

Regular Meeting: Planning Commission

Location: City Hall, Council Chambers, 515 2nd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Tuesday, June 07, 2022 @ 5:30 p.m.

Presiding Official: Charles DeMakis

Members in Attendance: Commissioners Barnett, Baumann (by phone), DeMakis, Gates (by phone), Hochhalter, Kibler, Lider, Nesdahl, Offerdahl, Wegenast

Members Absent: Commissioners Faken, Iverson

City Staff Present: Brian Billingsley (Community & Economic Development Director), John Van Dyke (Principal Planner), Peter Baumgartner (Associate Planner), Glenda Sorensen (Administrative Clerk, Senior), Stefanie Stalheim (Assistant City Attorney), Emily Huettl (Assistant City Engineer), Emma Hall (Planning Intern)

Others Present: Sean Weeks (Ackerman-Estvold), Father Nelson (Bishop Ryan)

Meeting Called to Order by Chairman DeMakis at 5:30 p.m.

Item #1 Roll Call

Item #2 Pledge of Allegiance

Item #3 Planning Commission Intro and Public Hearing Decorum

Item #4 Approval of Minutes

Motion by Offerdahl to approve the May 03, 2022 Planning Commission Meeting Minutes, second by Lider, and was carried by the following roll call vote: ayes: all, nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #5 Case #2022-06-02

Interim Use Permit

The Planning Commission adopt staff's findings of fact and approve an interim use permit for portable classrooms at Bishop Ryan High School, subject to the following conditions:

- 1) The termination date shall be September 1, 2029 or upon the issuance of a certificate of occupancy for a permanent building expansion related to additional classroom capacity, whichever is sooner.
- 2) A bond, or other financial security as determined to be acceptable by the City, must be submitted to cover the costs associated with removal of the portable classrooms, prior to issuance of the certificate of occupancy.

Chairman DeMakis asked for staff's report.

Public hearing request on an application from Sean Weeks, representing Bishop Ryan High School, owner, for an interim use permit to allow the placement of a modular portable classroom on their property until September of 2029. The purpose of the request is to accommodate the projected growth of their student body while a master campus plan is undertaken to determine their long-term facility needs. The legal description for the property is Outlot 16 of the SE ¼ of the NE ¼ of Section 14, Township 155N, Range- 83W, less a portion to Outlot 29 & Less Sublot B, Ward County, North Dakota. The property address is 316 11th Avenue NW. An aerial view of the property and 300-foot notification area is provided in **Exhibit 1**.

Bishop Ryan High School is seeking an interim use permit (IUP) for portable classrooms to accommodate a projected growth in enrollment over the next few years. According to their letter of intent, included in **Exhibit 2**. "Due to the recent growth in our elementary school population, the current building is no longer able to accommodate the necessary classroom space needed to provide our programming." As thus, they are looking to install portable classrooms in the interim while they work on a "Master Campus Plan" to determine the school's long term facility needs and the best means of achieving them. The interim use permit is requested to be effective through September of 2029.

The zoning map and future land use map are provided in **Exhibits 3 and 4** respectively.

Site photos are provided in **Exhibit 5**.

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application for a zoning map amendment and future land use map amendment.
- 2) The present zoning is "AG" Agricultural District.
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Public/Semi-Public.
- 4) Section 9.1-5. C. 1. is satisfied as the preferred method of permitting portable classrooms is via interim use permits per Table. 2.2 Table of Uses of the Land Development Ordinance of the City of Minot (LDO).
- 5) Section 9.1-5. C. 2. is satisfied with the inclusion of a condition prescribing the termination date of September 1, 2029 or upon the issuance of a certificate of occupancy for a permanent building expansion related to additional classroom capacity, whichever is sooner.
- 6) A condition to require the submission of a bond, or other financial security as determined to be acceptable by the City, to cover costs the removal of the portable classrooms associated with the interim use permit will ensure that Sections 9.1-5. C. 3. through 4. are met.
- 7) The Minot Planning Commission has the authority to hear this case and provide either approve or deny the interim use permit. 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 of Ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and approve an interim use permit for portable classrooms at Bishop Ryan High School, subject to the following condition:

- 1) The termination date shall be September 1, 2029 or upon the issuance of a certificate of occupancy for a permanent building expansion related to additional classroom capacity, whichever is sooner.
- 2) A bond, or other financial security as determined to be acceptable by the City, must be submitted to cover the costs associated with removal of the portable classrooms, prior to issuance of the certificate of occupancy.

Chairman DeMakis asked if there were questions for staff.

Vice-Chairman Offerdahl asked staff if a DRT (Development Review Team) meeting was conducted on this item, or was one not done because it is zoned AG (Agricultural). Associate Planner Baumgartner responded that a DRT has been completed. Offerdahl then asked if the fire department had any comments on the proposed interim use permit (IUP). Baumgartner responded that they neither had comments the DRT nor did they have them when they were asked again after an application was received for the IUP.

Commissioner Kibler asked for clarification on the use of the term “bonding for removal” as it relates to private property. Associate Planner Baumgartner responded that this structure is not intended to be a permanent structure, therefore the bond is to make sure that it is actually an interim use and that the City can remove it upon expiration of the interim use permit (IUP) if the applicant doesn’t. Kibbler also asked about the language requiring the IUP to not impose addition costs if the property goes back to the City. Baumgartner responded that this was general language that was in there in case the property would go back to City through taxes. Kibbler then asked if this was standard language, Baumgartner responded that language was specific to interim uses.

Chairman DeMakis opened the public hearing on the item. No comments.

Chairman DeMakis closed the public hearing and asked for a motion from the commissioners.

Motion by Commissioner Kibler to approve based on staff’s findings of fact and recommendation, second by Offerdahl and was carried by the following vote: ayes: all, nays: none.

Motion carries

Item #6 Case #2022-06-01
Zoning and Future Land Use Map Amendments

Staff recommends approval based on staff's recommendation and findings of fact for a zoning map amendment from "C1" Neighborhood Commercial District to "RM" Medium Density Residential District and a future land use map amendment from Commercial to Medium Density Residential with no conditions.

Chairman DeMakis asked for staff's report.

Public hearing request on an application from Harold Stewart, City Manager, on behalf of the City of Minot for a zoning map amendment from "C1" Neighborhood Commercial District (C1) to "RM" Medium Density Residential District (RM). In addition, the request includes an amendment to the future land use map from Neighborhood Commercial to Medium Density Residential. The purpose of this request is to align the zoning and future land use of the property with the residential character and use of the surrounding residential neighborhood. The legal description for the property is the South 110' of Lot 2, Block 1, Ramstad's Third Addition, to the City of Minot, North Dakota.

The property address is 106 4th Avenue NW. An aerial view of the property and 300-foot notification area is provided in **Exhibit 1**.

The subject property is the only "C1" Neighborhood Commercial District (C1) property located within at least 1,000 feet, having undergone a zoning map amendment from "R3B" Multiple Residence District in July of 1996. The zoning map amendment was done to accommodate the expansion of the Home Sweet Home giftshop, based out of a "C2" General Commercial District zoned, single-family residential home across the street. Twenty- two years later, the property was purchased by the City for flood control purposes and the Home Sweet Home building was relocated onto both the subject property and an abutting one. The City is pursuing this zoning map amendment to bring the property's zoning and Future Land Use Map designations into alignment with the residential character of the neighborhood.

The zoning map and future land use map are provided in **Exhibits 2 and 3** respectively.

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

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application for a zoning map amendment and future land use map amendment.
- 2) The present zoning is "C1" General Commercial District, which it was rezoned to in 1996 to accommodate the growth of the Home Sweet Home gift shop.
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Commercial.
- 4) The proposed future land use designation of Medium Density Residential is more appropriate than Commercial designation for the subject property given the residential character of the surrounding properties and the corresponding FLU Map designates it as MDR.

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- 5) Section 9.1-7 H. 1. is satisfied, as the area seen much change since the 2011 flood, which has prompted a shift in the nature of the area from partially commercial to mostly residential.
- 6) The 2011 flood has prompted multiple, significant changes in the neighborhood, including construction of a flood wall, and the realignment of a portion of 4th Ave NW.
- 7) 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.
- 8) The zoning map amendment is consistent with the purpose of the Land Development Ordinance of the City of Minot and other adopted policies of the City, and will be consistent with the City of Minot 2012 Comprehensive Plan, subject to amendment of the Future Land Use Map per Section 9.1-7 H. 4.
- 9) 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:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council for a zoning map amendment from "C1" Neighborhood Commercial District to "RM" Medium Density Residential District and a future land use map amendment from Commercial to Medium Density Residential with no conditions.

Chairman DeMakis asked if there were questions for staff.

Commissioner Kibler asked if this property going forward is going to be a residential property. Associate Planner Baumgartner responded that city staff is doing the rezoning so that both lots will be zoned residential. Baumgartner added that city staff had done a walk-through today.

Chairman DeMakis opened the public hearing on the item. No comments.

Chairman DeMakis closed the public hearing and asked for a motion from the commissioners.

Motion by Commissioner Lider to approve based on staff's findings of fact and recommendation, second by Kibler and was carried by the following vote: ayes: all, nays: none.

Motion carries

Other Business

Planning Staff asked the commissioners who did or did not have a city issued iPad, and if they were not issued one, would they want one assigned to them. None of the commissioners opted to acquire an iPad.

Adjournment

With no further business, Chairman DeMakis adjourned the meeting at 6:00pm.