

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, April 4, 2023 @ 5:30 pm

Presiding Official: Chairman Offerdahl

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

Members Absent: Commissioner Dohms.

City Staff Present: Brian Billingsley (Community Development Director), Nick Schmitz (Assistant City Attorney), Derek Hackett (PIO), Emily Huettl (Assistant City Engineer), Nicole Rivera (Community Development Administrative Clerk).

Others Present: Present on Teams; Hanna Peterson (Representative for an Applicant), Jim Goepfner, (Development Manager for Holiday) Steve Harrison (Civil Engineer) and Mark Stentson (Director of Real Estate for Holiday)

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 1730

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 March 7, 2023 Planning Commission Meeting Minutes, second by Commissioner Mennem, and carried by the following roll call vote: ayes: all, nays: none. **Motion carries.**

Item #5: Case # 2023-04-01: Zoning Map Amendment – Cenex 4th Addition

Public hearing request by Sherry McGlaughlin on behalf of SM Real Estate, owner for a zoning map amendment from “M1” Light Industrial District to “CBD” Central Business District. The purpose for the request is to align the zoning with existing use of the property as a pool hall. The legal description for the property is Lots 1 and 3, Cenex 4th Addition.

The address for the property is 215 E. Central Ave. and 11 3rd St. NE.

Chairman Offerdahl asked for staff report. Mr. Billingsley presented verbal staff report which included a map of where the property is located and the surrounding properties zoning. Mr. Billingsley explained historically the area was zoned as "M1" Light Industrial and "M2" Heavy Industrial but in recent years there have been several requests to rezone to "CBD" Central Business District or "C2" Commercial District. Mr. Billingsley presented the current Future Land Use Map which has this area listed as Industrial, however, new Future Land Use Map that is scheduled to be adopted next month, has this area reserved for "CBD" Central Business District. Mr. Billingsley stated this request is in line with other requests that have been approved by City Council for Downtown this year.

Commissioner Kibler inquired about the change to CBD and what would the benefits to the owner be. Mr. Billingsley replied that the owner is interested in applying for the City's Façade Improvement Program and in order to qualify the property owner has to be located in the CBD district and with the Industrial zoning that is there now, it is harder to get refinanced because their use is not Industrial, it is a pool hall.

Vice-Chairman Baumann clarified with Mr. Billingsley that "M1" Light Industrial would involve heavy trucks moving through downtown but as a community we are trying to move away from that in this particular portion of downtown to do that to which Mr. Billingsley stated that is correct, this way it keeps the heavy industrial traffic on the out skirts of town.

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 applicants have submitted a complete application for a zoning map amendment.
- 2) The present zoning is "M1" Light 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.
- 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.

STAFF RECOMMENDATION:

Approval to City Council for a zoning map amendment from “M1” Light Industrial District to “CBD” Central Business District with no conditions.

FINAL DECISION:

Motion made by Vice-Chairman Baumann 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 # 2023-04-02: Zoning Map Amendment and Preliminary Plat – Ridgedale

Public hearing request by Eric Bretheim, owner for a zoning map amendment from “C2” General Commercial District to “M1” Light Industrial District for Lot 2, Ridgedale Industrial Park 2nd Addition. The request also includes annexation of the subject property and adjoining right-of-way. The purpose for the request is for unspecified future light industrial development.

The property is unaddressed and is located east of 225 45th Ave. NE.

Chairman Offerdahl asked for staff report. Mr. Billingsley presented verbal staff report and explained the property is located at the far NE corner of the city but it is not currently within the city limits. Owner is requesting a rezone so they are able to hook up to city services. City council will handle the annexation but tonight the Commission is only considering the zoning change. Mr. Billingsley presented the current zoning map. He explained the properties zoning surrounding the subject lot are zoned “M1” Light Industrial, “C2” General Commercial, and “RR” Rural Residential. The subject property was rezoned from “M1” Light Industrial to “C2” General Commercial in 2000 and the applicant is requesting to rezone it back to “M1” Light Industrial. Mr. Billingsley stated commercial properties look for high traffic areas but the subject property doesn’t have that since it is at the end of a cul-de-sac so “M1” Light Industrial makes the most sense for this property.

Vice-Chairman Baumann clarified the Planning Commission is looking at the rezone but City Council will be responsible with looking at the annexation into city boundaries to which Mr. Billingsley stated that is correct. Vice-Chairman Baumann also asked if the developer would have to develop the road from 2nd St NE all the way out to the cul-de-sac and then extend utilities out to which Mr. Billingsley agreed.

Commissioner Kibler inquired if the property would be annexed from the exterritorial district in which Mr. Billingsley advised yes.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Ms. Peterson was present on Teams and advised she didn't have anything to add but she is able to answer any questions. There were no questions for her. 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 2012 Comprehensive Plan Future Land Use Map designates this area as Industrial.
- 4) Section 9.1-7 H. 1. is satisfied, as the FLU map denotes this area as 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:

Approval to City Council for a zoning map amendment from "C2" General Commercial District to "M1" Light Industrial District with the following conditions:

- 1) An updated storm water management plan is required for future development.
- 2) Storm water easements are required over open channel ditches and the storm water pond.
- 3) A site plan is required for development.
- 4) Connection fees are required for future development.

FINAL DECISION:

Motion made by Commissioner Lider to approve based on staff's findings of fact and recommendation. Second by Commissioner Hochhalter. The motion carried by the following vote: ayes: all, nays: none.
Motion carries.

Item #7: Case # 2023-04-03: Conditional Use Permit – Livingston’s 7th Addition

Public hearing request by Stephen Harrison on behalf of Duemelands Commercial Real Estate, representative for Meadowlark Holdings, LLC, owner, for a conditional use permit to construct and operate a truck stop in a “C2” General Commercial District. The legal description for the property is Block 2, Livingston’s 7th Addition.

The property is unaddressed and is located northwest of the intersection of 13th St. SE and 21st Ave. SE.

Chairman Offerdahl asked for the staff report. Mr. Billingsley presented the verbal staff report explaining the Conditional Use Permit request is for a truck stop and the subject property is located at SW corner of Highway 2/52 and 13th St SE. Mr. Billingsley presented the current zoning map, the Future Land Use Map which will not change with the new 2040 Comprehensive Plan, the revised site plan which outlined the access routes off of 13th St SE and 21st Ave SE and the layout of the store, car wash, parking lot, and fueling stations, and the renderings per the applicant which are in compliance with the design standards. Mr. Billingsley explained Engineering has several conditions that they are requesting the Planning Commission to adopt. Mr. Billingsley reminded everyone that when the Land Development Ordinance was adopted in 2021 and it gives the Planning Commission the authority to approve Conditional Use Permits so if it is approved it won’t need to go before the City Council unless the final decision is appealed.

Commissioner Kibler inquired about what is looked for in a site plan where diesel and gasoline are located on the property to which Mr. Billingsley advised the site plan would spell out all the improvements on the property including the location of infrastructure like sewer and water lines. Assistant City Engineer Emily Huettl stated the site plan and what the city reviews are the same on this sight as other sites but the items in question are more specific to gas stations and fuel tanks which are under state jurisdiction, Department of Environmental Quality. The City Fire Department is involved in the review process as well so they may have a few things they look at but majority of those type of environmental concerns are handled at the state level.

Vice Chairman Baumann inquired about the landscaping requirements for a C2 property to which Mr. Billingsley advised since there are streets on three sides there is a need for landscaping on those sides. Mr. Billingsley advised they will work with the applicant when they submit their plans for a building permit to ensure things aren’t located within the vision triangle and are completed correctly and safely.

Vice Chairman Baumann inquired about the car wash stacking lane, specifically traffic moving east bound on Highway 2 & 52 and vehicles facing west bound in the stacking lane with their lights on facing incoming traffic in which Mr. Billingsley stated the vehicles are facing a trash dumpster enclosure.

Vice Chairman Baumann inquired about the light impact with the residential area nearby in which Mr. Billingsley explained that in the Land Development Ordinance there is still a requirement for down facing lights and that would apply for trucks stops as well.

Vice Chairman Baumann inquired about the lack of sidewalks on the north side of 21st Ave SE to which Mrs. Huettl explained when the roadway was developed possibly around 2012, the sidewalk was placed on the entirety of the south side and since that time all the properties that have been developed on the north side don't have sidewalks. That was the decision then and how the area is. We just want to make sure there is a connection to the shared use path.

Vice Chairman Baumann asked if the traffic study will involve bike and pedestrian traffic on the shared use path to which Mrs. Huettl advised they follow the traffic impact study requirements by NDDOT and will make note of it while they are reviewing it in the next couple weeks.

Commissioner Kibler asked if anyone in the residential area was notified to which Mr. Billingsley advised they are outside the 300' buffer that is required so they were not notified.

Commissioner Faken asked if there are future plans for street lights at 21st Ave SE and 13th St SE to which Mrs. Huettl advised that is pretty unlikely due to the spacing. The lights wouldn't work being that close together, but that is why they are requesting a condition for a traffic study as a requirement and the study will be reviewed by the City and NDDOT.

Vice Chairman Baumann asked if there was any way to prevent a semi from turning right onto 21st Ave SE, going through a residential area and then going to Menards or Home Depot to which Mrs. Huettl advised the traffic impact study will look, do some analysis and draw some conclusions on what percentage of traffic they think will go right or left at every location so that is something we can look at.

Commissioner Kibler inquired about the traffic study and the recommendations that are made do they have to abide by them to which Mrs. Huettl stated yes they will have to abide by it as it is listed in condition number five, which states whatever is in the study is something that they will have to do and it would have to be in a developers agreement approved by City Council and all recommendations would be at the developers cost because of the impacts of their development.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Jim Goepfner, Development Manager, Steve Harrison, civil engineer and Mark Stentson, Director of Real Estate stated they appreciate the opportunity, are excited about this, and are able to answer any questions. No questions were presented. 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 subject to conditions for a truck stop in a "C2" General Commercial District per Section 4.1-6. E. 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) 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 of a conditional use permit for a truck stop with the following conditions:

- 1) The development must generally comply with the site plan provided in Exhibit 2 and is further subject to all necessary modifications stemming from other required conditions of approval and the Land Development Ordinance of the City of Minot.
- 2) A storm water management plan is required for future development.
- 3) A site plan is required for development.
- 4) A pedestrian connection from the site to the existing shared use path along 13th St is required. Sidewalks are not required on 21st Avenue.
- 5) A traffic impact study is required for future development and shall be reviewed and approved by the City and NDDOT. Any required improvements must be paid for by the developer and included in a developer agreement approved by the City Council.
- 6) The potential for a controlled access (right-in) on 13th St. SE will be evaluated as part of the traffic impact study. Any access would have to be approved by the City and NDDOT.
- 7) Access onto 21st Ave SE shall meet spacing requirements for a collector roadway per the City's Transportation Plan, to the extent feasible, as approved by the City Engineer.
- 8) Sanitary sewer connection fees are required for future development.
- 9) An approved traffic impact study must be possessed by the City of Minot prior to building permit issuance. A building permit may be issued prior to completion of necessary improvements, if any, stemming from the results of the approved traffic impact study. No Certificate of Occupancy may be issued until necessary improvements, if any, are completed to the satisfaction of the City of Minot and North Dakota Department of Transportation.
- 10) Site grading and preparation activities may occur upon approval of the storm water management plan and prior to building permit issuance.

FINAL DECISION:

Motion made by Commissioner Hochhalter 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 #8: Other Business

Mr. Billingsley introduced and welcomed the Assistant City Attorney Nick Schmitz who will be taking over the legal matters for Planning Commission meetings.

Mr. Billingsley reminded everyone the next Planning Commission meeting in May will be at the New City Hall building downtown.

Item #9: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 6:16pm.

Submitted by: Nicole Rivera, Planning Administrative Assistant