024 Comprehensive Plan buffering/landscaping should be incorporated to soften the transition between commercial and residential developments. The Landscaping section of Chapter 9 of the City of Minot 2024 Comprehensive Plan outlines the need for properly landscaped development within all commercial

zoning districts and states the “maintenance concerns should not supersede aesthetic considerations”. Chapter 9 also reinforces the need for the LDO to determine setback widths and standards that consider the characteristics of the roadway and the building.

Comments:

1. Several public comments were received at the time of writing this staff report.
 - a. These comments related to noise, light and traffic/parking impacts felt by the adjacent property owners due to the initial operations of the restaurant.
 - b. Those providing comment were encouraged to submit them in writing or to appear at the public hearing in order to have these comments considered by the Planning Commission and entered into the public record.
2. The application was distributed to city departments and external public agencies within the City for review and the comments received were incorporated into this report through an iterative process involving multiple drafts.

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application.
- 2) The property is zoned “C2” General Commercial on the Official Zoning Map requiring compliance with “C2” General Commercial District design standards and has a “General Commercial” designation on the Future Land Use Map of the 2040 Comprehensive Plan.
- 3) The variance does not meet the applicable criteria per 9.1-3 G., as outlined in the Staff Analysis section of the Planning Commission Staff Report.
- 4) The Minot Planning Commission has the authority to hear this case and decide whether it be approved or denied. 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.

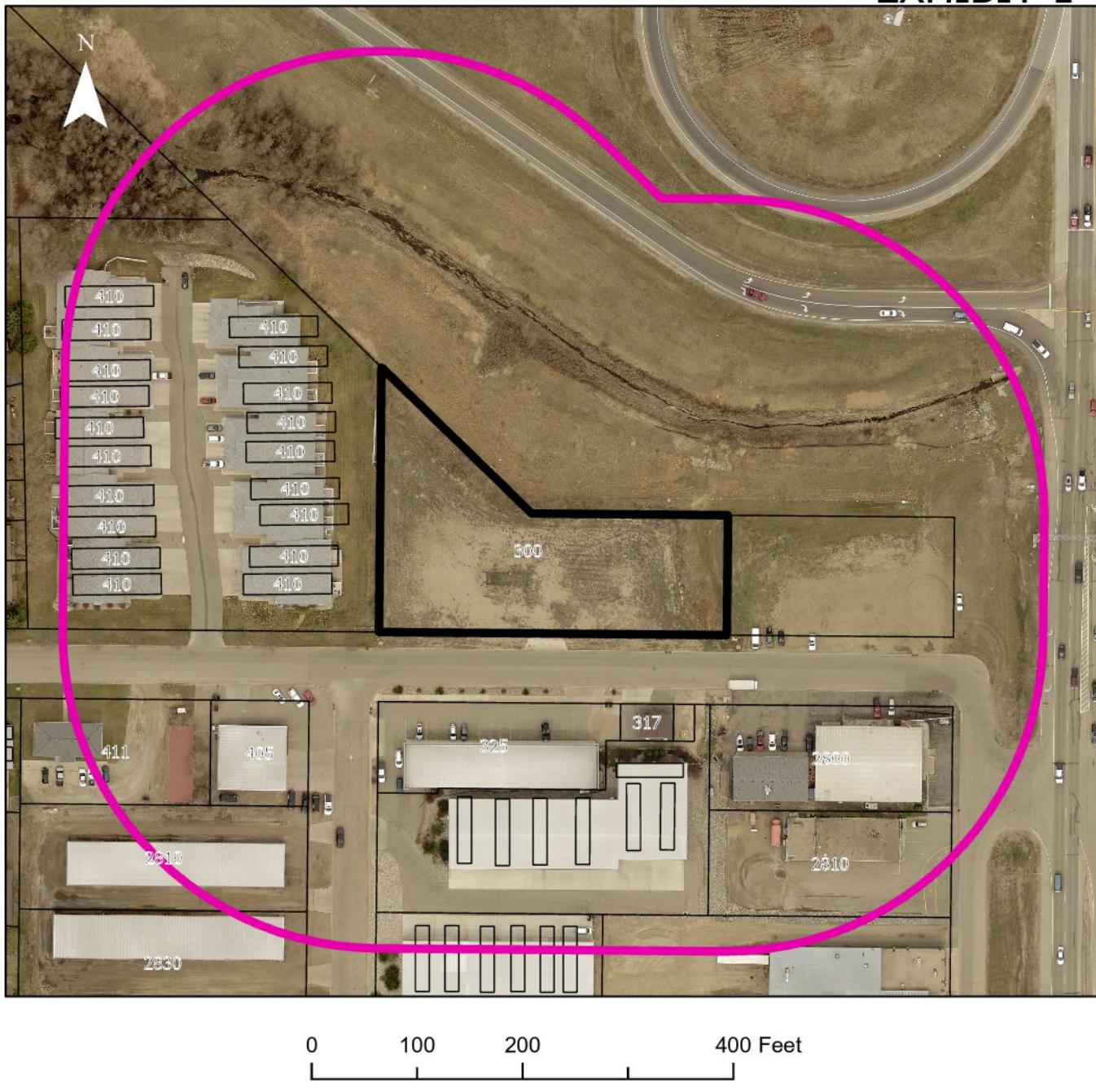
RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and:

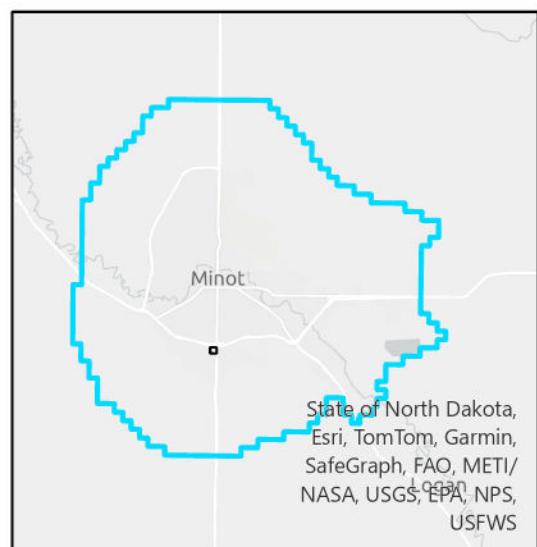
Deny a variance to the Section 7.1-4. C. & Section 7.1-3. A & C. related to street landscaping, site landscaping and buffer yard standards.

Alternative Recommendation

It may be possible for the applicant to address the concerns outlined in the Staff Analysis section of staff's written report and provide a reasonable strategy to mitigate the possible noise and light nuisances by removing existing built elements to make room for the required landscaping elements and buffers. This could be done by reconfiguring the site and removing some paving. The possibility of land acquisitions from adjacent property could also be explored to achieve the goal of a conforming site. To this end, staff provides the following alternative recommendation to allow the applicant additional time to address its nonconforming conditions and propose an alternate solution in the form of a site plan, created by a licensed design professional, conforming to the LDO design standards.: Table the item until Tuesday, June 4, 2024 at 5:30p.m. in the Council Chambers of City Hall.



■ Case # 2024-03-01
■ Case # 2024-03-01
Notification Area



City of Minot



Community Development

Development Review Team Meeting Form**Date:** 2-15-2023

The intent of the Development Review Team meeting is to provide information in regards to city code, policies, and procedures. This meeting does not constitute approvals of a site plan, access points, street sections, variances, or waivers of policy, etc. Additional requirements may become apparent upon review of an application.

Project Name: Popeye's Chicken	
Site Address: 300 28th Avenue SW	Parcel ID or Legal:
<input type="checkbox"/> Applicant <input type="checkbox"/> Architect <input checked="" type="checkbox"/> Engineer <input type="checkbox"/> Other:	
Name: Lucas Hoover	
Email Address: lucash@helmsengineering.com	Phone #: 605-225-1212
<input type="checkbox"/> Applicant <input type="checkbox"/> Architect <input checked="" type="checkbox"/> Engineer <input type="checkbox"/> Other:	
Name: Bob Kieso	
Email Address: bobk@helmsengineering.com	Phone #: 605-225-1212
<input type="checkbox"/> Applicant <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Other:	
Name:	
Email Address:	Phone #:
<input type="checkbox"/> Applicant <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Other:	
Name:	
Email Address:	Phone #:
City/Park Staff Present:	
<input type="checkbox"/> Lance M. <input type="checkbox"/> Brian B. <input type="checkbox"/> Kelli K. <input type="checkbox"/> Dan J. <input checked="" type="checkbox"/> Luke T. <input checked="" type="checkbox"/> John V. <input checked="" type="checkbox"/> Emily H. <input type="checkbox"/> Jason S. <input checked="" type="checkbox"/> Robby B. <input type="checkbox"/> Darren M. <input type="checkbox"/> Ron M. <input type="checkbox"/> Elly D. <input type="checkbox"/> Stephen J. <input type="checkbox"/> Stewart H. <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> City Alderman <input type="checkbox"/> Planning Commissioner	
<u>Project Description:</u> Construct a Popeye's Restaurant on a vacant lot.	

PLANNING DEPARTMENT

 NO REQUIREMENTSType of Application: (check all that apply)

Annexation Rezone Conditional Use Planned Development Preliminary Plat Variance
 Ordinance Amendment Plat/Street Vacation Comp. Plan Map Amend. Building Permit
 Other:

<u>City Limits:</u>	<u>Comp. Plan:</u>	<u>Zoning:</u>	<u>Surrounding Zoning:</u>	
<input checked="" type="checkbox"/> Yes	Current: Commercial	Current: C2	North: C2	South: C2
<input type="checkbox"/> No	Proposed: No Change	Proposed: No Change	East: C2	West: C2

<u>General Site Information:</u>	<u>New</u>	<u>Existing</u>	<u>Percentage Increase</u>
# of existing buildings: 0	Total sq. ft.: 0	Acreage: 0.94	Buildings to be torn down: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
New construction: <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Total new sq. ft.:	Addition: <input type="checkbox"/> Yes <input type="checkbox"/> No Total Addition sq. ft.:

Parking, Section 6.1-2 F. 7.:

Parking required: Yes No Minimum # of spaces required: 0.5 spaces per seat or 1 spaces per 1,000 s.f., whichever is less.

Other Parking Comments:

<u>Landscape Buffers, Section 7.1-1 D. 1-2:</u>	<input type="checkbox"/> N/A
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Street #1: Street #2:

Buffers between land uses: Yes No Width: Parking lot landscaping required: Yes No

Signage: N/A

Type signage: Pole Wall Monument Other: _____ Sign permit required: Yes No
 Maximum sign square footage: _____ Maximum height: _____

Design Standards: (choose three of seven): N/A

Contrasting colors Horizontal & vertical elements Accent materials Enhanced front entry
 25% window coverage facing street Irregular building shape
 Other architectural features:

Exterior Building Finishes: (choose two of nine):

Brick Natural stone Split face CMU Pre-case concrete Durable wood Architectural metal
 Glass curtain wall panels Stucco or EFIS Other material accepted by Director: _____

<u>Setbacks:</u> Front: 25' (south) Rear: 40' (north) Side: 0' Street Side: N/A	<u>Maximum Building Height:</u> 60'	<u>Minimum Lot Width:</u> 100'	<u>Maximum Density:</u> N/A	<u>Maximum Lot Coverage:</u> 100%	<u>Overlay Zone & Wellhead Protection:</u> N/A

Additional Information:

C2 Landscaping Standards are listed on the following page:

Section 7.1-3 A Street Landscaping: 10' deep strip with 1 street tree per 50 lineal feet of lot frontage along each street within

Section 7.1-3. B. 1. Parking Lot Landscaping, Interior: 20 square feet of parking lot landscaping per space, any landscaping islands shall be a minimum of 8' in width and 100sqft.

Section 7.1-3. B. 2. Parking Lot Landscaping, Perimeter: Requires the aforementioned street trees, berms or shrubs abutting the public street if the finished grade is over 2 feet.

Section 7.1-3. C. Foundation Plantings: 4' landscaping strip along any street facing facade

Section 7.1-4. A. Loading and Service Areas: 100% screening of the service area from the public or private street is required. This can be done through a landscaping screen that consists of hedge of evergreen shrubs that will reach a height at maturity of at least 6' in height, evergreen conifers, an earthen berm, or a combination of the three.

Section 7.1-4. B. 6. Trash Handling and Recycling Screening Requirements: Shall be completely screened from eye level view from a public street and adjacent properties.

Landscape Buffer Requirements (west side abutting residential):

All buffer yards must be reasonably free of paved areas, access ways, sidewalks, storage, or other disturbances, excluding intermittent drives. Each required buffer yard must be entirely landscaped with grass or other suitable plant material with a minimum of one (1) tree for each twenty lineal feet (20') of buffer yard. At least fifty percent (50%) of the required trees shall be evergreen conifers, five to six feet (5' -6') minimum in height. The remaining fifty percent (50%) of trees can be ornamental trees, deciduous canopy trees, shrubs (five {5} shrubs equal one {1} tree), or a combination thereof.

Building Design Standards: Must follow all standards under Section 4.2-6. A-F (excerpt provided).

PARK DISTRICT **NO REQUIREMENTS**

<u>Park Land Dedication:</u>		<input type="checkbox"/> N/A
% of area to be dedicated as public park:		Minimum acreage:
Private/HOA owned land set aside for open space: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how much:		
Type of dedication: <input type="checkbox"/> Deed <input type="checkbox"/> Easement <input type="checkbox"/> Other: _____		
<u>Amenities:</u>		<input type="checkbox"/> N/A
Amenities that will be provided:		
<input type="checkbox"/> Playground equipment <input type="checkbox"/> Swimming pool <input type="checkbox"/> Benches <input type="checkbox"/> Public parking <input type="checkbox"/> _____	<input type="checkbox"/> Athletic fields <input type="checkbox"/> Pond <input type="checkbox"/> Picnic tables <input type="checkbox"/> Fencing <input type="checkbox"/> _____	<input type="checkbox"/> Canopy/Gazebo <input type="checkbox"/> Lighting <input type="checkbox"/> Bathrooms <input type="checkbox"/> Storage buildings <input type="checkbox"/> _____
<u>Park Impact Fees:</u>		
Will this project require a payment of park impact fees to the park district: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, how much (estimated amount): 0.001% of overall project cost.		
<u>Pathways:</u>		
Will the applicant need to construct a shared use path: <input type="checkbox"/> Yes <input type="checkbox"/> No		
General location:	Width:	Length:
Pathway surface: <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Other: _____		
<u>Landscaping Requirements:</u>		
<input type="checkbox"/> Lawn <input type="checkbox"/> Conifers	<input type="checkbox"/> Trees <input type="checkbox"/> Rock	<input type="checkbox"/> Shrubs <input type="checkbox"/> Bark
Will the applicant need to submit a landscaping plan prepared by a state of North Dakota registered landscape architect: <input type="checkbox"/> Yes <input type="checkbox"/> No		
<u>Additional Information:</u>		

INSPECTIONS DEPARTMENT **NO REQUIREMENTS**Application(s) Required:

<input checked="" type="checkbox"/> New construction/addition	<input type="checkbox"/> Change of use/occupancy	<input checked="" type="checkbox"/> Electrical permit
<input checked="" type="checkbox"/> Plumbing permit	<input checked="" type="checkbox"/> Mechanical permit	<input checked="" type="checkbox"/> Sign permit
<input type="checkbox"/> Demolition permit	<input type="checkbox"/> Fence permit	<input type="checkbox"/> Other:

ADA Requirements: **N/A**

<input checked="" type="checkbox"/> Entrances	<input checked="" type="checkbox"/> Ramps	<input checked="" type="checkbox"/> Bathrooms
<input checked="" type="checkbox"/> Doorways	<input checked="" type="checkbox"/> Door hardware	<input checked="" type="checkbox"/> Accessible route to public way

Building Separation Requirements:Will the building need to be separated: Yes NoPlans prepared by State of North Dakota licensed architect: Yes NoWill the proposed use require: Underground grease interceptor Under-the-sink grease trap N/APlumbing Information:Water pipe sizing: Drain sizing: Treated building drainage: Yes No

When these items are field reviewed, typically the job is already installed and corrections may involve stopping the project from cover and possible removal of the pipe and/or fixtures and days in waiting to hear back from the design professional.

Additional Information:

- Plans designed a submitted shall be in accordance with 2021 IBC, IFGC, IMC, IFC, IEEC, 2018 ND Plumbing Code, 2020 NEC & KC A117.1-2017.
- A grease interceptor will be required.
- Type I hood with ansul system is required.
- Will have more comments when plans are submitted.
- All electrical permitting & inspections are conducted by North Dakota Electrical Board.

Building Permit Process:

1. Complete the appropriate Inspections Department commercial plans/buildings application.
2. Submit completed application to the Inspections Department with two (2) **COMPLETED** set of 24" by 36" plans.
3. The two sets of plans shall have the wet stamp of the architects and/or engineers that prepared the plans. A complete package shall include but not be limited to architectural, structural, plumbing, mechanical and electrical plans. Please include additional documentation such as structural calculations, specification books and energy compliance forms to help speed up the plan review process. The complete package shall also include all storm water calculations and detailed civil plans as prepared and stamped by a licensed civil engineer.
4. Application is processed through the Inspections Department and distributed and distributed to the Planning, Engineering, and Fire Departments for review and approval.
5. Once the Inspections Department receives the approved application from Planning, Engineering, and Fire, it performs its review and issues a plan review letter that typically asks for revisions before a permit may be issued.
6. Once the revisions have been re-submitted to the Inspections Department, as a complete set in all four (4) sets, and the revisions have been reviewed and approved, the Inspections Department will issue a permit.
7. Applicant will receive a phone call letting him/her know the permit is ready to pick up, along with the amount of fees, which are payable at the time of picking up the permit.

Commercial Permit Guide Packet Provided to Applicant(s): Yes No

FIRE DEPARTMENT

 NO REQUIREMENTS

# of existing fire hydrants: 1	Need upgrade: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	# of new fire hydrants:
Sprinkler system required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Existing Type:		
Fire monitoring system required: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Existing Type:		
Fire alarm system required: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Existing Type: Unknown, dependent on occupant load		
Fire extinguishers must be located within a 75-foot travel distance of each other and must be present during construction.		
<u>Addressing:</u>	<input type="checkbox"/> N/A	
Shall be visible from the street. Numbers shall be not less than 4 inches high with a minimum stroke width of 1/2 inches using contrasting colors.		
Knox box required if building is equipped with a sprinkler system and/or fire alarm.		
Islands, medians, traffic calming, roundabouts: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Turnaround required: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Fire lanes required: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fire lane width:	
<u>Hazardous or dangerous processes:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Describe:		
Hazardous Materials:		
On-site: <input type="checkbox"/> Yes <input type="checkbox"/> No	Stored: <input type="checkbox"/> Yes <input type="checkbox"/> No	Used: <input type="checkbox"/> Yes <input type="checkbox"/> No
Type:	Quantity:	
<u>Additional Information:</u> More information will be available when plans are submitted.		

ENGINEERING AND PUBLIC WORKS DEPARTMENTS

 NO REQUIREMENTS

<u>Right-of-Way Dedication:</u>		<input checked="" type="checkbox"/> N/A	
Street #1:	ROW required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Feet from centerline:	
Street #2:	ROW required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Feet from centerline:	
Street #3:	ROW required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Feet from centerline:	
Street #4:	ROW required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Feet from centerline:	
No encroachments are allowed within the public right-of-way without an approved Encroachment Permit.			
<u>Driveways:</u>		<u>Developer's Agreement:</u>	
# of existing: 1	Locations: 28th Ave.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
# of proposed: 1	Locations: 28th Ave.		
Addressing: Change in address: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No New address: <input type="checkbox"/> Yes <input type="checkbox"/> No			
<u>Street Improvements:</u>		<input type="checkbox"/> N/A	
Standard residential street section: <input type="checkbox"/> Yes <input type="checkbox"/> No Non-standard street section: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Sidewalk installation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Lighting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Shared use path installation: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Storm Water Requirements: <input checked="" type="checkbox"/> Yes, per City Ordinance <input type="checkbox"/> Not required <input type="checkbox"/> TBD			
Existing utilities running through property: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Encroachments in existing or right-of-way easements: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Closest sewer main: 28th Ave.		Size of sewer main: 12" PVC	
Sewer main extension required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Size of required sewer main:	
Existing water service: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		New water service: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fire service: <input type="checkbox"/> Yes <input type="checkbox"/> No
Closest water main: 28th Ave.		Size of water main: 6" PVC	
Water main extension required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Size of required water main:	
<u>Connection Fees:</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Traffic Impact Study:</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Flood Plain:</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Floodway:</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<u>Additional Information:</u> - Previous sewer/water information is attached. - NDDOT traffic study information is attached.			

DEVELOPMENT REVIEW TEAM INFORMATION FORM

1. Project Name: **POPEYES CHICKEN**

2. Please list the following information for ALL PERSONS who will be in attendance:

NAME	EMAIL ADDRESS	PHONE NUMBER	RELATIONSHIP TO PROJECT
Lucas Hoover	lucash@helmsengineering.com	605-225-1212	Project Engineer
Bob Kieso	bobk@helmsengineering.com	605-225-1212	Surveyor

3. Address and/or Property ID Number of the property: **300 28th Ave SW**

4. Current use of the property: **Gravel Storage**

5. Proposed use of the property: **Restaurant**

6. Are you platting a subdivision? Yes No If yes, how many lots? How many total units?

7. Are you adding or modifying any water, sewer, or storm sewer utilities? **Water, Sewer services. Storm water**

8. Describe your proposed project.

New construction of a Popeyes restaurant.

9. Do you have any specific questions for us?

Yes, and those will be presented on Monday (2/13/2023).

FOR NEW CONSTRUCTION:

10. What are you building? **Restaurant - Popeyes Chicken**

Total square feet: **Approx. 2,400 SqFt**

of stories: **1**

Basement: Yes No

11. Will the new buildings(s) have a completed fire sprinkler system: Yes No Unsure

12. Will the new building(s) be used to store any flammable or hazardous liquids or materials? Yes No

FOR EXISTING BUILDINGS OR STRUCTURES:

13. Please list the following information for all stories and basements:

	BASEMENT	1 st STORY	2 nd STORY	3 rd STORY AND ABOVE
CURRENT USE				
PROPOSED USE				
SQUARE FOOTAGE				

14. Will you be constructing any additions? Yes No Unsure

15. Will the building be used for storage of flammable or hazardous liquids or materials? Yes No

16. Does the site currently have an installed underground grease interceptor? Yes No Unsure

17. Is the building currently fire sprinkled? Yes No Unsure

18. Is the building currently fire monitored? Yes No Unsure

19. Existing number of bathrooms: None One Two Three Four Five or more

20. Are the bathrooms ADA compliant? Yes No Unsure

21. Is the main entrance ADA compliant: Yes No Unsure

22. How many parking spaces are currently available?

23. How many ADA parking spaces are currently available?

The City of Minot typically holds Development Review Team (DRT) meetings on Wednesdays at 10:00, 11:00 and 1:00. Please submit this form, a site plan, and any other pertinent information to the Planning Division at

planner@minotnd.org at least three business days in advance to allow for staff preparation DRT meetings are scheduled on a

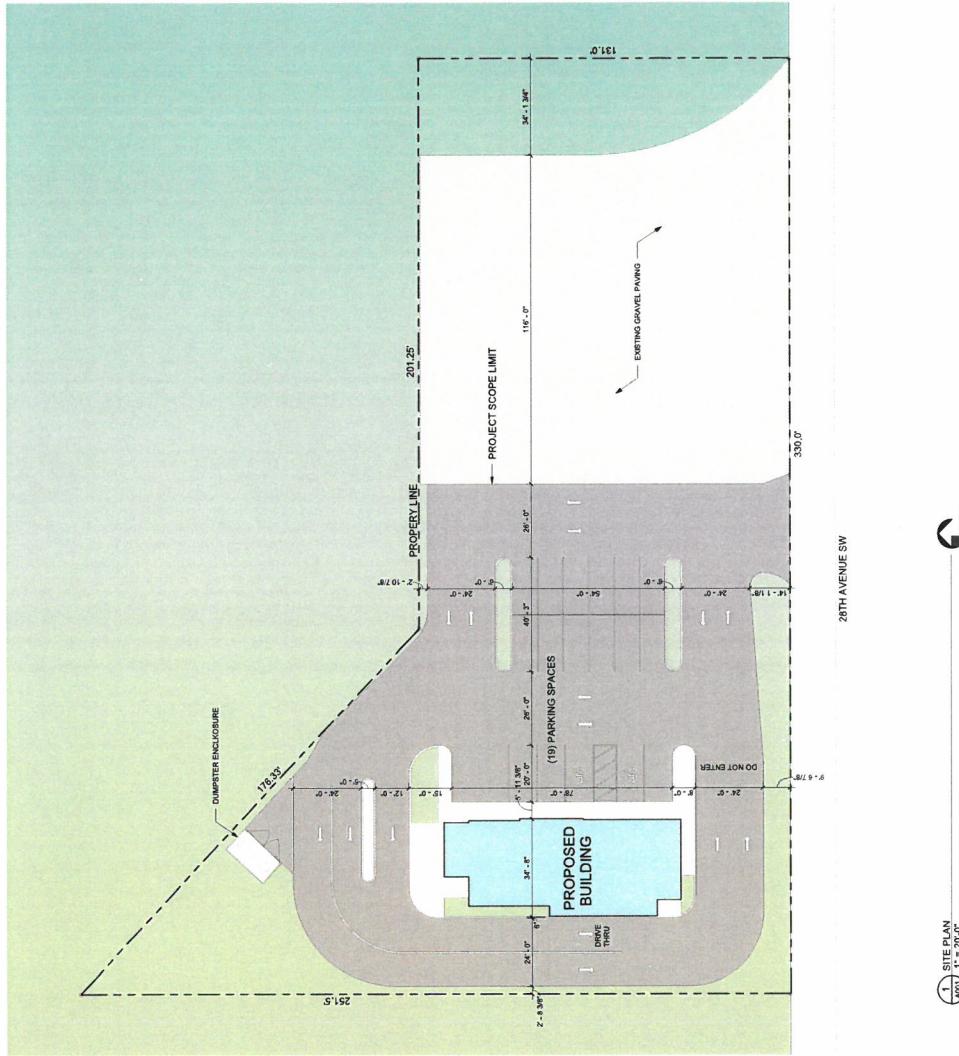
first-come, first-serve basis. The information transmitted at the DRT meeting is based upon the completeness and accuracy of the information given on this form.



CONSOLIDATED
CONSTRUCTION CO., INC.
0000011712 EXPERTS IN:
800-242-6874
www.constructionco.com
1000 1st Ave. S., Suite 1000
Albuquerque, NM
Rapid City, SD
Billings, MT
co.com/consco 800-242-6874

STAMPS

POPEYES LOUISIANA KITCHEN, INC.
MINOT, ND
ADDITION & RENOVATION FOR:



ISSUED FOR REVIEW:	11/16/22
ISSUED FOR RD:	00/00/2022
ISSUED FOR PERMIT:	00/00/0000
ISSUED FOR CONSTRUCTION:	00/00/0000
ISSUED REVISIONS:	

Revisions: Date: Rev. Description:

SITE SYMBOL SCHEDULE

WAA	DRAWN BY:
00003025	PROJECT #:
A001	SHEET TITLE:
ARCHITECTURAL SITE PLAN	

PRELIMINARY PLANS

NOTICE: Copying or reproduction of this drawing is illegal without the express written consent of the owner.



To determine if flood insurance is available, call the National Flood Insurance Program at

APPROXIMATE SCALE 500

NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

WARD COUNTY,
NORTH DAKOTA AND
INCORPORATED AREAS

PANEL 783 OF 1475
REF ID: A457 INDEX FOR PANELS MUST PRINTED

NUMBER PANEL SUFFIX
CONTAINS COMMUNITY

MAP NUMBER
38101C0783 D

EFFECTIVE DATE:
JANUARY 19, 2000



Federal Emergency Management Agency

This is an official **FIRMettes** showing a portion of the above-referenced Flood map created from the **FIRMettes** Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the **Flood Hazard Mapping Updates Overview Fact Sheet** available on the **FEMA Flood Map Service Center** home page at <https://msc.fema.gov>.

CITY OF MINOT
385367

AVENUE

6TH STREET SOUTHWEST

22ND AVENUE SOUTHWEST

21ST AVENUE SOUTHWEST

28TH AVENUE

35 AVENUE

7TH STREET SOUTHWEST

4TH STREET SOUTHWEST

27TH AVENUE SOUTHWEST

31ST AVENUE SOUTHWEST

MAIN STREET SOUTH

3RD STREET SOUTH

BROADWAY

BROADWAY

BROADWAY

ZONE A

ZONE X



National Wetlands Inventory

Minot - Popeyes site



This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Lake
Other
Riverine

Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Freshwater Pond

Estuarine and Marine Deepwater
Estuarine and Marine Wetland

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

TRAFFIC IMPACT STUDIES FOR NEW DEVELOPMENTS

To obtain NDDOT support for proposed developments having either direct or indirect access to the ND State Highway System, developers should submit the expected number of trips per day to the [NDDOT District Engineer](#) (in writing). This submission should include a short discussion on how this number was estimated (usually based on expected number of employees, customers and/or deliveries, residents etc). If the new traffic generated by the development is proposed to use an existing access point, the current access point volume and build volumes should be submitted. The District Engineer may choose to pass on this information to the Central office for additional support/direction/review. If the District Engineer decides that a traffic engineering analysis is necessary, the developer is responsible for providing a study completed by a professional engineer registered in the state of North Dakota. This decision is typically based on the anticipated number of trips generated by a development. A "study intersection" is defined as an existing or proposed intersection that will introduce new turning traffic—resulting from the development. A trip is defined as a one-direction vehicle movement with either the origin or the destination (exiting or entering) inside the site. Over time, changes in land use within property may create additional trips which may necessitate revisions to the accesses—NDDOT reserves the right to request the developer provide further information about proposed modifications to their property.

Less than 100 trips per day and less than 30% trucks

A traffic engineering study is typically not necessary (except where the district engineer requests one based on issues such as terrain, sight distance or other engineering judgment), turn lanes or other traffic control modifications are typically not necessary. The developer should provide in writing:

- Size of property in acres and a description of how the property will be used
- The number of proposed buildings with square footages
- Number of employees/residents expected when the property is fully developed
- The expected number of trips per day (including number of truck trips, new pedestrian/bicycle trips)
- What hour of the day will generate the highest number of trips and how many trips are expected during that time period.

100 to 1,000 trips per day or truck percentage greater than 30%

A written traffic engineering study should include the items above and also provide the following:

- Verify the expected number of trips per day generated by the development ("Trip Generation" Manual from ITE)
- Discussion and/or diagrams showing site circulation (site plan)
- Sight distance evaluation at study intersections
- Study intersection design
 - Include a recommendation on the need for right and/or left turn lanes.
 - If turn lanes are recommended, the study should use NDDOT design practices to indicate the length of the proposed turn lanes including tapers, etc.

1,000 to 5,000 trips per day

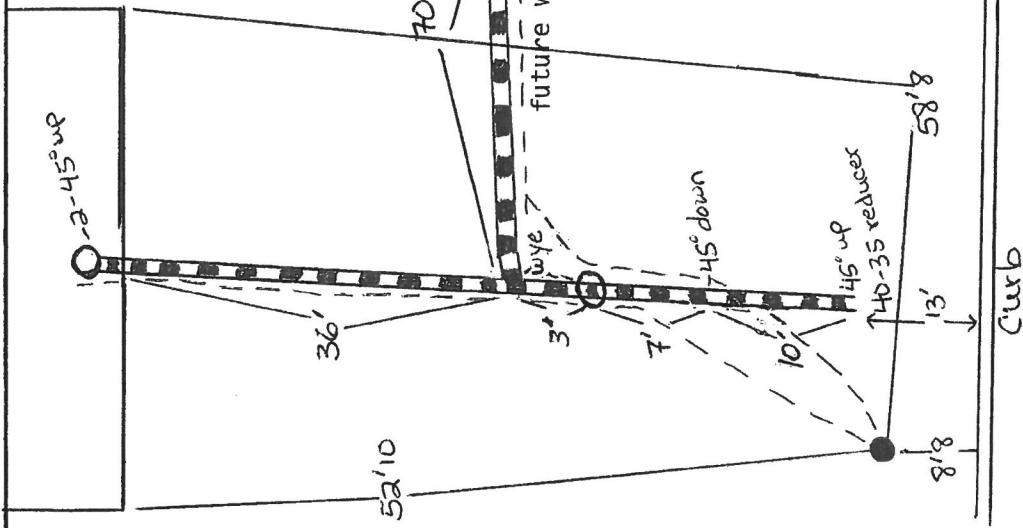
In addition to items listed above, the written traffic study should provide:

- Capacity analysis at study intersections
- Crash data analysis at existing study intersections (NDDOT will provide the crash data per the developer's request)
- Trip distribution (evaluate number, location, and spacing of access points). Provide expected directional distribution of trips (for example, 30% from the west, 70% from the east) and indicate if the truck directional distribution varies from the vehicle directional distribution.

Greater than 5,000 trips per day

In addition to items listed above, the written traffic study should provide:

- Background traffic growth and evaluation of future traffic
- Traffic signal warrant analysis – with a recommendation for signalization, roundabout or other traffic control devices
- Lighting analysis at study intersections
- Evaluate adjacent intersections that may be impacted by the development (capacity analysis, crash history, etc). The study shall take into consideration any applicable transportation plans in the area.



House Number	300
Street	28 Avenue SW
Lot No.	Block No.
Additional	
Plumber	C & S
Plumbing Permit No.	8112
Street Opening Permit No.	
Excavator	Coughlin
Water Inspection Date	7/12/06
Sewer Inspection Date	
Inspected By	Terry Grosz
Owner	Deneschuk Homes, LTD
Remarks:	sewer: 4" PVC SDR 35 water: 1" poly SDR 7
Sewer stub 17' deep - SDR 40	
2" C.S. reducer to 1" - no rod on curb stop.	

2. Amenities shall only be required when the nearest existing or planned public park or school with a public field and playground amenities is more than one- half (1/2) mile away or across a collector or arterial roadway from the development.
3. If a fee in-lieu of park dedication was provided as part of the subject subdivision (Article 10), amenities shall not be required.

SECTION 4.2-6. COMMERCIAL/OFFICE PARK (C1, C2, OP, AND P DISTRICTS)

A. Design Elements

All new building fronts and refacing of existing buildings shall include a minimum of three (3) of the following elements:

1. Accent materials that are different from exterior building finishes;
2. A visually pleasing primary front entrance that, in addition to doors, shall be clearly articulated and obvious from the street;
3. Twenty-five percent (25%) window coverage on each front that faces a street;
4. Contrasting yet complementary colors;
5. A combination of horizontal and vertical design features;
6. Irregular building shapes; or
7. Other architectural features in the overall architectural concept including such things as awnings, eaves, overhangs, various roof lines/profiles, use of columns or posts, enhanced windows or door detail, etc., upon review and approval of the Planning Division.

B. Accent Materials

Accent materials shall be used on any walls that front on a public street or right-of-way. No wall shall exceed one hundred (100) feet in length without visual relief. "Visual relief" is defined as the incorporation of design features such as windows, horizontal and vertical patterns, contrasting colors, or varying wall depths. Accent materials are subject to review and approval by the Planning Division.

C. Exterior Building Finishes

1. The exterior building façade finishes of any façade fronting on a public street or right-of-way or adjoining a parking lot shall consist of materials comparable in grade and quality to the following list. A minimum of two (2) shall be used:
 - a. Brick.
 - b. Natural stone.
 - c. Integral colored split face (rock face) concrete block.
 - d. Cast in place concrete or pre-cast concrete panels (not to include raked or plain finish).

- e. Wood provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
- f. Architectural metal that is factory fabricated and finished with a durable non-fade surface and fasteners which are of a corrosion resistant design. Pre-weathered metal is acceptable.
- g. Glass curtain wall system.
- h. Stucco, EFIS (Exterior Finishing Insulation System).
- i. Other materials determined as acceptable by the Planning Division.
- j. Side and rear elevations not fronting on a public street or right-of-way or adjoining a parking lot shall be permitted to use one material within this façade(s) provided no wall shall exceed one hundred (100) feet in length without visual relief.
- k. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.



Example of appropriate building exterior finish

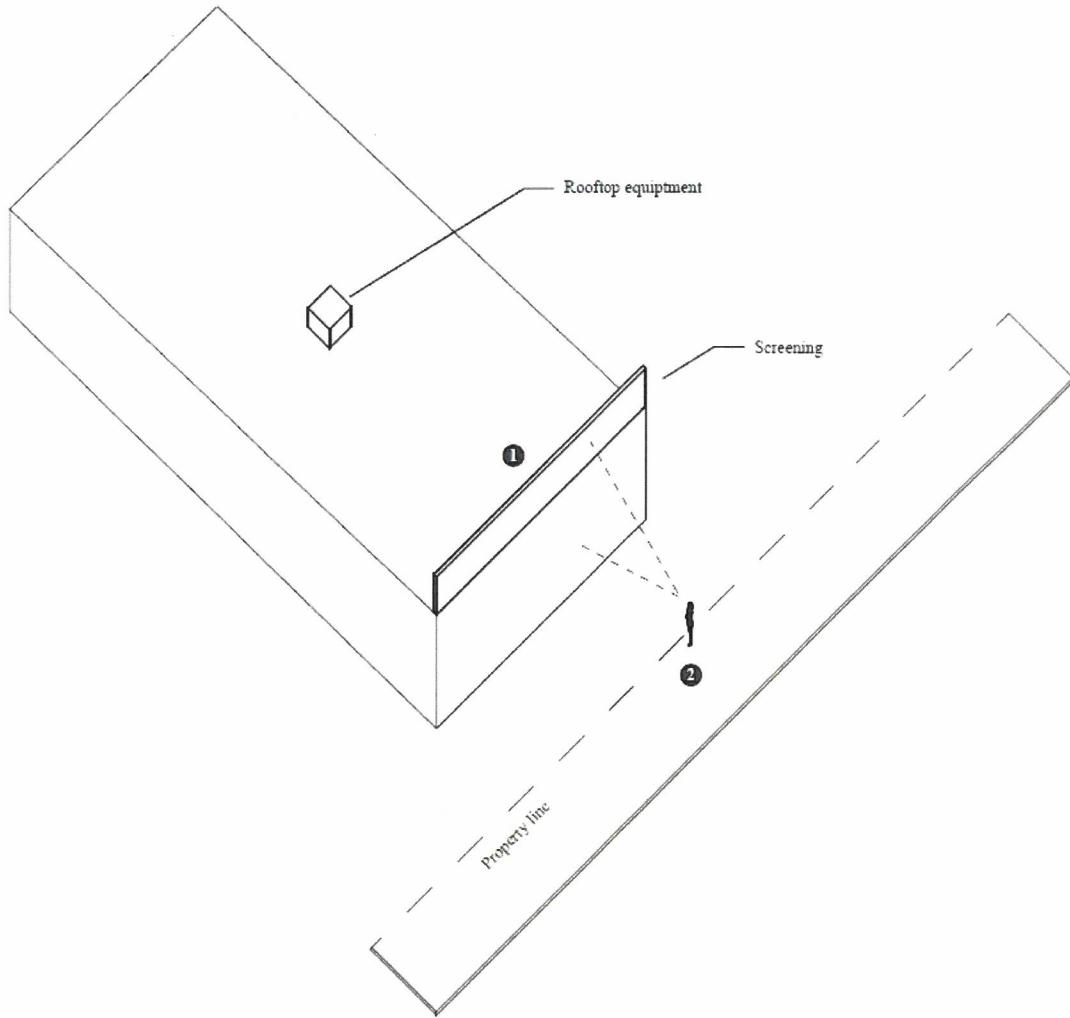
D. Building and Roofing Materials

All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the Planning Division for quality, durability, and aesthetic appeal.

E. Utilities

1. The view of all rooftop equipment and related piping, ducting, electrical, and mechanical utilities shall be camouflaged through strategic placement or roof screening from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain-link with slats shall not be used for screening. Rooftop solar panels and associated equipment are excluded from this requirement.
2. The term "ground level view" is defined as the view of the front entrance of the building from the property line at an elevation equal to the main floor elevation. If abutting perimeter property lines are higher than ten (10) feet above the finished floor elevation of the building, rooftop screening is not required. A ground level view perspective plan shall be provided demonstrating how rooftop units will be screened from view.

Appropriate screening of rooftop equipment



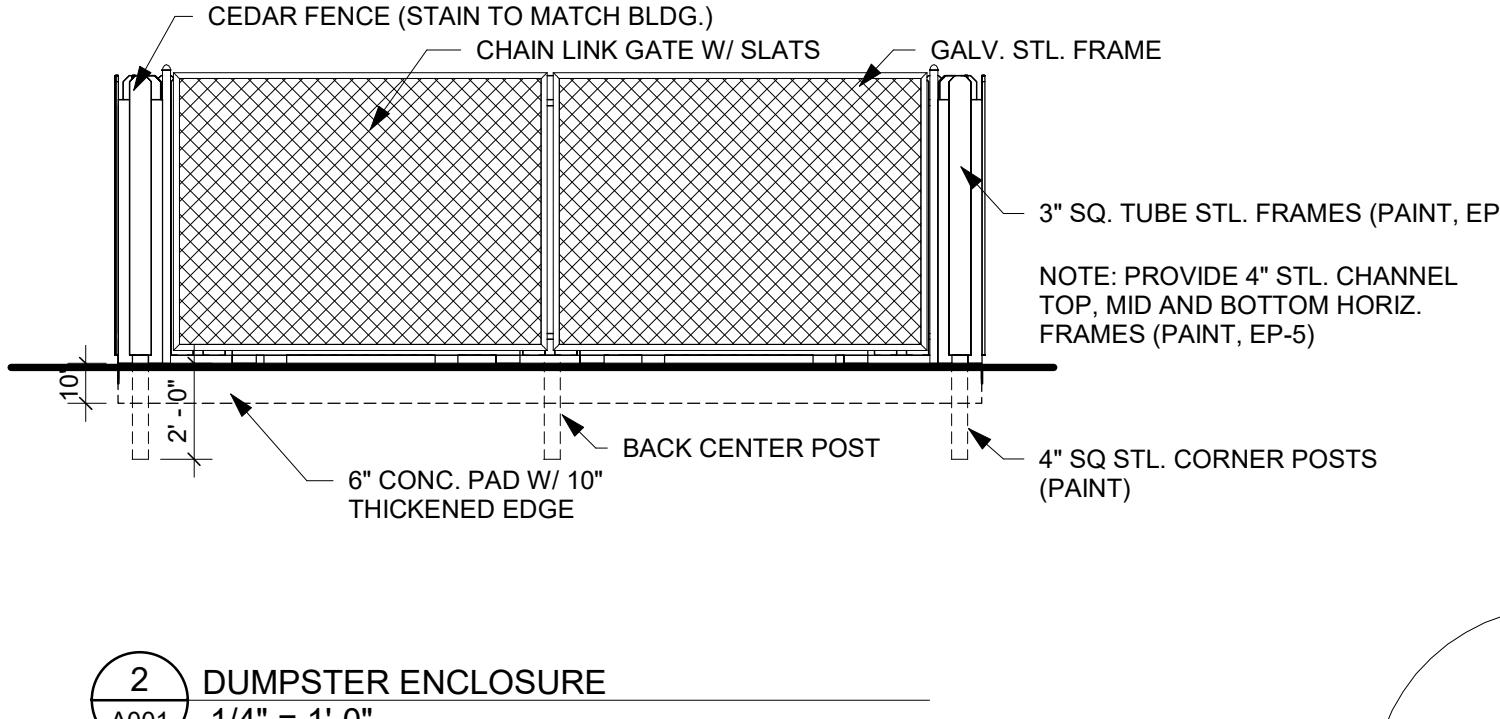
F. External Loading and Service Areas

External loading and service areas must be one hundred percent (100%) screened from the ground level view from contiguous residential properties and adjacent streets, except at access points.

SECTION 4.2-7. DOWNTOWN AND MIXED USE (CBD AND GMU DISTRICTS)

A. Site Design

1. Orient and consolidate structures to complement existing, adjacent development to create a coordinated and visually attractive mixed-use setting.



SITE NOTES

- 1) PROPERTY ZOING : C2
- 2) PARKING: 12 FIXED SETS, 12 REQUIRED, 14 PROVIDED
- 3) REFER TO THE CITY OF MINOT LANDSCAPE ORDINANCE FOR MAINTENANCE REQUIREMENTS
- 4) FEILD VERIFY ALL DIMENSIONS AND EXISTING AND NEW UNDRGROUND UTILITIES

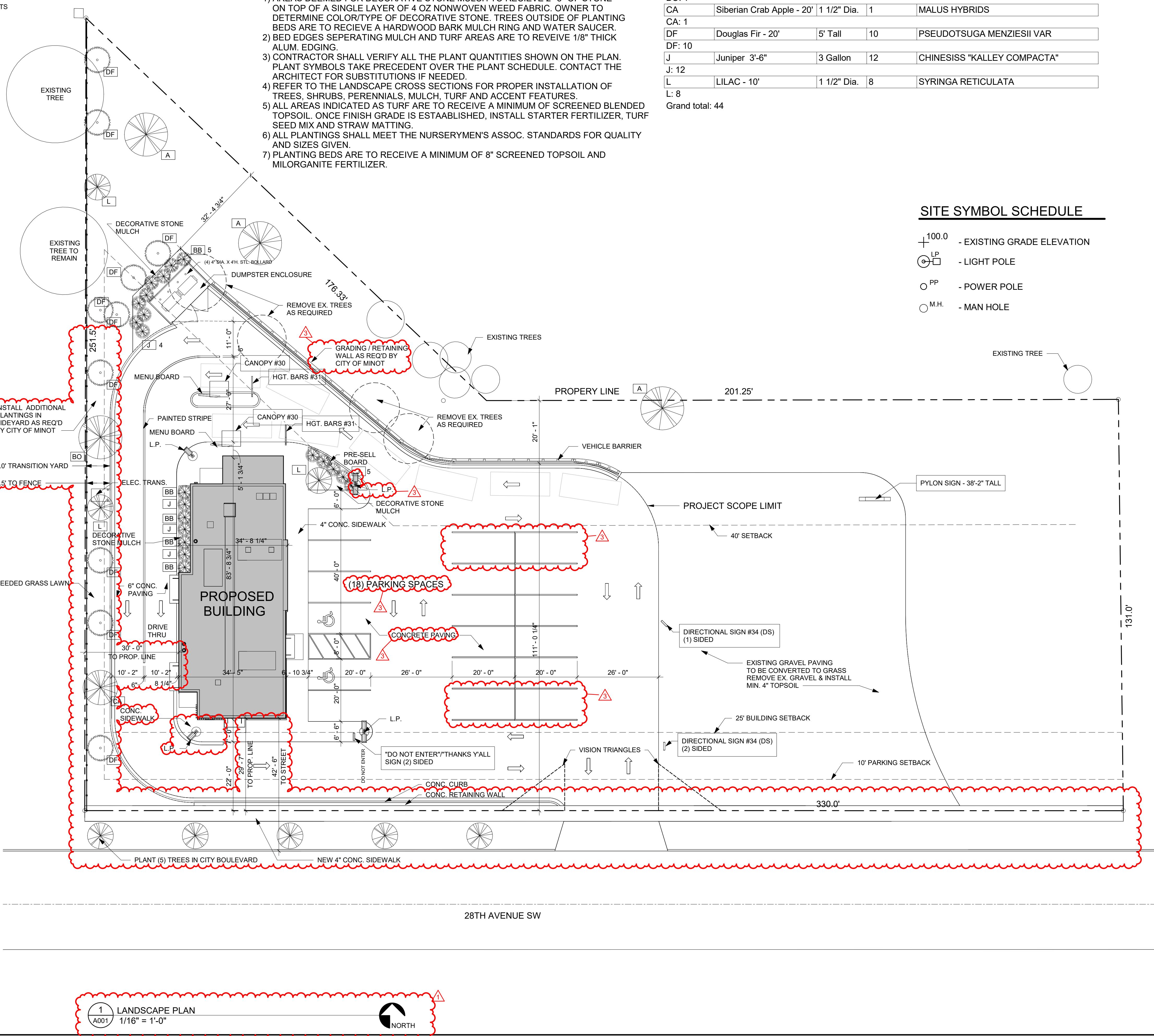
LANDSCAPE NOTES

- 1) AREAS DEEMED FOR DECORATIVE STONE MULCH TO RECIEVE 2"-3" OF STONE ON TOP OF A SINGLE LAYER OF 4 OZ NONWOVEN WEED FABRIC. OWNER TO DETERMINE COLOR/TYPE OF DECORATIVE STONE. TREES OUTSIDE OF PLANTING BEDS ARE TO RECIEVE A HARDWOOD BARK MULCH RING AND WATER SAUCER.
- 2) BED EDGES SEPERATING MULCH AND TURF AREAS ARE TO REVEIVE 1/8" THICK ALUM. EDGING.
- 3) CONTRACTOR SHALL VERIFY ALL THE PLANT QUANTITIES SHOWN ON THE PLAN. PLANT SYMBOLS TAKE PRECEDENT OVER THE PLANT SCHEDULE. CONTACT THE ARCHITECT FOR SUBSTITUTIONS IF NEEDED.
- 4) REFER TO THE LANDSCAPE CROSS SECTIONS FOR PROPER INSTALLATION OF TREES, SHRUBS, PERENNIALS, MULCH, TURF AND ACCENT FEATURES.
- 5) ALL AREAS INDICATED AS TURF ARE TO RECEIVE A MINIMUM OF SCREENED BLENDED TOPSOIL. ONCE FINISH GRADE IS ESTAABLISHED, INSTALL STARTER FERTILIZER, TURF SEED MIX AND STRAW MATTING.
- 6) ALL PLANTINGS SHALL MEET THE NURSERYMEN'S ASSOC. STANDARDS FOR QUALITY AND SIZES GIVEN.
- 7) PLANTING BEDS ARE TO RECEIVE A MINIMUM OF 8" SCREENED TOPSOIL AND MILORGANITE FERTILIZER.

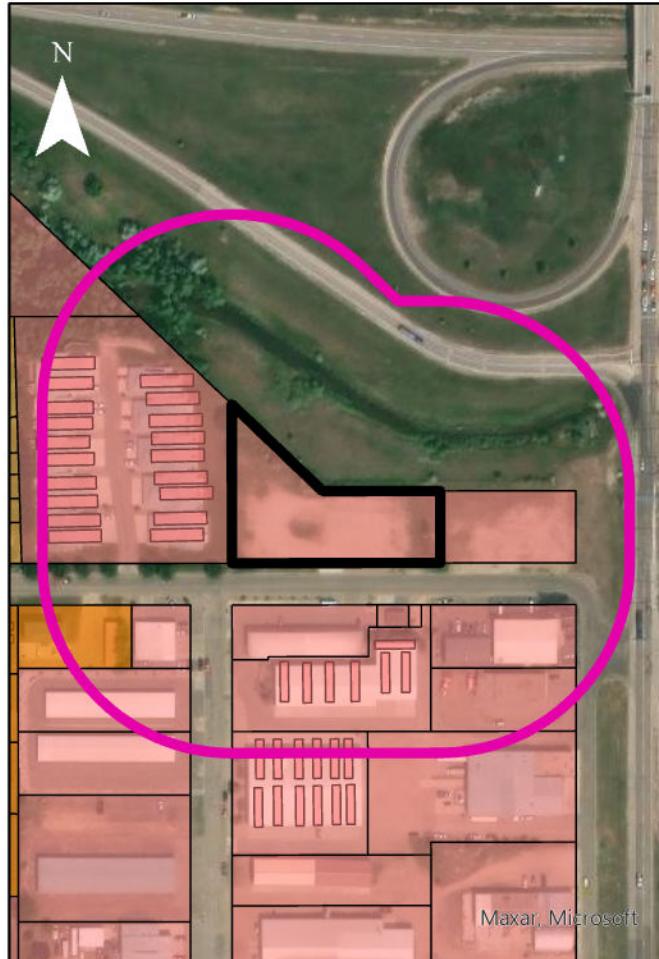
PLANTING SCHEDULE				
Type Mark	Type	Description	Count	Comments
A	Aspen Quaking - 25'	1 1/2" Dia.	3	POPULUS TREMULOIDES
A: 3				
BB	Burning Bush 4'-6"	3 Gallon	9	EUONYMUS ALATUS
BB: 9				
BO	Bur Oak - 25'	1 1/2" Dia.	1	QUERCUS MACROCARPA
BO: 1				
CA	Siberian Crab Apple - 20'	1 1/2" Dia.	1	MALUS HYBRIDS
CA: 1				
DF	Douglas Fir - 20'	5' Tall	10	PSEUDOTSUGA MENZIESII VAR
DF: 10				
J	Juniper 3'-6"	3 Gallon	12	CHINESISS "KALLEY COMPACTA"
J: 12				
L	LILAC - 10'	1 1/2" Dia.	8	SYRINGA RETICULATA
L: 8				

SITE SYMBOL SCHEDULE

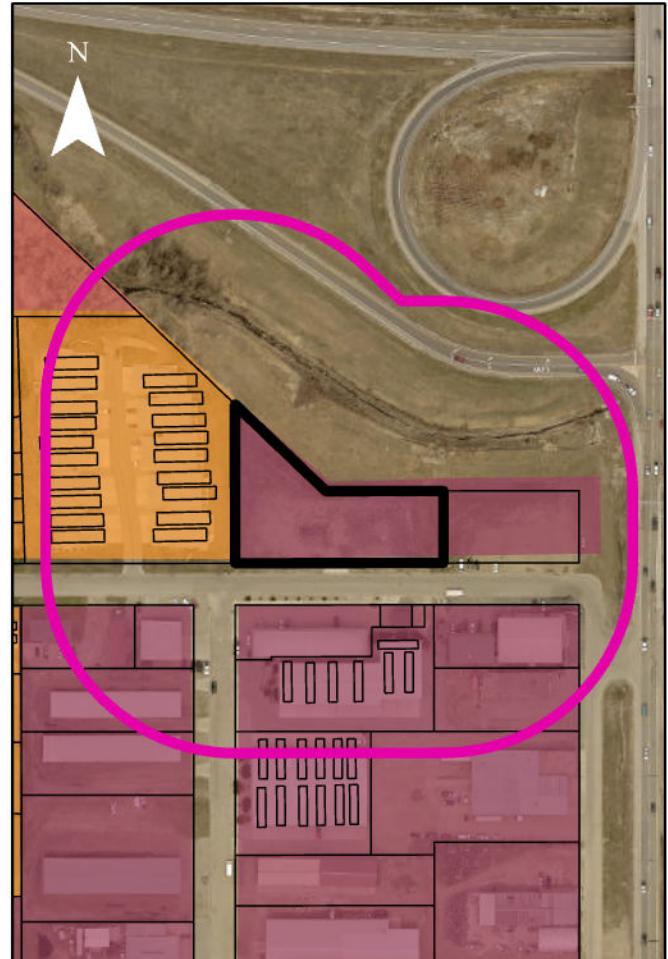
- + 100.0 - EXISTING GRADE ELEVATION
-  LP - LIGHT POLE
-  PP - POWER POLE
-  M.H. - MAN HOLE



ZONING



FUTURE LAND USE



0 150 300 600 Feet

Zoning

Zoning
C2
R3
R3B
R3C

Both Maps

Case # 2024-03-01
Case # 2024-03-01
Notification Area

Land Use Type

General Commercial
Neighborhood Commercial
Urban Residential

Exhibit 4 – Site Photos





Facing North alongside landscaping buffer



Facing East along North property line



Facing West along North property line



Facing East



Facing East along South property line



Facing West along South property line