

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, July 11, 2023 @ 5:30 pm.

Presiding Official: Chairman Offerdahl.

Members in Attendance: Commissioners Faken, Hochhalter, Iverson, Kibler, Longtin, Mennem, Offerdahl, Pontenila.

Members in Attendance on Teams: Vice-Chairman Baumann.

Members Absent: Commissioners Dohms, Gates, Lider, Nesdahl.

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: Jonathan Layne (Applicant), Sheila & Keith Cochrane (Residents of Minot), Barbara Skogstad (Resident of Minot), Becky Brodell (Resident of Minot), Lyle Kicker (Resident of Minot), Rob Berard (Representative for 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 5:30pm

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 June 6, 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 #2023-06-02.Zoning Map Amendment w/ Planned Unit Development (PUD) – Citizen Alley

Public hearing request by the Askal 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 turned over to City Staff. City Staff provided a brief overview of the case and advised City Staff is recommending the item be tabled until August 1st, 2023 at 5:30pm in the City Council Chambers at City Hall.

PUBLIC HEARING:

Chairman Offerdahl stated the public hearing is still open since the item was tabled last Planning Commission and asked if anyone would like to come forward and speak about it the item. No one came forward. Chairman Offerdahl advised the Public Hearing will remain open.

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 August 1, 2023 Planning Commission meeting at 5:30pm in City Hall Council Chambers.

FINAL DECISION:

Motion made by Commissioner Kibler to table this item until Tuesday, August 1, 2023 at 5:30pm at City Council Hall located at 10 3rd Ave SW. Second by Commissioner Pontenila. The motion carried by the following vote: ayes: all, nays: none. **Motion carries.**

Item #6: Case # 2023-07-04. Zoning Map Amendment – South Main St.

Public hearing request by Jonathan Layne on behalf of Providence House, applicant representative for Trinity Health Foundation, owner, for a zoning map amendment from “C1” Neighborhood Commercial District to “CBD” Central Business District. The purpose of the zoning map amendment is to provide in-patient treatment services and is defined within the Land Development Ordinance of the City of Minot as Hospital. The legal description for the property is Lots 16, through 19, Block 2, Ramstad’s First Addition.

The address for the property is 415 Main St. S.

Chairman Offerdahl asked for the staff report to which Mr. Van Dyke presented the location of the property advising it is just east of the old Trinity Hospital and was utilized as temporary housing accommodations where families could stay while their loved ones were getting treated at the hospital, similar to a Ronald McDonald house. Mr. Van Dyke provided the letter of intent by the applicant explaining the request for a rezone from “C1” to “CBD.” Mr. Van Dyke stated based off of the applicant’s desire to utilize the facility for in-patient treatment, meaning overnight stays, it would fall within our code as a hospital use, which is not allowed in the “C1” District. Mr. Van Dyke continued to explain the Future Land Use Map, denoting this area as Downtown Fringe as well as the matrix that lists what zones are appropriate in the Downtown Fringe District. Mr. Van Dyke moved forward explaining in detail the findings of fact for this case, as well as the criteria outlined in Section 9.1-7. H. for a rezone. Staff finds the request satisfies the evaluative criteria within code and the two uses related to this request would be permitted within this zone. Finally, Mr. Van Dyke stated that there were four comments received by the Planning Division that were distributed to the Commissioners before the meeting for their review.

Commissioner Kibler inquired about current and future owners of the property. Commissioner Kibler stated that currently it is a Trinity property and in the future it will stay a trinity property to which Mr. Van Dyke advised he will defer that question to the applicant because currently it is a Trinity property and they did sign off on the application, however, he is unsure what the plan for ownership is moving forward.

Commissioner Kibler also inquired about the purpose, from a planning stand point, of the rezone from “C1” to “CBD” to which Mr. Van Dyke advised in his research he found that some communities have actual hospital districts where our ordinance provides for “hospitals” within certain districts. “CBD” is one that allows it where “C1” does not allow it.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony.

Jonathan Layne, Applicant, stepped forward and explained in detail his intention of the property as well as his background with locations similar to this one in the State of North Dakota.

Sheila Cochrane, Resident of Minot, stepped forward and inquired about the “no conditions” listed in the staff recommendation section to which Mr. Van Dyke explained typically with rezone request, we do not tie conditions unless there is a very specific unique situation. Mr. Van Dyke explained a letter of intent is requested for rezones just to provide some insight into the development to ensure we can provide the basic level of services for the request, which is a criteria for a rezone that was discussed earlier. Mr. Van Dyke explained that a Development Agreement could be possible between the City and the applicant, if they would be willing to entertain it, but within the agreement limiting it to women and women with children could be stepping on toes of discrimination to which Mr. Schmitz, Assistant City Attorney, advised the Commission has to evaluate what is in front of them.

Keith Cochrane, Resident of Minot, stepped forward and expressed his concerns regarding the property getting set up to help pregnant women, it doesn't go as planned and then it gets set up for sex offenders or something like that.

Barbara Skogstad, Resident of Minot, stepped forward and advised she agreed with the comments of the previous speakers. Mrs. Skogstad advised she does not understand the rezone because their property is zoned residential and was worried about the value of her residence if the rezone gets approved. Mr. Van Dyke advised value is extremely difficult to evaluate but this is an up zone and generally when you do that normally the value raises as well.

Becky Brodell, Resident of Minot, inquired about the lot next to the property, the empty parking lot. Mrs. Brodell advised she was told the old Victorian house next door, the individuals that bought it, are planning on bringing in a homeless men shelter which could change the neighborhood as well.

Lyle Kicker, Resident of Minot, stepped forward and advised he lives in the neighborhood. Mr. Kicker advised he stayed at a facility in a different state for mental health and it help him. It completely changed his life.

Offerdahl closed the public hearing and thanked the audience for coming and voicing their opinions in a respectful manner.

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 “C1” Neighborhood Commercial and the City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Downtown Fringe.

- 3) The proposed zoning map amendment satisfies the evaluative criteria of Section 9.1-7. H. 1. thru 4. of the Land Development Ordinance as outlined in the Staff Analysis section of staff's written report.
- 4) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether the zoning map amendment 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:

Staff recommends the Planning Commission adopt staff's findings of fact and recommend approval to City Council for a zoning map amendment from "C1" Neighborhood Commercial District to "CBD" Central Business District 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 #7: Case #2023-07-03. Zoning Map Amendment and Preliminary Plat - Highlander Estates 5th Addition

Public hearing request by Ackerman Surveying, applicant representative, on behalf of HL Development, LLC, owner for a preliminary plat and zoning map amendment. The purpose of the preliminary plat is to subdivide two platted lots into five lots. Further, a portion of right-of-way known as 29th St. SW is proposed to be vacated. The proposed plat is to be known as Highlander Estates 5th Subdivision. Finally, a zoning map amendment is requested to amend the properties from "C1" Neighborhood Commercial District and "C2" General Commercial District to solely "C2" General Commercial District. The legal description for the properties are Lots 9 & 10, Highlander Estates Subdivision to the City of Minot, North Dakota.

The properties are presently unaddressed and are located to the northeast of the intersection of 37th Ave. SW and 30th St. SW.

Chairman Offerdahl asked for the staff report to which Mr. Van Dyke presented the aerial view and the preliminary plat to Planning Commission. Mr. Van Dyke states the applicant is looking at subdividing the two lots into 5 lots and provide an overlay to provide access. Mr. Van Dyke continued on explaining the properties are currently Zoned C2 and C1, the proposed is just C2. Mr. Van Dyke advised staff is recommending approval with conditions and then explained the conditions to Planning Commission.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Rob Berard with Ackerman-Estvold came forward and stated the developer is in agreement with staff recommendations and can answer any questions the Commissioners may have. No questions were asked. 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 "C2" General Commercial District and the 2040 Comprehensive Plan Future Land Use Map designates this area as dominantly General Commercial and subserviently Mixed-Use Center.
- 3) The proposed zoning map amendment satisfies the evaluative criteria of Section 9.1-7. H. 1. thru 4. of the Land Development Ordinance as explained in the Staff's Analysis section of the written report.
- 4) The proposed preliminary plat meets the subdivision design requirements of Chapter 10.3, as applicable, subject to the following conditions: 1. A developer's agreement is required for any required improvements associated with the development. This shall include but not be limited to:
 - a. Sidewalks are required
 - b. Street lighting is required
 - c. A storm water management plan is required
 - d. A traffic impact study is required and any required improvements must be installed by the applicant
 - e. Access onto 37th Avenue to be approved by the city engineer
 - f. 30th St SW adjacent to the development must be paved
 - g. A sewer connection fee of \$4,440/acre is to be paid at the time of application for a building permit
 - h. Watermain must be looped through the development from 30th St to 37th Ave
 - i. Portions of these parcels are within the floodplain and shall meet all floodplain ordinance requirements2. 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 "C1" Neighborhood Commercial District and "C2" General Commercial District to solely "C2" General Commercial District and a preliminary plat to be known as Highlander Estates 5th Addition subject to the following conditions:

- 1) A developer's agreement is required for any required improvements associated with the development. This shall include but not be limited to:
 - a) Sidewalks are required
 - b) Street lighting is required
 - c) A storm water management plan is required
 - d) A traffic impact study is required and any required improvements must be installed by the applicant
 - e) Access onto 37th Avenue to be approved by the city engineer
 - f) 30th St SW adjacent to the development must be paved rural section designed to accommodate the development.
 - g) A sewer connection fee of \$4,440/acre is to be paid at the time of application for a building permit
 - h) Watermain must be looped through the development from 30th St to 37th Ave
 - i) Portions of these parcels are within the floodplain and shall meet all floodplain ordinance requirements.
- 2) A financial security shall be provided to the City meeting the requirements of Section 10.3-21.

FINAL DECISION:

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

Item #8: Case #2023-07-05. Zoning Map Amendment – Skyport 12th & 13th Addition

Public hearing request by Roscoe Streyle on behalf of United Community Bank of North Dakota for a zoning map amendment from "R4" Planned Residential District to "R1" Single-Family Residential District for the purpose of replatting the properties to traditionally-sized single-family lots. The legal description for the property is lots 10 through 18, Block 3, Skyport 6th Addition and Lots 2A through 2J, Skyport 9th Addition to the City of Minot, North Dakota.

The addresses for the properties are as follows: 900 28th Ave. NW, 2704, 2800, 2804, 2808, 2812, 2816, 2820, 2824, and 2828 Jeffrey Dr. NW, and 2803, 2807, 2811, 2815, 2819, 2823, 2827, 2831, and 2835 10th St. NW.

Chairman Offerdahl asked for staff report to which Mr. Van Dyke advised the location of the development and stated it is one of the arrested developments within the City. Mr. Van Dyke explained the properties are currently bank owned at this time and they are attempting to make the property more marketable by increasing the lot size and opening it up to broader housing styles.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. No one appeared to testify. 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 "R4" Planned Residential City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Urban Residential.
- 3) The future land use designation of Urban Residential does not align with the proposed zoning map amendment request of "R1" Single-Family Residential. However, this is a unique situation due to the subdivision's status as an "Arrested Development" and the proposal is in the public interest should it result in stimulating broader housing construction in the neighborhood.
- 4) The proposed zoning map amendment satisfies the evaluative criteria of Section 9.1-7. H. 1. thru 4. of the Land Development Ordinance as outlined in the Staff Analysis section of staff's written report.
- 5) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether the zoning map amendment 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 "R4" Planned Residential District to "R1" Single-Family Residential District with no conditions.

FINAL DECISION:

Motion made by Vice-Chairman Baumann 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 #9: Case #2023-07-01. Zoning Map Amendment & Preliminary Plat – Prairie View Estates 5th Addition

Public hearing request by David and Betty Petry, applicant representative/owner, on behalf of KJK-Corcoran School Holding Company, Inc., owner for a preliminary plat to adjust a shared property boundary between two platted lots. Each of the existing planned lots resides in a different zoning district, prompting the zoning map amendment request. The zoning map amendment is from "GMU" General Mixed Use District to "R1" Single-Family Residential District for that area of land to be exchanged between the two platted lots. The proposed plat is to be named Prairie View Estates 5th Addition. The legal description for the properties are Lot 6, Prairie View Estates Addition and Lot 2, Prairie View Estates 4th Addition to the City of Minot, North Dakota.

The property addresses are 2025 20th St. NW and 2004 21st St. NW.

Chairman Offerdahl asked for the staff report to which Mr. Van Dyke provided an aerial view of the property and stated the applicant is looking to adjust their shared property with the property to the east of them. Mr. Van Dyke explained currently one property is zoned "GMU" General Mix Use and the other property is "R1" Single-Family Residential prompting the reason for the rezone request. Mr. Van Dyke also provided the preliminary plat and photos of the site.

Commissioner Kibler inquired about the story behind the property to the east and why the property line goes to a point. Mr. Van Dyke advised it could have been a surveyor error or when the area was subdivided they may have only taken what was needed instead of squaring off the lot.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. No one appeared to testify. 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 of Lot 6, Prairie View Estates Addition is "R1" Single-Family Residential District, with a future land use designation of Suburban Residential. The present zoning of Lot 2, Prairie View Estates 4th Addition is "GMU" General Mixed Use, with a future land use designation of Urban 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 as explained in the Staff's Analysis section of the written report.
- 4) A zoning map amendment is required to facilitate the proposed property boundary adjustment via Major Subdivision Preliminary Plat.
- 5) The proposed Major Subdivision Preliminary Plat meets the subdivision design requirements of Section 10.3- 1. thru 22., as applicable. 6) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether the zoning map amendment and Major Subdivision 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 "GMU" General Mixed Use District and "R1" Single-Family Residential District to "GMU" General Mixed Use District and "R1" Single-Family Residential

District of a different configuration and for a Major Subdivision Preliminary Plat to be known as Prairie View Estates 5th Addition with no conditions.

FINAL DECISION:

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

Item #10: Case #2023-07-02. Zoning Map Amendment – First District Health

Public hearing request by the City of Minot, applicant representative, on behalf of First District Health Unit, owner, for a zoning map amendment from "R1" Single-Family Residential District and "C4" Planned Commercial District to "P" Public District for the purpose of realigning the zoning with the existing office, clinic, and accessory storage uses on property owned by a public entity. No change in existing uses is proposed by this zoning map amendment request. The legal description for the property is Outlots Sec 26 155 83 NW1/4 NE1/4 Outlot 2 Less South 50' & Less North 7' & Less South 182' of East 300' Less West 458' AND Outlots Sec 26 155 83 NW 1/4 NE 1/4 South 182' of East 300' Less South 50' & Less North 50' of South 100' Of East 150' Outlot 2.

The addresses for the properties are as follows: 801 11th Ave. SW and 800 12th Ave. SW.

Commissioner Offerdahl asked for staff report to which Mr. Van Dyke provided a verbal staff report mentioning the location, the current zoning for both properties and the applicant's intent for the zone change request. Mr. Van Dyke explained the applicant is looking at placing an additional structure on the property and since the property is public use, the City of Minot submitted an application per the applicant's request.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. No one appeared to testify. 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 "R1" Single-Family Residential District and "C4" Planned Commercial District.
- 3) The 2040 Comprehensive Plan of the City of Minot Future Land Use Map designates this area as Neighborhood Commercial.
- 4) A change in zoning from "R1" Single-Family Residential District and "C4" Planned Commercial District to "P" Public District is requested.

- 5) The applicant's request is consistent with the bulk requirements of the Land Development Ordinance of the City of Minot (LDO).
- 6) The evaluative criteria for a zoning map amendment per Section 9.1-7 H. are satisfied as outlined in Staff Analysis section of staff's written report to Planning Commission.
- 7) 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.

STAFF RECOMMENDATION:

Approval to City Council of the zoning map amendment from "R1" Single-Family Residential District and "C4" Planned Commercial District to "P" Public District, including the corresponding Master Plan as provided in Exhibit 2, with no conditions.

FINAL DECISION:

Motion made by Commissioner Hochhalter 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 #11: Other Business

Mr. Van Dyke advised the Commissioners this will be Derek Hackett's last meeting with us. Mr. Van Dyke and the Commissioners thank Mr. Hackett for everything he has done for them and wished him well in any future endeavors.

Item #12: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 6:53pm.

Submitted by: Nicole Rivera, Planning Administrative Assistant