

*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, December 5, 2023 @ 5:30 pm.

**Presiding Official:** Chairman Offerdahl.

**Members in Attendance:** Commissioners Offerdahl, Baumann, Dohms, Iverson, Kibler, Longtin, Mennem, Hochhalter.

**Members Absent:** Commissioners Faken, Gates, Linder, Nesdahl, Pontenila.

**City Staff Present:** Brian Billingsley (Community Development Director), John Van Dyke (Principal Planner), Doug Diedrichsen (Principal Planner), Nick Schmitz (Assistant City Attorney), and Emily Huettl (Assistant City Engineer), Elly Deslaurer (Park Director), Jennifer Kleen (Public Information Officer), Jonathan Rosenthal (Economic Development Administrator).

**Others Present:** Isaiah Keller, Seeds of Eden; Donna Bye, Houston Engineering

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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: Planning Commission Introductions and Public Hearing Decorum**

**Item #4: Approval of Minutes**

Motion by Commissioner Kibler to approve the November 7, 2023 Planning Commission Meeting Minutes. Second by Commissioner Hochhalter and carried by the following roll call vote: ayes: all, nays: none. **Motion carries.**

**Item #5: Continued Case # 2023-11-01 – Conditional Use Permit – Seeds of Eden**

Public hearing request by Isaiah Keller representing Lars Wikstrom on behalf of CXL, LLC, owner for a conditional use permit for a group home for up to twelve residents plus staff. The legal description for the property is Lot 1, Blaisdells Subdivision of Block 13 Ramstads Riverview Subdivision to the City of Minot, North Dakota.

The address for the property is 425 Main St. S.

Chairman Offerdahl asked for staff report to which Mr. Diedrichsen provided a verbal summary of the written staff report. Mr. Diedrichsen provided an aerial view of the property as well as the current zoning of the property, "R3B" Multiple Residence District, which falls in the same standards as "RM" Medium Density Residential District. Mr. Diedrichsen advised group homes are permitted by right in that district, up to six residents plus staff. A Conditional Use Permit is required between seven and twelve residents. This applicant is requesting 12 residents which is why they are seeking a conditional use permit. Mr. Diedrichsen continued outlining the eight evaluative criteria for Conditional Use Permit noting that there are three evaluative criteria that staff has determined not to be satisfied based on the existing proposal. Mr. Diedrichsen explained the proposed parking plan that was included in the letter of intent submitted by the applicant. Mr. Diedrichsen referred to and summarized the parking issue discussed at the previous meeting. Mr. Diedrichsen provided an illustration of the distance residents would have to walk, approximately 900 feet one way, in order to get to and from the parking garage. Mr. Diedrichsen stated for these reasons staff's determination was that it did not satisfy three of the evaluated criteria. Mr. Diedrichsen advised staff is recommending denial but stated an alternative would be to table the item until Tuesday, February 6th, 2023 at 5:30 pm in the Council Chambers at City Hall. Mr. Diedrichsen stated staff still believes the applicant can come up with a better alternative strategy if given some more time.

**PUBLIC HEARING:**

Chairman Offerdahl advised the public hearing has remained open and asked if anyone wanted to come forward and testify.

Isaiah Keller updated the Commissioners on his ongoing negotiations the Trinity Health to rent parking spaces in the lot located across the street from the subject property, along 5<sup>th</sup> Ave. NW. He was able to contact Allison Fry, Associate Director of Corporate Relations, Trinity Health. Trinity Health had a committee hearing regarding the matter. He received a response Trinity Health on their willingness to lease five (5) parking spaces at the rate of twenty dollars a month. The lease would be month to month.

Commissioner Kibbler asked about how the negotiation led to five spots when the applicant needs more than that. Mr. Keller explained that most residents do not have a drivers license so he believes five would provide ample parking. Parking spaces would be restricted to seven residents. Commissioner Kibbler then asked about the organization's charge of getting the residents established with a drivers license. Mr. Keller stated that one of the goals of their care plan is to gain employment and a drivers license helps them to achieve that goal but it is a privilege for the residents. Commissioner Kibbler asked about designated staff parking. Mr. Keller stated that the parking spot on the street directly in front of the home and the garage would be designated for staff parking. Commissioner Baumann inquired if Trinity Health would be open to leasing the nine (9) spaces that are required by parking minimums. Mr. Keller stated he requested three (3) spaces, being conservative and Trinity Health offered five (5), and there is likely room for additional negotiation when he meets with them in person. Chairman Offerdahl asked Mr. Keller to clarify that this is a month to month lease. Mr. Keller stated that it is a month to month. Chairman Offerdahl asked about a plan B. Mr. Keller's plan B is to limit the number of residents that can have car privileges.

Chairman Offerdahl the public hearing remains open.

**FINDINGS OF FACT:**

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

- 1) The applicant has submitted a complete application.
- 2) The property is zoned "R3B" Multiple Residence District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Suburban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 and 5. thru 8. as outlined in the Staff Analysis section of staff's written report.
- 5) The proposal does not satisfy the evaluative criteria per Section 9.1-4. F. 2 thru 4., as outlined in the Staff Analysis section of staff's written report.
- 6) The Minot Planning Commission has the authority to hear this case and decide whether it should be approved or denied, with or without conditions. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

**STAFF RECOMMENDATION:**

Deny the conditional use permit for a group home with up to twelve (12) residents plus staff or table the item until Tuesday February 6, 2024, at 5:30p.m. in the Council Chambers of City Hall.

**FINAL DECISION:**

Motion made by Commissioner Baumann to table 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 #6: Case #2023-12-01 – Conditional Use Permit - Dawn to Dusk**

Public hearing request by Rusten Roteliuk, representing Jace Properties, LLC, owner for annexation into the corporate limits of the City of Minot and for a conditional use permit for bulk storage of propane and associated materials. The legal description for the property is Lot 1, Dawn to Dusk Addition to the City of Minot, North Dakota.

The property is presently unaddressed and lies west of 407 72nd St. SE. and south of 304 72nd St. 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, "M1" Light Industrial District, and designated Gateway Commercial on the City of Minot 2040 Comprehensive Plan Future Land Use Map. Mr. Diedrichsen advised the commission that the proposed development meets the use standards subject to conditions for a Hazardous material storage

in a "M1" Light Industrial District per Section 4.1-7. G. 1. a-d as outlined in the Staff Analysis section of Staff's written report. Mr. Diedrichsen advised the commission that the development meets the use standards subject to conditions for Warehousing (Open) in a "M1" Light Industrial District per Section 4.1-7. H. 2. b with conditions as outlined in the Staff Analysis section of the staff's written report. Mr. Diedrichsen then outlined the recommendation as presented by staff in the staff written report. Vice Chair Baumann asked Mr. Diedrichsen, since there is an annexation component if any additional infrastructure would be needed, Mr. Diedrichsen responded that there were not any issues raised during the staff input but he would defer to Engineering Department staff. Emily Huettl, Assistant City Engineer approached and informed the commission that all necessary infrastructure is in place. Commissioner Kibler asked about conditions for storage of hazardous materials storage. Mr. Van Dyke outlined the various conditions including screening, placement of materials on the lot, Fire Department requirements and emergency access.

**PUBLIC HEARING:**

Chairman Offerdahl opened the public hearing.

Donna Bye, Houston Engineering, approached offering to answer any questions the Commission might have on behalf of her clients. No questions from Commission.

Chairman Offerdahl closed the public hearing.

**FINDINGS OF FACT:**

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

- 1) The applicant has submitted a complete application.
- 2) The property is zoned "M1" Light Industrial District.
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Gateway Commercial. 5
- 4) The proposed development meets the use standards subject to conditions for a Hazardous material storage in a "M1" Light Industrial District per Section 4.1-7. G. 1. a-d as outlined in the Staff Analysis section of Staff's written report.
- 5) The development meets the use standards subject to conditions for Warehousing (Open) in a "M1" Light Industrial District per Section 4.1-7. H. 2. b with conditions as outlined in the Staff Analysis section of the staff's written report.
- 6) The Minot Planning Commission has the authority to hear this case and decide whether it should be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of a conditional use permit for a hazardous material storage with the following conditions:

- 1) The hazardous material storage areas shall strictly comply with the quantities, materials, and location as presented in the Site Plan (Exhibit 2) and attached hereto as part of this permit.

- 2) The hazardous material storage areas shall strictly comply with the quantities, materials, and location as presented in Letter of Intent (Exhibit 3) and attached hereto as part of this permit.
- 3) The warehousing (open) areas shall strictly comply with the location as presented in Site Plan (Exhibit 2) and attached hereto as part of this permit.
- 4) All outdoor storage areas shall be fully screened to a minimum height of six feet (6') or to the height of storage racking, up to a maximum height of ten feet (10'), at the time of installation.
- 5) Any future expansion of the scope of this project beyond what is outlined in the submitted site plan, including construction of additional storage capacity for bulk hazardous materials, will require an amendment to this conditional use permit.
- 6) Hazardous materials are limited to those reviewed and approved by the Fire Chief or their designee.
- 7) The developer will work with the City Engineer or their designee to have an address assigned to the property during the building permit application process.
- 8) Driveway placement and separation is subject to approval by the City Engineer or their designee and will be evaluated at the time of site plan review.
- 9) A stormwater management plan is required for future development.
- 10) A final site plan is required for review for future development.
- 11) Sewer connection fees are required for future development.

**FINAL DECISION:**

Motion made by Commissioner Kibbler 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 #2023-12-02 – Major Subdivision Preliminary Plat – Rosehill Cemetery**

Public hearing request by Brian Billingsley, representing the City of Minot, property owner for a preliminary plat to consolidate several properties into two (2) lots. The proposed subdivision is to be named Rosehill Cemetery Fourth Addition, being a replat of Outlot 18, Rosehill Cemetery, St. Leo's Cemetery, and St. Anthony Hill Addition, located in the northwest and northeast quarters of Section 25, Township 155N, Range 83W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include three unaddressed properties between 3rd St. SE and approximately 950 linear feet east that abut 11th Ave. SE., 700 11th Ave. SE, and 601 16th Ave. 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, "P" Public District, and designated Parks and Recreation on the City of Minot 2040 Comprehensive Plan Future Land Use Map. Mr. Diedrichsen then presented the issue of a landlocked parcel owned by the City and the need to provide access in perpetuity. Mr. Diedrichsen presented site photos and a property description. Mr. Diedrichsen then presented finding of fact and staff recommendations. Mr. Kibbler asked about a cemetery being designated as parks and recreation, being that it is open space and future plans for the ball field space as additional cemetery space. Vice Chair Baumann asked for clarification on the need for sidewalks and the city's obligation. Mr. Diedrichsen

explained the need to complete connectivity on the north and south borders of the parks. Commissioner Kibler inquired about the location of the easement for the landlocked parcel. Mr. Diedrichsen suggested the easiest placement would be on internal cemetery road heading straight north.

**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 "P" Public District on the Official Zoning Map and shows Parks and Recreation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant's request is consistent with the bulk requirements of Chapter 2.22 – "P" Public District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied with the conditions of sidewalk construction and addition of an access easement for the landlocked parcel.
- 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:**

Approval to City Council of the Preliminary Plat of Rosehill Cemetery Fourth Addition.

**FINAL DECISION:**

Motion made by Commissioner Kibler 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: Other Business**

Vice Chair Baumann introduced a proposed project for the Planning Commission to study how other communities have reassessed their parking minimum requirements and proposed that Minot investigate how we could improve these standards in our Land Development ordinance.

Motion made by Commissioner Baumann to review these standards with the goal of a Comprehensive Plan update reviewing parking minimums. Second by Commissioner Longtin. The motion carried by the following vote: ayes: all, nays: none. **Motion**

Mr. Brian Billingsley announced that Commissioner Hochhalter was not seeking reappointment to the Planning Commission and thanked him for his service. Mr. Billingsley then announced Chairman Offerdahl would be seeking reappointment and thanked him for his continued service. Mr. Billingsley then thanked Mr. Van Dyke for his service to the Planning Division with his separation day approaching on Friday December 8<sup>th</sup>, 2023.

Mr. Jonathan Rosenthal presented a copy of the Downtown Placemaking Plan and then presented a possible plan for consideration of an overlay district that would focus on first floor activation in the Central Business District.

**Item #9: Adjournment**

With no further business, Chairman Offerdahl adjourned the meeting at 6:37pm.

*Submitted by: Doug Diedrichsen, Principal Planner*