

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, March 7, 2023 @ 5:30 pm

Presiding Official: Chairman Offerdahl

Members in Attendance: Commissioners Baumann, Dohms, Gates, Kibler, Lider, Mennem, Nesdahl, Pontenila.

Members Absent: Commissioner Faken, Hochhalter, Iverson, Longtin.

City Staff Present: John Van Dyke (Principal Planner), Stefanie Stalheim (City Attorney), Derek Hackett (PIO), Nicole Rivera (Community Development Administrative Clerk)

Others Present: Sean Weeks (Representative for Applicant)

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 Baumann to approve the February 7, 2023 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 # 2023-03-03: Zoning Map Amendment – Norton’s Addition

Public hearing request by Harry Travis Mowbray on behalf of Mowbray Properties, LLC for a zoning map amendment from “C2” General Commercial District to “M1” Light Industrial District for the purpose of business expansion. The legal description for the property is Lots 18, 19, and the West 10 Feet of Lot 20 in Block 3 of the Replat of Lots 41 thru 49, Block 1, and Blocks 2 & 3 of Norton’s Addition to the City of Minot, Ward County, North Dakota.

The address for the property is 408 20th Ave. SE.

Commissioner Offerdahl waived the staff's verbal report and asked the Commissioners if they had any questions.

Commissioner Kibler inquired as to why we were waiving the staff report to which Mr. Van Dyke explained we have already evaluated Mowbray's initial rezone to industrial a couple years ago. Mr. Van Dyke advised this is the adjacent property with the same circumstances and in fact the new Comprehensive Plan that is likely to be adopted in the coming months reflects the future land use designation that Mowbray is seeking.

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 applicant has submitted a complete application.
- 2) The subject area is currently depicted as Commercial and Industrial on the Future Land Use (FLU) Map of the 2012 City of Minot Comprehensive Plan.
- 3) A new FLU map will be adopted in Spring 2023 designating this area with land uses in line with the proposed zoning map amendment.
- 4) A change in zoning from "C2" General Commercial District to "M1" Light Industrial District is requested.
- 5) The applicant's request is consistent with the bulk requirements of the Land Development Ordinance of the City of Minot (LDO).
- 6) Section 9.1-7 H. 1. is satisfied, as a change in conditions does exist due to the prior approval for the property immediately to the west, as well as the preliminary 2023 comprehensive plan designation of light industrial for this property that has been reviewed by numerous community members without concern for changes to this particular.
- 7) No additional public services will be required to support the request. Section 9.1-7 H. 2 is satisfied.
- 8) There exists no evidence that the proposed zoning map amendment will substantially diminish the condition or value of property in the vicinity and therefore Section 9.1-7 H. 3. Satisfied.
- 9) Staff finds the zoning change is consistent with the purpose of the Zoning Ordinance and other adopted policies of the City, and will be consistent with the comprehensive plan upon its adoption in the coming months. Section 9.1-7 H. 4. is satisfied.
- 10) 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 a zoning map amendment from “C2” General Commercial District to “M1” Light Industrial District for the subject property with the following conditions:

- 1) A storm water management plan may be required for future development.
- 2) A site plan may be required for development (depending on size of expansion).

FINAL DECISION:

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

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

Item #6: Case # 2023-03-02: Zoning Map Amendment and Preliminary Plat – Highlands at North Hill

Public hearing request by Ackerman Surveying, representing 701 Development, LLP, for a zoning map amendment from “R4” Planned Residential District/“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. The proposal includes a preliminary plat to consolidate numerous twin home lots to accommodate single-family dwellings mimicking the development pattern of Highlands at North Hill 3rd Addition. Two lots are reserved for future development. The proposed subdivision is Highlands at North Hill 7th Addition. The legal description for the property is Lots 19B thru 27B, Block 4, Lots 9A thru 24B, Block 5, Lots 11B thru 14B, Block 6, Highlands at North Hill 2nd Addition AND Lot 10, Block 2, Highlands at North Hill 3rd Addition AND Lot 5, Highlands at North Hill 6th Addition and Portions of Ivory Street and 23rd Ave. NW to the City of Minot, North Dakota.

The address for the properties is 2300 thru 2501 Ivory St. and 2300 thru 2417 23rd Ave. NW.

Chairman Offerdahl asked for staff’s report. Mr. Van Dyke provided a summary of staff’s written report and explained this is the other half of the subdivision that was part of a city initiated rezone last month. Mr. Van Dyke stated this subdivision is one of the arrested developments that was explained in previous meetings, to which he provided a brief background on an arrested development and defined it as a subdivision that has been platted but the infrastructure is only partially complete or missing altogether and therefore building permits may not be issued for construction. Mr. Van Dyke advised this portion of the subdivision includes 79 plots and the proposal would take those lots and consolidate them into 31 platted lots, 29 single-family lots and 2 lots for future development. Mr. Van Dyke clarified the 2 lots for future development, lot 13 Block 1 and Lot 6 Block 3, would be required to come back before Planning Commission at a later date for a zoning map amendment, which includes an evaluation and recommendation to City Council who then would have the final determination just like any other proposal. At this point the owner is putting a pin in those two lots for future development review but they know what they want to work on with regard to the other 29 lots. Mr. Van Dyke then spoke about the pedestrian

connectivity that was discussed in the previous meetings and how important it is for this residential development. Mr. Van Dyke outlined some of the requirements for it, which includes the 20' walkway easement and per the amended Development Agreement, it must be installed by fall 2024 coinciding with the North High School opening. The proposed lot sizes and overall arrangement aligns with Highlands at North Hill 3rd so everything north and east along Ivory Street has a similar lot width and size. It is just an extension to what is already within that subdivision for single family residential.

Vice-Chairman Baumann asked if Mr. Van Dyke feels moving away from a smaller R2 or twin home/duplex is a greater benefit to jump start this arrested development than holding onto the smaller lot sizes for starter homes for families in which Mr. Van Dyke stated it is absolutely something to consider in regards to reduction and density, however, keep in mind that there are numerous lots that are still vacant in the subdivision that would accommodate the twin home concept but right now in the community the smaller lots with single family homes are more of a rarity.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Sean Weeks, Representative of the Applicant, came forward and advised they concur with the staff report and will answer any questions that the Commissioners may have. There were no questions for Mr. Weeks. 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 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, the purpose of the PUD amendment is 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) Chapter 10.3 related to subdivision design is satisfied.

- 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.

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 5 AND a major subdivision preliminary plat for Highlands at North Hill 7th Addition as provided in Exhibit 2 with the following conditions:

- 1) Any excess water service lines that will not be utilized due to the consolidation of platted lots shall be removed and capped at the trunk line per City of Minot Engineering Department satisfaction.
- 2) A storm water management plan or plan amendment is required for future development.
- 3) Connection fees are required for future development.

FINAL DECISION:

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

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

Item #7: Case # 2023-03-01: Zoning Map Amendment and Conditional Use Permit - Norheim Heights

Public hearing request by Alejandro Lopez representing Lopez LLC, owner for a zoning map amendment from “R-3” Multiple Residence District to “C2” General Commercial District for the purpose of developing a commercial recreation facility and a series of commercial shops. The application also includes a conditional use permit for enclosed warehousing related to the commercial shop use. The legal description for the property is Lot 2, Norheim Heights Addition to the City of Minot, Ward County, North Dakota.

The address for the property is 501 40th Ave. SW.

Chairman Offerdahl asked for staff report to which Mr. Van Dyke presented a summary of staff’s written report and advised the current zoning for the property is “R3” which permits a multitude of residential building types such as single family homes, twin homes, and apartments. Mr. Van Dyke explained this property is the last remaining piece to be developed and is surrounded by commercial properties. Mr. Van Dyke continued on explaining if the property were to move forward as a residential development, access to public right-of-way would require traversing through commercial parking lots. While it is relatively

standard for commercial property, it would be bizarre to see this land use configuration as it pertains to public right of way access, it is atypical. Mr. Van Dyke outlined the proposed preliminary plat that was submitted explaining the owner's intention with all three lots; Lot 1 will be a boxing gym 6500 square foot, Lot 2 is reserved for future development, and Lot 3 will house 15 shop condo units, for subcontractor or personal storage, which is the premise for the conditional use permit request as well. Mr. Van Dyke also presented several images outlining the elevations of the structures. The façade does meet the minimum requirement in the Land Ordinance for C2, which requires more than the light Industrial District. Mr. Van Dyke explained the staff's recommendation is approval with conditions (see below under Staff Recommendation).

Commissioner Kibler inquired about the easement or right-of way for those living in the subdivision and the requirement of the Conditional Use Permit to which Mr. Van Dyke presented a map which outlined the public right of way on 40th Ave SW ends up stubbing off and it then becomes private property. If there were to be a residential development because it was zoned R3 any residential development would take access through the Walmart parking lot which is why the commercial zoning makes more sense than residential. Mr. Van Dyke explained in regards to the Conditional Use Permit, enclosed warehousing is by enlarge a light industrial activity but it is permitted conditionally in C2 when appropriate and since this is located off the beaten path. It is difficult for retail because there is no frontage road off of the highway. This property is tucked back so far it would be difficult for retail and even more for residential.

Commissioner Kibler clarified the conditional use is a permanent status to which Mr. Van Dyke advised that is correct, it is a legal right that will run with the land once granted and the conditions outline what they are and aren't allow to do.

Commissioner Kibler asked if the individuals in the R1 or single family housing area had to be notified about this meeting to which Mr. Van Dyke explained the property owner of the manufacture home park was notified, we do not notify each individual tenant.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Sean Weeks, Representative of the Applicant, came forward and advised they concur with the staff report and will answer any questions that the Commissioners may have. There were no questions for Mr. Weeks. 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 present zoning is "R-3" Multiple Residence District (RM) and the City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Commercial.

- 3) The proposed development meets the use standards for enclosed warehousing in a "C2" General Commercial District per Section 4.1-6. J. 1. as outlined in the Staff Analysis section of staff's written report.
- 4) The development complies with 9.1-4. F. 1. thru 8. with conditions as outlined in the Staff Analysis section of staff's written report.
- 5) Section 9.1-7 H. 1. is satisfied due to the request bringing the property into alignment with the future land use map designation of Commercial.
- 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 exists no evidence that the amendment to a commercial district will diminish the condition or value of property within the vicinity.
- 8) Section 9.1-7 H. 4. is satisfied, as the zoning map amendment is consistent with the purpose of the Land Development Ordinance of the City of Minot, the 2012 Comprehensive Plan Future Land Use (FLU) Map designation as Commercial, and other adopted policies of the City.
- 9) 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 or denied. The Minot Planning Commission has the authority to hear this case and decide whether the Conditional Use Permit 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 "R-3" Multiple Residence District (RM) to solely "C2" General Commercial District. Further, staff recommends Planning Commission approve the request for a Conditional Use Permit for Enclosed Warehousing on Lot 3, Norheim Heights 2nd Addition with the following conditions:

- 1) The property must obtain a zoning map designation of "C2" General Commercial District.
- 2) Uses of the site or any building for residential dwelling purposes, retail, auto repair, or human habitation is prohibited.
- 3) For clarification, commercial activity is limited to storage of inventory, including vehicles, to support work performed offsite. Office space related to this commercial activity is permitted. Personal storage is permitted.
- 4) The development must comply with the all applicable landscape standards, including Section 7.1-4. C. related to buffer yards.
- 5) Building design and site layout, including garage door style, design elements, accent materials, and building size and distribution shall generally conform to those provided in Exhibit 2.
- 6) A storm water management plan is required for future development.
- 7) A site plan is required for development.
- 8) Connection fees are required for future development.
- 9) Roads and utilities will be private and require easements.

FINAL DECISION:

Motion made by Commissioner Lider 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 # 2023-03-04: Conditional Use Permit – North Side 5th Addition

Public hearing request by Ackerman-Estvold, representing Gaylin Schmidt for a conditional use permit for enclosed warehousing to construct "ten shop condo units." The legal description for the property is Lots 3 & 4 North Side 5th Addition to the City of Minot, Ward County, North Dakota.

The addresses of the properties are 3650 and 3670 N. Broadway.

Chairman Offerdahl asked for staff report to which Mr. Van Dyke presented a verbal staff report and explained the applicant is looking into combining both properties into one proposed development. Mr. Van Dyke explained the property is located in the NE section of Minot. Dollar General just opened to the south and an apartment complex resides to the east. Mr. Van Dyke advised the proposed plan will comprise of 5 buildings each maintaining two separate units. Mr. Van Dyke presented a map of the property explaining there is a flag that comes out the provides direct access to the frontage road but otherwise there are other properties buffering it that have more access to the highways that are zoned C2.

Commissioner Kibler stated the property looks to be a double flag lot and asked if this were anything but commercial zoning would there have to be another access route to which Mr. Van Dyke typically in case one is closed you would have a secondary access but that would be upwards of 100 residential units and for commercial it would be the overall size of the property. Commissioner Kibler then inquired about the criteria in place to determine if another access route is required to which Mr. Van Dyke stated it was already platted this way and this land has no alternative access. Once the two lots are combined it will loosely resemble the configuration that was approved 5-10 years ago. The parking lot used to be the airport overflow parking up until the Dollar General purchased the property and it went through a minor plat to rearrange the lots to build their store.

Commissioner Bauman clarified we are taking an overflow parking lot and turning it into a ten shop condo development in which Mr. Van Dyke stated that is correct.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Sean Weeks, Representative of the Applicant, came forward and advised they concur with the staff report and will answer any questions that the Commissioners may have. There were no questions for Mr. Weeks. Chairman Offerdahl closed the public hearing.

FINDINGS OF FACT:

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

- 1) The property is zoned "C2" General Commercial District.
- 2) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Commercial. 3) The proposed development meets the use standards for enclosed warehousing in a "C2" General Commercial District per Section 4.1-6. J. 1. as outlined in the Staff Analysis section of staff's written report.
- 3) The development complies with 9.1-4. F. 1. thru 8. with conditions as outlined in the Staff Analysis section of staff's written report.
- 4) The Minot Planning Commission has the authority to hear this case and decide 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 for a conditional use permit for enclosed warehousing per Exhibit 2 with the following conditions:

- 1) A minor plat is required to consolidate the lots to meet the minimum lot size requirements.
- 2) Uses of the site or any building for residential dwelling purposes, retail, auto repair, or human habitation is prohibited.
- 3) For clarification, commercial activity is limited to storage of inventory, including vehicles, to support work performed offsite. Office space related to this commercial activity is permitted. Personal storage is permitted.
- 4) The development must comply with the all applicable landscape standards, including Section 7.1-4. C. related to buffer yards.
- 5) Parking lot landscaping will be installed along the west, north, and south boundaries of the property to include, at a minimum, a ten-foot (10') depth from the parking area to the property boundary.
- 6) The parking lot landscaping along the west, north, and south boundaries must include one (1) tree per fifty (50) lineal feet of distance on each respective side as measured following the proposed replat.
- 7) A storm water management plan is required for future development.
- 8) A site plan is required for development.
- 9) Connection fees are required for future development.

FINAL DECISION:

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

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

Item #9: Other Business

Mr. Van Dyke reminded the Commissioners that the new 2040 Comprehensive Plan can be found at minot2040.com and should be presented to the Planning Commission for approval in May.

Item #10: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 6:13pm.

Submitted by: Nicole Rivera, Planning Administrative Assistant