

*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, 10 3<sup>rd</sup> Avenue SW., City of Minot, N.D.

**Meeting Called to Order:** Tuesday, April 2, 2024 @ 5:30 pm.

**Presiding Official:** Chairman Offerdahl.

**Members in Attendance:** Commissioners Offerdahl, Baumann, Dohms, Iverson, Kibler, Mennem, Pontenila.

**Members Absent:** Commissioners Gates, Longtin, Johnson

**City Staff Present:** Brian Billingsley (Community Development Director), Doug Diedrichsen (Principal Planner), Nick Schmitz (Assistant City Attorney), Daniel Falconer (Associate Planner)

**Others Present:** Ryan Ackerman

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**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: Intro & Decorum**

**Item #4: Approval of Minutes**

Motion by Commissioner Baumann to approve the March 5th, 2024 Planning Commission Meeting Minutes. Second by Commissioner Kibler and carried by the following roll call vote: ayes: all, nays: none.

**Motion carries.**

**Item #5: 2024-02-03: Zone Change – CHS**

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. Chairman Offerdahl asked for staff report to which Mr. Diedrichsen provided a verbal summary of the written staff report. Mr. Diedrichsen provided an aerial view of the property as well as

the current zoning of the property, C2 General/Commercial. Legal nonconforming. Future Land Use would have to conform to existing underlying zoning. The subject property is designated as "Light Industrial" in our Future Land Use plan. The property is being requested to change to "M1" which would complement the "Light Industrial" that it is given in the Future Land Use map. Mr. Diedrichsen then showed site photos of the current property, which is the existing CHS property facing north and facing south is the Expressway and HWY 52 interchange. Northwest where they are currently parking their semi-trailers. East is the frontage road that is used for access. Mr. Diedrichsen stated staff recommends Planning Commission adopts staff finding facts and recommends approval.

Commissioner Baumann is concerned of the landscaping that will be done as well as asking if there is a burden to the city of Minot for annexation. Mr. Diedrichsen informs that they would have to meet landscaping requirements for M1 Industrial which included Landscapes Boulevard with street trees and that annexation decision would fall under city council and any additional needs would be their decision, however the surrounding properties have already been annexed in and this wouldn't add any greater burden. Mr. Billingsley also informed that to have city water they would need to be annexed in. Commissioner Kibler is questioning if they will be charged for addition road maintenance? Mr. Diedrichsen informs him that the engineers didn't provide a comment, however it will ultimately depend on City Councils decisions.

**PUBLIC HEARING:**

Chairman Offerdahl opened the public 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 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.

**STAFF RECOMMENDATION:**

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.

**FINAL DECISION:**

Motion made by Commissioner Kibler based on staff’s finding of fact and recommendation. Second by Commissioner Iverson. The motion was carried by the following vote: ayes: 7, nays: 0. **Motion carries.**

**Item #6: 2024-02-04: LDO Text Amendments – Community Development Dept.**

Public hearing request by Brian Billingsley, Community Development Director for a text amendment to the Land Development Ordinance of the City of Minot. The proposed code changes pertain to the following sections: Table 9.1-2 to allow additional sign square footage for building with five (5) or more stories in the “CBD” Central Business District and “P” Public District, Section 4.1-6 C clarifying language regarding Sales or Service of Industrial, Agricultural, and Construction Equipment and Semi-Trucks; Section 10.3-13. B. 3. Clarifying language regarding public utilities easements. Chapter 2.3. Adding a definition for Pet Overnight Boarding Facilities (Up to 5) and Pet Overnight Boarding Facilities (6+), use categories will be added to the Use Table in the Minot Land Development Ordinance for both of these new uses; Section 4.1-6. N-O clarifying language concerning Kennels and Veterinary Clinics with Overnight Boarding Facilities and adding language regarding Pet Boarding Facilities;

Chairman Offerdahl asked for staff report to which Mr. Diedrichsen provided a verbal summary of the written staff report. Mr. Diedrichsen discusses the change for altering maximum Mast Sign Plan budgets for buildings taller than 5 stories on properties zoned “Central Business District” and “Public”. The next change is on C2 district specifically where sales and service of industrial, agricultural and construction equipment is performed that they are allowed grass or gravel parking lots. Mr. Diedrichsen also covers the amendment of the Dedication of Right of Way, Easements and Street Widths. The City Engineer may waive this requirement if it may cause a detriment to the public or public improvement in any way. And lastly Mr. Diedrichsen discusses the Pet Boarding Facilities changes. Pet Boarding Facilities (Up to 5) and Pet Boarding Facilities (6+) will be added to the Permitted and Conditional Use table. The City Attorney has added recommendations to Chapter 2.3. The City Attorney also asked we removed the word commercial under Section 4.1-6.N, as well as a proposed addition to Section 4.1-6.O. Commissioner Baumann concerned about dust, mud, dirt and water issues with Proposed Change #2 Section 4.1-7. Mr.

Diedrichsen informs him this will be on the specific use only for the sales or services of industrial, agricultural and commercial equipment. Commissioner Baumann and Commissioner Kibler also questioning the right of way change. Mr. Ryan Ackerman covers the Right of Way questions and outlining that it is mainly in effect with the flood project.

Commissioner Baumann points out a typo on Proposed Change #4 Chapter 2.3 and moves to correct the sentence to say "One being facilities that board up to five (5) pets, sex (6) months or older..."

**PUBLIC HEARING:**

Chairman Offerdahl opened the public hearing to the public for testimony.

No one appears to testify.

Chairman Offerdahl closed the public hearing.

**FINDING OF FACT:**

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

1. The applicant has submitted a complete application.
2. Section 9.1-8 I. 1., 3., and 4. are applicable and satisfied as noted in the Staff Analysis section of staff's written report.
3. Section 9.1-8 I. 2. is not applicable.
4. 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:**

Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the zoning text amendment

**FINAL DECISION:**

Motion made by Commissioner Baumann based on staff's finding of fact and recommendation. Second by Commissioner Dohms. The motion was carried by the following vote: ayes: 7, nays: 0. **Motion carries.**

**Item #7: Other Business**

None

**Item #8: Adjournment**

With no further business, Chairman Offerdahl adjourned the meeting at 6:02 pm.