

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 3rd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Tuesday, May 2, 2023 @ 5:30 pm.

Presiding Official: Chairman Offerdahl.

Members in Attendance: Vice-Chairman Baumann, Commissioners Faken, Hochhalter, Iverson, Kibler, Longtin, Mennem, and Pontenila.

Members Absent: Commissioners Dohms, Gates, Lider, and Nesdahl

City Staff Present: Brian Billingsley (Community Development Director), John Van Dyke (Principal Planner), Nick Schmitz (Assistant City Attorney), Derek Hackett (PIO), Dan Jonasson (Public Works Director), Emily Huettl (Assistant City Engineer), Nicole Rivera (Community Development Administrative Clerk).

Others Present: Scott Harmstead (SRF), Sean Weeks (Representative for Applicant), and Jonathan Rosenthal (Economic Development Administrator).

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 1736

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 Kibler to approve the April 4, 2023 Planning Commission Meeting Minutes, second by Commissioner Hochhalter, and carried by the following roll call vote: ayes: all, nays: none.
Motion carries.

Item #5: Case # 2023-05-01. Zoning Map Amendment and Preliminary Plat – Forest Acres 2nd Addition

Public hearing request by the Ackerman Surveying, representing the City of Minot for a zoning map amendment from “R1” Single-Family Residential District to “P” Public Zone and a preliminary plat to consolidate numerous lots into one. The plat includes the vacation of several portions of rights-of-way.

The purpose of the zoning map amendment and preliminary plat is to consolidate properties presently utilized for flood control purposes. The proposed plat is to be named Forest Acres 2nd Addition and the legal description for the property is Outlot 34, Section 23, Township 155 North, Range 83 West, Ward County, North Dakota, Lots 1 Thru 7, Block 1, Lots 1, 2, 4 Thru 7, Block 2, Amended Plat & Rearrangement of Forest Acres Addition Lots 30, 31, 48 thru 54 and Lot 57, Westwood Rearrangement of Vallie Addition, Lots 15, 32, 33, 45 thru 47, 55 And 56 Amended Plat of Lots 1 thru 15, 32 thru 47 and Lots 55, 56 & 62 of Westwood Rearrangement of Vallie Addition to the City Of Minot, North Dakota plus vacated portions of 3rd Avenue SE, 4th Avenue SW, and Forest Road.

The property addresses are as follows: 303 15th St. SW; 613 16th St. SW; 1200, 1206, 1212, 1304, 1308, 1400, 1401, 1404, and 1409 3rd Ave. SW; 1404, 1405, and 1409 4th Ave. SW; 1510 5th Ave. SW; and 501, 503, 507, 511, 515, 519, 601, 605, 606, 609, 610, 614, 615, 616, 619, and 623 Forest Rd.

Chairman Offerdahl asked for the staff report to which Mr. Van Dyke provided a verbal outline of the written report. Mr. Van Dyke explained the Master Plan that was submitted with the application. Mr. Van Dyke explained there are no plans significant development proposals for this property due to it being in a high risk flooding area and clarified this is just the final step in the process to complete this project.

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.
- 2) The present zoning is "R1" Single-Family Residential District (R1).
- 3) The 2012 City of Minot Comprehensive Plan Future Land Use Map designates this area as Low Density Residential and Conceptual Greenway.
- 4) The Minot 2040 Comprehensive Plan Future Land Use Map designates this area as River Front Activation.
- 5) The applicants have submitted a complete application.
- 6) A change in zoning from "R1" Single-Family Residential District to "P" Public District is requested.
- 7) The applicant's request is consistent with the bulk requirements of the Land Development Ordinance of the City of Minot (LDO).
- 8) A change in conditions does exist due to the construction of the flood control infrastructure. Section 9.1-7H. 1. is satisfied.
- 9) No additional public services will be required to support the request. Section 9.1-7 H. 2 is satisfied.
- 10) As the development is complete, staff finds no evidence that the proposed subdivision and zoning map amendment will substantially diminish the condition or value of property in the vicinity and therefore Section 9.1-7 H. 3 is satisfied.

- 11) The zoning map amendment request is consistent with the purpose of the LDO and other adopted policies of the City, and will be consistent with the Minot 2040 Comprehensive Plan upon its adoption mid-May. Section 9.1-7 H. 4. is satisfied.
- 12) 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 Forest Acres 2nd Addition preliminary plat, a zoning map amendment from "R1" Single-Family Residential District to "P" Public District, and a Master Plan as provided in Exhibit 2 with the following condition:

- 1) The final plat should clearly illustrate those areas of right-of-way that are proposed to be vacated via the plat and provide corresponding metes and bounds descriptions to the Planning Division as part of the final plat application.

FINAL DECISION:

Motion made by Vice-Chairman 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 #6: Case # 2023-05-02. Zoning Map Amendment and Preliminary Plat – Napa Valley 20th Addition

Public hearing request by Ackerman Surveying, representing the City of Minot for a zoning map amendment from "R1" Single-Family Residential District to "P" Public Zone and a preliminary plat to consolidate numerous lots into one. The plat includes the vacation of right-of-way. The purpose of the zoning map amendment and preliminary plat is to consolidate properties presently utilized for flood control purposes. The proposed plat is to be named Napa Valley 20th Addition and the legal description for the property is Lots 12, 13, 34 thru 44 and a vacated portion of Forest Road, Amended Plat of Lots 1 Thru 15, 65 Thru 47 and Lots 55, 56 & 62 of Westwood Rearrangement of Vallie Addition to the City Of Minot, North Dakota.

The property addresses are as follows: 1601 and 1603 7th Ave. SW; and 708, 709, 711, 712, 715, 716, 800, 801, 802, 803, 804, 805, and 807 Forest Rd.

Chairman Offerdahl asked for the staff report to which Mr. Van Dyke provided a verbal outline from the written staff report. Mr. Van Dyke stated this case is very similar to the last one, in which, is it just a final cleanup of the area. Mr. Van Dyke provided the master plan for this case as well as a map of both cases

together outlining the land that would be affect and noted that majority of the property in this case in the parking lot for Wee Links Golf Course.

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.
- 2) The present zoning is "R1" Single-Family Residential District (R1).
- 3) The 2012 City of Minot Comprehensive Plan Future Land Use Map designates this area as Low Density Residential and Conceptual Greenway.
- 4) The Minot 2040 Comprehensive Plan Future Land Use Map designates this area as River Front Activation.
- 5) The applicants have submitted a complete application.
- 6) A change in zoning from "R1" Single-Family Residential District to "P" Public District is requested.
- 7) The applicant's request is consistent with the bulk requirements of the Land Development Ordinance of the City of Minot (LDO).
- 8) A change in conditions does exist due to the construction of the flood control infrastructure. Section 9.1-7H. 1. is satisfied.
- 9) No additional public services will be required to support the request. Section 9.1-7 H. 2 is satisfied.
- 10) As the development is complete, staff finds no evidence that the proposed subdivision and zoning map amendment will substantially diminish the condition or value of property in the vicinity and therefore Section 9.1-7 H. 3 is satisfied.
- 11) The zoning map amendment request is consistent with the purpose of the LDO and other adopted policies of the City, and will be consistent with the Minot 2040 Comprehensive Plan upon its adoption mid-May. Section 9.1-7 H. 4. is satisfied.
- 12) 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 Napa Valley 20th Addition preliminary plat, a zoning map amendment from "R1" Single-Family Residential District to "P" Public District, and a Master Plan as provided in Exhibit 2 with the following condition:

- 1) The final plat should clearly illustrate those areas of right-of-way that are proposed to be vacated via the plat and provide corresponding meets and bounds descriptions to the Planning Division as part of the final plat application.

FINAL DECISION:

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

Item #7: Case # 2023-05-03. Zoning Map Amendment – Main Street North

Public hearing request by Rolly Ackerman, owner for a zoning map amendment from "M1" Light Industrial District and "M2" Heavy Industrial District to "CBD" Central Business District. The purpose of the request is to bring the existing and potential future use of the property in alignment with others in the area as the neighborhood continues to transition away from industrial and closer to downtown-oriented commercial uses. The legal description for the property is all of Lots 9, 10, 22, 23 and parts of Lots 7, 8, 24 and 25, Block 20, Original Townsite of Minot, Ward County, North Dakota AND Lots 2, 3, 4 Less Railroad Right of Way and Lot 5, Block 20, Original Townsite Of Minot, Ward County, North Dakota.

The property addresses are 15 Main St. N. and 25 Main St. N.

Chairman Offerdahl asked the staff report to which John provided a verbal outline from the written staff report. Mr. Van Dyke explained one property is currently zoned M1 and the other property is currently zoned M2. The owners request is to rezone both properties to CBD. Mr. Van Dyke provided a map of other properties in the area who have recently rezoned to "CBD" and explained the owner is requesting the rezone to fall into line with other properties in the area.

Vice-Chairman Baumann inquired about the request for the rezone. He questioned if it was connected to qualifying for the Façade program to which Mr. Van Dyke explained per the application it is to bring the zoning to match what is in the area. Mr. Van Dyke continued on explaining he believes the property owner does have broader ideas for the property and as those plans move forward it changing the zoning now will make things more seamless then.

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 and "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 mid-May 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 and "M2" Heavy Industrial District to "CBD" Central Business District with no conditions.

FINAL DECISION:

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

Item #8: Case # 2023-05-04: Preliminary Plat and Variance – Homes Acres

Public hearing request by Sean Weeks, representing Tony Bernhardt on behalf of Enerbase for a preliminary plat to consolidate multiple lots into two lots. The proposed plat will be known as Home Acres 5th Addition. The application also includes a variance request for relief from the setback applied to the gas station canopy from fifteen feet from any property line to four and one-half feet (4.5') at the NW corner and six and one-fifth foot (6.2') at the NE corner. Further, the variance requests relief from setback applied to pump islands from twenty feet (20') to seventeen and four-fifths feet (17.8') for the

NW island and eighteen feet (18') for the NE fuel island. The legal description for the property is the West 99 feet of Lot 1, Lot 9 and the West 163 feet of Lot 10, Home Acres Addition and the West 99 Feet of the North 100 feet of Lot 1, Replat of Felber's Rearrangement of Lots 2 thru 5, Block 6, Home Acres Addition to the City of Minot, North Dakota.

The property addresses are 1801 S. Broadway, 1809 S. Broadway, and two unaddressed properties immediately to the east of 101 18th Ave. SW.

Offerdahl asked for staff report to which Mr. Van Dyke provided a verbal outline of the written staff report. Mr. Van Dyke explained the owner's intent behind the prelim plat and variance request and stated that the canopy that is currently there cannot be easily relocated. Mr. Van Dyke outlined the parts in evaluating a variance, first part is to identify whether or not a hardship exist. Mr. Van Dyke explained there are three different ways to qualify for a hardship; exceptional shallowness, exceptional topography, and exceptional practical difficulties, only one needs to be found to exist. Mr. Van Dyke stated in this case, exceptional shallowness and exceptional topography does not apply and now it is up to the commission to find that there does exist an exceptional practical difficulty. Staff finds that requiring the strict adherence to the setback requirements is in the same vein of requiring a land owner to reroute a water way around a lot to accommodate a structure, this would be impractical. The applicant is seeking the minimum relief necessary to accommodate the project. Mr. Van Dyke continues on explained the second part is identifying if the granting of the variance adversely affect the rights of nearby property owners and if it runs contrary to the Comprehensive Plan. Staff finds that since the canopy already exists allowing it to remain will not adversely affect the rights of nearby property owners and it does not run contrary to the Comprehensive Plan. Mr. Van Dyke explained this case meets steps 1 and 2 requirements and reminded the Commissioners that they have the final decision tonight regarding the variance unless there is an appeal by the applicant then it would go to City Council.

Commissioner Kibler inquired about the notification zone and if only businesses were notified or single family homes as well. Mr. Van Dyke provided a visual of the property with the notification boundary and advised there were some residencies within the 300' notification boundary who were notified of the request.

Vice-Chairman Baumann thanked Mr. Van Dyke for working on the logistics and not just relocating a gas station because of the canopy. Vice-Chairman Baumann inquired about the two properties that are being consolidated into one and what the plan is for that. Mr. Van Dyke advised he is not aware of any active plan lot 2 but it is a clean-up item that is being rolled in because the property owner owns all four pieces of the property and as they are going through this process cleaning up just makes the most sense.

PUBLIC HEARING:

Chairman Offerdahl opened the hearing to the public for testimony. Sean Weeks with Ackerman-Estvold advised him and the applicant are in concurrence with the staff report and will answer any questions. No questions were asked. 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 property is zoned "C2" General Commercial District on the Official Zoning Map and is designated as Commercial on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The requested relief is for setbacks to an existing fueling station canopy and associated pumps as part of an expansion to a legal non-conforming structure.
- 4) The canopy cannot simply be reoriented without redesigning the underground infrastructure to accommodate and function properly with its new location. This would require excavation and reinstallation to accommodate setbacks.
- 5) Requiring strict adherence to the setback requirements is in the same vein as requiring a land owner to reroute a waterway around a lot to accommodate a structure, which is impractical.
- 6) The request includes the minimum relief necessary to accommodate the existing canopy and fueling station locations.
- 7) All other aspects of the site development will meet the requirements of the Land Development Ordinance of the City of Minot (LDO).
- 8) The totality of the three preceding facts establishes an exceptional practical difficulty for the applicant and a variance is necessary to accommodate the proposed reasonable use of the property. Section 9.1-3. G. 1. is satisfied.
- 9) Section 9.1-3. G. 2. is satisfied, as no changes to existing conditions will be experienced by neighboring property owners should a variance be approved for an existing structure. In addition, the variance will not be contrary to the comprehensive plan, as the proposed use is in alignment with the future land use designation of commercial and the request meets the hardship requirement outlined in Section 9.1-3. G. 1.
- 10) The Minot Planning Commission has the authority to approve, approve with conditions, or deny the variance. The Minot Planning Commission has the authority to recommend approval, with or without conditions, or deny the preliminary plat. 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:

- 1) Approve:
 - a. A variance to the canopy setbacks from fifteen feet from any property line to four and one-half feet (4.5') at the NW corner and six and one-fifth foot (6.2') at the NE corner.
 - b. A variance to the pump island setback from twenty feet (20') to seventeen and four-fifths feet (17.8') for the NW island and eighteen feet (18') for the NE fuel island.
- 2) Recommend City Council approve the preliminary plat for Home Acres 5th Addition.

FINAL DECISION:

Motion made by Vice-Chairman Baumann 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 #9: Case # 2023-05-05: 2040 Comprehensive Plan Adoption

Public hearing request by City of Minot for the adoption of the 2040 Comprehensive Plan for the City of Minot. The proposed document can be reviewed here: <https://www.minot2040.com/plan-materials/>.

Chairman Offerdahl asked for staff report to which Mr. Billingsley stated the project began about a year and a half ago and at that time Scott Harmstead was hired from SRF. Mr. Billingsley introduced Mr. Harmstead who proceeded on with a presentation of the 2040 Comprehensive Plan. Mr. Harmstead spoke about the main sections within the plan as well as the timeline from start to finish. Mr. Harmstead also spoke about the community involvement from the surveys that were sent out to the scheduled public workshops and how that feedback was implemented into the new Comprehensive Plan. Mr. Harmstead also thanked the members of the Steering Committee for the time and dedication they showed as well as Mr. John Van Dyke and Mr. Brian Billingsley.

Commissioner Kibler inquired about one of the slides from the presentation, it stated economic gardening as part of the master plan. Mr. Harmstead explained that economic gardening is the idea of focusing on the businesses that are already in the community and how can we grow those instead of directing the focus to bringing larger businesses in.

Vice-Chairman Baumann thanked Mr. Harmstead and everyone on the Steering Committee for all of their work. Vice Chair-man Baumann stated he thinks the product is great and the community should really be involved in it.

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 proposed plan meets the minimum requirements of the North Dakota Century Code.
- 3) 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 2040 Comprehensive Plan for the City of Minot.

FINAL DECISION:

Motion made by Vice-Chairman 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: Other Business

Mr. Van Dyke advised a new associate planner has been hired, Terra Lindquist. She will start next week and will be at the next Planning Commission meeting in June.

Item #9: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 6:36pm.

Submitted by: Nicole Rivera, Planning Administrative Assistant