

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: Tuesday, February 7, 2023 @ 5:30 pm

Presiding Official: Vice-Chairman Baumann

Members in Attendance: Commissioners Dohms, Hochhalter, Iverson, Kibler, Longtin, Mennem, Nesdahl, Pontenila.

Members Absent: Commissioner Faken, Gates, Lider, Offerdahl.

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: Andrew Gudmunson & Randy Conway (Property Owners)

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 Vice-Chairman Baumann 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 Hochhalter to approve the January 7, 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 # 2023-02-02: Preliminary Plat – Walsh Addition

Public hearing request by James Walsh, owner, for a Major Subdivision Preliminary Plat for Walsh Addition. The proposed plat will amend the boundaries of two properties, part of which is unplatted. The legal description for the property is Outlot 4 and the NW1/4 Less the S1/2SW1/4NW1/4NW1/4, of Section 9, Township 155 N, Range 82 W, To the City of Minot, North Dakota.

The address for the properties is 4540 30th Ave NE and 2800 42 St. NE.

Vice-Chairman Baumann asked for staff's report. John Van Dyke advised staff recommendation is to waive staff's verbal report and recommend approval with two conditions for a preliminary plat of an agriculture property. Mr. Van Dyke explained the request is a property boundary adjustment between two pieces of property and following this will also "clean up" the legal description so it is not so long.

Commissioner Kibler inquired about the second condition listed on the staff report, "Final plat requires a more detailed metes and bounds description, particularly as it applies to the access easement that meanders through the two proposed lots", to which Mr. Van Dyke displayed a map of the preliminary plat and explained the dashed line that runs east and west on the map, runs right through the middle of the plat to which we will need a better description. Mr. Van Dyke explained if one property owner wanted to construct a fence, they can determine precisely where the access easement is and therefore not inhibit access.

PUBLIC HEARING:

Vice-Chairman Baumann opened the hearing to the public for testimony. No one appeared to testify. Vice-Chairman Baumann 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 subject area is currently denoted as Industrial on the 2012 City of Minot Comprehensive Plan Future Land Use Map (FLU map).
- 3) The property is zoned "AG" Agricultural District on the Official Zoning Map of the City of Minot.
- 4) The applicant's request is consistent with the bulk requirements of Chapter 2.4 – "AG" Agricultural District of the Land Development Ordinance of the City of Minot (LDO).
- 5) The proposed subdivision meets the design standards per Chapter 10.3 subject to the necessary changes to be included on the final and recordable version of the plat document as identified by the City's Engineering Department.
- 6) 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 Walsh Addition preliminary plat as provided in Exhibit 2 with the following conditions:

- 1) A 10' utility easement must be included on the northern and western boundaries of the proposed lots; not located within the 40' road dedication.
- 2) Final plat requires a more detailed metes and bounds description, particularly as it applies to the access easement that meanders through the two proposed lots.

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 # 2023-02-01: Rezoning – Highlands at North Hill

Public hearing request by City of Minot for a zoning map amendment to continue to clarify zoning for a portion of the Highlands at North Hill 2nd, 3rd, and 4th Additions. The zoning is proposed to be changed from both "R2" Two-Family Residential District with a "PUD" Planned Unit Development Overlay and "R4" Planned Residential District to "R2" Two-Family Residential District with a "PUD" Planned Unit Development Overlay alone. The legal descriptions for the properties are as follows: Lots 1A, 1B, 2A, 2B, 3A, 3B, Block 1, Lots 10A, 10B, 11A, 11B, 12A, 12B, 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 7B, 8A, 8B, 9A, 9B Block 2, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B Block 4, Lots 1A & 1B Block 5, Highlands at North Hill 2nd Addition AND Lots 1 thru 6, Block 1, Lots 1 thru 10, Block 2, and Lots 1 thru 7, 8A, 8B, 9A, 9B, 10A, & 10B, Block 3, Highlands at North Hill 3rd Addition AND Lots 1, 2, & 3, Highlands at North Hill 4th Addition, all to the City of Minot, Ward County, North Dakota.

The addresses for the properties are 2501 – 2617 Granite Dr., 2500 – 2600 Ivory St., and 2320 – 2528 Landmark Dr.

Vice-Chairman Baumann asked for staff's report. Mr. Van Dyke provided a verbal summary of staff's written report. Mr. Van Dyke stated the zoning map amendment includes 81 lots in total within the Highlands at North Hill subdivision and they are located just west of the new Minot High School site and abuts the bypass. Mr. Van Dyke explained this subdivision is one of the arrested developments that was recently discussed at City Council and he provided a brief overview for the members that may have missed it. Mr. Van Dyke continued with the background of the subdivision, stating the 2nd Addition was originally platted in 2015 and the 3rd Addition was platted in 2017 which was comprised of a portion of the 2nd Addition to accommodate single-family residential development. There are a total of eight twin

homes (16 units) that have been constructed since the original plat in 2015 and the undeveloped lots came into new ownership late 2021/early 2022, to which approximately 10 single family residential permits have been pulled in 2022. Mr. Van Dyke touched on “PUDs” Planned Unit Developments and how they can provide for flexibility and zoning up front but adjustments after the fact can be extremely cumbersome. Mr. Van Dyke outlined the requirements in the original approval which consisted of twin homes and eventually single-family residential as part of the 3rd Addition, 8’ pathways throughout the subdivision in lieu of 5’ sidewalks which is typical and standard for residential developments, and a park or green space were conceived which were to be managed by a homeowners association. Mr. Van Dyke clarified that the home owners association has not been active nor is the green space complete at this time. Mr. Van Dyke stated this plan was memorialized in a development agreement and the planned unit development process in 2017. Mr. Van Dyke stated there was an amendment to the Development Agreement which was approved by City Council November 2022. The biggest lift in amending the development agreement was obtaining all of the property owners, the new ones as well as the owners of the 16 rooftops that were shown previously. Mr. Van Dyke explained that all property owners have signed the development agreement and are aware that the City of Minot is initiating a rezone on their behalf in alignment with what was approved by City Council in November 2022. Mr. Van Dyke advised the amended agreement facilitates the installation of the park by the developers and dedication to the park district, who is on board with the revised strategy. The amendment also allows for direct pedestrian pathways rather than meandering all over within the subdivision. Mr. Van Dyke presented a map of the area and explained that there are paths outlined going to the high school site and then also through the high school site to the subdivisions to the east to create a solid pedestrian connection to the high school site. Mr. Van Dyke recommends approval per the PUD plan outlined in the staff report.

Commissioner Kibler clarified that the request is a move from “R4” to “R2” for at least part of the plat and then inquired about the logistical advantages or is it just a beautification move, in which Mr, Van Dyke stated the “R2” with a PUD is a new title to the same zoning district in this instance. “R4” is how they used to code it with a PUD without saying it was a Planned Unit Development. Mr. Van Dyke explained it is a customized residential development and the PUD in this instance was largely related to the park component and the reduced lot widths.

Commissioner Kibler also inquired about R4” being denser than a “R2,” in which Mr. Van Dyke stated to have a PUD there has to be some unique element to the development. In this case, they are adding density to the development.

Vice Chairman Baumann clarified the original intent was twin homes with a few single family homes and the new intent is twin homes with a few single family homes, to which Mr. Van Dyke stated that was correct.

PUBLIC HEARING:

Vice-Chairman Baumann opened the hearing to the public for testimony. No one appeared to testify. Vice-Chairman Baumann 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 for a zoning map amendment.
- 2) The present zoning is “R4” Planned Residential District (R4) and “R2” Two-Family Residential District with a “PUD Overlay” Planned Unit Development (PUD).
- 3) The City of Minot 2012 Comprehensive Plan Future Land Use (FLU) Map designates this area as Commercial and High Density Residential.
- 4) Section 9.1-7 H. 1. is satisfied due to the need to add clarification and simplification to the original Planned Unit Development (PUD) plan on file at the City.
- 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 is no evidence that the amendment to the PUD plan on file at the City will substantially diminish the condition or value of the property in the vicinity.
- 7) The zoning map amendment is consistent with the purpose of the Land Development Ordinance of the City of Minot and is not consistent with the 2012 Comprehensive Plan Future Land Use (FLU) Map designation as Commercial and High Density Residential; however, it is recognized that the purpose of the PUD amendment is not to change the underlying entitled uses comprising of single-family residential and twin homes, but to add clarity and simplicity to the prior approvals that occurred since adoption of the comprehensive plan and to facilitate continued development of the subdivision that has stagnated to this point. Section 9.1-7 H. 4. is satisfied.
- 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.

STAFF RECOMMENDATION:

Approval to City Council for a zoning map amendment from “R4” Planned Residential District and “R2” Two-Family Residential District with a “PUD Overlay” Planned Unit Development to solely “R2” Two-Family Residential District with a “PUD Overlay” Planned Unit Development per the PUD Plan in Exhibit 8.

FINAL DECISION:

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

Vice-Chairman thanked the staff as well as the new developers for working to reactivate this property.

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

Item #9: Other Business

Brian Billingsley, Community Development Director, updated the Planning Commissioners as well as the general public regarding the 2040 Comprehensive Plan. Mr. Billingsley advised there is a draft copy of the 2040 Comprehensive Plan on the project website, www.minot2040.com. The last public workshop is next Wednesday, February 15th at 6pm in the Carnegie Center located in downtown Minot. The 2040 Comprehensive Plan, barring any delays, is scheduled for the May 2nd Planning Commission meeting for adoption. Mr. Billingsley advised if anyone has any questions regarding the document, they can reach out to him or John Van Dyke.

Item #10: Adjournment

With no further business, Vice-Chairman Baumann adjourned the meeting at 5:59pm.

Submitted by: Nicole Rivera, Planning Clerk