



## Planning Commission Staff Report

**Application Date:** 03/28/2024

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

**Date of Staff Report:** 04/12/2024

**Staff Recommendation:** Approval

**Date of Planning Commission Meeting:** 05/07/2024

**Case Number:** 2024-03-04

**Owners:** Marshall Morgan

**Project Name:** Hillcrest Drive – Zone Change

**Representative:** N/A

**Current Legal Description:** Lots 7 & 8 of Nordstrom & Hanson Subdivision, Section 13, Township 155 north, Range 83 west

**Entitlements Requested:** Zoning Map Amendment from “R1” Single-Family Residential District to “RM” Medium Density Residential District

**Proposed Legal Description:** No Change

**Present Address:** 301 Hillcrest Drive

**Present Zone(s):** “R1” Single-Family Residential District

**Proposed Zone(s):** “RM” Medium Density Residential District

**Present Use(s):** Multi-Family Residential – Four (4) Units

**Proposed Use(s):** Convert existing residential rental building from four (4) units to three (3) units

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

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

**Present Future Land Use Map Designation:** Suburban Residential

**Proposed Future Land Use Map Designation:** No Change

### **PROJECT DESCRIPTION:**

Public hearing request by Marshall Morgan, owner for a request of zone change for a “R1” Single-Family Residential District lot. The legal description for the property is Lots 7 & 8 of Nordstrom & Hanson Subdivision, Section 13, Township 155 north, Range 83 west, County of Ward, North Dakota.

The address for the property is 301 Hillcrest Drive, an aerial map including the notification boundary, is provided in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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The applicant desires to rezone the property from “R1” Single-Family Residential District to “RM” Medium Density Residential District in order to be able to convert a legal non-conforming four (4) unit rental property to three (3) units. The current quadplex is a legal non-conforming use therefore the subject property owners could renovate the existing structure continuing to operate it as a four (4) unit rental property. Any redevelopment of the subject property other than for the existing use would require the entire property to be brought into compliance with the current single-family home required in the “R1” district.

The “RM” Medium Density Residential District allows for multi family housing including triplexes and is listed as a “complimentary zoning district” in the 2040 Comprehensive Plan document, outlined in the “Suburban Residential” section of the land use chapter.

Though “R1” and “RM” districts are similar in the minimum required dimensions however the “RM” district will grant significantly more options in the way of permitted housing types allowed on the subject property. The footprint of the existing structure will not change with the proposed project and the density of development will decrease on the subject property.

The applicant’s letter of intent is provided in **Exhibit 2**.

The zoning and future land use map of the subject property and immediate vicinity is provided in **Exhibit 3**.

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

## **STAFF ANALYSIS:**

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### 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.

The subject property future land use designation is Suburban Residential, which aligns with the proposed zone change to “RM” Medium Density Residential. Staff finds no future land use map amendment is necessary.

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:

Section 9.1-7 H. relates to whether or not the proposed zoning map amendment is justified due to a change in conditions, error in the zoning map, or by in order to fulfill the future land use map of the Comprehensive Plan. The request stems from an error in the zoning map, as the existing non-conforming use of the property does not comply with the zoning designation assigned to it. Section 9.1-7 H. 1 is satisfied.

The City and other agencies will be able to provide necessary public services and facilities to serve the proposed development. Section 9.1-7 H. 2 is satisfied.

Section 9.1-7 H. 3 requires that the proposed zoning map amendment will not substantially diminish the condition or value of property in the vicinity. Staff finds no evidence that the zoning map amendment to "RM" Medium Density Residential District will diminish the condition or value of property within the vicinity. As discussed in the Background Information section of this report, the footprint of the building will not change and the density of development will move closer to that of the surrounding "R1" properties. Section 9.1-7. H. 3. is satisfied.

Section 9.1-7. H. 4. requires the zoning change to be consistent with the purpose of the Land Development Ordinance of the City of Minot, the Comprehensive Plan, and other adopted plans and policies of the City. The proposed development must comply with all development standards within the Land Development Ordinance of the City of Minot and the zoning map amendment aligns with the future land use designation of Suburban Residential in the City of Minot 2040 Comprehensive Plan. Therefore, Section 9.1-7. 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 no comments were received.

**FINDINGS OF FACT:**

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

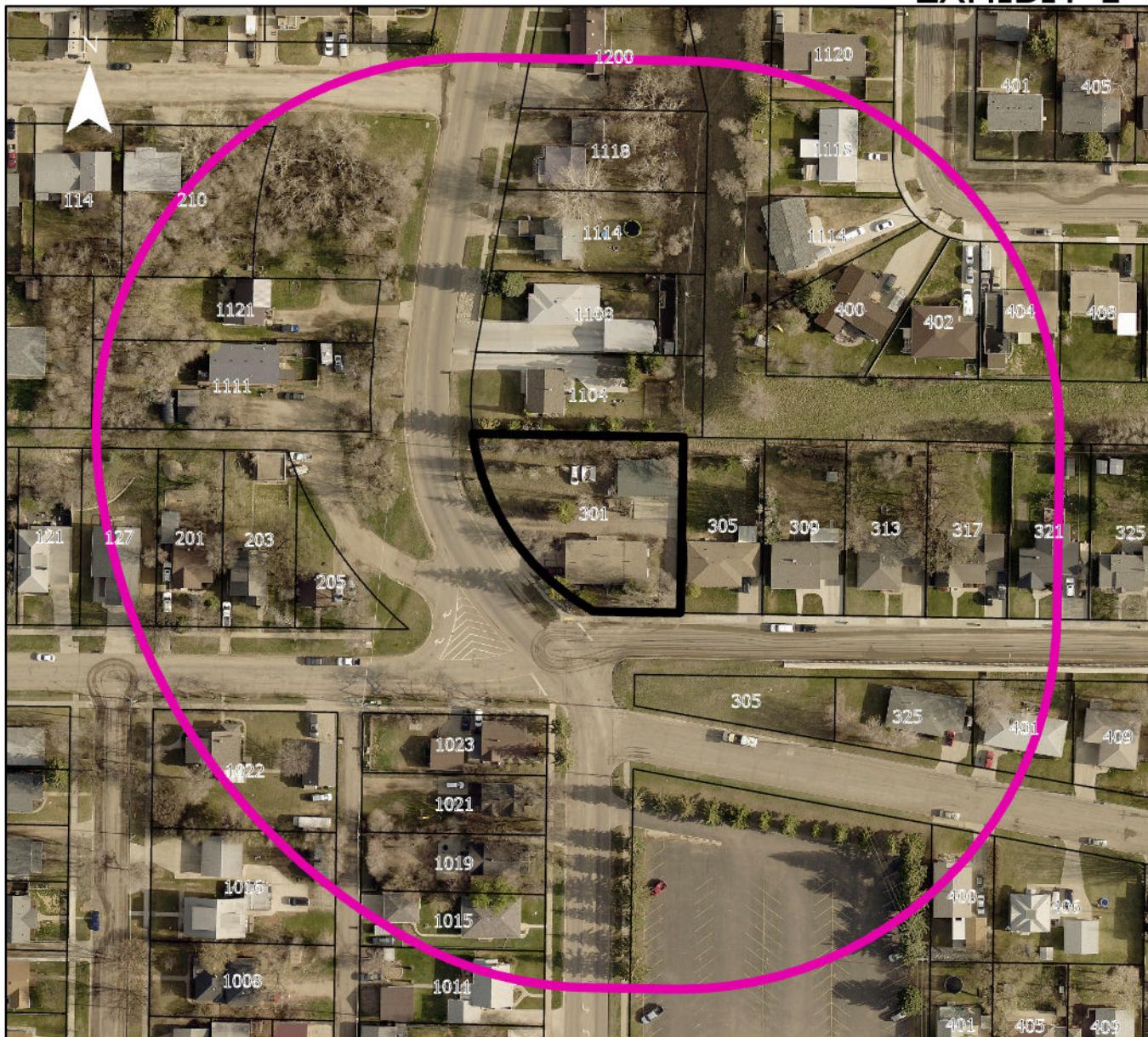
- 1) The applicants have submitted a complete application.
- 2) The present zoning is "R1" Single-Family Residential District.
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Suburban Residential.

- 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.

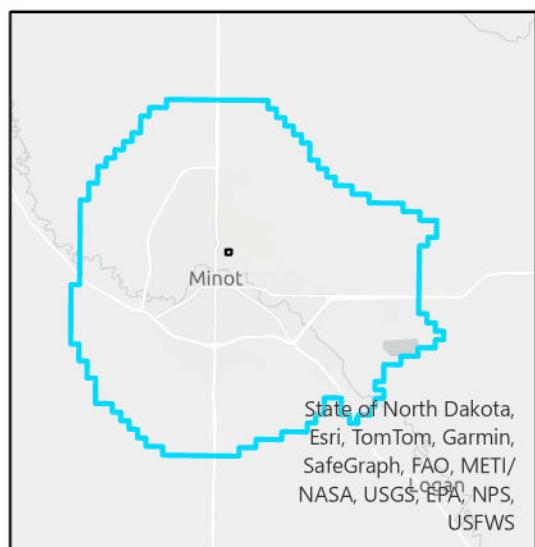
**RECOMMENDATION:**

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Staff recommends the Planning Commission adopt staff's findings of fact and recommend approval to City Council for a zoning map amendment from "R1" Single-Family Residential District to "RM" Medium Residential District with no conditions.



Case # 2024-03-04  
Case # 2024-03-04  
Notification Area



## Letter of Intent

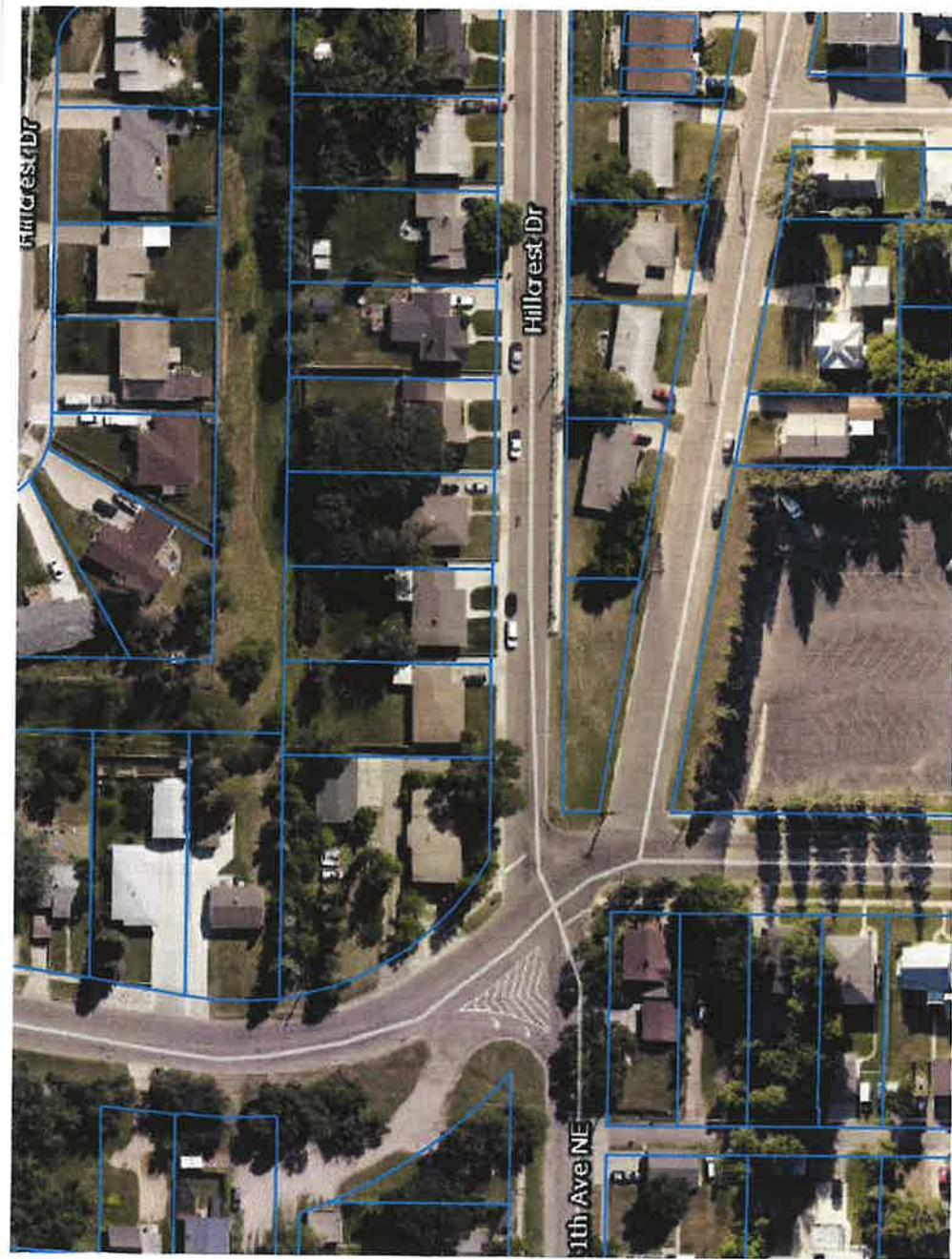
We are applying for a zone change, from R1 to RM. We are requesting a change to become compliant with the current zoning codes. The residence is located at 301 Hillcrest Drive in northeast Minot. The residence is currently a four-plex rental unit but will be updated to a three-plex after renovations are complete.

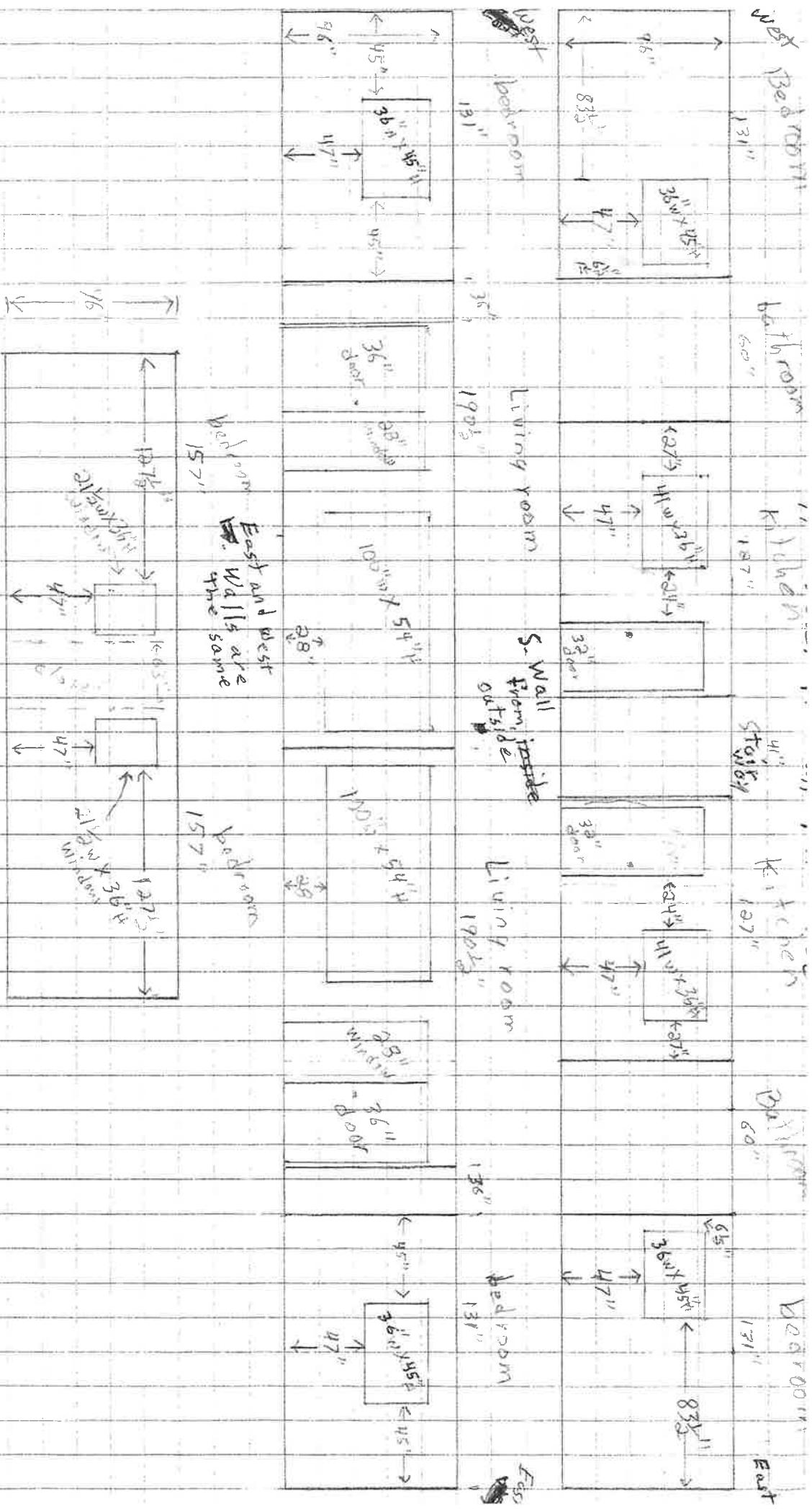
← Garages

← Apartments

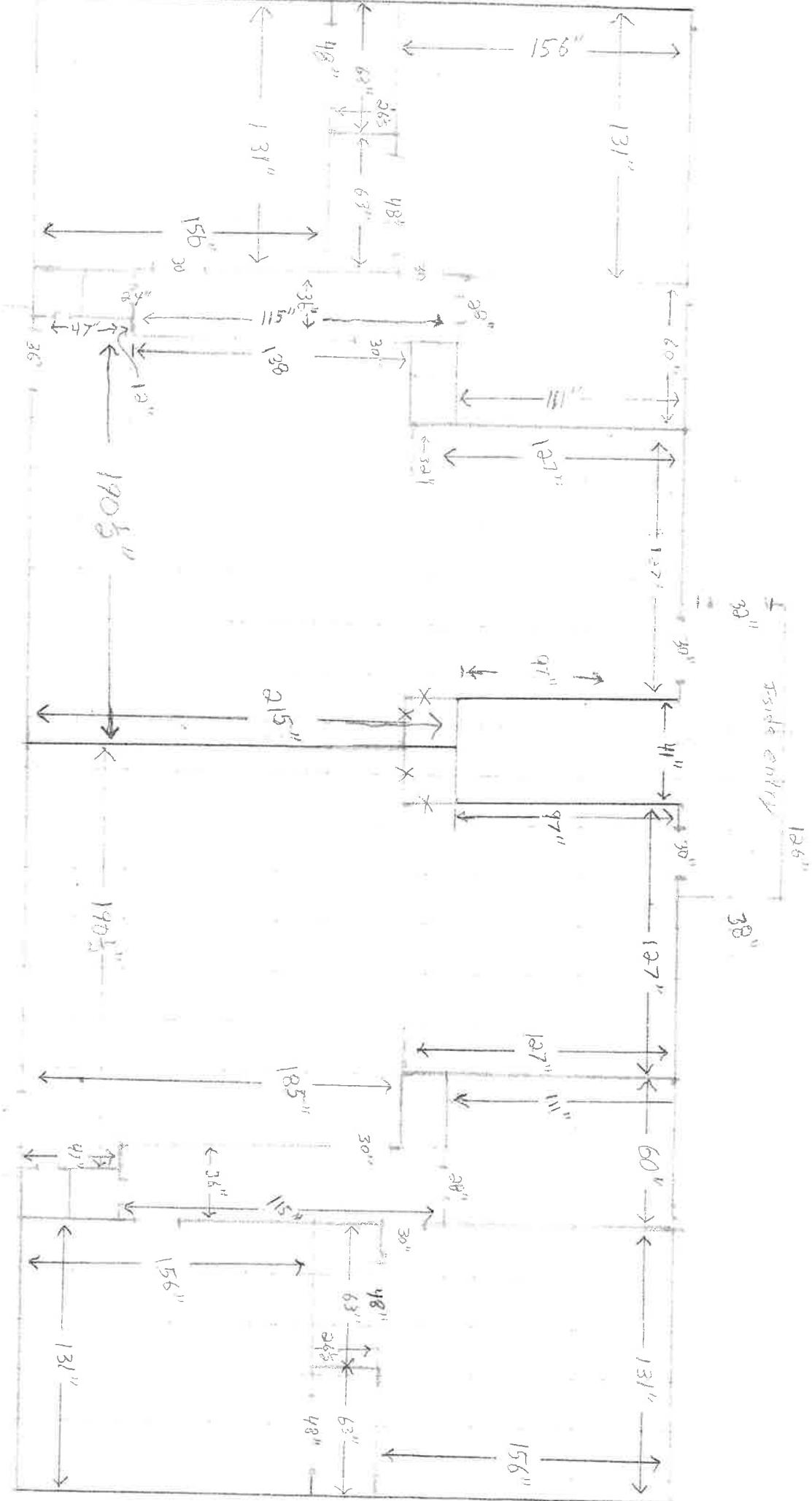


301 Hillcrest Drive  
Minot ND 58703





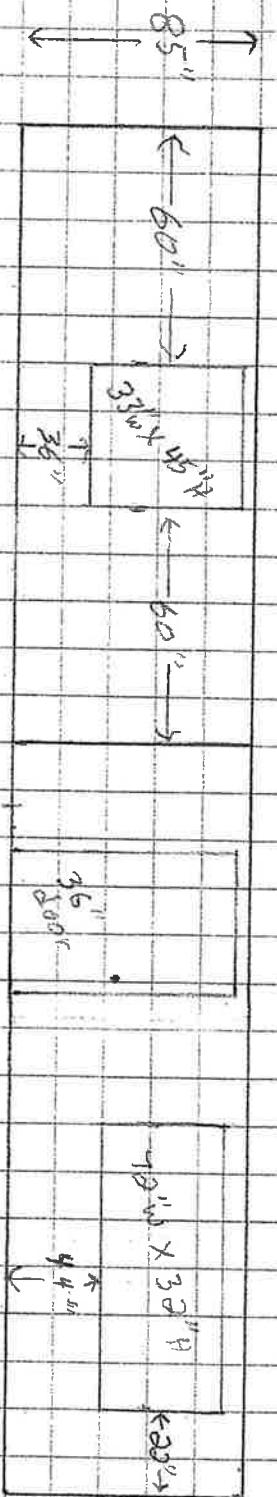
outside porch



Lower level W. End

bedroom

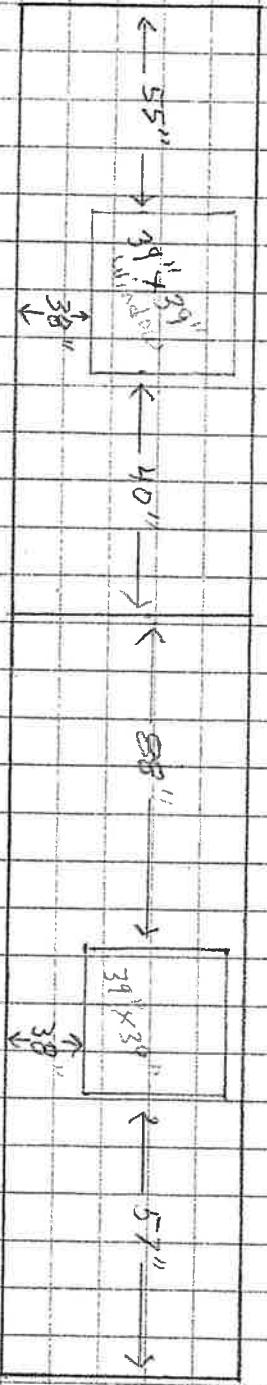
Living room  
kicker



N

Living room E. End

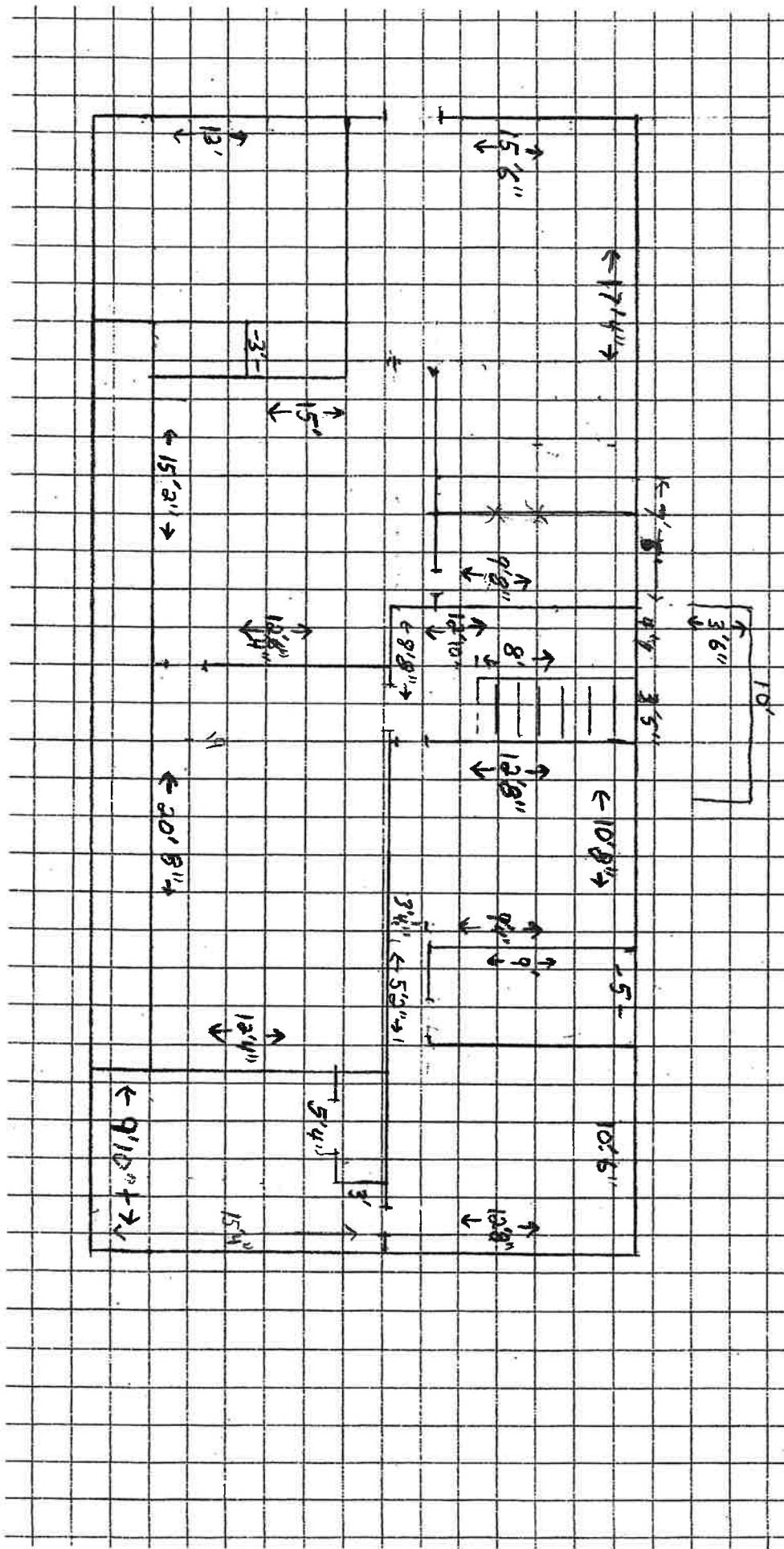
bedroom



N

No windows or doors on N. and S. walls

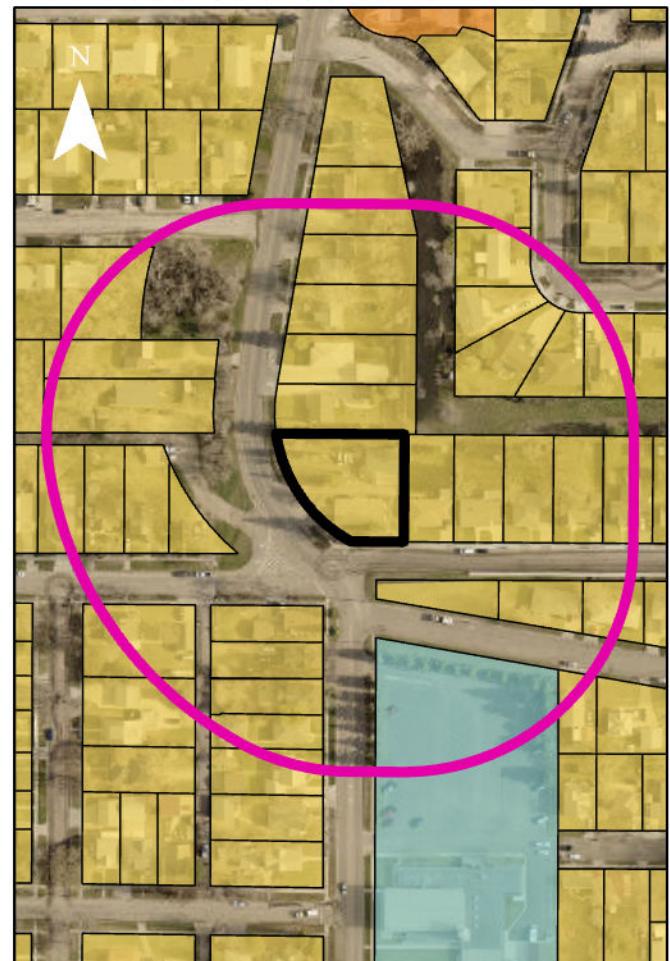
## Basement



## ZONING



## FUTURE LAND USE



### Zoning

Zoning	
■	R1
■	R3B

### Both Maps

■	Case # 2024-03-04
■	Notification Area

### Land Use Type

■	Suburban Residential
■	Urban Residential
■	Suburban Residential
■	Public Institutional

0 120 240 480 Feet

# Exhibit 4 – Site Photos



Facing Northeast



Facing Southwest



Facing Northwest



Facing East