

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

Documents:

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

4. Approval Of The February Regular Meeting Minuets

Documents:

[2 \(FEB\) RECOMMENDATIONS 2024.PDF](#)

5. 2024-01-05: Preliminary Major Plat - Gold Nugget 7th Addition

Public hearing request by Abraham Anderson on behalf of the property owner Magic City MHL LLC, property owner for a preliminary plat to consolidate four outlots and an upplatted portion of land into two lots. The proposed subdivision is to be named Gold Nugget 7th Addition, being a replat of Outlot 5, Outlot 16, Outlot 25, Outlot 26 and an unplatted portion of the S 1/2 NE 1/4 NW 1/4 Less the East 33' for Street and 1/2 adjacent Vacated 13th Ave. SE, Section 29, Township 155 N, Range 82 W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

Documents:

[2024-01-05 - GOLD NUGGET 7TH ADDITION - PRELIM PLAT WEXHIBITS.PDF](#)

6. Other Business
- 6.I. Parking Minimums Discussion
7. 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).¹

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.

¹ 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 3rd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Tuesday, February 6, 2024 @ 5:30 pm.

Presiding Official: Chairman Offerdahl.

Members in Attendance: Commissioners Offerdahl, Baumann, Dohms, Iverson, Kibler, Johnson, Longtin, Mennem, Pontenila.

Members Absent: Commissioners Faken, Gates.

City Staff Present: Brian Billingsley (Community Development Director), Doug Diedrichsen (Principal Planner), Nick Schmitz (Assistant City Attorney), Emily Huettl (Assistant City Engineer), and Daniel Falconer (Associate Planner)

Others Present: Wayne Nelson (Averys 2nd Addition Preliminary Plat)

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 December 5th, 2023 Planning Commission Meeting Minutes. Second by Commissioner Dohms and carried by the following roll call vote: ayes: all, nays: none.

Motion carries.

Item #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.

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. The Future Land Use (FLU) Map denotes the property as Suburban Residential. Site photos were displayed showing the layout of the area as well as the proposed parking lot to be leased. Mr. Diedrichsen displayed the evaluative criteria and findings of fact, with a note that evaluative criteria 2 through 4 are now satisfied based on previous parking discussions. Mr. Diedrichsen stated staff is now recommending approval contingent upon Seeds of Eden's ability to maintain the parking lot lease or an alternative is in place prior to the lease being allowed to expire.

Commissioner Kibler asked how the city would know if the lease has been allowed to expire, but no parking solution was in place. Mr. Diedrichsen advised that the property owner should notify the city immediately, but ultimately it would surface as complaint from adjacent property owners. Chairman Offerdahl then asked if this lapse in lease would constitute a revocation of this conditional use permit. Mr. Diedrichsen then confirmed that statement. Commissioner Dohms asked if there are any plans for an expansion of scope. Mr. Diedrichsen confirmed that the conditional use permit has a maximum capacity of 12, with no room for expansion.

PUBLIC HEARING:

Chairman Offerdahl opened the public 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 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.

STAFF 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.

FINAL DECISION:

Motion made by Commissioner Kibler based on staff's finding of fact and recommendation. Second by Commissioner Johnson. The motion was carried by the following vote: ayes: 8, abstain: 1, nays: 0. **Motion carries.**

Item #6: Case # 2024-01-01 Avery's 2nd Addition - Preliminary Plat

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 34th Ave SE. west of 3220 & 3300 County Road 19 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, the preliminary plat, the current zoning as "Agricultural District", and the Future Land Use (FLU) Map showing the property remaining as an agricultural district with a small portion being light industrial. Mr. Diedrichsen then presented site photos, and staff findings of fact. Mr. Diedrichsen stated staff is recommending that this preliminary plat be approved with the condition that the right-of-way along the section line and required utilities easements be dedicated on the final plat.

Commissioner Kibler asked about access points for the various lots. Mr. Diedrichsen stated that the right-of-way dedication and current roads allow access.

PUBLIC HEARING:

Chairman Offerdahl opened the public hearing to the public for testimony.

Wayne Johnson, owner of the property, approached to answer any questions the Commission might have. Mr. Johnson discussed the access points of the plat as well as the zoning. Mr. Diedrichsen stated that lots 1 and 2 will be zoned agricultural and no change of zoning has been requested. No questions from the Commission.

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 "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.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Avery's 2nd Addition with the condition that the right-of-way along the section line and required utilities easements be dedicated on the final plat.

FINAL DECISION:

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

Item #7: Other Business

Commissioner Baumann sent out the following article for review and consideration: "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).

Commissioner Baumann also gave a short introduction and review of the topic of parking minimums. Chairman Offerdahl opened for questions. Commissioner Kibler asked about the effects of parking minimums on residential districts. Mr. Diedrichsen stated that the planning department is currently preparing a research project about parking minimums. Commissioner Dohms asked for the Planning Commission to receive a copy of the parking ordinances for the city of Minot. Commissioner Kibler asked about the origin of this proposal. Commissioner Baumann stated that this issue shows potential promise for the city and proposed the commission explore the topic. Commissioner Kibler then asked if there is a link between parking minimums and parking meters. Mr. Billingsley stated that metered parking only pertains to on-street parking as opposed to off-street parking which is governed by parking minimums. Also Mr. Billingsley stated that metered parking is prohibited in the state of North Dakota. Mr. Schmitz corroborated this. Commissioner Baumann concluded the discussion by asking each member to consider the proposal and to bring examples to the next meeting.

Mr. Diedrichsen introduced Mr. Falconer, the new associate planner.

Item #8: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 6:18 pm. *Submitted by: Daniel Falconer, Associate Planner*



Planning Commission Staff Report

Application Date: 01/11/2024

Staff Contact: Doug Diedrichsen, Principal Planner

Date of Staff Report: 02/14/2024

Staff Recommendation: Approval

Date of Planning Commission Meeting: 03/05/2024

Case Number: 2024-01-05

Project Name: Gold Nugget 7th Addition –
Preliminary Plat

Current Legal Description: See the project
description below.

Proposed Legal Description: Lots 1 and 2 Gold
Nugget 7th Addition

Present Address: See the project description
below.

Entitlements Requested: Major Subdivision

Owners: Magic City MHL, LLC

Representative: Abraham Andersen

Present Zone(s): "C2" General Commercial

Proposed Zone(s): No Change

Present Use(s): Mobile Home Community

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:
Mobile Home Community & Ag and Open Space

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Abraham Andersen, representing Magic City MHL, LLC property owner for a preliminary plat to consolidate several properties into two (2) lots. The proposed subdivision is to be named Gold Nugget 7th Addition, being a replat of Outlot 5, Outlot 16, Outlot 25, Outlot 26 and an unplatte portion of the S 1/2 NE 1/4 NW 1/4 Less the East 33' for Street and 1/2 adjacent Vacated 13th Ave. SE, Section 29, Township 155 N, Range 82 W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include 1305 31st Street SE, and two unaddressed proposed flood buy out properties south of 1305 31st Street SE and one unaddressed property (Outlot 5) northwest of 1305 31st Street SE. An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The property owner seeks to consolidate several existing lots into two lots. The proposed subdivision will create two lots from outlots and unplatted land. Lot 1 will be 14.04 acres and Lot 2 is 3.59 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 **Exhibit 3**.

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

STAFF ANALYSIS:

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 Gold Nugget 7th 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 applicable and satisfied, as there are no additional streets proposed via this subdivision. Addressing will be assigned to each lot following completion of the final plat process, if approved.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as the proposed properties to be created will meet the minimum lot sizes of the respective district for which they will be zoned, if approved. In short, the lots meet the dimensional standards per Section 10.3-11.

Section 10.3-12 relating to block design is satisfied.

The requirements of Section 10.3-13. A. relating to the dedication of right-of-way, easements, and street widths is satisfied with the dedication of twenty-foot (20') utilities easement along the north property line of the subject properties. Section 10.3-13. A. is satisfied.

Sections 10.3-14 relates to sidewalks, which are required in the "C2" General Commercial zone when designed with urban section right-of-way. 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.

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:

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 no comments were received:

FINDINGS OF FACT:

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

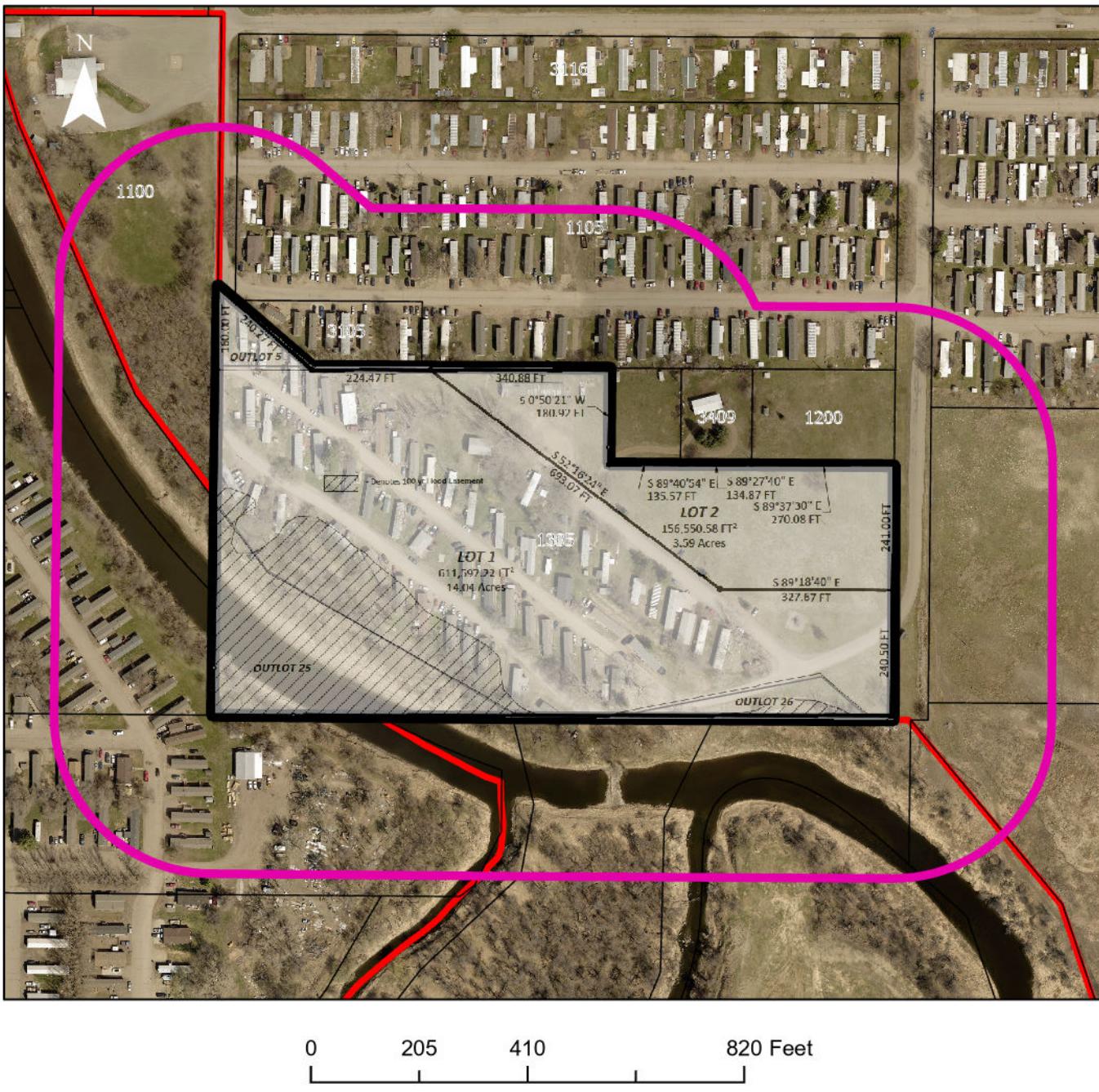
- 1) The applicants have submitted a complete application.
- 2) The property is zoned "C2" General Commercial District on the Official Zoning Map and has a "Manufactured

Home Park" and "Ag and Open Space" designation on the Future Land Use Map of the 2040 Comprehensive Plan.

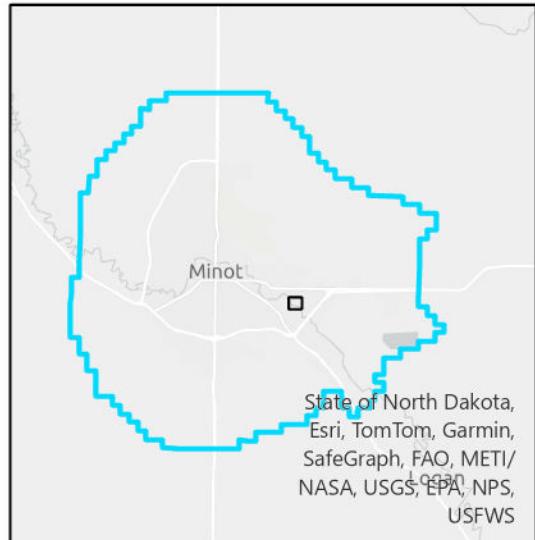
- 3) The applicant's request is consistent with the bulk requirements of Chapter 2.14 – "C2" General Commercial District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied.
- 5) The Minot Planning Commission 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:

Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Gold Nugget 7th Addition.



2024-01-05 Subject
Property
2024-01-05 Notification
Area



GOLD NUGGET 7TH ADDITION

to the City of Minot, ND

BEING OUTLOT 5, OUTLOT 16, OUTLOT 25, OUTLOT 26 AND AN UNPLATTED PORTION OF THE S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 29, TOWNSHIP 155 N, RANGE 82 W,

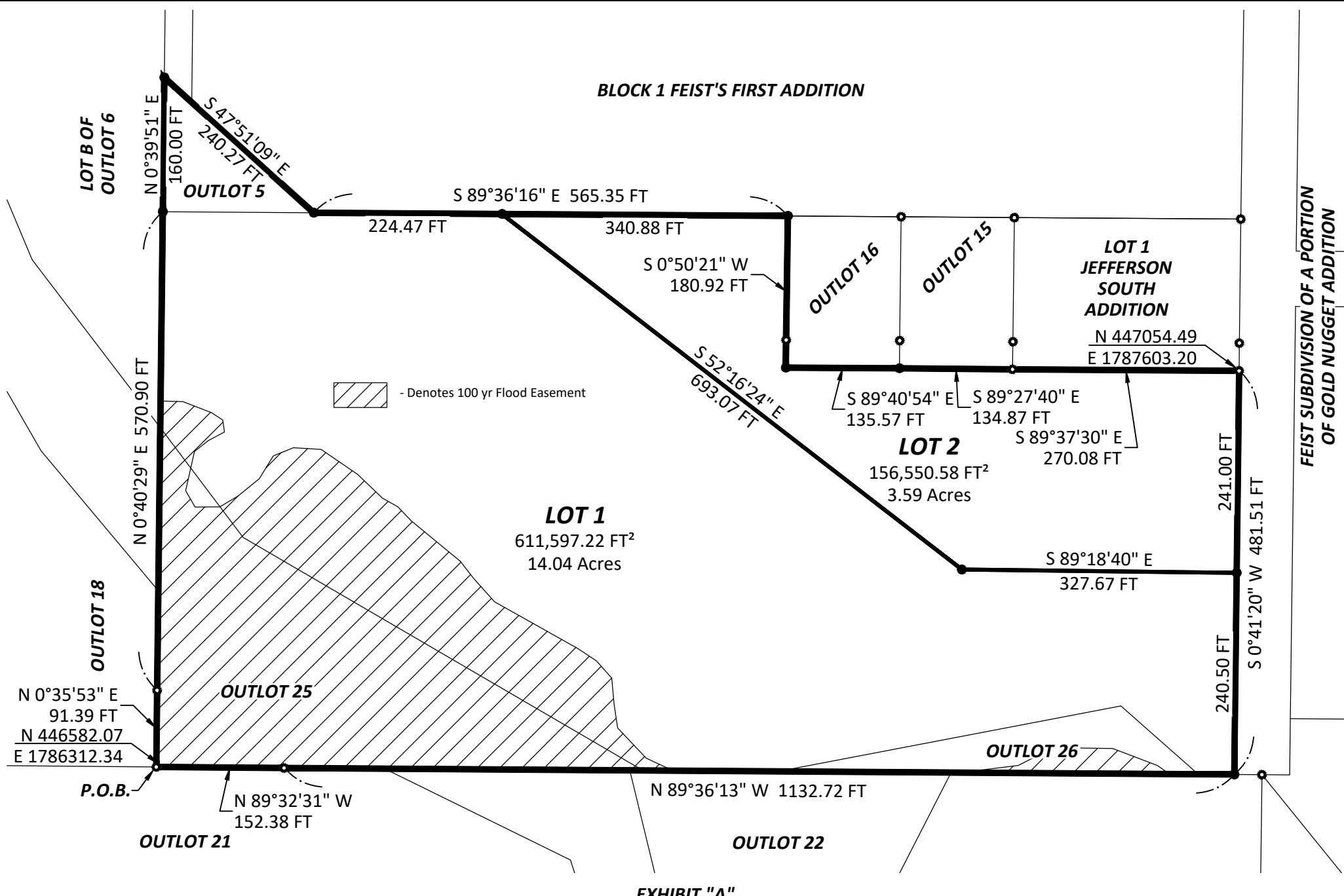
TO THE CITY OF MINOT, NORTH DAKOTA

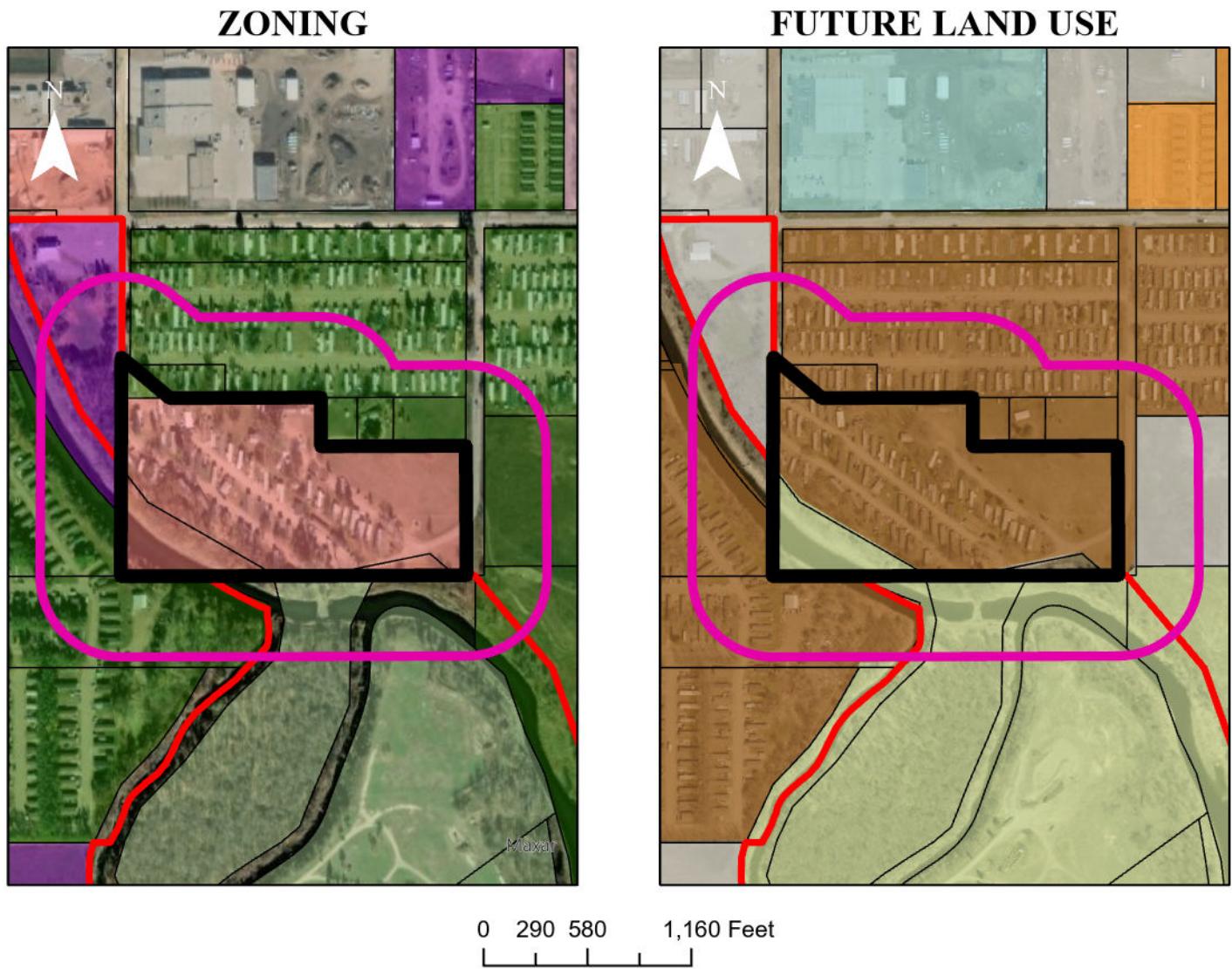
DESCRIPTION:

Know all men by these presents that Magic City Community, LLC, being Owner and Proprietor, of Outlot 5, Outlot 16, Outlot 25, Outlot 26 and an Unplatted Portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 155 N, Range 82 W, Ward County, North Dakota, being more particularly described as follows:

Beginning at the Southwest Property Corner, of Outlot 25, a Plat being on file at the Ward County Recorder's Office; Thence N 0°35'53" E, on the West Line, of said Outlot 25, a distance of 91.39 FT; Thence N 0°40'29" E, a distance of 570.90 FT, to the Southwest Property Corner, of Outlot 5, a Plat being on file at the Ward County Recorder's Office; Thence N 0°39'51" E, on the West Line, of said Outlot 5, a distance of 160.00 FT, to the Northwest Property Corner, of said Outlot 5; Thence S 89°36'16" E, a distance of 240.27 FT, to the Southeast Property Corner, of said Outlot 5; Thence S 89°36'16" E, a distance of 565.35 FT, to the Northwest Property Corner, of Outlot 16, a Plat being on file at the Ward County Recorder's Office; Thence S 89°36'16" E, a distance of 135.57 FT; Thence S 89°40'54" E, a distance of 134.87 FT; Thence S 89°37'30" E, a distance of 270.08 FT, to the Southeast Property Corner, of said Lot 1 of Jefferson South Addition; Thence S 0°50'21" W, on the West Line, of said Outlot 16, a distance of 180.92 FT; Thence S 89°40'54" E, a distance of 135.57 FT; Thence S 89°27'40" E, a distance of 327.67 FT; Thence S 0°41'20" W, a distance of 481.51 FT; Thence N 89°36'13" W, a distance of 1132.72 FT, to the Point of Beginning.

Said described tract, of land contains 17.63 Acres more or less. Have caused the same to be surveyed and platted as shown hereon, to be known as Gold Nugget 7th Addition, to the City of Minot, North Dakota and hereby dedicate and donate road rights, of ways and easements as shown to the public for public use forever, in witness whereof, the owners hereunto affixed their signatures.





Zoning

Zoning
AG
C1
C2
M1
MH
P

Both Maps

2024-01-05
Subject Property
2024-01-05
Notification Area

Land Use Type

	Public Institutional
	Urban Residential
	Ag And Open Space
	Light Industrial
	Manufactured Home Community
	Agricultural and Open Space
	Light Industrial

Exhibit 4 – Site Photos



Facing Northwest



Facing South



Facing Southeast



Facing Southwest