

City of Minot

Regular Planning Commission Meeting

Tuesday, February 6, 2024 at 5:30 PM

City Council Chambers, City Hall

1. Roll Call
2. Pledge Of Allegiance
3. Intro & Decorum

Documents:

[PLANNING COMMISSION INTRO AND PUBLIC HEARING DECORUM.PDF](#)

4. Approval Of The December 2023 Regular Meeting Minutes

Documents:

[12 \(DEC\) RECOMMENDATIONS 2023.PDF](#)

5. Continued From December 5, 2023: Case #2023-11-01. Conditional Use Permit - Seeds Of Eden

Public hearing request by Isaiah Keller representing Lars Wikstrom on behalf of CXL, LLC, owner for a conditional use permit for a group home for up to twelve residents plus staff. The legal description for the property is Lot 1, Blaisdells Subdivision of Block 13 Ramstads Riverview Subdivision to the City of Minot, North Dakota.

The address for the property is 425 Main St. S.

Documents:

[JAN 24 - 2023-11-01 - SEEDS OF EDEN - CUP WEXHIBITS.PDF](#)

6. Case #2023-12-02. Major Subdivision Preliminary Plat - Avery's 2nd Addition

Public hearing request by Wayne Johnson, property owner for a preliminary plat to consolidate several properties into two (2) lots. The proposed subdivision is to be named Avery's Second Addition, being a replat of Outlot 27 of the SE 1/4 SW 1/4 SW 1/4 SE 1/4 and SE 1/4 SW 1/4 less a portion SW 1/4 SE 1/4 less road portion sold and Outlot 2, 8, 9, 12, 25, 26 and 28 and Lot 1 Avery's Addition, located in the southwest and southeast quarters of Section 32, Township 155N, Range 82W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include 3200 County Road 19 S. and an unaddressed property south of 3200 County Road 19 South and east of 2900 34<sup>th</sup> Ave SE. west of 3220 & 3300 County Road 19 S.

Documents:

2022-06-01 - AVERYS 2ND ADDITION - PRELIM PLAT WEXHIBITS.PDF

7. Other Business

7.I. Article: As More Cities Eliminate Parking Minimums, What Happens Next?

NAIOP Commercial Real Estate Development Association, As More Cities Eliminate Parking Minimums, What Happens Next?, Summer 2023 Issue, By. Robert Ferrin

Documents:

AS MORE CITIES ELIMINATE PARKING MINIMUMS, WHAT HAPPENS  
NEXT\_ \_ NAIOP \_ COMMERCIAL REAL ESTATE DEVELOPMENT  
ASSOCIATION.PDF

8. Adjournment

## INTRO

The Planning Commission evaluates land use applications for compliance with the standards and procedural requirements outlined within the Zoning Supplement to the City of Minot (Zoning Code) and North Dakota Century Code. Further, the Planning Commission is tasked to ensure development within the City of Minot aligns with the City of Minot 2012 Comprehensive Plan (Comprehensive Plan).<sup>1</sup>

Planning Department staff are assigned to support the Planning Commission by reviewing applications for compliance with the Zoning Code and alignment with the Comprehensive Plan. Staff summarizes this information to the Planning Commission in the form of written staff reports, which include a recommendation. Oral presentations summarizing a staff report and any additional information obtained since the date said staff report was written is provided as determined necessary by the Planning Commission.

Planning Commission is not required to follow City staff recommendation. However, a deviation from staff's recommendation may require clarification to the findings of fact along with clearly stated reasoning for any alternative recommendation.

Finally, staff is not able to anticipate all information entered into the record via Planning Commissioner discussion or provided by the public during the open public comment period. Staff is available to answer any questions which may arise through discussion.

The Planning Commission renders a decision for variances, interim use permits, and conditional use permits that may be appealed to City Council. The Planning Commission provides recommendations to City Council for all other land use applications.

## DECORUM

Persons attending public hearings are expected to conduct themselves with decorum to assure fairness and equity in the proceedings. Participants must:

- Step to the podium/microphone each time you wish to be recognized by the Planning Commission to offer a comment, or to ask or answer a question, and state your name for the record. To ensure minutes of the meeting accurately reflect the individual for which statements are made a sign-in sheet is provided at the podium for those wishing to speak.
- Address all testimony, comments and questions to the Chair of the Commission and not the other participants, the applicant, or the staff. The Chair of the Commission will determine the appropriateness of all questions and when and where to direct them.
- Allow others in attendance an opportunity to present their testimony. Do not interrupt the proceedings with applause, heckling, outbursts or other disruptive behavior.
- Address the issues and application that are before the Commission. These proceedings are not the forum to discuss the appropriateness of particular land use policies, regulations, or alternatives.
- Please silence your phones or set them to vibrate at this time.

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<sup>1</sup> Per N.D.C.C 40-48-09, the basic purpose of the plan:

*...The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, best will promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, the improvement and control of architecture, and the general embellishment of the area under its jurisdiction.*

*This document serves two purposes: 1) To provide a summary of the Planning Commission meeting and associated recommendations to City Council; and 2) To act as the Planning Commission minutes of the meeting. The minutes of the Planning Commission meeting are generally adopted at the following Planning Commission with or without changes.*

**Regular Meeting:** Planning Commission.

**Location:** City Hall, Council Chambers, 10 3<sup>rd</sup> Avenue SW., City of Minot, N.D.

**Meeting Called to Order:** Tuesday, December 5, 2023 @ 5:30 pm.

**Presiding Official:** Chairman Offerdahl.

**Members in Attendance:** Commissioners Offerdahl, Baumann, Dohms, Iverson, Kibler, Longtin, Mennem, Hochhalter.

**Members Absent:** Commissioners Faken, Gates, Linder, Nesdahl, Pontenila.

**City Staff Present:** Brian Billingsley (Community Development Director), John Van Dyke (Principal Planner), Doug Diedrichsen (Principal Planner), Nick Schmitz (Assistant City Attorney), and Emily Huettl (Assistant City Engineer), Elly Deslaurler (Park Director), Jennifer Kleen (Public Information Officer), Jonathan Rosenthal (Economic Development Administrator).

**Others Present:** Isaiah Keller, Seeds of Eden; Donna Bye, Houston Engineering

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The following are the minutes of the Planning Commission meeting. The minutes are in DRAFT form until formally adopted by the Planning Commission:

**Meeting Called to Order by Chairman Offerdahl at 5:30 pm**

**Item #1: Roll Call**

**Item #2: Pledge of Allegiance**

**Item #3: Planning Commission Introductions and Public Hearing Decorum**

**Item #4: Approval of Minutes**

Motion by Commissioner Kibler to approve the November 7, 2023 Planning Commission Meeting Minutes. Second by Commissioner Hochhalter and carried by the following roll call vote: ayes: all, nays: none. **Motion carries.**

**Item #5: Continued Case # 2023-11-01 – Conditional Use Permit – Seeds of Eden**

Public hearing request by Isaiah Keller representing Lars Wikstrom on behalf of CXL, LLC, owner for a conditional use permit for a group home for up to twelve residents plus staff. The legal description for the property is Lot 1, Blaisdells Subdivision of Block 13 Ramstads Riverview Subdivision to the City of Minot, North Dakota.

The address for the property is 425 Main St. S.

Chairman Offerdahl asked for staff report to which Mr. Diedrichsen provided a verbal summary of the written staff report. Mr. Diedrichsen provided an aerial view of the property as well as the current zoning of the property, "R3B" Multiple Residence District, which falls in the same standards as "RM" Medium Density Residential District. Mr. Diedrichsen advised group homes are permitted by right in that district, up to six residents plus staff. A Conditional Use Permit is required between seven and twelve residents. This applicant is requesting 12 residents which is why they are seeking a conditional use permit. Mr. Diedrichsen continued outlining the eight evaluative criteria for Conditional Use Permit noting that there are three evaluative criteria that staff has determined not to be satisfied based on the existing proposal. Mr. Diedrichsen explained the proposed parking plan that was included in the letter of intent submitted by the applicant. Mr. Diedrichsen referred to and summarized the parking issue discussed at the previous meeting. Mr. Diedrichsen provided an illustration of the distance residents would have to walk, approximately 900 feet one way, in order to get to and from the parking garage. Mr. Diedrichsen stated for these reasons staff's determination was that it did not satisfy three of the evaluated criteria. Mr. Diedrichsen advised staff is recommending denial but stated an alternative would be to table the item until Tuesday, February 6th, 2023 at 5:30 pm in the Council Chambers at City Hall. Mr. Diedrichsen stated staff still believes the applicant can come up with a better alternative strategy if given some more time.

**PUBLIC HEARING:**

Chairman Offerdahl advised the public hearing has remained open and asked if anyone wanted to come forward and testify.

Isaiah Keller updated the Commissioners on his ongoing negotiations with Trinity Health to rent parking spaces in the lot located across the street from the subject property, along 5<sup>th</sup> Ave. NW. He was able to contact Allison Fry, Associate Director of Corporate Relations, Trinity Health. Trinity Health had a committee hearing regarding the matter. He received a response from Trinity Health on their willingness to lease five (5) parking spaces at the rate of twenty dollars a month. The lease would be month to month.

Commissioner Kibbler asked about how the negotiation led to five spots when the applicant needs more than that. Mr. Keller explained that most residents do not have a drivers license so he believes five would provide ample parking. Parking spaces would be restricted to seven residents. Commissioner Kibble then asked about the organization's charge of getting the residents established with a drivers license. Mr. Keller stated that one of the goals of their care plan is to gain employment and a drivers license helps them to achieve that goal but it is a privilege for the residents. Commissioner Kibbler asked about designated staff parking. Mr. Keller stated that the parking spot on the street directly in front of the home and the garage would be designated for staff parking. Commissioner Baumann inquired if Trinity Health would be open to leasing the nine (9) spaces that are required by parking minimums. Mr. Keller stated he requested three (3) spaces, being conservative and Trinity Health offered five (5), and there is likely room for additional negotiation when he meets with them in person. Chairman Offerdahl asked Mr. Keller to clarify that this is a month to month lease. Mr. Keller stated that it is a month to month. Chairman Offerdahl asked about a plan B. Mr. Keller's plan B is to limit the number of residents that can have car privileges.

Chairman Offerdahl the public hearing remains open.

**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 "R3B" Multiple Residence District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Suburban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 and 5. thru 8. as outlined in the Staff Analysis section of staff's written report.
- 5) The proposal does not satisfy the evaluative criteria per Section 9.1-4. F. 2 thru 4., as outlined in the Staff Analysis section of staff's written report.
- 6) 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.

**STAFF RECOMMENDATION:**

Deny the conditional use permit for a group home with up to twelve (12) residents plus staff or table the item until Tuesday February 6, 2024, at 5:30p.m. in the Council Chambers of City Hall.

**FINAL DECISION:**

Motion made by Commissioner Baumann to table based on staff's findings of fact and recommendation. Second by Commissioner Kibler. The motion carried by the following vote: ayes: all, nays: none. **Motion carries.**

**Item #6: Case #2023-12-01 – Conditional Use Permit - Dawn to Dusk**

Public hearing request by Rusten Roteliuk, representing Jace Properties, LLC, owner for annexation into the corporate limits of the City of Minot and for a conditional use permit for bulk storage of propane and associated materials. The legal description for the property is Lot 1, Dawn to Dusk Addition to the City of Minot, North Dakota.

The property is presently unaddressed and lies west of 407 72nd St. SE. and south of 304 72nd St. SE.

Chairman Offerdahl asked for staff report to which Mr. Diedrichsen provided a verbal summary of the written staff report. Mr. Diedrichsen provided an aerial view of the property as well as the current zoning of the property, "M1" Light Industrial District, and designated Gateway Commercial on the City of Minot 2040 Comprehensive Plan Future Land Use Map. Mr. Diedrichsen advised the commission that the proposed development meets the use standards subject to conditions for a Hazardous material storage

in a "M1" Light Industrial District per Section 4.1-7. G. 1. a-d as outlined in the Staff Analysis section of Staff's written report. Mr. Diedrichsen advised the commission that the development meets the use standards subject to conditions for Warehousing (Open) in a "M1" Light Industrial District per Section 4.1-7. H. 2. b with conditions as outlined in the Staff Analysis section of the staff's written report. Mr. Diedrichsen then outlined the recommendation as presented by staff in the staff written report. Vice Chair Baumann asked Mr. Diedrichsen, since there is an annexation component if any additional infrastructure would be needed, Mr. Diedrichsen responded that there were not any issues raised during the staff input but he would defer to Engineering Department staff. Emily Huettl, Assistant City Engineer approached and informed the commission that all necessary infrastructure is in place. Commissioner Kibler asked about conditions for storage of hazardous materials storage. Mr. Van Dyke outlined the various conditions including screening, placement of materials on the lot, Fire Department requirements and emergency access.

**PUBLIC HEARING:**

Chairman Offerdahl opened the public hearing.

Donna Bye, Housten Engineering, approached offering to answer any questions the Commission might have on behalf of her clients. No questions from Commission.

Chairman Offerdahl closed the public hearing.

**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 "M1" Light Industrial District.
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Gateway Commercial. 5
- 4) The proposed development meets the use standards subject to conditions for a Hazardous material storage in a "M1" Light Industrial District per Section 4.1-7. G. 1. a-d as outlined in the Staff Analysis section of Staff's written report.
- 5) The development meets the use standards subject to conditions for Warehousing (Open) in a "M1" Light Industrial District per Section 4.1-7. H. 2. b with conditions as outlined in the Staff Analysis section of the staff's written report.
- 6) The Minot Planning Commission has the authority to hear this case and decide whether it should 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.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of a conditional use permit for a hazardous material storage with the following conditions:

- 1) The hazardous material storage areas shall strictly comply with the quantities, materials, and location as presented in the Site Plan (Exhibit 2) and attached hereto as part of this permit.

- 2) The hazardous material storage areas shall strictly comply with the quantities, materials, and location as presented in Letter of Intent (Exhibit 3) and attached hereto as part of this permit.
- 3) The warehousing (open) areas shall strictly comply with the location as presented in Site Plan (Exhibit 2) and attached hereto as part of this permit.
- 4) All outdoor storage areas shall be fully screened to a minimum height of six feet (6') or to the height of storage racking, up to a maximum height of ten feet (10'), at the time of installation.
- 5) Any future expansion of the scope of this project beyond what is outlined in the submitted site plan, including construction of additional storage capacity for bulk hazardous materials, will require an amendment to this conditional use permit.
- 6) Hazardous materials are limited to those reviewed and approved by the Fire Chief or their designee.
- 7) The developer will work with the City Engineer or their designee to have an address assigned to the property during the building permit application process.
- 8) Driveway placement and separation is subject to approval by the City Engineer or their designee and will be evaluated at the time of site plan review.
- 9) A stormwater management plan is required for future development.
- 10) A final site plan is required for review for future development.
- 11) Sewer connection fees are required for future development.

**FINAL DECISION:**

Motion made by Commissioner Kibbler to approve based on staff's findings of fact and recommendation. Second by Commissioner Longtin. The motion carried by the following vote: ayes: all, nays: none. **Motion carries.**

**Item #7: Case #2023-12-02 – Major Subdivision Preliminary Plat – Rosehill Cemetery**

Public hearing request by Brian Billingsley, representing the City of Minot, property owner for a preliminary plat to consolidate several properties into two (2) lots. The proposed subdivision is to be named Rosehill Cemetery Fourth Addition, being a replat of Outlot 18, Rosehill Cemetery, St. Leo's Cemetery, and St. Anthony Hill Addition, located in the northwest and northeast quarters of Section 25, Township 155N, Range 83W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include three unaddressed properties between 3rd St. SE and approximately 950 linear feet east that abut 11th Ave. SE., 700 11th Ave. SE, and 601 16th Ave. SE.

Chairman Offerdahl asked for staff report to which Mr. Diedrichsen provided a verbal summary of the written staff report. Mr. Diedrichsen provided an aerial view of the property as well as the current zoning of the property, "P" Public District, and designated Parks and Recreation on the City of Minot 2040 Comprehensive Plan Future Land Use Map. Mr. Diedrichsen then presented the issue of a landlocked parcel owned by the City and the need to provide access in perpetuity. Mr. Diedrichsen presented site photos and a property description. Mr. Diedrichsen then presented finding of fact and staff recommendations. Mr. Kibbler asked about a cemetery being designated as parks and recreation, being that it is open space and future plans for the ball field space as additional cemetery space. Vice Chair Baumann asked for clarification on the need for sidewalks and the city's obligation. Mr. Diedrichsen

explained the need to complete connectivity on the north and south boarders of the parks. Commissioner Kibler inquired about the location of the easement for the landlocked parcel. Mr. Diedrichsen suggested the easiest placement would be on internal cemetery road heading straight north.

**PUBLIC HEARING:**

Chairman Offerdahl opened the hearing to the public for testimony.

No one appeared to testify.

Chairman Offerdahl closed the public hearing.

**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 "P" Public District on the Official Zoning Map and shows Parks and Recreation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant's request is consistent with the bulk requirements of Chapter 2.22 – "P" Public District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied with the conditions of sidewalk construction and addition of an access easement for the landlocked parcel.
- 5) The Minot Planning Commission has the authority to recommend approval, with or without conditions, or recommend denial of the Major Subdivision Preliminary Plat. 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.

**STAFF RECOMMENDATION:**

Approval to City Council of the Preliminary Plat of Rosehill Cemetery Fourth Addition.

**FINAL DECISION:**

Motion made by Commissioner Kibler to approve based on staff's findings of fact and recommendation. Second by Commissioner Mennem. The motion carried by the following vote: ayes: all, nays: none. **Motion carries.**

**Item #8: Other Business**

Vice Chair Baumann introduced a proposed project for the Planning Commission to study how other communities have reassessed their parking minimum requirements and proposed that Minot investigate how we could improve these standards in our Land Development ordinance.

Motion made by Commissioner Baumann to review these standards with the goal of a Comprehensive Plan update reviewing parking minimums. Second by Commissioner Longtin. The motion carried by the following vote: ayes: all, nays: none. **Motion**

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Mr. Brian Billingsley announced that Commissioner Hochhalter was not seeking reappointment to the Planning Commission and thanked him for his service. Mr. Billingsley then announced Chairman Offerdahl would be seeking reappointment and thanked him for his continued service. Mr. Billingsley then thanked Mr. Van Dyke for his service to the Planning Division with his separation day approaching on Friday December 8<sup>th</sup>, 2023.

Mr. Jonathan Rosenthal presented a copy of the Downtown Placemaking Plan and then presented a possible plan for consideration of an overlay district that would focus on first floor activation in the Central Business District.

**Item #9: Adjournment**

With no further business, Chairman Offerdahl adjourned the meeting at 6:37pm.

*Submitted by: Doug Diedrichsen, Principal Planner*



## Planning Commission Staff Report

**Application Date:** 09/14/2023

**Staff Contact:** Doug Diedrichsen, Principal Planner

**Date of Staff Report:** 01/25/2023

**Staff Recommendation:** Approval

**Date of Planning Commission Meeting:** 02/06/2023

**Case Number:** 2023-11-01

**Owners:** Lars Wikstrom with CXL, LLC

**Project Name:** Seeds of Eden – CUP

**Representative:** Isaiah Keller

**Current Legal Description:** Blaisdells S/D of Block 13 Ramstads Riverview S/D Lot 1

**Proposed Legal Description:** No Change

**Present Address:** 425 Main St S

**Entitlements Requested:** See Project Description

**Present Zone(s):** "R3B" Multiple Residence District

**Proposed Zone(s):** No Change

**Present Use(s):** Group Home with up to 6 residents plus staff

**Proposed Use(s):** Group Home with up to 12 residents plus staff

**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:** Suburban Residential

**Proposed Future Land Use Map Designation:** No Change

### **PROJECT DESCRIPTION:**

Public hearing request by Isaiah Keller representing Lars Wikstrom on behalf of CXL, LLC, owner for a conditional use permit for a group home for up to twelve residents plus staff. The legal description for the property is Lot 1, Blaisdells Subdivision of Block 13 Ramstads Riverview Subdivision to the City of Minot, North Dakota.

The address for the property is 425 Main St. S. An aerial photo of the subject property can be found in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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The subject property is located near downtown Minot southeast of the former Trinity Hospital. The property is operated by the nonprofit organization Seeds of Eden, and is utilized as a men's recovery housing facility, which is categorized as a group home under the Land Development Ordinance of the City of Minot (LDO). As of the writing of this staff report, there are two (2) residents and one (1) staff member onsite. The LDO permits up to six (6) residents and one (1) staff member within the "R3B" Multiple Residence District, which follows the "RM" Medium Density Residential District requirements. The applicant seeks to incorporate an additional six (6) residents within the dwelling, which requires a conditional use permit. Proposed renovations include modifying the existing dwelling from four (4) bedrooms and two and one-half (2.5) bathrooms by adding seven (7) bedrooms and two (2) bathrooms. A copy of the letter of intent, floor plans, and renovation plan invoices 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 copy of the Lease Agreement can be found in **Exhibit 5**.

## **STAFF ANALYSIS:**

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### 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 Suburban Residential 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. Group homes for up to six (6) residents and staff as a general land use category are already permitted within "R3B" Multiple Residence Districts without the requirement of a conditional use permit. The minimum parking required for group homes is denoted as not applicable within Chapter 6.2. 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 proposal is with the limited available parking on the premises to accommodate up to twelve (12) residents plus staff. Per the application, one (1) parking space for staff is available in the attached garage and three parking spaces are available for residents that have "earned privileges" (see letter of intent in Exhibit 2). The remaining nine residents, should they have a vehicle would have access to the five (5) leased parking spaces in the parking lot owned by Trinity across the street located at 20 5<sup>th</sup> Ave SW. The lease is for six (6) months with the option to go month to month after. Community Development staff believes that access to the five (5) leased parking spaces, two (2) spaces provided by on street parking, and the three (3) spaces in the rear of the property provide adequate parking with access to a total of ten (10) spaces. Given the currently proposed parking strategy it is likely that parking can be accommodated without an imposition to adjacent property owners, as long as the parking lease with Trinity is maintained or an alternative is in place prior to the lease being allowed to expire, 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 Main St S, 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 the following comments were received:
  - a. Engineering
    - i. Needs adequate onsite parking.

**FINDINGS OF FACT:**

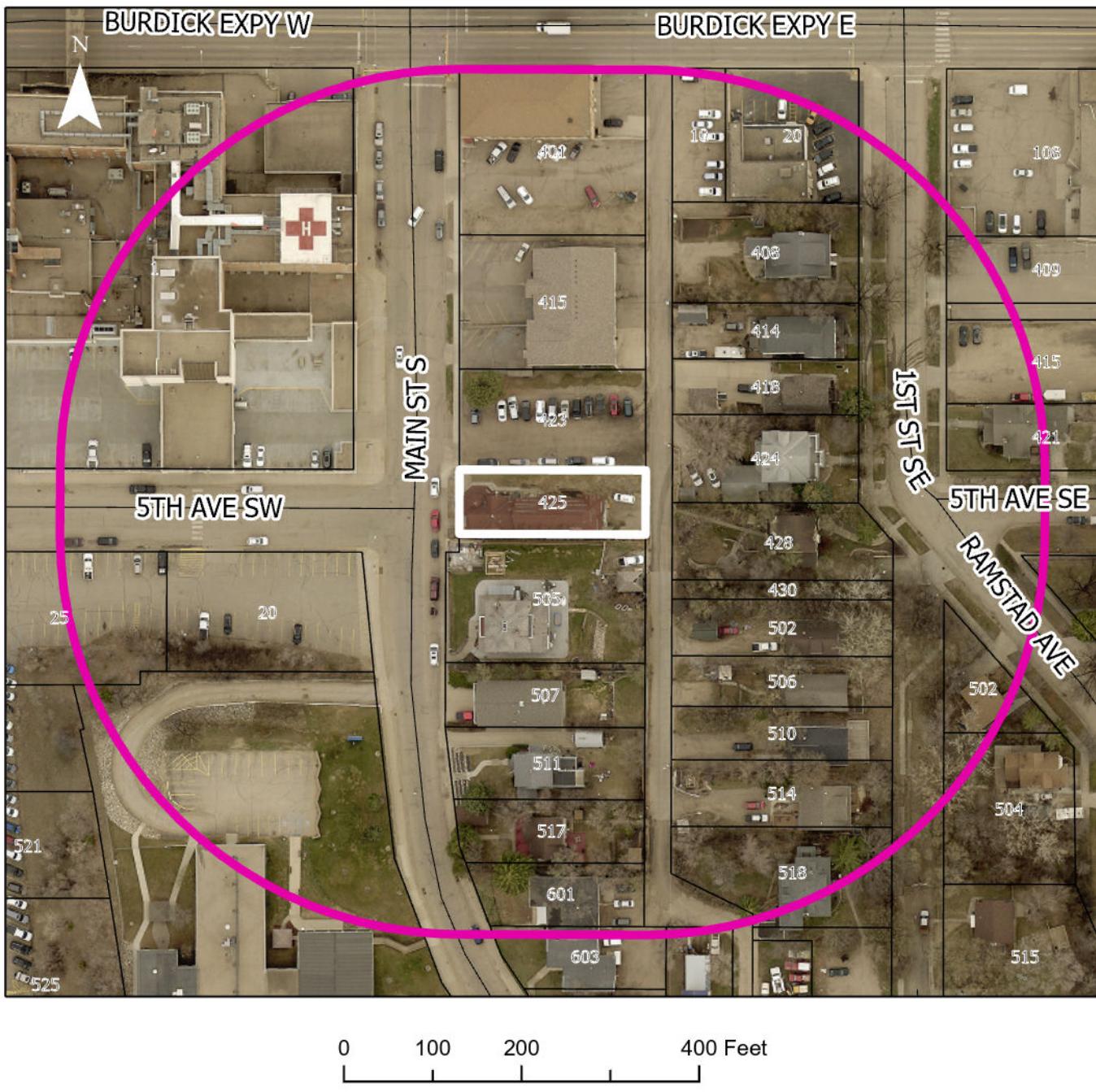
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The Minot Planning Commission should accept the following findings of facts:

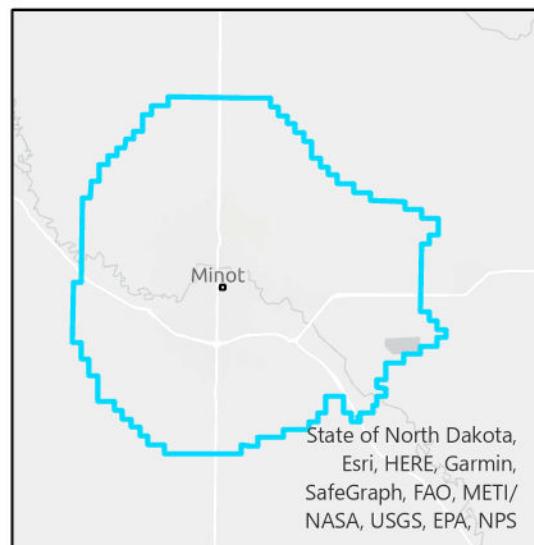
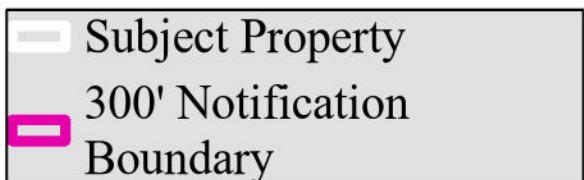
- 1) The applicant has submitted a complete application.
- 2) The property is zoned “R3B” Multiple Residence District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Suburban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 and 5. thru 8. as outlined in the Staff Analysis section of staff’s written report.
- 5) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 2 thru 4., as outlined in the Staff Analysis section of staff’s written report.
- 6) 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 group home with up to twelve (12) residents plus staff with the condition that the parking lease be maintained for at least five (5) additional spaces or an alternative is in place prior to the lease being allowed to expire.



0 100 200 400 Feet



# EXHIBIT 2 - LETTER OF INTENT, FLOOR PLAN, AND RENOVATION INVOICES

## *Seeds of Eden: For Planning Commission Use and Review*

September 14<sup>th</sup>, 2023

PARKING SPACE ADDITION: USE for STAFF AND TENANTS  
@ 425 S Main ST, Minot ND, 58701.

The applicant (Seeds of Eden) for the Conditional Use Permit claims that adequate parking space will be available to suit the needs of the property, tenants, staff and organization. The proposed parking lot remodel may differ in requirements from a traditional commercial property.

### PROJECT PROPOSAL PARKING PLAN

Parking Plan Description: Total parking capacity will be 4 off-street shared parking spaces on the alley side (East) on the property, which includes 1 car in the garage.

(Seeds of Eden policy/programming limits vehicle usage for tenants on a privilege/seniority basis. 3 tenants with earned privileges are allowed to have (1) car of their own, on site. And the house staff is able to utilize the parking garage for his or her vehicle. (4 Total)

\*\*\*If other tenants wish to use their vehicle while staying at the residence, they must use the public parking garages afforded by the CITY, downtown. It is up to the resident to make payment to the CITY for use of their parking garage. It should be noted that the majority of tenants typically do not have their own transportation, due to the nature of their history, etc. However, we advocate and intend to assist residents in helping them obtain their driving privileges and vehicle, if and when needed.

### CONTRACT FOR CONCRETE PROJECT

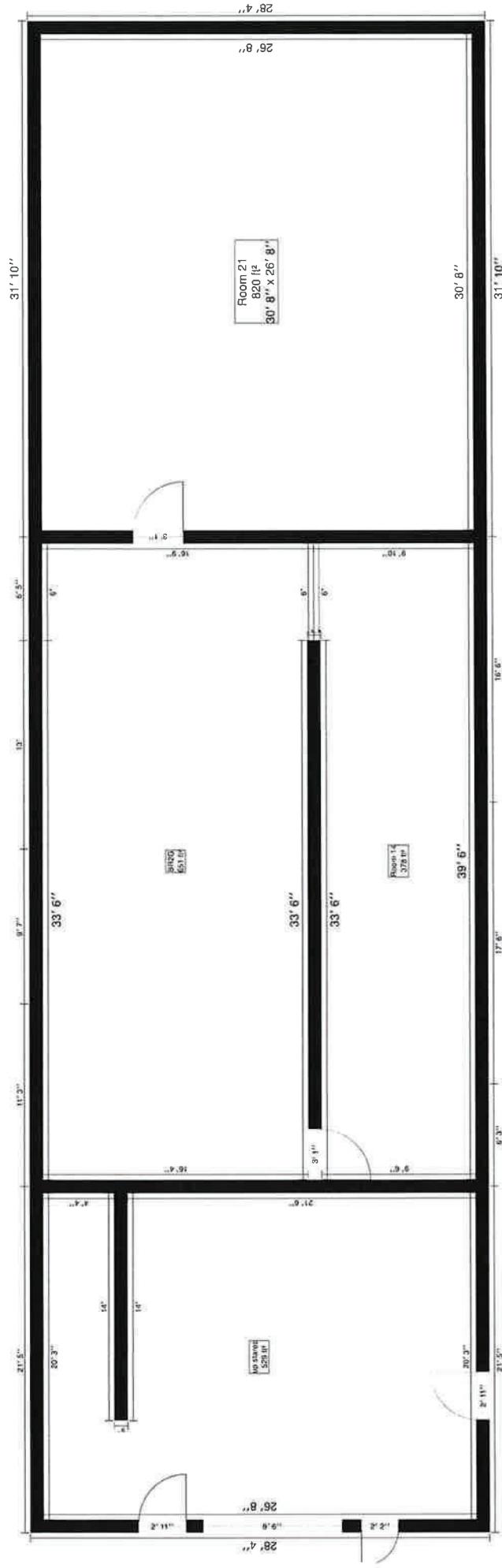
Jessie McCloud with "Shooting Star Construction" has agreed to pour concrete on the East side/Alley side of the property, along with sloping, to ensure that an approximate 30' x 20' slab of concrete replaces the existing gravel driveway, a driveway that is very uneven. Sloping and drain tile will be installed to ensure proper drainage, an added benefit for the City, along with neighbors.

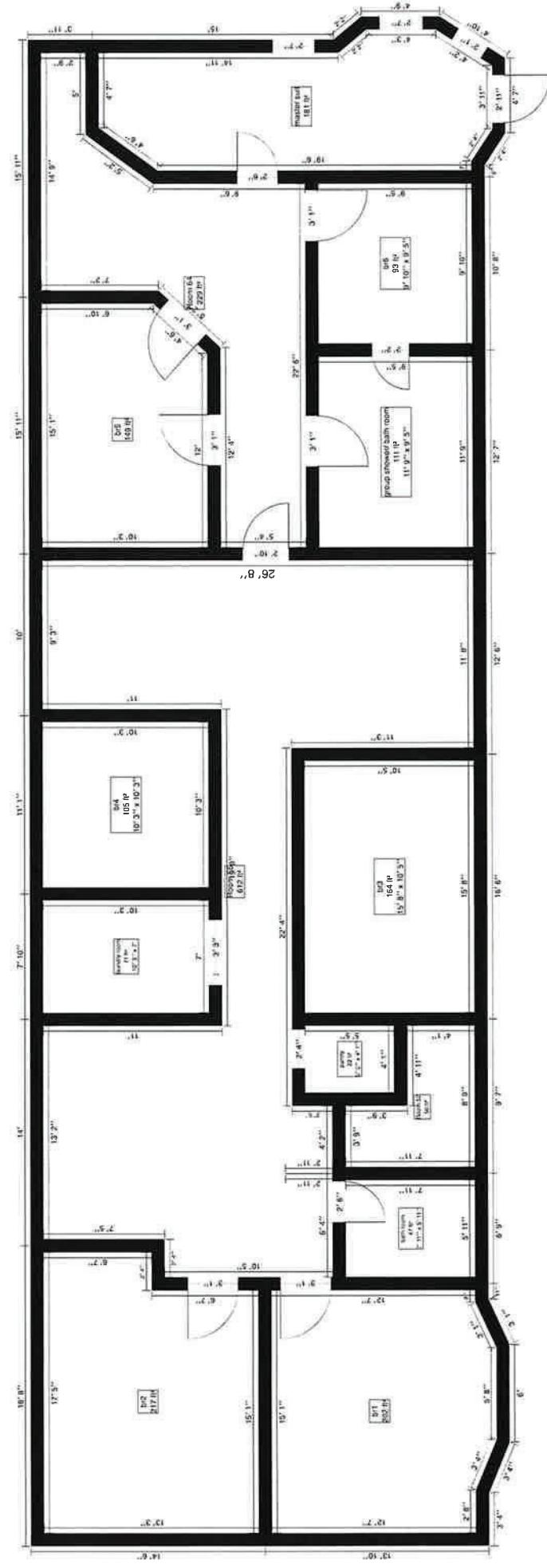
A bid will be sent to Seeds of Eden within the next few weeks. Feel free to reach out with any questions.

\*\*Another possibility to accommodate for additional parking spots is a lease contract with the Providence House nearby, to share the large parking lot between Seeds of Eden and their property—the old Trinity Parking Lot.

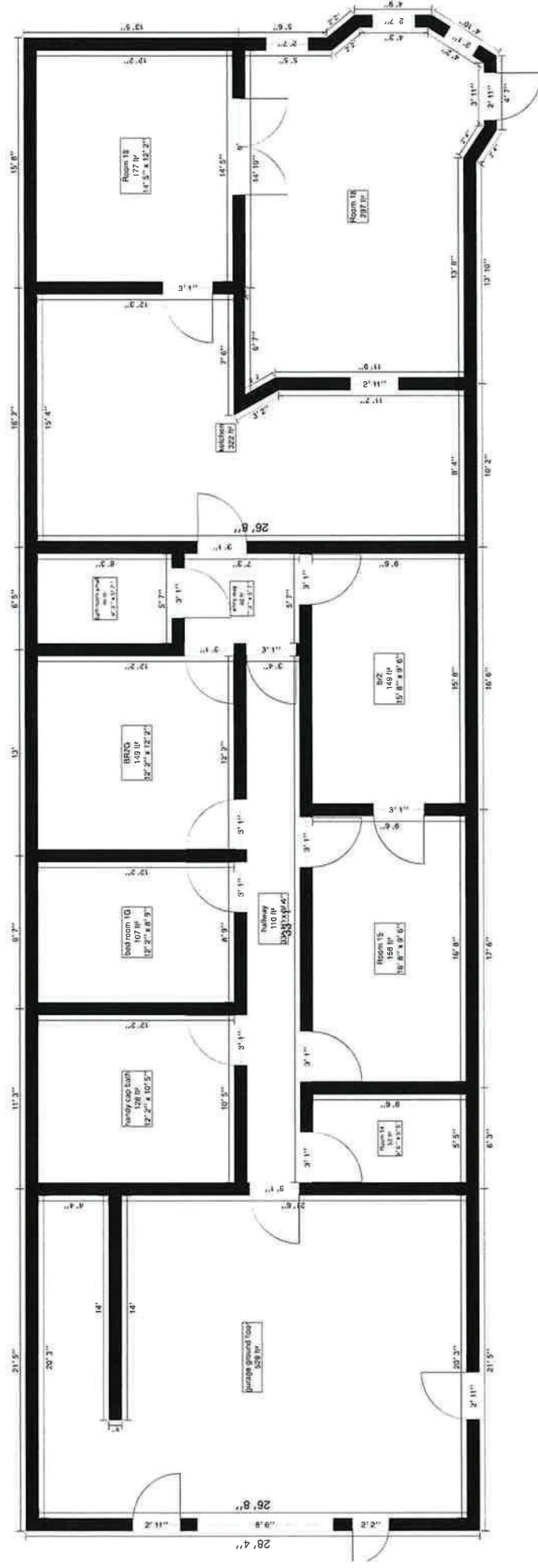
Please reach out with any questions. Thank you

Isaiah Keller  
Seeds of Eden  
[info@seedsofeden.net](mailto:info@seedsofeden.net)  
701.720.2627





## seeds of eden ground floor (import)



12 September 2023

Seeds of Eden  
PO Box 206  
Washburn, ND 58557  
Attn: Isaiah Keller  
**Via email: [info@seedsofeden.net](mailto:info@seedsofeden.net)**

**Re: 425 S Main Street – Structural Assessment and Additional Evaluation Proposal  
P16216-2023-001**

Mr. Keller:

Thank you for your request to submit a professional services proposal for the project located at 425 S Main Street in Minot, ND.



The undersigned staff has visited the property during which time it was explained that your organization intends to convert it into a group home.

During the site visit, it was observed and reported that there have been recent additions and modifications that call into question various structural aspects of the property, and that there is some concern that these modifications are unsafe.

It was also observed and reported that the roof has had shingle damage and probable roof leaks for an unknown period of time, and that water damage was possible.

**Based on my initial visual observations, the fundamental integrity and safety of the structure is sound with no evidence of water damage from the roof leaks.**



There are several framing details that need additional assessment.

It was reported during the site visit that the project may require intentional framing modifications to functionally improve the floor plan for use as a group home.

To address any lingering concerns and to assess and detail any intentional structural modifications, AE2S proposes the following:

- Reconvene at the site to obtain detailed field measurements of the existing conditions.
- Meet with City of Minot staff to collect and obtain their building permit requirements.
- Meet with your contracting team to discuss any framing modifications.
- Prepare drafts and a final assessment report that addresses remaining building permit requirements.
- Prepare construction documents to accurately describe framing modifications.
- Other general structural consultation upon request.

The specific scope of the services is inherently uncertain and at this time not fully identified. Therefore, AE2S proposes to provide these services on an hourly plus expenses basis not to exceed an initial estimate of \$12,000. AE2S will not exceed the limit until written approval is received.

If retained, AE2S will prepare the engineer-owner agreement using the attached template form of the EJCDC E-520 "small project" contract.

We look forward to collaborating with you on this project.

Please contact me with any questions.

Warmest Regards,

Jay Kleven  
**AE2S**



July 27, 2023

**Seeds of Eden Group Home**  
425 Main St S  
Minot, ND 58701

### **Fire Protection Work Included:**

**Systems** – Included in this proposal are install one (1) 13D automatic wet sprinkler system. With the lack of adequate water supply to the building a “Talco Home Hydrant” will be installed to provide the water supply for the fire sprinkler system (See attached cut sheet). The Home Hydrant is a tank and pump system specifically designed for these types of application. A  $\frac{3}{4}$ ” water line will need to be piped over to the unit by the plumber to supply the fill water. Per NFPA 13D a 10 minutes duration is needed for the water supply and the tank is sized to meet this requirement. The electrician will need to wire the 3 hp motor (240 volt single phase 13 amp) and the flow switch to a 120 volt local horn and strobe .

**Building** – This proposal is based upon the pictures of the building and rough plans provided during bidding. Included under this proposal is the time needed to survey and draw plans to accurately layout the fire sprinkler system.

**Sprinkler System Classification & Scope of Work** – The system will be designed in strict accordance with the design criteria indicated on the fire protection plans, NFPA-13D and the State of North Dakota. The hydraulic design is based on the most demand 2 sprinkler head calculation.

All piping is planed to be installed exposed and in a way should a soffit want to be installed later. All piping is planed to be CPVC and fittings.

The finish of the sprinklers will be white and the sprinklers will be installed per their listngs.

No allowance has been made for design variations in excess of NFPA standards which may be requested by any particular insurance agency/underwriter.

**Working Drawings/Submittals** – Working drawings for the systems described herein will be prepared and forwarded to the owner, Code Consultants, Inc and to the City of Minot for review.

**Electric Alarms** – One (1) water flow switches and one (1) horn and strobe is included. Monitor switches are furnished on all control valves that we install. Wiring of these devices is by others.

**Fire Department Connection** – No FDC in needed for a NFPA 13D system.

**Hydraulic Safety Factor** – A safety factor of 5 PSI of the system demand will be provided to all the most remote/demanding system locations.

**Clean-Up** – We will clean up our areas of work as necessary.

**Freight And Handling** – We will deliver materials to the job-site and do all local handling.



July 27, 2023

### **Fire Protection Work Excluded:**

**Painting** – No additional protection of sprinklers will be provided other than manufacturer supplied plastic caps. Any damaged or painted sprinklers noted after installation will be required to be changed out at an additional cost as determined by the number and location of the sprinklers to be changed.

**Sealing Wall Penetrations** – Acoustical sealing of non-fire rated wall penetrations is not included in this proposal.

**Wiring** – Electric wiring necessary to place specified electric alarms in service in accordance with manufacturers, underwriters and code requirements.

**Alarms** – Central station alarm services or remote alarm panel installation.

### **Fire Protection Clarifications:**

**Fire Protection Materials** – All piping and hanger materials are assumed to be in accordance with NFPA standards.

**Method of Attachment to Building** – Necessary hanger rings and rods for supporting the sprinkler piping are included. Fireline Sprinkler shall not be required to furnish or install any material or device to improve the structural strength of the building to enable it to bear the load of the fire protection system.

**Overtime Work And Non-Working Hours** – It is assumed that all work can be done during normal working hours. If it is deemed necessary by the Owner that some of the work should be performed during non-working hours, the cost would be charged as an extra to the contract price.

**Standard Agreement** – This proposal constitutes the contract between the parties until and unless it is replaced by a new document signed by the parties. This proposal is based on a subcontract being issued to Fireline Sprinkler in accordance with AGC/ASA Joint Standard Subcontract Agreement. This proposal is intended to be made a part of the Subcontract Agreement.



July 27, 2023

### Fire Protection Price:

Our price for this installation, as detailed in the above specifications is:  
**SIXTY FIVE THOUSAND - SIX HUNDRED SIXTY NINE DOLLARS**

**\$65,669.00**

### Payment Terms:

Progress payment applications will be presented monthly for work completed to date with payment expected 30 days from date of application. The application will indicate work completed in each of the following categories:

- Design Drawings
- Fabrication Labor
- Material
- Installation Labor

Final payment is due 30 days after presentation of project close-out documents.

This proposal is firm for a period of 30 days and is based on a subcontract being issued to Fireline Sprinkler in accordance with AGC/ASA Joint Standard Subcontract Agreement.

Submitted By:

Thomas Miller / Sales Executive

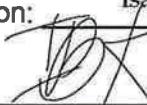
Cell: 651-286-9866

E-Mail: [tmiller@firelinesprinkler.com](mailto:tmiller@firelinesprinkler.com)

#### This Section to Be Completed by General Contractor or Owner:

Proposal Approved      YES       NO

Printed Name of Authorized Person: Isaiah Keller

Signature of Authorized Person:  Date: 9-11-2023

**ACT1V8 Electric, LLC**

8800 County RD 19 South  
Minot, ND 58701 US  
+1 7015096377  
aaron@act1v8electric.com

**Estimate****ADDRESS**

Isaiah Keller  
Seeds of Eden  
306 2nd Street Northwest  
Mandan, ND 58554

**ESTIMATE #** 1016**DATE** 05/31/2023**EXPIRATION** 07/31/2023**DATE**

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	<b>Installation</b>	One Electrician and Helper	120	150.00	18,000.00
	<b>Materials</b>	Wire and Lighting Fixture's, Switches and Outlets.	1	12,000.00	12,000.00

It is believed that this will cover the needed labor and materials for the new portion of the house.

**TOTAL****\$30,000.00**

Accepted By

Accepted Date

**BECK HEATING & AIR, LLC**

125 6th St Se

MINOT, ND 58701 US

701-721-8676

bryce\_beck@hotmail.com

<http://facebook.com/beckheatingandair/>**Estimate****ADDRESS**

Mr. Dennis Whitmer  
 2213 33rd St NW  
 Minot, ND 58703

**SHIP TO**

Mr. Dennis Whitmer  
 Dennis Whitmer  
 2213 33rd St NW  
 Minot, ND 58703

ESTIMATE #	DATE	EXPIRATION DATE
86	05/19/2023	06/19/2023

**SALES REP**

Bryce Beck

DESCRIPTION	QTY	RATE	AMOUNT
Luxaire 120,000btu 96% efficient gas furnace installed	1	4,250.00	4,250.00
Luxaire 5 ton central air components installed (a-coil, line set, condenser) - Updated 10/05/22	1	5,300.00	5,300.00
Install new seam sealed supply & return air duct including pipe & panning.	1	7,950.00	7,950.00
Install Line Set Covers and drain hose (does not include new line sets)	1	1,256.69	1,256.69
Permits and Misc. Supplies	1	703.38	703.38
Install furnace and central air system in unfinished area with duct. Install line set covers for mini split system.		TOTAL	<b>\$19,460.07</b>

Accepted By

Accepted Date

## Ralphs Plumbing &amp; Heating Inc.

(701) 838-1435 Ofc  
 612 Burdick Expy E.  
 Minot, ND 58701

**Estimate**

DATE	ESTIMATE #
5/10/2023	9196

NAME / ADDRESS
Dennis Witmer 425 South Main Minot, ND 58701

Project/Job Description	Estimate good for	DUE DATE	
PLUMBING	30DAYS	5/10/2023	
DESCRIPTION	QTY	COST	TOTAL
As Per Bid - PLUMBING	1	24,831.05	24,831.05
MAIN FLOOR/ ADA LAUNDRY ROOM ACR Shr Module 4 Piece Shower w/ LH Seat & Grab Bars Moen Hand Shower w/ 30" Slide Bar 5F Chrome Handi Lav Grd Insulation Kit Moen Faucet Lav Chrome Lever Handle Mtl W/ Shr 1/2" Conn Chateau 1 1/2" P -Trap (2) 3/8" comp x 1/2" Fip 20" SS Flex (2) Fluidmaster 20" No Burst Closet Tube (3) Angle Stop 5/8" Comp x 3/8" Comp Mansfield Summit 3 Elong Toilet White Smartheight Magna Flush Bemis Elong Enameled Wood CFWC Easy Clean Hinges Seat White POWDER ROOM MAIN FLOOR W/M Lav Lav Faucet Chrome Lever Handle 1/2" Conn Chateau 1 1/2" P-Trap (3) Angle Stop 5/8" Comp x 3/8" Comp 3/8" Comp x 1/2" Fip 20" SS Flex (2) Fluidmaster 20" No Burst Closet Tube (3) Angle Stop 5/8" Comp x 3/8" Comp Mansfield Summit 3 Elong Toilet White Smartheight Magna Flush Bemis Elong Enameled Wood CFWC Easy Clean Hinges Seat White BASEMENT Sterling Ensemble 32" Curve Alco Pvc Lift N Turn 1 1/2" Waste Moen Tub/Shower RI CC W/ Stop Moen Chateau Tub/Shower Trim w/ Lever Handle Posi Temp Chrome Lav Self Rim 20x17 Oval 4" Ctr White Alto			
		<b>TOTAL</b>	

Contractor Signature \_\_\_\_\_

Customer Signature \_\_\_\_\_

DATE	ESTIMATE #
5/10/2023	9196

NAME / ADDRESS
Dennis Witmer 425 South Main Minot, ND 58701

Project/Job Description	Estimate good for	DUe DATE
PLUMBING	30DAYS	5/10/2023

DESCRIPTION	QTY	COST	TOTAL
Moen Faucet Lav Chrome Lever Handle Mtl Washer 1/2" Conn Dahl Angle Stop 5/8" Comp x 3/8" Comp (2) 3/8" comp x 1/2" Fip 20" SS Flex Fluidmasater 20" No Burst Closet Tube Mansfield Summit 3 Elong Toilet White Smarheight Magna Flush Bemis Elong Enameled Wood CFWC Easy Clean Hinges Seat White NE UPSTAIRS BATH Mansfield Summit 3 Elong Toilet White Smarheight Magna Flush Bemis Elong Enameled Wood CFWC Easy Clean Hinges Seat White Sterling Ensemble 32" Curve Alco LH White Pvc Lift & Turn 1 1/2" Waste Shoe Moen Posi Temp Tub/Shwr RI CC W/ Stop Moen Chateau Tub/Shwr Trim w/ Lever Hdle Posi Temp Chrome Lav Self Rim 20x17 Oval 4" Ctr White Alto Moen Faucet Lav Chrome Lever Handle Mtl Wshtr 1/2" Conn Angle Stop 5/8" Comp x 3/8" Comp Fluidmaster 20" No Burst Closet Tube (2) 3/8" Comp x 1/2" Fip 20" SS Flex SOUTH BATHROOM Mansfield Summit 3 Elong Toilet White Smarheight Magna Flush Bemis Elong Enameled Wood CFWC Easy Clean Hinges Seat White Sterling Ensemble 32" Curve Alco 4 PC Bathbay LH White Pvc Lift N Turn 1 1/2" Waste Shoe Moen Posi Temp Tub/Shwr RI CC w/ Stop Moen Chateau Tub/Shwr Trim w/ Lever Hdle Posi Temp Chrome Lav Self Rim 20x17 Oval 4" Ctr White Alto Moen Lav Chrome Lever Hdl Mtl Washer 1/2" Conn Chateau Angle Stop 5/8" Comp x 3/8" Comp Fluidmaster 20" No Burst Closet Tube (2) 3/8" Comp x 1/2" FIP 20" SS Flex			
			<b>TOTAL</b>

Contractor Signature \_\_\_\_\_

Customer Signature \_\_\_\_\_

Ralphs Plumbing & Heating Inc.

(701) 838-1435 Ofc  
612 Burdick Expy E.  
Minot, ND 58701

**Estimate**

DATE	ESTIMATE #
5/10/2023	9196

NAME / ADDRESS
Dennis Witmer 425 South Main Minot, ND 58701

Project/Job Description	Estimate good for	DUe DATE
PLUMBING	30DAYS	5/10/2023

DESCRIPTION	QTY	COST	TOTAL
This Estimate Is To Add ADA Bathroom With Laundry On Main Floor Of The Addition. Adding Full Bathroom On Main Level Of NE Bedroom. Adding 1/2" Bath On Main Floor. Adding Full Bathroom In Basement Level Of Addition. Adding Two Full Bathroom On Upper Level. Includes All Piping For Waste Sewer And All Listed Fixtures. Includes Plumbing Permit. ND Contractors License #34039			
As Per Bid - WATER HEATER OPTION 75 GALLON 76,000 Nat Gas Water Heater This Estimate Includes Installatin Of Listed Water Heater.	1	3,144.68	3,144.68
As Per Bid - LINESET COVER OPTION FOR MINI SPLITS (10) 4 Speedi Channel (2) 4" Wall Cover 90 (4) 4" 90 Deg LR Bend (2) 4" Union Coupling This Estimate Includes Installation Of Listed Materials.	1	1,951.25	1,951.25
If anything extra, above & beyond the original agreed upon bid, it will be brought to the owners attention & written acceptance of any add'l materials & labor will be required at that time in order for the extra work to be done.			
		<b>TOTAL</b>	\$29,926.98

Contractor Signature \_\_\_\_\_ Customer Signature \_\_\_\_\_

# ESTIMATE

Witmer Specialities  
8800 County RD 19 South  
Minot, North Dakota 58701  
United States

(240)478-0893

BILL TO  
**Seeds of Eden**  
Isaiah Keller

Isaiah@seedsofeden.net

**Estimate Number:** 0028

**Estimate Date:** May 30, 2023

**Expires On:** May 30, 2023

**Grand Total (USD):** \$35,330.00

Items	Quantity	Price	Amount
<b>Material</b> 2-3/0x6/8 fire rated exterior prehung door	2	\$350.00	\$700.00
<b>Material</b> 6 Panel English Chestnut 6 panel rehung doors. Doors are oak.	14	\$320.00	\$4,480.00
<b>Material</b> 4'x6/8 Panel oak panel byfold doors, Oak, finish English Chestnut.	4	\$550.00	\$2,200.00
<b>Material</b> Oak Baseboard 1/2"x4-1/4"-12' Prefinished English Chestnut	120	\$65.00	\$7,800.00
<b>Material</b> 1/2"x 3-1/4"-10' Prefinished Colonial oak casing, English Chestnut finish	80	\$35.00	\$2,800.00
<b>Material</b> Bathroom vanities. 48w x 34-1/2H x 21D	3	\$1,250.00	\$3,750.00
<b>Labor</b> Hourly Rate for Dennis Witmer for hanging doors. Includes the casing.	65	\$40.00	\$2,600.00
<b>Labor</b> Hourly Rate for Dennis Witmer for installation of baseboard and vanities.	50	\$40.00	\$2,000.00
<b>Material &amp; Labor</b> Miscellaneous items for changes in interior framing and miscellaneous materials needed to complete the work.	1	\$9,000.00	\$9,000.00

# ESTIMATE

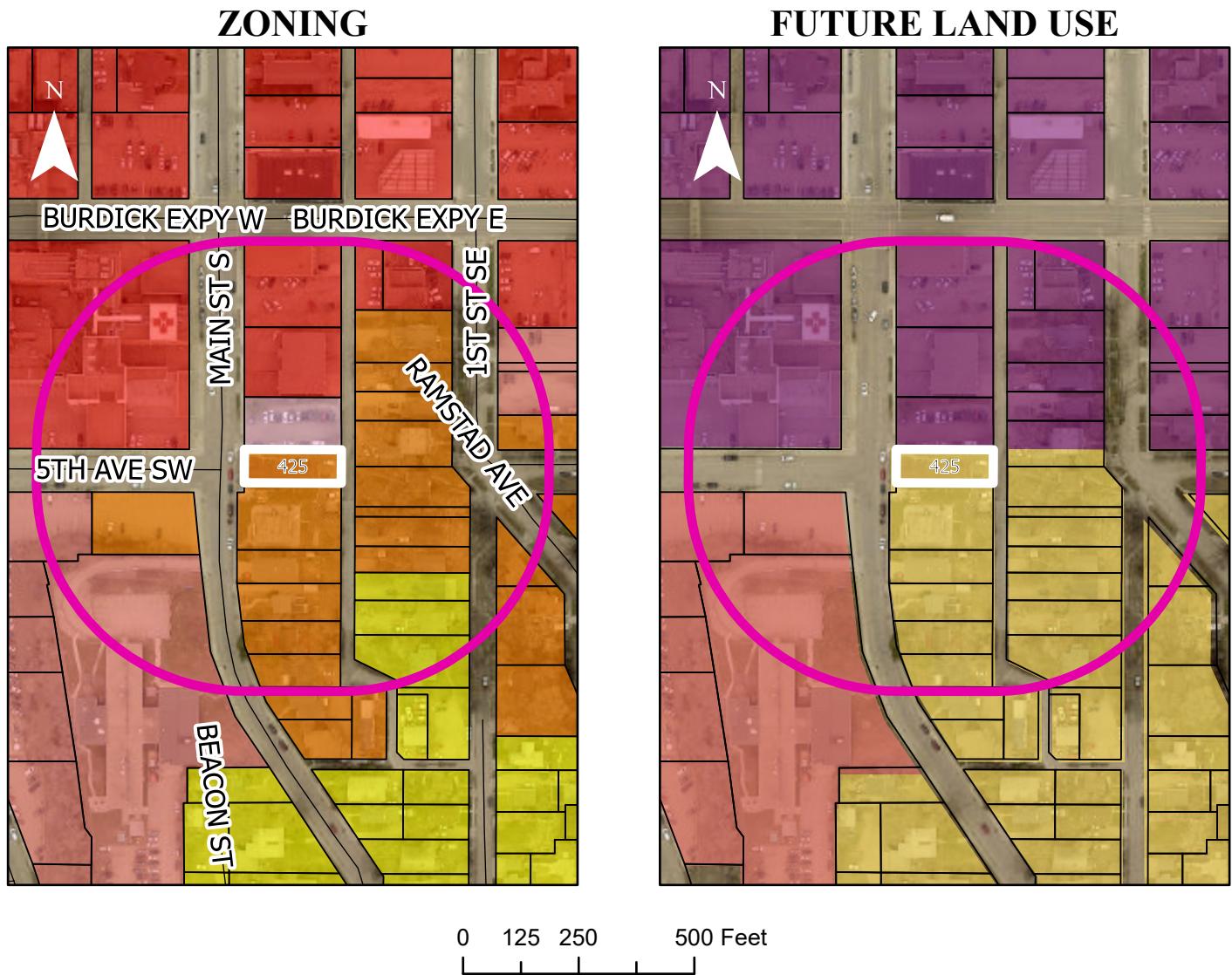
**Witmer Specialities**  
8800 County RD 19 South  
Minot, North Dakota 58701  
United States

(240)478-0893

**Total:** \$35,330.00

**Grand Total (USD):** \$35,330.00

# EXHIBIT 3 - ZONING AND FLU MAP



**Zoning**

<span style="background-color: #f0e6ff; border: 1px solid black; padding: 2px 5px;"></span>	C1
<span style="background-color: #ffccbc; border: 1px solid black; padding: 2px 5px;"></span>	C2
<span style="background-color: #ff9800; border: 1px solid black; padding: 2px 5px;"></span>	CBD
<span style="background-color: #ffd700; border: 1px solid black; padding: 2px 5px;"></span>	R1
<span style="background-color: #ff9800; border: 1px solid black; padding: 2px 5px;"></span>	R3B

**Both Maps**

<span style="background-color: #e0e0e0; border: 1px solid black; padding: 2px 5px;"></span>	Subject Property
<span style="background-color: #ff0000; border: 2px solid #ff0000; padding: 2px 5px;"></span>	300' Notification Boundary

**Land Use Type**

<span style="background-color: #ffd700; border: 1px solid black; padding: 2px 5px;"></span>	Suburban Residential
<span style="background-color: #ff9800; border: 1px solid black; padding: 2px 5px;"></span>	Neighborhood Commercial
<span style="background-color: #800080; border: 1px solid black; padding: 2px 5px;"></span>	Downtown Fringe

## EXHIBIT 4 - SITE PHOTOS



Facing East



Facing North



Rear Driveway/Garage



Rear Driveway Looking North



Parking on 5<sup>th</sup> Ave SW (Parking along 5<sup>th</sup> 2 Hr. 9am – 5pm, No Parking to corner)

## MASTER LEASE AGREEMENT

THIS LEASE AGREEMENT entered this 1st Day of October, by and between **Trinity Health**, located at 2305 37<sup>th</sup> Ave SW, Minot, ND 58701 hereinafter called Landlord and **Seeds of Eden, Isaiah Keller**, hereinafter called Tenant(s).

In consideration of the rents and covenants hereinafter set forth, Landlord hereby leases unto Tenant and Tenant hereby leases from the Landlord the following premises situated in Ward County, North Dakota:

5 Parking Space(s)  
Trinity Health – South Parking Lot  
5<sup>th</sup> Ave SW / Opposite 425 Main St.  
Minot, ND 59701

### TERM

The term of this Lease is for a period of Six (6) Months, commencing on the 1st day of March 2024, and expiring on the 30th day of September 2024. This Lease is renewable on a month-to-month basis thereafter.

### RENT

Tenant will pay to Landlord as rent for the premises the sum of \$100.00 (one hundred dollars) per month in advance on the first day of each month during the 6 Months of this Lease.

A \$35.00 (thirty-five dollar) late fee will be charged if rent is not paid by the 5<sup>th</sup> of the month. Landlord does not have to give notice to Tenant to pay the rent. Tenant understands that Landlord will not accept a partial payment of rent and must pay rent in full monthly and not subtract any amount from it. Every tenant listed above is individually responsible for paying the full amount of rent owed to Landlord.

### UTILITIES

At current time, there are no utilities at this location.

### SECURITY DEPOSIT

Tenant shall pay \$100.00 (one hundred dollars) as Security Deposit. The Security Deposit shall be held by the Landlord as security for the faithful performance for cleaning or repairing any damage to said premises, or, at Landlords option, any or all of said deposit may be applied to the payment of any overdue rent. Upon termination of this Lease, Landlord shall return to the tenant, upon the return by tenant to the Landlord keys for said premises, any unused portion of said deposit provided that the tenant shall not then be in default of any of the provisions of this Lease.

### REPAIRS & MAINTENANCE

Tenant shall not make any alterations to the property without written consent of the Landlord.

Any damages whether willful or accidental shall be repaired in a workmanlike manner by the Tenant or its contractors and shall return the premises to the Landlord in the same condition as was accepted upon move in, normal wear and tear excepted.

All snow and ice precautions and removal will be the responsibility of the tenant.

#### **USE OF PREMISES**

The Tenant will use the premises as parking space in compliance with all Federal, State and Municipal laws and regulations governing such activity.

#### **DRUGS AND CRIMINAL ACTIVITY**

The Tenant, occupants, guests, family members or other persons related to or affiliated with the Tenant in any way promise not to engage in any criminal activity or the use, possession, manufacture, sale or distribution of any illegal controlled substance (as defined by local, state and federal laws). To do so is an illegal act and a violation of this Lease.

#### **ASSIGNMENT AND SUBLEASING**

Tenant shall not assign this lease, or sublet the premises or any part thereof, without the prior written consent of the Landlord.

#### **LIABILITIES OF THE PARTIES**

Landlord and its employees shall not be liable for any loss, damage, injuries, or other casualty of whatsoever kind or by whomsoever caused, to the person or property of anyone, including Tenant and occupants on or off the premises, including sidewalks, adjacent, or approaches thereto, rising out of or resulting from the tenant and occupants use or possession thereof, or from defects in the premises whether apparent or hidden, whether due in whole or in part to the negligent acts or admission of the Landlord and his employees; and tenant for himself, his heirs and assigns hereby agrees to indemnify and hold Landlord or its employees harmless from and against all claims, liabilities, suites, or actions for such loss, damage, injury, or other casualty.

Landlord further agrees to maintain a comprehensive general liability insurance policy, issued by a reliable company, with liability limits satisfactory to Tenant. Landlord will, upon the request of Tenant, deliver to Tenant evidence of such insurance.

Landlord and Tenant will each insure his own property under a policy of insurance, which provides that such insurance shall not be invalidated or otherwise affected by a prior waiver of rights against any person for loss of or damage to the insured property.

It is recommended that Tenant obtain renters insurance.

### **PREMISES SUBJECT TO SALE**

The premises may be sold by the Landlord at any time during the term of this lease without affecting the Tenants right and obligations. If the Landlord sells the premises, he shall thereby be released of all his obligations hereunder, which obligations shall be assumed by the purchaser.

### **INSPECTION AND DISPLAY BY LANDLORD**

Landlord may, at any reasonable time, inspect any part of the premises.

### **LEASE TERMINATION BY TENANT**

If Tenant wants to vacate lease when the Lease term ends, Tenant must give Landlord prior written notice at least sixty (60) days before the Lease term ends. If the Tenant is on a month-to-month lease, Tenant must give Landlord at least thirty (30) days' notice of termination. If the Tenant does not give the required notice to Landlord, the Tenant is liable for rent and utilities to the end of the notice period or the date that the spaces is re-rented, whichever date comes first. Vacate inspection will be completed before the security deposit is returned to Tenant.

### **LEASE TERMINATION BY LANDLORD**

Any termination of this Lease will be carried out in accordance with state and local laws and the terms of this Lease. The Landlord reserves the right to terminate or not renew the Lease for serious or repeated violations of the Lease such as, but not limited to the following:

- Non-payment of rent, Tenant utilities, other charges under the Lease or repeated chronic late payment of rent and other charges (chronic late payment is defined as more than 2 late notices or Lease termination notices sent within a 12 month period)
- Failure to dispose of garbage, waste and rubbish in a safe and sanitary manner. Failure to keep grounds immediately surrounding Tenant's unit free of debris and in a neat and orderly fashion.
- Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests or associates to refrain from such acts.
- Failure to pay responsible charges (other than normal wear and tear) for the repair of damages to the unit or lot.
- Any activity that threatens the health, safety, or right to peaceful enjoyment of the unit or buildings by other tenants or employees of Landlord.
- Any drug related and/or criminal activity on or off the premises.
- Alcohol abuse that the Landlord determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
- Violation of material terms of the lease.
- The filing of a bankruptcy petition by Tenant, entry of an adjudication of Tenant's bankruptcy, or the appointment of a receiver or the execution of an assignment for the benefit of Tenant's creditors.

If the Landlord proposes to terminate this Lease, the Tenant shall be given at least fourteen (14) days notice of termination. The notice of Lease termination from the Landlord shall be sent to the Tenant by certified mail and shall specify the date the Lease will be terminated and state the grounds for termination.

Upon the Landlord's election to declare a default and after the expiration of the Tenant's grace period, Landlord shall be entitled to re-enter and take possession of the premises upon ten days notice, or such shorter notice as may be permitted by law.

The Landlord's declaration of a default and re-entry and repossession of the premises shall not operate to terminate the lease or the Tenant's obligation to pay rent for the full term of the lease or his other obligations. If the Landlord declares a default and re-enters the premises, he shall exert reasonable efforts to obtain a new Tenant, and the Tenant shall be liable for the expenses of obtaining a new Tenant and the deficiency between the rent paid by the new Tenant and the rent to be paid by the Tenant for the full term of the Lease.

If the Landlord does not elect to declare a default, the lease shall not be terminated and the Tenant's obligations to pay rent and his other obligations shall continue for the full term of the Lease.

#### **LEASE BINDING**

All the covenants and agreements herein made shall extend to and be binding upon the heirs, administrators, successors and assigns of the parties hereto, and no modification of this Lease shall be binding unless in writing and signed by the parties hereto.

#### **NO WAIVER**

Any failure of Landlord to enforce any terms of this Lease for any period of time shall not prevent Landlord from enforcing such terms at a later time.

IN WITNESS WHEROF, the parties to this lease agreement set their signatures below:

TENANT:

Isaiah Keller (Seeds of Eden)  
Signature

Isaiah Keller (Seeds of Eden)  
Printed Name

Signature

LANDLORD:

John Keller  
Signature:

Printed Name



## Planning Commission Staff Report

**Application Date:** 12/12/2023

**Staff Contact:** Doug Diedrichsen, Principal Planner

**Date of Staff Report:** 01/19/2024

**Staff Recommendation:** Approval

**Date of Planning Commission Meeting:** 02/06/2024

**Case Number:** 2024-01-01

**Project Name:** Avery's Second Addition –  
Preliminary Plat

**Current Legal Description:** See the project  
description below.

**Proposed Legal Description:** Avery's 2<sup>nd</sup> Addition

**Present Address:** See the project description  
below.

**Entitlements Requested:** Major Subdivision  
Preliminary Plat

**Owners:** Wayne & Layreen Johnson, Marvin &  
Arlene Avery

**Representative:** Wayne Johnson, Owner

**Present Zone(s):** "AG" Agricultural District

**Proposed Zone(s):** No Change

**Present Use(s):** Crop Production, Single-Family  
Home

**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:** Rural  
Residential & Light Industrial

**Proposed Future Land Use Map Designation:** No  
Change

### **PROJECT DESCRIPTION:**

Public hearing request by Wayne Johnson, property owner for a preliminary plat to consolidate several properties into Two (2) lots. The proposed subdivision is to be named Avery's Second Addition, being a replat of Outlot 27 of the SE ¼ SW ¼ SW ¼ SE ¼ and SE ¼ SW ¼ less a portion SW ¼ SE ¼ less road portion sold and Outlot 2, 8, 9, 12, 25, 26 and 28 and Lot 1 Avery's Addition, located in the southwest and southeast quarters of Section 32, Township 155N, Range 82W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include 3200 County Road 19 S. and an unaddressed property south of 3200 County Road 19 South and east of 2900 34<sup>th</sup> Ave SE. west of 3220 & 3300 County Road 19 S. An aerial photo of the subject property can be found in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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The property owner seeks to consolidate three existing lots into two lots. The proposed subdivision will create two lots from an outlot and unplatted land. Lot 1 will be 13.38 acres and Lot 2 is 40.85 acres.

The preliminary plat can be found in **Exhibit 2**.

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibits 3**.

Site photos are provided in **Exhibit 4**.

## **STAFF ANALYSIS:**

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### Subdivision Design Standards:

Section 10.2-7 C. of the Land Development Ordinance of the City of Minot (LDO) covers the process of application and submittal for a major subdivision preliminary plat. The applicant has submitted the necessary application documents required per Section 10.2-7 C. 2. and noticing has been conducted as required per 9.2-1 (B) and (C).

Section 10.2-7. D. requires that staff's report consider the nature of the proposed development as prescribed within Section 10.2-5 relating to whether or not it meets the technical requirements of Article 10, and if not, whether any such requirements should be waived. To that end, staff provides the following guidance based on the various requirements of Chapter 10.3 – Design Standards:

Section 10.3-1, requiring the proposed subdivision to be designed in accordance with the standards of Chapter 10.3, the Land Development Ordinance as a whole, and a list of various other plans and codes, is satisfied.

Section 10.3-2 prohibits the approval of the subdivision of land that is unsuitable for development due to a variety of reasons. Staff finds the proposed preliminary layout, which proposes two lots, each with adequate terrain and access to be suitable for development. Staff finds Section 10.3-2 is satisfied.

Section 10.3-3. requires that a subdivision name not already be utilized elsewhere and spelled correctly. The name Avery's 2<sup>nd</sup> Addition has not yet been taken and is spelled correctly. Section 10.3-3. is satisfied.

Section 10.3-4. A-F. relating to Street Names and Numbering is not applicable, as there are no additional streets proposed via this subdivision.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as those properties to be zoned meet the minimum lots size of ten (10) acres in the "AG" Agricultural District.

Section 10.3-12 relating to block design is not applicable.

The requirements of Section 10.3-13.A. relating to the dedication of right-of-way, easements, and street widths is not satisfied due to the lack of a dedication of forty foot (40') along the Section line lying along the southern boundary and dedication of ten foot (10') utilities easement along the front of the property lines of the subject properties. Staff recommends these dedications be included as a condition of approval for the final subdivision plat.

Sections 10.3-14 relates to sidewalks, which are exempted within the "AG" Agricultural District subdivision unless required by the City Engineering or their designee. Sidewalks are not being required and therefore Section 10.3-14 is satisfied.

Section 10.3-15 related to public utilities is satisfied. The land is outside of the service area of the municipal water and sewer system. Each site is suitable, at a minimum, for agricultural uses related to farming and ranching.

Section 10.3-21 related to financial security for necessary infrastructure improvements is not applicable.

Section 10.3-22 is satisfied, as the applicant is required to follow all City permitting processes for construction.

#### Comments:

Comment provided by City Engineering Department

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and the following comments were received.
  - a. Regulatory floodplain must be shown on the plat
  - b. Access locations must be approved by the Ward County Engineer
  - c. Storm water management plan required for any development other than agricultural use

## **FINDINGS OF FACT:**

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

- 1) The applicants have submitted a complete application.
- 2) The property is zoned “AG” Agricultural District on the Official Zoning Map and has a “Rural Residential” and Light Industrial designation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant’s request is consistent with the bulk requirements of Chapter 2.4 – “AG” Agricultural District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied with the conditions of right-of-way dedications and easements be included on the final plat.
- 5) The Minot Planning Commission has the authority to recommend approval, with or without conditions, or recommend denial of the Major Subdivision Preliminary Plat. 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:**

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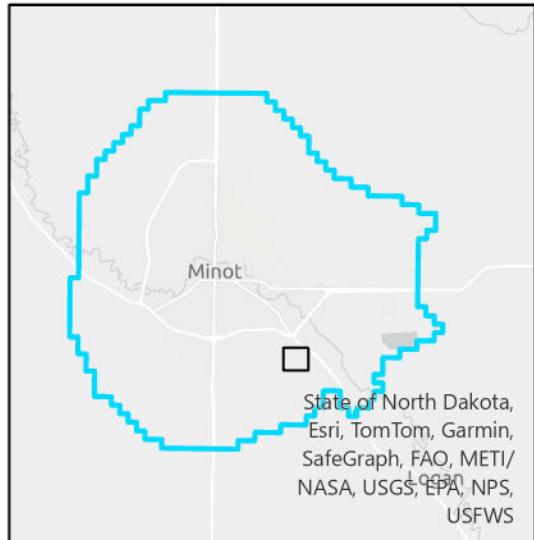
Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Avery’s 2<sup>nd</sup> Addition with no conditions.

# City of Minot



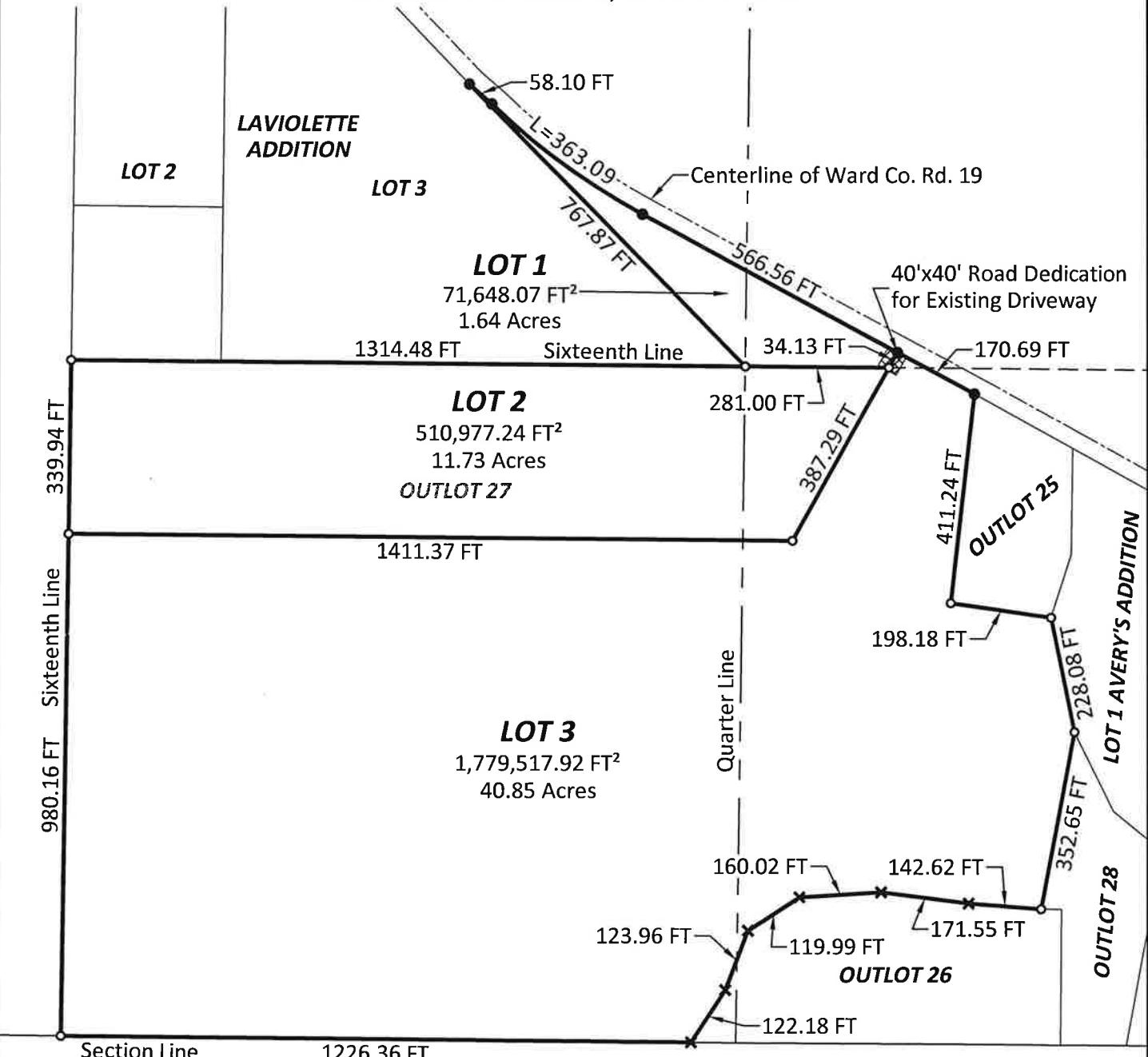
A horizontal number line with tick marks at 0, 380, 760, and 1,520. The segment from 0 to 1,520 is labeled "1,520 Feet".

- 2024-01-01 Subject
- Property
- 2024-01-01 Notification
- Boundary



**PRELIMINARY PLAT OF AVERY'S 2ND ADDITION**

BEING ALL OF OUTLOT 27 AND AN UNPLATTED PORTION OF THE  
**NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  AND THE SE $\frac{1}{4}$ SW $\frac{1}{4}$  SECTION 32,  
 TOWNSHIP 155 N, RANGE 82 W, WARD COUNTY, NORTH DAKOTA  
 TO THE CITY OF MINOT, NORTH DAKOTA**

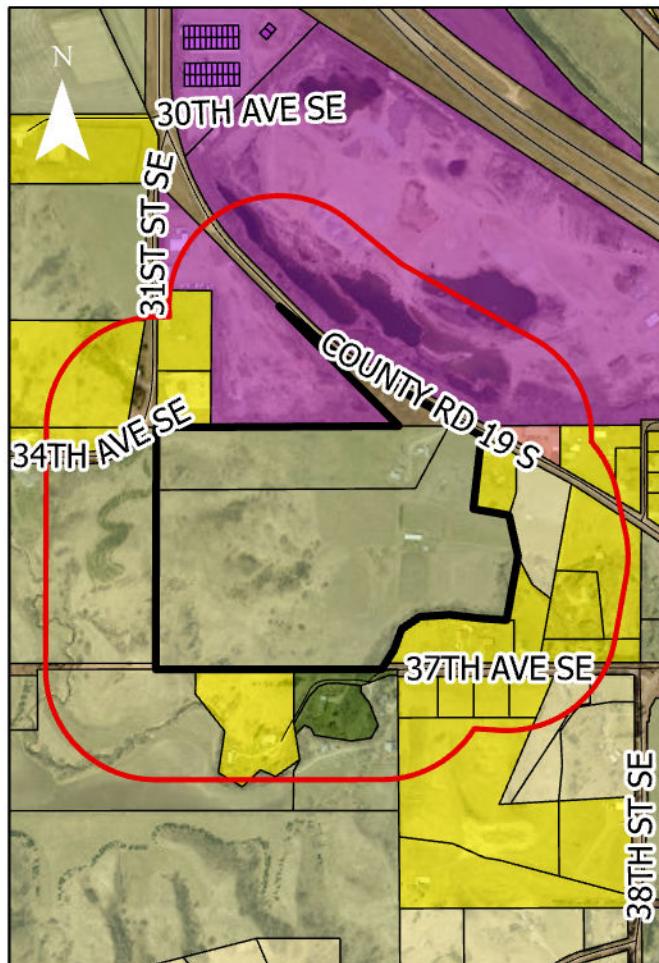


300  
0  
Scale: 1" = 300'

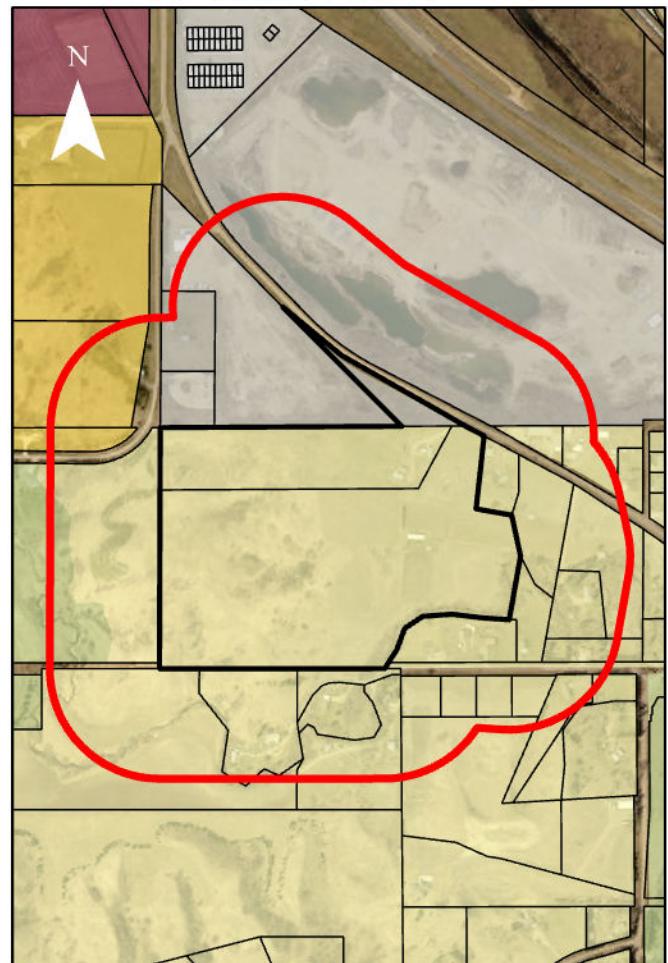
**WOLD**  
ENGINEERING, P.C.

915 East 11th Street - PO Box 237 - Bottineau, ND 58318  
 110 8th Avenue Southwest - Minot, ND 58701  
 316 Eastdale Drive - PO Box 1277 - Bismarck, ND 58502

## ZONING



## FUTURE LAND USE



0 487.5 975 1,950 Feet

### Zoning

AG
C2
M1
MH
R1
RR

### Both Maps

<b>600' Notification Buffer</b>
<b>Subject Property</b>

### Land Use Type

Agricultural and Open Space
Rural Residential
Suburban Residential
General Commercial
Light Industrial

## EXHIBIT 4 – SITE PHOTOS



LOOKING NW



PROPERTY ACCESS (DRIVEWAY)

## As More Cities Eliminate Parking Minimums, What Happens Next?

Summer 2023 Issue

By: Robert Ferrin



With fewer parking spaces, the curb becomes valuable real estate for drivers looking to park or drop off passengers, as well as for e-commerce deliveries.

### Creative solutions and community engagement are crucial when dealing with changes to parking policies.

**Minimum parking requirements**, which require building owners to provide a fixed number of parking spaces, have played a key role in American municipal policy since the 1920s. Following their widespread adoption in the 1960s, these laws significantly impacted the design of cities and strongly contributed to the growth of a car-centric culture. Today, there are an estimated two billion parking spaces in the U.S., according to a March article in the New York Times.

[In 2017, Buffalo, New York, ushered in a new era when it became the first major U.S. city to abolish parking minimums](#). Minneapolis, Raleigh, San Jose and others followed. And at the beginning of 2023, California became the first state to abolish parking minimums for developments located near public transportation routes.

Affordable housing, transit and environmental advocates celebrated these policy changes. They point to lower development costs, improved walkability and increased multimodal transportation, which reduces carbon emissions and vehicle congestion. Together, they can help municipalities meet their climate action goals.

But what does the end of parking minimums mean for urban development? What should policymakers consider as they contemplate parking reforms? And what tools can cities introduce to manage parking demand and support new policies?

### Developers Gain Flexibility to Rethink Parking Needs

Every municipality has unique geographical, historical, cultural and economic factors that influence parking requirements. This is why parking is probably the most varied aspect of municipal zoning codes. Additionally, parking codes often conflict with policy goals that promote mixed-use, dense and walkable areas.

Despite that, there is strong evidence that eliminating minimum parking requirements can help reduce costs for developers. For example, **Rob McConnell**, a vice president at engineering firm WGI, [told the New York Times in March](#) that creating a single spot in a basic, stand-alone parking structure can cost up to \$28,000. Getting rid of parking minimums can also help streamline the entitlement process by reducing the amount of time and resources required to secure approvals.

In addition to reducing costs, the absence of parking minimums can give developers more design flexibility and allow space to be used more efficiently. This lets developers redefine their parking needs for today and into the future.

To do so, they should:

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charging stations.

- Abolishing mandatory parking minimums does not remove the need for parking. Vehicle access remains critical to the success of many projects, especially in areas that aren't walkable or well served by public transportation.

## Policymakers Can Leverage Parking Reform for Holistic Improvements

Consider a city manager whose neighboring town just abolished parking minimums. Within days, their phone is ringing off the hook, and developers and officials are asking when the city will also end parking minimums. How should a policymaker proceed?

First, abolishing minimum parking requirements should not be done in a vacuum. In most communities, many employment opportunities, services, retail options and homes are only accessible via parking. Additionally, eliminating parking minimums could increase congestion and traffic in many areas.

Instead, efforts to eliminate parking minimums could begin by evaluating:

- Complementary initiatives such as demand-based pricing for on-street and off-street parking, which would support abolishing minimum parking requirements;
- Investments to increase residents' mobility options;
- Current work on a strategic transportation plan to rethink mobility locally and regionally;
- Barriers to building affordable housing, as well as urban infill and mixed-use development;
- Sustainable community growth.

Second, identify internal and external stakeholders who will champion new parking policies. This will reveal how parking reforms can lead to other zoning code changes that meet broader initiatives and policy goals. Developers can play a key role in this process.

Third, consider other transportation reforms for the jurisdiction. Abolishing parking minimums is only one option. Analyze the impact of electric vehicle adoption and charging infrastructure. Solicit community feedback from developers, neighborhood associations, property managers and advocacy groups for initiatives such as transit-oriented development and improved public transportation.

## The Evolution of Curb Space Usage

Consumer habits — most recently demand for e-commerce deliveries and new mobility options such as e-bikes and electric scooters — have changed curb access. Abolishing parking minimums further complicates negotiations over curb space usage. Among other things, reducing the number of parking spaces increases competition for the curb from motorists looking to park or drop off passengers and e-commerce drivers looking for places to unload their packages.

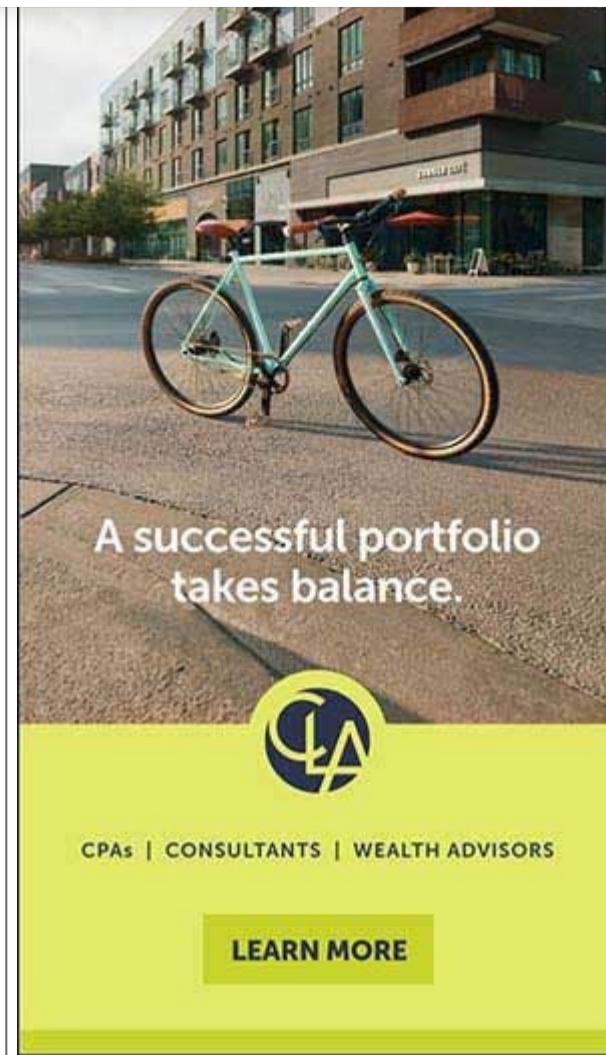
However, abolishing minimum parking requirements can open opportunities to rethink vehicular and non-vehicular curb space usage. This could include prioritizing multimodal transportation or designing flexible curbs that morph from loading zones to short-term parking depending on the time of day.

Regardless of which path is selected regarding parking minimums, developers, policymakers and municipal operators will need creativity and community engagement to best implement reforms for local needs.

**Robert Ferrin, CAPP, is the Parking and Mobility Practice Leader with Kimley-Horn. (Note: [A version of this article originally appeared on Kimley-Horn's website.](#))**

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