

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

Documents:

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

4. Approval Of The March Regular Meeting Minuets

Documents:

[3 \(MAR\) RECOMMENDATIONS 2024.PDF](#)

5. 2024-02-03: Zone Change - CHS

Public hearing request by Scott McClelland representing CHS, Inc., owner for a request of zone change and annexation for a "C2" General Commercial lot. The legal description for the property is Outlots 26 & 27 of the north half of the southwest quarter less highway right-of-way Section 21, Township 155, Range 82 and Outlot 28 and the West half of Outlot 29 lying in the southeast quarter less highway right-of-way Section 21, Township 155 Range 82 to the County of Ward, North Dakota.

Documents:

[2024-02-03 - CHS - ANNEX, ZONE CHANGE W EXHIBITS.PDF](#)

6. 2024-02-04 - LDO Text Amendments - Community Development Dept.

Public hearing request by Brian Billingsley, Community Development Director for a text **amendment to the Land Development Ordinance of the City of Minot. The proposed code changes** pertain to the following sections: Table 9.1 - 2 to allow additional sign square footage for building with five (5) or more stories in the "CBD" Central Business District and "P" Public District, Section 4.1 - 6 C clarifying language regarding Sales or Service of Industrial, Agricultural, and Construction Equipment and Semi- Trucks; Section 10.3- 13. B. 3. Clarifying language **regarding public utilities easements. Chapter 2.3. Adding a definition for Pet Overnight** Boarding Facilities (Up to 5) and Pet Overnight Boarding Facilities (6+), use categories will be added to the Use Table in the Minot Land Development Ordinance for both of these new uses; Section 4.1 - 6. N - O clarifying language concerning Kennels and Veterinary Clinics with Overnight Boarding Facilities and adding language regarding Pet Overnight Boarding Facilities.

Documents:

[2024-02-04 - TEXT AMENDMENT - SPRING 2024 WEXHIBITS.PDF](#)

7. Other Business
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, March 5, 2024 @ 5:30 pm.

**Presiding Official:** Chairman Offerdahl.

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

**Members Absent:** Commissioners Faken, Gates, Longtin.

**City Staff Present:** Brian Billingsley (Community Development Director), Doug Diedrichsen (Principal Planner), Nick Schmitz (Assistant City Attorney), Emily Huettl (Assistant City Engineer), Daniel Falconer (Associate Planner) and Hannah Hornberger (C.D. Admin Clerk)

**Others Present:**

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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: Intro & Decorum**

**Item #4: Approval of Minutes**

Motion by Commissioner Kibler to approve the February 6th, 2024 Planning Commission Meeting Minutes. Second by Commissioner Dohms and carried by the following roll call vote: ayes: all, nays: none.

**Motion carries.**

**Item #5: 2024-01-05: Preliminary Major Plat – Gold Nugget 7<sup>th</sup> 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 unplatted portion of land into two lots. The proposed subdivision is to be named Gold Nugget 7<sup>th</sup> 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 13<sup>th</sup> 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 31<sup>st</sup> 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.

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, C2 General/Commercial & MH Mobile Home District. Legal nonconforming. Future Land Use would have to conform to existing underlying zoning. The subject property is designated as "Manufactured Home Community" and "Ag and Open Space" as in our Future Land Use plan. Mr. Diedrichsen then showed site photos of the current property, which is a mobile home park facing northwest and road south. Southwest is the river bank and flood plain in the area. Mr. Diedrichsen stated staff recommends Planning Commission adopts staff finding facts and recommends approval.

Commissioner Kibler asked if the multiple designations would be turned into one designation. Mr. Diedrichsen informed Commissioner Kibler that Lot 2 would be designated C2 primarily, Lot 1 would be designated flood. It is apart of future flood buyout property and the owner has discovered which area would be under flood control and is separating that out.

**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 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.

**STAFF 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.

**FINAL DECISION:**

Motion made by Commissioner Dohms based on staff's finding of fact and recommendation. Second by Commissioner Kibler. The motion was carried by the following vote: ayes: 7, nays: 0. **Motion carries.**

**Item #6: Other Business**

Mr. Falconer presenting parking minimums presentation. Minot is already “below average” for parking. Minot is a very car dominated city. Downtown Minot currently has no minimum parking requirements.

Commissioner Kibler stated he’s spoke with several people about parking in Minot and has gotten mixed responses. Mr. Billingsley stated that we are currently working with a company that will build on top of one of the parking ramps downtown. The ramp in the Renaissance Zone is still looking to have someone come in and build on top of that as well. Mr. Falconer suggests we start to get the ball over the hill and start the process. Mr. Falconer informs everyone that this conversation is just to decide what to do with the minimums, whether that is to get rid of them completely or not and what the ripple effects would be if that happened. Mr. Diedrichsen states that we do have areas in the city with issues with parking, specifically strip developed areas where businesses choose not to have adequate parking and then parking spills into residential and that is where we have problems. Commissioner Baumann wants to note the benefits of the active transit, green space development are really cool elements of our community however the problem being parking spots are really wasted space in our community. A parking lot will generate zero income and having sufficient use of space in our community to have a thriving Minot. Commission Baumann doesn’t believe Minot is ready to get rid of them completely, whether habit or car centric people who need a car to get to Minot period. Spaces for cars are needed, but would love to see a surgical approach to go in and see if our code needs to be changed or address where parking may not be needed. Chairman Offerdahl agrees, and asks if we have the man power or hours to get to this? Mr. Billingsley states we do a clean up every fall, to take the time to look at the code, but right away we don’t have the man power. Commissioner Baumann would like to offer motion to direct staff to put together recommendations to reductions of parking minimums across the entire city, all zones and uses and how we could reduce parking minimums in any way that we can. And be presented with the fall language clean up. Commission Kibler 2<sup>nd</sup> the motion. Mr. Diedrichsen asks Commissioner Baumann if he would like those brought forward a month before it is brought forward formally to review, discuss and give any recommendations? Chairman Offerdahl asks if that timeline is feasible and for Commissioner Baumann to amend his motion? Commission Baumann amends his motion. Commissioner Kibler seconds the motion. The motion was carried by the following vote: ayes: 8, nays: 0. **Motion carries.**

Mr. Billingsley introduces Ms. Hornberger, new planning and code enforcement assistant.

**Item #7: Adjournment**

With no further business, Chairman Offerdahl adjourned the meeting at 6:20 pm.



**Planning Commission  
Staff Report**

<b>Application Date:</b> 02/08/2024 <b>Date of Staff Report:</b> 03/11/2024 <b>Planning Commission Meeting:</b> 04/02/2024		<b>Staff Contact:</b> Doug Diedrichsen, Principal Planner <b>Staff Recommendation:</b> Approval	
<b>Case Number:</b> 2024-02-03  <b>Project Name:</b> CHS – Annex, Zone Change  <b>Current Legal Description:</b> See Project Description  <b>Proposed Legal Description:</b> No Change  <b>Present Address:</b> 4815 E Burdick Expressway  <b>Entitlements Requested:</b> Zoning Map Amendment from “C2” General Commercial to “M1” Light Industrial District and Annexation		<b>Representative:</b> Nick Hubbard VAA, LLC.  <b>Owner:</b> CHS, Inc.	
<b>Present Zone(s):</b> “C2” General Commercial District <b>Present Use(s):</b> Sales or Service of Industrial, Agricultural, and Construction Equipment and Semi-trucks <b>Uses Allowed in Present Zone(s):</b> See Chapter 2.2 for allowed and conditionally permitted uses within each district. <b>Present Future Land Use Map Designation:</b> Industrial		<b>Proposed Zone(s):</b> “M1” Light Industrial District  <b>Proposed Use(s):</b> No Change  <b>Uses Allowed in Proposed Zone(s):</b> See Chapter 2.2 for allowed and conditionally permitted uses within each district  <b>Proposed Future Land Use Map Designation:</b> No Change	

**PROJECT DESCRIPTION:**

Public hearing request by Scott McClelland representing CHS, Inc., owner for a request of zone change and annexation for a “C2” General Commercial lot. The legal description for the property is Outlots 26 & 27 of the north half of the southwest quarter less highway right-of-way Section 21, Township 155, Range 82 and Outlot 28 and the West half of Outlot 29 lying in the southeast quarter less highway right-of-way Section 21, Township 155 Range 82 to the County of Ward, North Dakota.

The address for the property is 4815 Burdick Expressway East and three (3) unaddressed parcels to the west of that address. An aerial map of the subject property may be found in **Exhibit 1**

### **BACKGROUND INFORMATION:**

The property owner seeks to annex and rezone the property from “C2” General Commercial (C2) to “M1” Light Industrial District (M1). The subject property was designated light industrial in the 2040 Comprehensive Plan. Annexation will address its position adjacent to city limits and will be evaluated by City Council along with the recommendation from Planning Commission on the zoning map amendment request.

The applicant’s additional submittals related to the application for an annexation and zoning map amendment may be found in **Exhibit 2**.

The zoning and future land use map are provided in **Exhibit 3**.

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

### **STAFF ANALYSIS:**

#### **Annexation:**

The City of Minot follows North Dakota Century Code (NDCC) Chapter 40-51.2 procedures involving annexation requests. NDCC 40-51.2-03 provides for owners of property to request annexation and City Council may approve such requests by ordinance. Staff is supportive of the annexation request.

#### **Zoning Map Amendment Analysis:**

Section 9.1-7 of the Minot Land Development Code provides the procedures for amending the official zoning map of the City of Minot. Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. Section 9.1-7 D. recognizes that the future land use map may need to be amended to support any rezoning request. The applicant has submitted the necessary application documents required per Section 9.1-7 C. and noticing has been conducted as required per Section 9.2.

Section 9.1-7 E. 2. requires the Planning Commission to provide findings of fact to ensure the criteria included in Section 9.1-7 H. has been satisfied in order to support any recommendation regarding any proposed changes to the zoning map or Future Land Use Map. Staff provides the following guidance:

Staff finds a change is necessary to resolve a discrepancy between the zoning and Future Land Use (FLU) Map of the 2040 Comprehensive Plan. The FLU Map denotes this area as light industrial whereas the existing zoning is C2. Section 9.1-7 H. 1. is satisfied.

Staff finds that the City and other public agencies will be able to provide services to support the request and Section 9.1-7 H. 2 is satisfied.

Given the industrial nature of the uses on the adjacent properties the change in zoning should not affect the uses or property values of the properties adjacent. Furthermore, it is unlikely that a commercial use would be successful in an area with industrial development. With that, staff finds no evidence that the proposed development will substantially diminish the condition or value of property in the vicinity per Section 9.1-7 H. 3.

Staff finds the zoning change is consistent with the purpose of the Zoning Ordinance and other adopted policies of the City. Section 9.1-7 H. 4. is satisfied.

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. Gravel must be removed from the right of way and must be landscaped per zoning ordinance.
    - ii. Parking lots and driveways must be paved
    - iii. Storm water management plan required.
    - iv. New water connection required and installed by state and city licensed contractor.
    - v. Annexation is required.
    - vi. Cap existing water service at main.
    - vii. Septic permits are handled by 1st District Health Unit and septic system must comply with their regulations

The comments from Engineering are either explained in detail within the staff analysis section of the report or follow standard general and/or commercial development policy and will be memorialized as conditions of approval.

**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 for a zoning map amendment.
- 2) The present zoning is "C2" General Commercial District.

- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Light Industrial.
- 4) Section 9.1-7 H. 1. is satisfied, as the FLU map denotes this area as Light Industrial and the proposal is to zone the property as “M1” Light Industrial in alignment with the FLU map designation.
- 5) Section 9.1-7 H. 2 is satisfied, as the City and other public agencies will be able to provide services to support the request.
- 6) Section 9.1-7 H. 3 is satisfied, as there exists no evidence that the proposed development will substantially diminish the condition or value of property in the vicinity.
- 7) The zoning map amendment is consistent with the purpose of the Minot Land Development Ordinance and other adopted policies of the City per Section 9.1-7 H. 4.
- 8) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

## **RECOMMENDATION:**

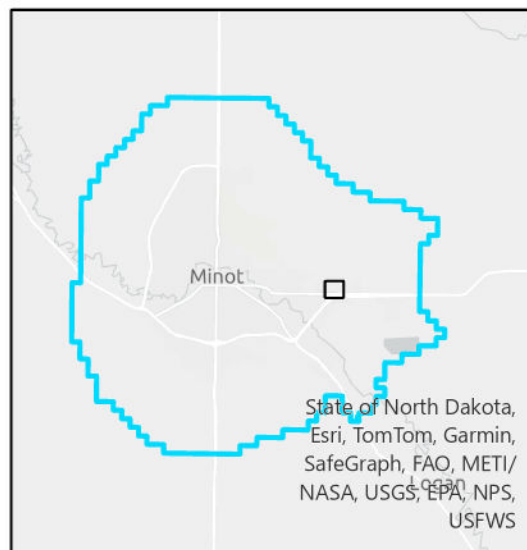
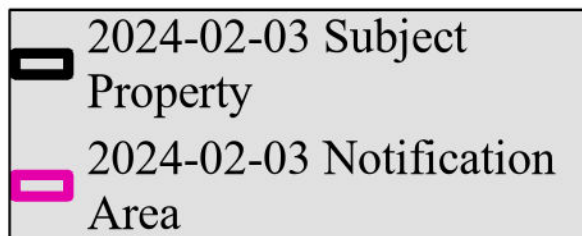
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Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council for a zoning map amendment from “C2” General Commercial District to “M1” Light Industrial District with the following conditions:

1. Gravel must be removed from the right of way and must be landscaped per zoning ordinance.
2. Parking lots and driveways must be paved
3. Storm water management plan required.
4. New water connection required and installed by state and city licensed contractor.
5. Annexation is required.
6. Cap existing water service at main.
7. Septic permits are handled by 1st District Health Unit and septic system must comply with their regulations



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Office Address: 1025 31st St. SE  
 Mailing Address: PO Box 5006  
 Minot, ND 58702  
 Email: planner@minotnd.gov  
 Office Number: 701-857-4122

## Planning Department

### Annexation Checklist

- ☒ **Meet with the Planning Department** to discuss future intentions.
- ☒ **Complete Petition for Annexation** Whereas, the properties described below are contiguous to the City of Minot city limits at least at one point; and, whereas, there exists a community of interest, the owner(s) of the property(ies) described below respectfully request incorporation in the City of Minot.

Signature of Owner [Signature] a CHS Employee  
 Parcel ID - NE21.099.000.0292, W1/2 Outlot 29 in Section 21, T155N, R82W  
 Legal Description of Property \_\_\_\_\_

Signature of Owner [Signature] a CHS Employee  
 Parcel ID - NE21.099.000.0280, Outlot 28 less highway in Section 21, T155N, R82W  
 Legal Description of Property \_\_\_\_\_

Signature of Owner [Signature] a CHS Employee  
 Parcel ID - NE21.099.000.0270, Outlot 27 less highway in Section 21, T155N, R82W  
 Legal Description of Property \_\_\_\_\_

Signature of Owner [Signature] a CHS Employee  
 Parcel ID - NE21.099.000.0260, Outlot 26 less highway in Section 21, T155N, R82W  
 Legal Description of Property \_\_\_\_\_

I hereby certify that I circulated this instrument, that the signatures are true and correct and that I:

- ☐ Represent myself only.
- ☒ Represent myself and am acting as agent for the aforementioned property owners.
- ☐ Am acting as agent only for the aforementioned property owners

[Signature]  
 Signature of Applicant/Representative

2/8/24  
 Date

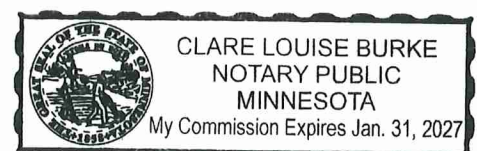
State of Minnesota

County of Hennepin

On this 8 day of FEBRUARY, 2024, before me, a Notary Public in and for the said county and state, personally appeared SCOTT MCCLELLAND known to me to be the person described and who executed the foregoing instrument and acknowledged to me that he/she executed the same.

[Signature]  
 Notary Public

02/08/2024  
 Date



JANUARY 31, 2027  
 My Commission Expires



Office Address: 1025 31st St. SE  
Mailing Address: PO Box 5006  
Minot, ND 58702  
Email: [planner@minotnd.gov](mailto:planner@minotnd.gov)  
Office Number: 701-857-4122

## Planning Department

### Zoning Map Amendment Checklist

☒ **Voluntary Pre-Application Meeting Per Section 9.1-7 B.**

Prior to submitting a complete application to the Planning Division, applicants are encouraged to do the following:

- ☒ Meet with a Planning Division staff person to review the proposed zoning map amendment application. This meeting provides a screening process to identify and resolve potential issues before the application is submitted. Upon review, the staff person will either recommend further pre-application review with the Development Review Team or formal submittal of the zoning map amendment application.
- ☒ Meet with the Development Review Team to solicit City input beyond the Planning Division. City staff will schedule the Development Review Team meeting and invite all participants.

☒ **An aerial with property boundaries for the subject property(ies) and adjoining lands.**

☒ **Letter of Intent**, a written description that clearly explains the following:

- ☒ The existing and proposed zoning designations.
- ☒ The reason for the requested zoning change.
- ☒ A list of proposed use types.

**Any of the following items must be submitted with your application as required by staff:**

- ☒ A generalized location map showing the location of the proposed site in relation to the city.
- ☒ A generalized map of the immediate vicinity, showing adjacent land uses and zoning districts.
- ☒ Location of all building and structures on the proposed site.
- ☒ Elevation drawing or illustrations indicating the architectural treatment of all proposed building and structures, if available.

☒ **Completed Application Form**, signed by the property owner(s).

☒ **Application Fee**, as listed on application cover sheet.

\*Application form are available at the Planning Division or on the City's website.

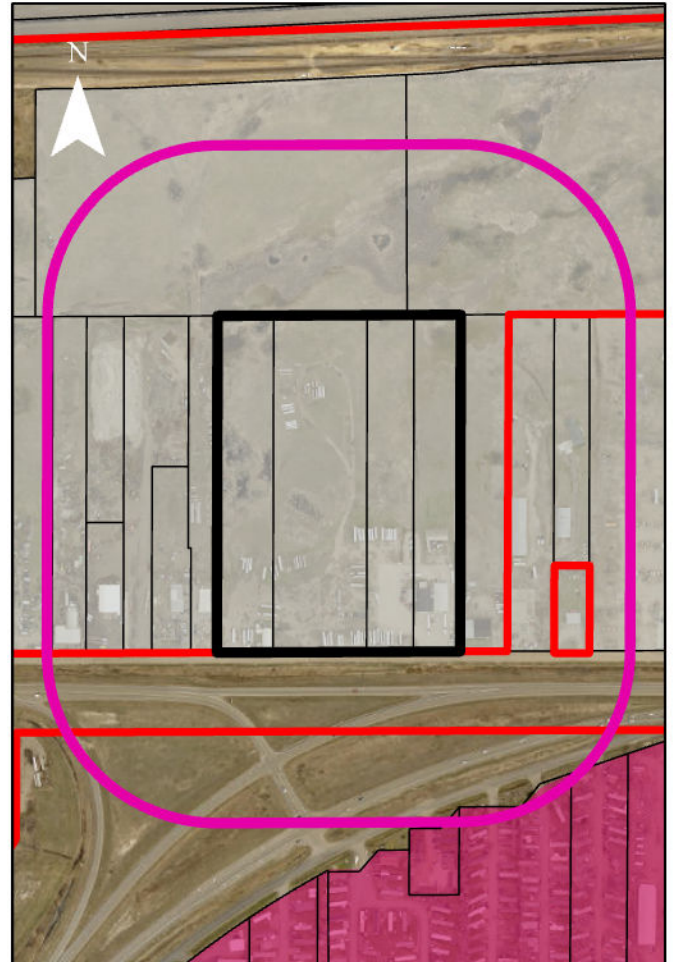
#### Comments:

The existing CHS Transportation site is zoned C-2. In discussions with the City Planner, it has been recommended that CHS re-zone their property to M-1 to comply with the new City of Minot zoning district map and to better fit the site usage with the zoning district. The site will be used for the same functions as it is today, a truck maintenance facility.

**ZONING**



**FUTURE LAND USE**





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

**Zoning**

Zoning	
	C2
	M2
	MH

**Both Maps**

	2024-02-03 Notification Area
	Case # 2024-02-03

**Land Use Type**

	General Commercial
	Gateway Commercial
	Light Industrial
	Heavy Industrial

# Exhibit 4 – Site Photos



Facing North



Facing South



Facing Northwest



Facing East



## Planning Commission Staff Report

**Application Date:** 01/24/2024  
**Date of Staff Report:** 03/12/2024  
**Planning Commission Meeting:** 04/02/2024

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

**Case Number:** 2024-02-04

**Project Name:** Text Amendment – Spring 2024

**Current Legal Description:** N/a

**Proposed Legal Description:** N/a

**Present Address:** N/a

**Entitlements Requested:** Amendment to the  
Land Development Ordinance of the City of  
Minot

**Owners:** N/a

**Representative:** Brian Billingsley,  
Community and Economic  
Development Director, City of Minot

**Present Zone(s):** N/a

**Present Use(s):** N/a

**Uses Allowed in Present Zone(s):** N/a

**Present Future Land Use Map Designation:** N/a

**Proposed Zone(s):** N/a

**Proposed Use(s):** N/a

**Uses Allowed in Proposed Zone(s):** N/a

**Proposed Future Land Use Map Designation:** N/a

### **PROJECT DESCRIPTION:**

Public hearing request by Brian Billingsley, Community Development Director for a text amendment to the Land Development Ordinance of the City of Minot. The proposed code changes pertain to the following sections: Table 9.1-2 to allow additional sign square footage for building with five (5) or more stories in the “CBD” Central Business District and “P” Public District, Section 4.1-6 C clarifying language regarding Sales or Service of

Industrial, Agricultural, and Construction Equipment and Semi-Trucks; Section 10.3-13. B. 3. Clarifying language regarding public utilities easements. Chapter 2.3. Adding a definition for Pet Overnight Boarding Facilities (Up to 5) and Pet Overnight Boarding Facilities (6+), use categories will be added to the Use Table in the Minot Land Development Ordinance for both of these new uses; Section 4.1-6. N-O clarifying language concerning Kennels and Veterinary Clinics with Overnight Boarding Facilities and adding language regarding Pet Overnight Boarding Facilities; The proposed changes are provided in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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The proposed text amendments are part of a “clean-up” ordinance that is performed, at a minimum, once annually.

The text amendments, including a brief explanation for each of the respective four (4) changes, may be found in **Exhibit 1**.

## **STAFF ANALYSIS:**

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### Amendment to the Land Development Ordinance of the City of Minot Analysis:

Section 9.1-8 of the Land Development Ordinance of the City of Minot (LDO) provides the procedures for amending the LDO. Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. The applicant has submitted the necessary application documents required per Section 9.1-7 C. and noticing has been conducted as required per Section 9.2.

Section 9.1-8 I. requires the Planning Commission and City Council to find the following, as applicable:

1. The amendment must not adversely affect the public health, safety, or welfare.
2. The amendment is supported by a strategy, recommendation, or other concepts from the Comprehensive Plan.
3. The amendment is necessary because of changed social or economic conditions in the areas affected.
4. The amendment is necessary to improve the ordinance by introducing best practices or makes the ordinance easier to understand and use by the public.

Staff provides the following guidance:

Staff finds Section 9.1-8 I. 1. is applicable and satisfied, as the proposed changes aim to address concerns that have been brought to the attention of staff over time, providing paths forward for new uses and/or reducing requirements for redevelopment when certain site characteristics exist. The changes will not adversely affect the public health, safety, and/or welfare in each instance.

Section 9.1-8. I. 2. is not applicable. While the Comprehensive Plan generally speaks to zoning, the proposed changes do not specifically fulfill any of the objectives and simultaneously are not deterred by, or interfere with, the fulfillment of the Comprehensive Plan.

Section 9.1-8. I. 3. is applicable, in part, and satisfied. Proposed Change #2 of Exhibit 1 makes changes to language that has proven to deter some businesses that specialize in the sales and service of large machinery from locating in appropriate areas within the zoning jurisdiction of the City of Minot.

Section 9.1-8. I. 4. is applicable and satisfied, as the proposed changes are an effort to ensure that known potential inhibitors to development are not replicated the subsequent building season. The proposed changes will make the code easier to understand and use by the public.

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:**

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

- 1) The applicant has submitted a complete application.
- 2) Section 9.1-8 I. 1., 3., and 4. are applicable and satisfied as noted in the Staff Analysis section of staff's written report.
- 3) Section 9.1-8 I. 2. is not applicable.
- 4) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

**RECOMMENDATION:**

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Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the zoning text amendment as provided in Exhibit 1.

## March 2024 Proposed Land Development Ordinance Text Amendments

### Amendment #1

Table 9.1-2 is proposed to be amended as follows:

Table 9.1-2 Master Sign Plan Budget Calculation							
	Zoning Districts						
	AG	RR, R1, R1S, R2	R3C, RM, RH, MH	C1, GMU	C2, C4	CBD, P	M1, M2, OP
Multiplier for Calculated Permitted Sign Budget	0.05	1	1	0.75	1.5	1.5	2
Maximum Permitted Sign Budget	RU: 4 sqft NRU: 200 sqft	RU: 2 sqft NRU: 200 sqft	RU: 2 sqft NRU: 200 sqft	800 sqft	800 sqft	<u>4 stories</u> <u>or</u> <u>shorter:</u> 500 sqft; <u>5 stories</u> <u>or taller:</u> 900 sqft	800 sqft
<p>RU - Residential uses: Includes all residential uses plus permitted home based businesses and excludes multi-family and manufactured home park use types.</p> <p>NRU - Non-residential uses: Includes all non-residential uses plus multi-family and manufactured home park use types.</p>							

### Amendment #2

Section 4.1-6 C. is proposed to be amended as follows:

#### ***A. Sales or Service of Industrial, Agriculture, and Construction Equipment and Semi-Trucks***

##### **1. C2 District:**

- a. Shall have a principal structure on the lot. In cases where multiple lots are proposed for open sales, only one of the lots is required to have a principal structure on the lot if all lots are contiguous to one another, under common ownership and used for the same business operating from the principal structure. Typical commercial site development standards, such as, but not limited to such requirements as; hard-surface, grass, or gravel parking, concrete curb and gutter, landscaping, lighting, storm drain, public sidewalks and similar as requested by Staff, Planning Commission and/or City Council shall be required of the adjacent lot(s) to the primary business before the lot(s) can be used for display or storage of inventory, even if no building is required on the lot(s).
- b. Vehicles for sale, lease, or rental shall be parked on a paved surface that conforms to

Article 6.

- i. No outside repair or maintenance of vehicles.
- ii. Parking lot landscaping shall comply with all requirements of Article 6 and Article 7.
- iii. The use of outdoor speaker systems shall be limited to the hours of 7 AM and 10 PM.
- iv. Delivery and loading hours shall be limited to the hours of 7 AM and 10 PM for all open sales/rental lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

**Amendment #3**

Section 10.3-13 B.3 is proposed to be added to the Land Development Ordinance as follows:

3. A public utility easement ten feet (10') wide shall be provided along the front lot line of every lot. The City Engineer may waive this requirement in their sole discretion if the dedication of the easement may cause a detriment to the public or a public improvement. The waiver determination will be kept on file in the Community Development office.

**Amendment #4**

Various sections regarding kennels and pet boarding are proposed to be amended or added to the Land Development Ordinance as follows:

(See next three pages)



Add Table Uses: “Animal Services” section

Pet Overnight Boarding Facilities (Up to 5) w/ P districts

Pet Overnight Boarding Facilities (6+) w/ P&C districts

## Chapter 2.3. – Definitions

### Page 2-13

Kennel (Use Table Definition): Any building or fenced area where pets are kept for breeding, sale, training, or boarding. In addition, any building or fenced area where five (5) or more pets, six (6) months or older, are kept for other than an individual's own use.

Pet Overnight Boarding Facility: (Use Table Definition): Any building or fenced area where pets that are not licensed by the owner of the property are kept for boarding. There are two classifications of boarding facilities. One being a facility that house up to five (5) pet six (6) months or older, and the other facilities that house six (6) or more pets, six (6) months or older. Boarding can be for the day or overnight but for not more than three (3) consecutive nights.

## Section 4.1-6. N-O Commercial Uses

### Pages 4-9 & 4-10

#### N. Kennels and Veterinary Clinics with Overnight Boarding Facilities

##### 1. AG, C2, and M1 Districts:

- a. The minimum lot size shall be two (2) acres.
- b. No exterior dog runs shall be located nearer than one hundred feet (100') from any property line and five hundred feet (500') to the property line of any residential use or residential zoning district.
- c. Commercial kennels must be connected to public sewer or an onsite treatment system to manage and dispose of animal waste.
- d. **Commercial** kennels and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- e. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- f. Fencing around animal runs and exercise areas shall be of a sufficient height and sufficiently buried to prevent animal escape by leaping or digging.
- g. All **commercial** kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Such screening shall be a maximum of six feet (6') in height and shall be completely solid and site obscuring so as to aid in noise mitigation.

## O. Pet Overnight Boarding Facilities

### 1. All Districts where permitted or allowed by Conditional Use Permit:

- a. All boarding facilities that house pets in excess to the number allowed within a personal household are required to apply for a Conditional Use Permit and submit a floor plan and site plan to the Community Development Department for approval and part of the permitting process.
- b. No exterior dog runs shall be located nearer than ten feet (10') from any property line and fifty feet (50') to the property line of any residential use or residential zoning district. Article 4: Standards Specific to Uses and Districts Page 4-10
- c. Commercial Boarding facilities must be connected to public sewer or an onsite treatment system to manage and dispose of animal waste.
- d. Animal quarters and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- e. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- f. Fencing around animal runs and exercise areas shall be of a sufficient height and sufficiently buried to prevent animal escape by leaping or digging.
- g. All yards used for exercise on the property of the boarding facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Such screening shall be a maximum of six feet (6') in height and shall be completely solid and site obscuring so as to aid in noise mitigation.