



## Planning Commission Staff Report

**Application Date:** 02/08/2024  
**Date of Staff Report:** 03/11/2024  
**Planning Commission Meeting:** 04/02/2024

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

**Case Number:** 2024-02-03

**Project Name:** CHS – Annex, Zone Change

**Current Legal Description:** See Project Description

**Proposed Legal Description:** No Change

**Present Address:** 4815 E Burdick Expressway

**Entitlements Requested:** Zoning Map Amendment from “C2” General Commercial to “M1” Light Industrial District and Annexation

**Representative:** Nick Hubbard  
VAA, LLC.

**Owner:** CHS, Inc.

**Present Zone(s):** “C2” General Commercial District

**Present Use(s):** Sales or Service of Industrial, Agricultural, and Construction Equipment and Semi-trucks

**Uses Allowed in Present Zone(s):** See Chapter 2.2 for allowed and conditionally permitted uses within each district.

**Present Future Land Use Map Designation:** Industrial

**Proposed Zone(s):** “M1” Light Industrial District

**Proposed Use(s):** No Change

**Uses Allowed in Proposed Zone(s):** See Chapter 2.2 for allowed and conditionally permitted uses within each district

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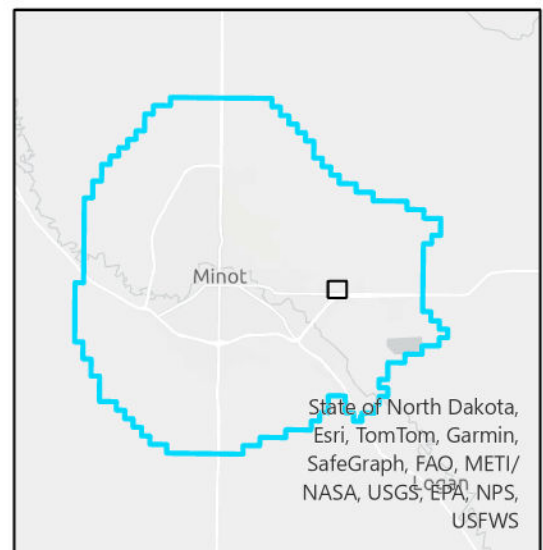
Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council for a zoning map amendment from “C2” General Commercial District to “M1” Light Industrial District with the following conditions:

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



0 285 570 1,140 Feet

-  2024-02-03 Subject Property
-  2024-02-03 Notification Area







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 Scott McClelland a CHS Employee

Legal Description of Property Parcel ID - NE21.099.000.0292, W1/2 Outlot 29 in Section 21, T155N, R82W

Signature of Owner Scott McClelland a CHS Employee

Legal Description of Property Parcel ID - NE21.099.000.0280, Outlot 28 less highway in Section 21, T155N, R82W

Signature of Owner Scott McClelland a CHS Employee

Legal Description of Property Parcel ID - NE21.099.000.0270, Outlot 27 less highway in Section 21, T155N, R82W

Signature of Owner Scott McClelland a CHS Employee

Legal Description of Property Parcel ID - NE21.099.000.0260, Outlot 26 less highway in Section 21, T155N, R82W

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 of Applicant/Representative Scott McClelland

Date 2/8/24

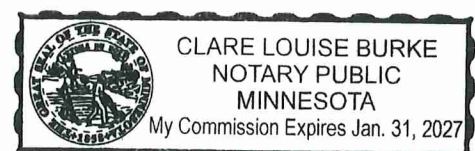
State of Minnesota

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.

CLB  
 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.

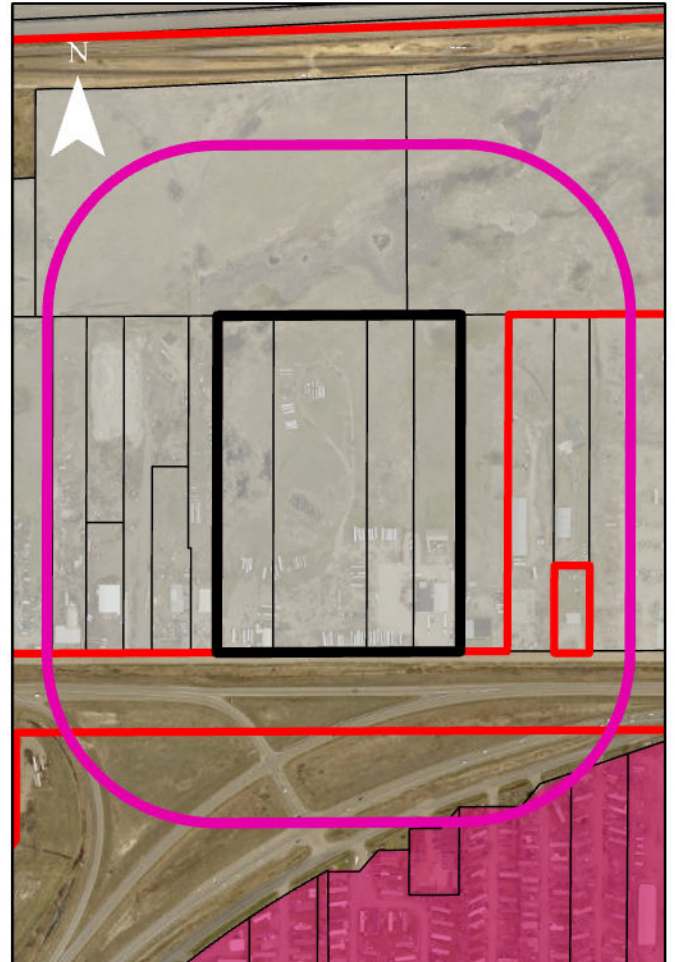
#### Comments:

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