

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, June 6, 2023 @ 5:30 pm.

Presiding Official: Chairman Offerdahl.

Members in Attendance: Faken, Iverson, Kibler, Longtin, Nesdahl, Offerdahl, Pontenila,

Members in Attendance on Teams: Baumann, Mennum.

Members Absent: Dohms, Gates, Hochhalter, Lider.

City Staff Present: Brian Billingsley (Community Development Director), John Van Dyke (Principal Planner), Terra Lindquist (Assistant Planner), Nick Schmitz (Assistant City Attorney), Derek Hackett (PIO), Emily Huettl (Assistant City Engineer), Nicole Rivera (Community Development Administrative Clerk).

Others Present: Sean Weeks (Applicant Representative) & Ryan and Jessica Ackerman (Applicant)

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

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 May 2, 2023 Planning Commission Meeting Minutes. Second by Commissioner Faken, and carried by the following roll call vote: ayes: all, nays: none. **Motion carries.**

Item #5: Case # 2023-06-01. Preliminary Plat – S & J Subdivision

Public hearing request by Steve Larson, owner for a preliminary plat to subdivide a quarter section into two platted lots. The proposed plat is to be named S & J Subdivision. The legal description for the property is the Northeast Quarter of Section 27, Township 156N, Range 83W, Ward County, North Dakota.

The property address is 6701 16th St. NW.

Chairman Offerdahl asked for staff's report to which Mr. Van Dyke provided a verbal summary of the written staff report. Mr. Van Dyke began with outlining the location of the subject property advising it is located north of Minot in the extraterritorial jurisdiction. Mr. Van Dyke continued on explaining the current zoning for the property, which is "AG" Agricultural District and stated the applicant seeks to subdivide a quarter section to separate the home from the agriculture land. Mr. Van Dyke explained the 2012 Future Land Use Map did not provide a designation for this property however the 2040 Comprehensive Plan that was adopted May 15 depicts this area as agriculture. Mr. Van Dyke stated staff is recommending approval with no conditions.

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 "AG" Agricultural District on the Official Zoning Map and shows no 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 no conditions.
- 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:

City Council approve the Major Subdivision Preliminary Plat for S&J Subdivision with no conditions.

FINAL DECISION:

Motion made by Commissioner Kibler 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 #6: Case # 2023-06-03. Zoning Map Amendment and Preliminary Plat – 55th Crossing 9th Addition
Public hearing request by Ackerman Surveying representing Stonehaven Development, LLC, owner for a zoning map amendment from "R3" Multiple Residence District to "R1" Single-Family Residential District.

Further, the application includes a preliminary plat to divide the subject property into ten (10) single-family residential lots. The proposed plat is to be named 55th Crossing 9th Addition. The legal description for the property is Lot 1, Block 5, 55th Crossing 4th Addition to the City of Minot, North Dakota. The property is unaddressed and lies at the SE corner of the intersection of 18th Ave. SE and 55th St. SE.

Chairman Offerdahl asked for staff's report to which Mr. Van Dyke provided a verbal summary of the written staff report. Mr. Van Dyke explained the property is about ½ mile south of Nedrose High School and is currently zoned R3, Multiple Resident District, which follows the "RM" Medium Density standards. Mr. Van Dyke explained the subject property maintains two Future Land Use designations. 2012 Future Land Use Map, which was in place at the time of the application, aligns with the low density but not the medium density district. The area noted by low density is clearly dominant but City Staff finds that no future land use map amendment is needed. The 2040 Comp Plan, which is the future land use map we will use moving forward, shows suburban residential and the proposal does align with the now adopted Future Land Use Map. Mr. Van Dyke presented the preliminary plat and advised it does meet the requirements for the R1 zoning. Mr. Van Dyke advised Staff is recommending approval with conditions.

Commissioner Kibler inquired about the meaning of "first lift" and "second lift" that is stated in the conditions to which Mr. Van Dyke advised it would be the first layer and then the second layer to help make it stronger.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony.

Sean Weeks from Ackerman-Estvold, representing the applicant, stated they concur with staff report conditions and recommendations.

Commissioner Kibler inquired about why the applicant is looking at moving from a multi-residential to single-family residential to which Mr. Weeks advised he believes the applicant thinks there is a market shift, more of a demand for an estate size lot and it being waterfront.

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 present zoning is "R-3" Multiple Residence District (RM) and the City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Low Density Residential and Medium Density Residential.

- 3) The proposed zoning map amendment satisfies the evaluative criteria of Section 9.1-7. H. 1. thru 4. of the Land Development Ordinance.
- 4) The proposed preliminary plat meets the subdivision design requirements of Section 10.3-1. thru 22., as applicable, subject to the following conditions:
 1. A 10-foot (10') utility easement shall be included on the final plat along all property boundaries fronting the right-of-way.
 2. A development agreement is required to facilitate the necessary infrastructure required to serve this development to include, at a minimum, the following items:
 - a. Removal and cap existing 8" water service at the main(s) at the eastern property boundary or, with approval of the Engineering Department, an alternative location beyond this point.
 - b. Installation of individual water and sewer lines to serve each lot.
 - c. Removal and replacement of the first lift of asphalt or, depending on the condition of the existing asphalt as determined by the Engineering Department, repair of the existing asphalt.
 - d. Installation of the second lift of asphalt.
 - e. Repair of curb as-needed as determined by the Engineering Department
 - f. Installation of street lighting to the eastern property boundary or, with approval of the Engineering Department, an alternative location beyond this point.
 - g. A subdivision infrastructure installation plan must be submitted to the City Engineering Department for approval prior to commencement of installation of the infrastructure as required within this agreement.
 3. A development agreement will be recorded along with the final plat.
 4. A financial security shall be provided to the City meeting the requirements of Section 10.3-21.
- 5) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether the zoning map amendment and preliminary plat be approved, with or without conditions, 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:

Approval to City Council for a zoning map amendment from "R-3" Multiple Residence District (RM) to "R1" Single-Family Residential District and a preliminary plat to be known as 55th Crossing 9th Addition subject to the following conditions:

1. A 10-foot (10') utility easement shall be included on the final plat along all property boundaries fronting the right-of-way.
2. A development agreement is required to facilitate the necessary infrastructure required to serve this development to include, at a minimum, the following items:

- a. Removal and cap existing 8" water service at the main(s) at the eastern property boundary or, with approval of the Engineering Department, an alternative location beyond this point.
 - b. Installation of individual water and sewer lines to serve each lot.
 - c. Removal and replacement of the first lift of asphalt or, depending on the condition of the existing asphalt as determined by the Engineering Department, repair of the existing asphalt.
 - d. Installation of the second lift of asphalt.
 - e. Repair of curb as-needed as determined by the Engineering Department
 - f. Installation of street lighting to the eastern property boundary or, with approval of the Engineering Department, an alternative location beyond this point.
 - g. A subdivision infrastructure installation plan must be submitted to the City Engineering Department for approval prior to commencement of installation of the infrastructure as required within this agreement.
3. A development agreement will be recorded along with the final plat.
 4. A financial security shall be provided to the City meeting the requirements of Section 10.3-21.

FINAL DECISION:

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

Item #7: Case #2023-06-02. Zoning Map Amendment W/Planned Unit Development (PUD) – Citizen Alley

Public hearing request by the Aksal Group, LLC, owner for a zoning map amendment from "CBD" Central Business District and "C2" General Commercial District to "CBD" Central Business District with a "PUD Overlay." The purpose for this request is to clean up the entitlements for the respective properties and to accommodate "Citizen Alley", a multi-purpose community-oriented open space. The legal description for the properties are Block 1, Kyle's Addition, Portion of Lots 1, 2, and 3, Block 1, Original Minot Addition West, and Lot 4, Block 1, Original Minot Addition Less the Soo R/W. The addresses for the properties are as follows: 3 thru 7 1st St. SE and 110 E. Central Ave.

Chairman Offerdahl asked for the staff report to which Mr. Van Dyke presented a verbal summary of the staff written report. Mr. Van Dyke advised the location of the property and explained it encompasses the High Third building, Prairie Sky Bread, a building known as the Freight House. Mr. Van Dyke advised it is presently zoned "C2" Commercial District and "CBD" Central Business District. The proposal is to rezone it to "CBD" Central Business District with a "PUD" Planned Unit Development overlay. Mr. Van Dyke explained the 2012 Future Land Use Map designated this area as downtown mix use and commercial and the 2040 Comp Plan shows entirely downtown mixed use to which staff finds that no future land use amendment is necessary. Mr. Van Dyke provided an overview for the proposed site plan that was submitted by applicant. That included outdoor recreation area, temporary amusement park, farmers market, etc. The area between the Freight house and High Third/Prairie Sky Breads will be used as flexible programmable space to generate activities in this part of downtown. Mr. Van Dyke then outlined some

lighting and signage characteristics that would fall outside of what would normally be approved for the zone. There will be a larger sign on the north side providing the Citizens Alley name also a flag style sign denoting the freight house will be denoted and finally the development will incorporate Edison style lighting which due to its unshielded design it is not presently permitted in commercial settings. Staff is considering making exceptions to this style of lighting more broadly applicable to all commercial developments in the future. Staff did receive an objection letter which was distributed to the commissioners earlier in the day. The objection surrounded the public access easement traversing from Northwest to Southeast along the back of several buildings. Mr. Van Dyke advised staff is recommending this item to be tabled until July 11, Planning Commission meeting at 5:30pm in City Hall Council Chambers to provide both the applicant and property owner time to discuss the issue and come up with an amendable path forward.

Commissioner Kibler asked about what the overall understanding is of the objection. Does it limit access for businesses that are already there in which Mr. Van Dyke explained there is a public access easement that abuts numerous properties between the structures. Most of the adjoining buildings are owned by Aksal Group which is the applicant and then there is another property owner that owns one of the pieces of property. The concern is if this is approved that inevitably the public access easement would be vacated, although that is not the intent of the Planned Unit Development proposal before the Planning Commission at this meeting. This body is not voting on whether or not to vacate that easement, that is an entirely different process. It is something that needs to be addressed at some point between the applicant, Aksal Group, and the other property owner. Mr. Van Dyke explained rather than applying conditions from the city that are going to affect the property where no one is pleased, tabling the item allows the property owners to work together to figure out what is an amendable solution then the city will add our conditions, if any are required, and everyone is happy. Commissioner Kibler then asked if the property owners would be cut off by this proposal to which Mr. Van Dyke stated no. He explained their right of way is on the front of 1st Ave SE and there is a stub of right of way to the northeast property. They would still have multiple ways to access their property.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony.

Ryan Ackerman, member of the Aksal group, came forward and expressed his appreciation to City Staff for working on the project with them and Planning Commission for considering a table motion for them to work on the differences with their neighbors. Mr. Ackerman advised at the end of the day, he believes they will be able to make a proposal to the neighbor that will improve the value of their property without compromising the value of the public space they are trying to develop for the city.

Public Hearing will remain open until next Planning Commission meeting.

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application.
- 2) The present zoning is "C2" General Commercial District and "CBD" Central Business District.
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use (FLU) Map designates this area as Commercial and Downtown Mixed Use and the City of Minot 2040 Comprehensive Plan denotes this area as Downtown Mixed-Use.
- 4) Standard for approval of a "PUD Overlay" per Section 2.23-4 are satisfied as provided in staff's analysis section of the written report.
- 5) Section 9.1-7 H. 1. thru 4. related to review and approval criteria for a zoning map amendment are satisfied as provided in staff's analysis section of this report.
- 6) 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.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission table the item to July 11 Planning Commission meeting at 5:30pm in City Hall Council Chambers.

FINAL DECISION:

Motion made by Vice-Chairman Baumann to table this item until Tuesday, July 11, 2023 at 5:30pm at City Council Hall located at 10 3rd Ave SW. Second by Commissioner Kibler. The motion carried by the following vote: ayes: all, nays: none. Motion carries.

Item #8: Other Business

Brian Billingsley, Community Development Director, welcomed and introduced Terra Lindquist as the new Assistant Planner to the Planning Commission.

Item #9: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 5:57pm.

Submitted by: Nicole Rivera, Planning Administrative Assistant