

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, 515 2nd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Wednesday, January 4, 2023 @ 5:30 p.m.

Presiding Official: Chairman Dustin Offerdahl

Members in Attendance: Commissioners Baumann, Dohms, Faken, Gates, Hochhalter, Iverson, Kibler, Longtin, Mennem, Nesdahl, Offerdahl, Pontenila.

Members Absent: Commissioner Lider.

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

Others Present: Norma Von Osterheldt (Member of the Public), Bob Eisenzimmer (Member of the Public), Kevin Black (Applicant), Austin Gleave (Applicant) and one unknown member of the public.

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 p.m.

Item #1: Roll Call

Item #2: Pledge of Allegiance

Item #3: Planning Commission Introductions and Public Hearing Decorum

Chairman Offerdahl welcomed the new commissioners and thanked them for joining the board.

Item #4: Approval of Minutes

Motion by Commissioner Hochhalter to approve the December 6, 2022 Planning Commission Meeting Minutes, second by Commissioner Kibler, and carried by the following roll call vote: ayes: all, nays: none. **Motion carries.**

Item #5: Case # 2023-01-03: Zoning Change - Portion Of Subdivision Of Lot 6

Public hearing request by Austin Gleave on behalf of AW Properties, LLC for a zoning map amendment from "P" Public District to "R1" Single Family Residential for the purpose of combining with an adjoining

residential lot presently zoned "R1" Single Family Residential. The legal description of the property is Subdivision of Lot 6 Sec 24-155-83 West ½ of the West ½ except north 110'.

The property is unaddressed and located just west of 701 10th Ave. SE.

Chairman Offerdahl asked for staff's report. Mr. Van Dyke provided a verbal summary of the staff's written report, which included a zoning map of the property in question and surrounding area as well as site photos of the property. Mr. Van Dyke explained that the property is currently zoned "P" for public district and clarified that it does not mean public ownership. The property is in fact privately owned and has been for some time. Mr. Van Dyke recommended approval for a zoning map amendment with no conditions.

Mr. Van Dyke answered questions from Commissioner Kibler regarding the 300ft buffer around the property that is outlined on the maps and Vice-Chairman Baumann who wanted to clarify that the property is currently privately owned and will remain that way; the request is to just change the zone to R1.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony.

Norma Von Osterheldt, member of the public, inquired about the plans for the property and if townhouses can be built on the property if it is rezoned as a R1 single family residence. Mr. Van Dyke explained the plan is for the property to be rezoned and consolidated with the property to the east. Mr. Van Dyke also explained that R1's usually only allow for one single family residential structure to be on the site and once consolidated with the property to the east that would be the single family residence.

Austin Gleave, Applicant, clarified that he has no intention of building any structure on the property and would just like to combine it with the other property.

Bob Eisenzimmer, who resides SW of the subject property, expressed his concerns about the wildlife that is on the property and if a fence is built later on, how that can affect the wildlife's ability to get in and out of the property. Mr. Eisenzimmer stated he would like to see an access way for the wildlife. Commissioner Kibler explained that if the property is impractical to build on then the wildlife may end up staying on the property but we are unable to stop human progress due to wildlife.

Commissioner Longtin questioned what would be the practical impact changing the property from a "P" to a "R1" in which Mr. Van Dyke stated typically with a public zone there are specific plans outlining the specific use declared at the time it was approved but for this property there was nothing readily available. It is unknown how it came to be publicly zoned because normally these properties are set aside for public use such as schools, parks, city facilities, substations, etc. Mr. Van Dyke explained it is very atypical to have a privately owned property zoned as a public district.

Chairman Offerdahl verified with Mr. Van Dyke if the motion was denied today, since it is still private property, the land owner could still fence the property if they decided to which Mr. Van Dyke confirmed that is correct.

Vice-Chairman Baumann questioned how common would it be for Planning Commission or City Council to deny someone's ability to put a fence on a privately owned parcel in which Mr. Van Dyke advised he could not think of a particular reason why we would.

Chairman Offerdahl closed the public hearing.

FINDINGS OF FACT:

The Minot Planning Commission accepted the following findings of facts:

- 1) The applicants have submitted a complete application for a zoning map amendment.
- 2) The present zoning is "P" Public District.
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Low Density Residential.
- 4) The present zoning of "P" Public District does not align with the City of Minot 2012 Comprehensive Plan Future Land Use Map Low Density Residential designation; whereas, "R1" Single-Family Residential District does. Section 9.1-7 H. 1. is satisfied.
- 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

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 #6: Case # 2023-01-04: 28 N Main – Zoning Change

Public hearing request by Kevin and Kalli Black on behalf of Twenty Eight N Main, LLC, owner for a zoning map amendment from "M2" Heavy Industrial District to "CBD" Central Business District. The purpose of the request is to facilitate a mixed-use development. The legal description for the property is Original Minot Addition Lots 3-10 & 1/2 Vac Alley on Lots 3-7; & Lots 34-36 & that part of 37-39 Block

19 being south of a line drawn 150' from out & parallel with Bn Rr on side of same portion of Lots 37 & 38 & 34 thru 39 except Bn R/W.

The address for the property is 28 Main St. N.

Chairman Offerdahl asked for staff's report. Mr. Van Dyke provided a verbal summary of staff's written report, which included maps of the current zoning for the subject property and surrounding areas as well as an explanation for the request to change from "M2" to "C2". Mr. Van Dyke recommended approval for a zoning map amendment with no conditions.

Commissioner Baumann clarified that with CBD, parking is not required; it is something the builder is wanting to do on their own to which Mr. Van Dyke stated that is correct.

Commissioner Kibler inquired about what businesses fall under "M2" heavy industrial as opposed to "M1" light industrial. Mr. Van Dyke stated the salvage yard would fall under M2, it is more manufacturing and assembly. Light industrial is warehousing, self-storage and things of that nature.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony.

Kevin Black, applicant, testified in favor before the Commissioners. Mr. Black stated the property was historically the Dakota Drug building and fit the purpose of M2 or M1 at that time but he has plans to redevelop it to what will ultimately align with the City's vision for downtown which is central business.

Commissioner Baumann inquired about the development plans to which Mr. Black advised they are in the early planning stages but they would like to do a complete demolition and then build vertical with multiple stories of mixed use commercial retail food and beverage with residential above.

Commissioner Kibler asked if it is part of the Renaissance Zoning to which Community Director, Brian Billingsley, confirmed that is was.

Chairman Offerdahl closed the public hearing.

FINDINGS OF FACT:

The Minot Planning Commission accepted the following findings of facts:

- 1) The applicants have submitted a complete application for a zoning map amendment.
- 2) The present zoning is "M2" Heavy Industrial District.
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Industrial.
- 4) A new comprehensive plan is underway and will be adopted in early 2023. The broader downtown area is preliminarily designated similar to the Downtown Mixed Use designation of the City of Minot 2012 Comprehensive Plan.

- 5) Section 9.1-7 H. 1. is satisfied, as the area has historically been transitioning, in large part, as an extension of Minot's downtown core and away from its industrial roots from long ago.
- 6) 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. 4
- 7) 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.
- 8) 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.
- 9) 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.

FINAL DECISION:

Motion made by Commissioner Baumann to approve based on staff's findings of fact and recommendation. Second by Commissioner Nesdahl.

Commissioner Baumann thanked Mr. Black for working to invest in the development and redevelopment of the heart of Minot.

The motion carried by the following vote: ayes: all, nays: none. **Motion carries.**

Item #7: Case # 2023-01-05: Zoning Map Amendment – Pizza Ranch

Public hearing request by Mike Christiansen on behalf of A & M Properties, LLC for a zoning map amendment from "C4" Planned Commercial District to "C2" General Commercial District. The purpose for the request is to facilitate a future expansion of the existing building. The legal description for the property is Lots 4 & 5, Wal-Mart Addition Replat Lot 4, 5, & 6.

The address for the property is 305 37th Ave. SW.

Chairman Offerdahl asked for staff's report. Mr. Van Dyke provided a verbal summary of staff's written report in which he explained the property is currently C4 planned commercial and this zoning designation is a legacy district meaning it is no longer granted. Mr. Van Dyke stated the equivalent would be a C2 with PUD such as Blu on Broadway and The Tracks which is comprised of seven, seven story structures with some open space. Mr. Van Dyke explained since there is nothing remarkable about this property that would warrant a C4 or C2 with PUD, staff is recommending a zoning change to "C2" General Commercial District. Mr. Van Dyke is recommending approval with no conditions.

Commissioner Kibler inquired about what the Legacy District means in which Mr. Van Dyke explained the "Legacy District" is a district we no longer grant to new development but there is an equivalent district that we apply to all new developments which is C2.

Commissioner Baumann inquired about possible changes in the terms for parking lots or landscaping of the property if changed to C2 zone in which Mr. Van Dyke explained that any changes would depend on the intent of the expansion plans. If it is a 25, 50, or 75 percent increase in space then that will change what is applicable.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Nobody appeared to testify. Chairman Offerdahl closed the public hearing.

FINDINGS OF FACT:

The Minot Planning Commission accepted the following findings of facts:

- 1) 1) The applicants have submitted a complete application for a zoning map amendment.
- 2) The present zoning is "C4" Planned Commercial District (C4), which is now considered to be a "legacy" district.
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use (FLU) Map designates this area as Commercial.
- 4) A rezoning from C4 to "C2" General Commercial District (C2) alone is appropriate, as "an increase or change to traffic access, circulation, or impact..." meets the qualifications to be a major change to the C4 Plan under Section 2.23-8. B. but it does not align with the purpose of a Planned Unit Development (PUD) under Section 2.23-3. Purpose.
- 5) Section 9.1-7 H. 1. is satisfied due to a change in conditions by way of the declaration of the C4 as a "legacy district" and the proposed major changes to the existing C4 plan, which were outlined in the "Zoning Equivalency Table and Planned Unit Developments" section of this report.
- 6) 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.
- 7) Section 9.1-7 H. 3 is satisfied, as there is no evidence that removal of the PUD component to the zoning for the property coupled with the proposed building expansion will substantially diminish the condition or value of the property in the vicinity.
- 8) The zoning map amendment is consistent with the purpose of the Land Development Ordinance of the City of Minot and with the 2012 Comprehensive Plan Future Land Use (FLU) Map designation as Commercial.
- 9) 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.

FINAL DECISION:

Motion made by Commissioner Baumann 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 #8: Case # 2023-01-02 – Text Amendment - Fencing

Public hearing request by City of Minot for a zoning text amendment to accommodate changes to the Land Development Ordinance of the City of Minot. The affected sections are as follows: Section 3.1-9. & 11. related to fence regulations and visibility triangles respectively.

Chairman Offerdahl asked for staff's report. Mr. Van Dyke provided a verbal summary of staff's written report which included the recommended changes. These changes include adding maximum height in residential districts to eight feet, clarifying how fence heights are calculated, permitting black powder-coated chain link fence in commercial districts, updating the code reference to visibility triangle standards, barbed wire, and electric fences that are outlined in the Minot Code of Ordinances. Mr. Van Dyke recommends approval with no conditions.

Commissioner Kibler inquired about what will happen to the individuals who are in the ET zone that already have barbed wire and electric fencing lower than six feet to which Mr. Van Dyke stated this would only include the commercial industrial districts.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Nobody appeared to testify. Chairman Offerdahl closed the public hearing.

FINDINGS OF FACT:

The Minot Planning Commission accepted the following findings of facts:

- 1) The applicant has submitted a complete application.
- 2) Section 9.1-8 I. 1. is applicable and satisfied, as the proposed amendment surrounds character and aesthetics and therefore will not adversely affect the public health, safety, or welfare.
- 3) Section 9.1-8 I. 2. & 3. are not applicable to the proposed zoning text amendment.

- 4) Section 9.1-8. I. 4. relating to introducing best practices or making the ordinance easier to understand is applicable and satisfied, as Minot is the only larger city in North Dakota that prohibits chain link in commercial districts.
- 5) 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.

FINAL DECISION:

Motion made by Commissioner Kibler to approve based on staff's findings of fact and recommendation, including the adjustment presented during the verbal presentation. Second by Commissioner Iverson.

The motion carried by the following vote: ayes: all, nays: none. **Motion carries.**

Item #9: Other Business

Brian Billingsley, Community Development Director, updated the Commissioners on the Comprehensive Plan Project. Mr. Billingsley advised it is within schedule and the first draft has been completed which him and Mr. Van Dyke have been reviewing and making the appropriate adjustments. Mr. Billingsley advised there will be a final public workshop sometime in the middle of February. More information to include the date, time, and location will be sent out on the City's social media as well as the local news. After the workshop, final touches will be added to the plan and then it will be sent through the public hearing process to hopefully go before Planning Commission in May. Then will go before City Council for final approval. Mr. Billingsley also advised the final draft of the Comprehensive Plan will be posted on the website at www.Minot2040.com.

Commissioner Baumann thanked the Planning Division and all members involved in the Comprehensive Plan Project.

Item #10: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 6:20 pm.

Submitted by: Nicole Rivera, Planning Clerk