

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 7, 2024 @ 5:30 pm.

Presiding Official: Chairman Offerdahl.

Members in Attendance: Commissioners Offerdahl, Baumann, Iverson, Kibler, Mennem, Pontenila, Longtin, Johnson

Members Absent: Commissioners Gates, Dohms

City Staff Present: Brian Billingsley (Community Development Director), Doug Diedrichsen (Principal Planner), Nick Schmitz (Assistant City Attorney), Daniel Falconer (Associate Planner), Lance Meyer (City Engineer), Luke Tillema (Building Official), Jason Sorenson (Public Works Director Asst.), Hannah Hornberger (Planning Assistant)

Others Present: Richard Pederson, Jesse Turner, James Kassube, Dan Perkins, Sharon Jewell, Izkra Carrasco, Jolene Stenvold, Arlene Castleman, Jim Paszek, Jeri Laugeme

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 April 2, 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: 2024-02-05: CUP – Duchsherer Addition Lot 1

Public hearing request by Floyd Duchsherer representing JPW Ventures Inc., owner for a request of a conditional use permit for a “C2” General Commercial District lot

The address for the property is 1830 16th Street SW. 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 non-

conforming. Future Land Use would have to conform to existing underlying zoning. The subject property is designated as General Commercial in our Future Land Use plan. The property is being requested to add Galvanized Chain link fence surrounding the property. Mr. Diedrichsen then showed site photos of the current property, which is the existing self-storage units. Mr. Diedrichsen informs that this is allowed under the Conditional Use Permit.

Commissioner Kibler questions why he needs a Conditional Use Permit if the galvanized chain link fence is allowed as material. Mr. Diedrichsen informs him that is not an accepted material under "C2" and that a Conditional Use Permit is needed to allow for traditional chain link fencing.

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 applicant has submitted a complete application.
- 2) The property is zoned "C2" General Commercial District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as General Commercial.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1. thru 8. 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 should be approved or denied, with or without conditions. 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 approve the conditional use permit for a commercial self-storage with the condition that galvanized chain link fencing be permitted as a fencing material.

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: 8, nays: 0. **Motion carries.**

Item #6: 2024-03-03: CUP - Pedersen

Public hearing request by Richard Pederson & Anita Lantto, owners for a request of a conditional use permit for a "R1" Single-Family Residential District lot. The legal description for the property is Outlot 18 lying in the southeast 1/4 of the northwest 1/4 Section 24, Township 155 north, Range 83 west, County of Ward, North Dakota.

The address for the property is 118 5th Street SE. 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, "R1" Single-Family Residential District, without a principal residence. The subject property is designated as Suburban Residential in our Future Land Use plan. An accessory building was moved onto the property without a moving permit and without securing a conditional use permit providing land use entitlements. Applicant is seeking to establish entitlement so that the moving permit can be processed by the Inspections Division. Mr. Diedrichsen then showed site photos of the current property, which shows the access road, the accessory building, and the remaining of the property. Mr. Diedrichsen stated staff recommends Planning Commission adopts staff findings facts and recommends approval.

Commissioner Baumann questioned if this building was already there and if we need to clean up the FLU designation map. Mr. Diedrichsen informed him that the applicant came in after the building was already moved and that yes the FLU amendment needs to go through clean up. Commissioner Kibler is questioning the closeness to the river and if this property falls under the FEMA mitigation zone. Mr. Diedrichsen informs him that the property is within the 100 year flood plan and the applicant will need to go through the city engineer to remedy with the flood plan.

PUBLIC HEARING:

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

Richard Pederson explains that the building was 100 year old and he didn't want to see it tore down, and it was moved 150-200 feet to his property. The building will only be used for storage.

Jesse Turner, neighbor, in favor just wants to state that it is 6th St not 5th St.

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) The property is zoned "R1" Single-Family Residential District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map does not designate this area; however, it is located directly adjacent to, and is part of a neighborhood designated Suburban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 thru 8. 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 should be approved or denied, with or without conditions. 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 approve the conditional

use permit for accessory structure on a lot with no primary dwelling.

FINAL DECISION:

Motion made by Commissioner Baumann based on staff's finding of fact and recommendation, adding condition that this approval has no impact on the existing tree canopy. Second by Commissioner Kibler. The motion was carried by the following vote: ayes: 8, nays: 0. **Motion carries.**

Item #7: 2024-03-04: Zone Change – Hillcrest Dr

Public hearing request by Marshall Morgan, owner for a request of zone change for a "R1" Single-Family Residential District lot. The legal description for the property is Lots 7 & 8 of Nordstrom & Hanson Subdivision, Section 13, Township 155 north, Range 83 west, County of Ward, North Dakota.

The address for the property is 301 Hillcrest Drive. 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, "R1" Single Family Residential District. Legal non-conforming. Future Land Use would have to conform to existing underlying zoning. The subject property is designated as Suburban Residential: in the Future Land Use plan. The property is being requested to change to "RM" Medium Density Residential District, which would complement the Suburban Residential that is given in the Future Land Use map. Mr. Diedrichsen then showed site photos of the current property, which shows access from property on 3rd St and the building frontage on Hillcrest as well as the building itself. Mr. Diedrichsen stated staff recommends Planning Commission adopts staff finding facts and recommends approval.

Commissioner Baumann questions the concerns with spot zone changing. Nick Schmitz, the Assistant City Attorney explains it's okay to move forward because it will be bringing it into conformance and consistent with the FLU. Mr. Diedrichsen also states that best case scenario is that the surrounding houses also come in and request zone changes for "RM". Commissioner Kibler asks if all homeowners in the area received notifications of the request for zone change. Mr. Diedrichsen informed him that everyone within 600ft receives notification as well as a published public hearing in the paper. Commissioner Bauman questions traffic concerns and parking. Mr. Diedrichsen states that they are actually moving from a 4-plex to a 3-plex so parking and traffic should actually decrease.

PUBLIC HEARING:

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

No one appeared to testify.

Chairman Offerdahl closed the public hearing.

FINDING 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.
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Suburban Residential.

- 4) The proposed zoning map amendment satisfies the evaluative criteria of Section 9.1-7. H. 1. thru 4. of the Land Development Ordinance 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 provide a recommendation to City Council whether the zoning map amendment be approved, with or without conditions, 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's findings of fact and recommend approval to City Council for a zoning map amendment from "R1" Single-Family Residential District to "RM" Medium Residential District with no conditions.

FINAL DECISION:

Motion made by Commissioner Iverson based on staff's finding of fact and recommendation. Second by Commissioner Longtin. The motion was carried by the following vote: ayes: 8, nays: 0. **Motion carries.**

Item #8: 2024-03-01: Variance – Popeye's

Public hearing request by Harold Rose representing MYLA Property, LLC., owner for a variance for a "C2" General Commercial District lot. The legal description for the property is Outlot 9 of the northeast 1/4 less highway right-of-way Section 35, Township 155 north, Range 83 west, County of Ward, North Dakota.

The address for the property is 300 28th Ave SW. 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. Future Land Use would have to conform to existing underlying zoning. The subject property is designated as General Commercial in the Future Land Use plan. Variance application is being brought to the Planning Commission after the site was constructed. The site as constructed deviates from the approved original site plan significantly. At the time of final inspection it was noted by the building inspector that the building and site as constructed had deviated from the approved plan considerably, and the issue was brought to Mr. Diedrichsen and Mr. Billingsley immediately. A meeting with the applicant was scheduled March 15th to discuss the options moving forward. Requirements for a temporary certificate of occupancy were outlined at that time. The applicant was asked to do several things including: submit a new proposed site plan, proof that the City Forester was contacted about street tree planting, providing landscaping bond, a variance application completed and a letter regarding a need for a retaining wall on the north side of the property that wasn't constructed but was in the original plan to the City Engineer. Mr. Diedrichsen then showed the approved original site plan that met all design requirements. Mr. Diedrichsen then showed the proposed site plan that was submitted with the variance application. The proposed site plan doesn't meet the design requirements for buffer yards, street landscaping and supplemental landscaping. The property was paved right up to the right away line and in turn street landscaping would now be expensive to fix. The proposed street landscaping also falls short of requirements. The buffer yard is 12ft and 7in narrower than the 20ft required buffer yard. Mr. Diedrichsen then presented the site photos showing the buffer yard and the width that was measured, showing the shortage. The required 20ft buffer yard must be on the developer's site entirely, reasonably free of paved areas, sidewalk and storage, entirely

landscaped with grass and one (1) tree is required every 20 linear feet. The buffer strip is defined as a landscaped strip to visibly separate or shield or block noise, light and other nuisances. Mr. Diedrichsen showed additional site photos showing the site being built right up to the right away line. There should be a ten (10) foot strip of landscaping between the retaining wall and sidewalk, there is also a lack of supplemental foundation planting along the building frontage facing south. The last of the pictures are showing where the structural retaining wall was supposed to be built. Also, one last photo to show a rubble pile that hasn't been removed from construction and is a nuisance violation, this will need to be removed before a final occupancy permit can be issued. Mr. Diedrichsen then provided a diagram of what the general landscaping requirements are. Mr. Diedrichsen then presented the code outlying the conditions in which a variance can be granted. The unique hardships cannot be created by the landowner, not including economic or fiscal hardship and a unique hardship is limited by the LDO to one or more of the following: shape of property, topography or exceptional practical difficulties. Staff finds that none of the variance criteria are satisfied or applicable. Mr. Diedrichsen stated staff recommends the Planning Commission deny the variance or alternatively that the Planning Commission allows the applicant additional time to address its nonconforming conditions and propose an alternate solution in the form of a site plan, created by a licensed design professional, conforming to the LDO design standards and table this application until June 4, 2024 meeting at 5:30pm in the Council Chambers of City Hall.

Commissioner Kibler is wondering how this happened, lack of communication? Mr. Diedrichsen informs that to his understanding the contractor deviated from the approved site plan, it was also noted that the contractor was told the site was being constructed in the wrong spot and they needed to reach out to the city and go through the process to amend the site plan that wasn't done. The planning staff doesn't have the authority to stop a build. Commissioner Kibler is questioning after they were told they were building not according to the plan, is that when they received a temporary permit to continue to build. Mr. Diedrichsen informs that they built the site to completion and during the final inspection where a certificate of occupancy would have normally been issued, that is when all of the problems were brought to the staff's attention and they were only given a temporary certificate of occupancy. Commissioner Baumann wanted to clarify that along with the list of LDO requirements that weren't met, the neighbors are also now not granted their 20ft of buffer zone for lights and sound. He also added to clarify that every business in city limits is required to follow guidelines that weren't met in this case. Mr. Diedrichsen informs that he is correct. There is now a concern that there is now a nuisance for property owners. Mr. Diedrichsen also informs him that yes, everyone is required to follow these guidelines and are held to the same standards. Commissioner Baumann wonders if failure to uniformly enforce would fall under legal ramifications. Mr. Diedrichsen lets him know that multiple problems would come from just approving this as a one off. Commissioner Baumann would like to clarify that tabling this would give the applicant a month to come up with a new design to address and fix these problems. Mr. Diedrichsen ensures that yes that is the plan. Mr. Nick Schmitz, the Assistant City Attorney, informs the Commissioners that many legal ramifications can occur if the LDO isn't followed and it is best not to treat this as a one off. Chairman Offerdahl is wondering if there was any reason, verbal or written, why it was moved. Mr. Diedrichsen informs that as far as he knows, no communication was had as to why. Commissioner Iverson is concerned if the building itself is in an "ok" spot right now. Mr. Diedrichsen states that the building does meet setbacks and that Mr. Luke Tillema can speak further to that. Commissioner Iverson also questions if they were informed that they weren't building to the site plan while in the process. Mr. Luke Tillema explains

the building itself meets all building codes, it just wasn't built where the site plan states it would be built. He, as the building official for the city, also does not have the authority to stop a project that meets the codes. But that the applicant was aware that it was against the site plan. Commissioner Baumann questions if there is any record of communication of this. Mr. Tillema informs that he found an email referencing the retaining wall but not about the location. However, it is noted in the inspection report. Commissioner Longtin questions what the impacts to the property owner are if we deny the variance today. Mr. Diedrichsen states the applicant can stop operations to bring everything to compliance or appeal to the city council within 10 business days. Mr. Tillema states the temporary certificate of occupancy states that the building is safe, but not quite done and that it expires May 24th. The certificate of occupancy would be under vote and then held for other reasons. Commissioner Kibler is wondering who submits the site plan, being a franchise holder or the Popeye's chain itself. Mr. Tillema states a firm submitted the plan and then the application was done by the contractor. Mr. Diedrichsen states that if the variance were denied the process would move into a zoning violation. Commissioner Iverson questioned how far off the building is from the original site. Mr. Diedrichsen informed that it is approximately 12ft too far to the west and 10ft too far to the south. Commissioner Iverson also questioned even with the recommendations, the drive through would still be on the set back. Mr. Diedrichsen states that the buffer yard needs to essentially be reasonably free of a built environment and that includes any pavement.

PUBLIC HEARING:

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

Harold Rose, owner, started off apologizing and giving some background. He states that this is his first store from the ground up and that he was never told he building in the wrong spot. He says the excavating crew dug in the wrong spot initially. After the concrete was done he questioned if we need to stop and rip everything out. He was informed by the contractor that the inspectors have approved everything to this point. He states they went to his engineer about the retaining wall and was decided among the crew they didn't need a retaining wall. He states he didn't know after changes had been made that he should go back to the city with an updated plan including the changes. He would like everyone to know that they will do whatever they can to make things right for everyone involved. Mr. Rose informs that they have turned in proposed plans to the city to try and fix this. He states that they're creating employment opportunities and they will do what they can to not have to be shut down. Mr. Rose also informs that the drive through lane is already close as it is. Commissioner Baumann asks Mr. Rose if he is willing to work with a design professional to bring the site into compliance. He also asks if they will be cleaning up the construction rubble. Lastly, he asks if he's willing to work with the city engineer to make sure the parking lot is in compliance and putting in a retaining wall if necessary. Mr. Rose says yes he is willing to make this right. He says they want to fix everything and bring it all into compliance. Commissioner Kibler confirms that Mr. Rose would like the commission to table for a month to work with a designer to make things right. Mr. Rose responds yes, that if we can avoid a shutdown so people aren't out of jobs and that he has been working on plans to fix the problems already. Chairman Offerdahl reiterates the temporary occupancy permit expires May 24th, and that if we do table this until June 4th, what is the process for that? Mr. Tillema states he would like to issue a full certificate of occupancy.

James Kassube, resident, states the garbage truck is coming at 4am every day and causing a nuisance, the street itself during busy hours, people are parking on both sides of the street and it's causing dangerous

situations on the street and the ability to pull onto the street. He also states the lights aren't turning off until 2am and they're shining directly into the condos, and can also hear everyone's drive through orders while sitting on his deck. Dan Perkins, resident, states he has no issue with the C2 zoning, however parking is the issue. When residents need to pull out onto the street they practically have to pull out into traffic to see if anyone is coming. He states that maybe the extra gravel area could be made into more parking. He brought pictures to also show the trash problems. The dumpsters aren't being closed and trash is blowing into our yards as well. Mr. Perkins then showed pictures of how the lights are effecting them as well, the windows on that side are either a living room/family room or bedrooms. He is concerned that in the winter months when it is dark at 5pm that it is going to become an even bigger problem. He is also concerned that the trees alone won't be able to deter this problem and they will take a while to grow. Sharon Jewell, board of managers for condo association, states they have a tremendous amount of value in their homes. She is concerned with the value of the homes with the light pollution. Mrs. Jewell also states that the traffic has cause issues as well, not to mention the trash problems. Izkpa Carroasco, resident, states she has the same issues as well with the noise, and is wondering if something can be done to deter late night shipments in the meantime if this is tabled. Mr. Rose states they could make some calls to adjust trash pickup time as well as truck deliveries. They initially had them coming early to adjust for opening, but now that things have settled they will work on adjusting that as well. He also states that parking will start to decrease because they were overstaffing to compensate for a busy opening. Mr. Rose informs that they've already had conversations about graveling the remaining of the lot to use for employee parking as well to help. He talks about purchasing shields to block the lights into the condo property as well. He wants to reiterate that they will fix problems as they are presented to us. Chairman Offerdahl asked about the lights being on until 2am if they close at 10pm. Mr. Rose states that he will speak with his team about getting them shut off earlier and getting the domes to help alleviate that as well. Commissioner Kibler states that the domes would make a significant difference. Jolene Stenvold, resident, questions why the building was continuing to be built if it was in the wrong spot. Mr. Diedrichsen states that the building was built to building code standards so there is no authority to stop the build. Mr. Perkins asks who does have the authority to stop the building when it is found that it was being built in the wrong spot. Mr. Diedrichsen states that each step was inspected and no codes were violated, there are two different codes that are being questioned here. Inspection doesn't have the authority to stop a project because they didn't violate any building codes. It violated the LDO which is the zoning code. All of our authority to deal zoning code is reactive not proactive. Mr. Diedrichsen states he can enforce zoning code violations through that process after they have been committed. There is no proactive step to stop a zoning code violation. Commissioner Baumann questions if that would fall under the century code to be able to stop that proactively. Mr. Nick Schmitz stated that he will have to do some research on that and that certain procedures have to be followed no matter what. The process as it exists is being followed correctly. Mr. Rose informs that he thinks this is the problem, that everything was being passed, they thought that meant everything was good. Commissioner Baumann asks if his builder mentioned why it wasn't built to the plan. Mr. Rose explains the first excavation company left in the middle and a new company was brought in, and he thinks that's when it was dug in the wrong spot. Commissioner Baumann states that there was an approved set plan in place, and we as a city maybe don't have the city staff to check the conformity of every approved plan while it is happening. We are assuming that you as a professional developer are following the plan. Mr. Tillema states he has one (1) commercial building inspector for the entire city. He clarifies they don't carry survey equipment or verify site plans, they are

out there to enforce building codes. If it meets setbacks for fire codes, we pass it, if it meets building codes, it's passed. Chairman Offerdahl reiterates that they were passed on building codes and not the ordinance or the buffer zone. Mr. Billingsley asks Mr. Tillema to verify that it is documented that the inspector did inform the contractor that the issue of the building site being off. Mr. Tillema explains yes, it is documented on the footing inspection, underneath the building there are geo-piers, during the geo-piers inspection it was documented that it didn't appear to match the site plan, but since it wasn't a building code violation we passed it. Commissioner Iverson asks when the exact date Mr. Rose knew the building wasn't in compliance and the exact date the developer was notified there was a problem. Mr. Rose states the day he knew they weren't legit was the day before opening. He states he called for the occupancy permit and was informed it would be 3 business days. On Wednesday I remember seeing people walking around the property, then I got the notification that we weren't in compliance. Commissioner Kibler asked how we found out it was in the wrong spot and Mr. Rose responded that the city came out and measured everything after the final inspection. Mr. Diedrichsen informed that after the final inspection we were made aware of the violation and went out with a tape measurer. Mrs. Sharon Jewell asked what is going to stop this from happening again. Chairman Offerdahl and Mr. Billingsley state that in the 5-6 years they've been on the commission this situation hasn't happened, and that we would sit down with legal staff and ensure this doesn't happen again. Arlene Castleman, condo owner, states they have built multiple structures in Minot and the building inspectors in Minot were on it and she would like to applaud the city inspectors for their work, but it seems in this project there were errors. Chairman Offerdahl stated that the building inspection process was followed to a T and this is an after the fact zoning issue. Mr. Diedrichsen informs that there is a code enforcement officer, however that is for violations that happen after the fact. Mr. Perkins wanted to state that working with Mr. Diedrichsen and his staff was great and they returned all inquiries timely. Jim Paszek, resident, the majority of the condo complex is at the meeting, that is how concerned the public is with this matter. He asks that the Planning Commission not approve this variance until every problem is fixed. Jeri Laugeme, resident, wants to state that they are just looking for a solution. Mr. Diedrichsen wants to state that the trash screen should have been completely covered by the buffer yard. He also informs that the trees would have to be coniferous, meaning evergreens in the buffer yard. He also states that the shielding of the lights is also a zoning requirement and that the applicant was made aware of that. Commissioner Kibler states that tabling this item seems like the best option, and would like to motion that we table this item until June 4th, 2024 at 5:30pm in the Council Chambers of City Hall. Commissioner Johnson second the motion. Commissioner Baumann states that we have high standards for what Mr. Rose is to obtain for a developing plan from a professional developer. He expects a plan for very robust line of trees, expects all of our landscaping requirements to meet the code to a "T", that the light issues are to be taken care of above and beyond what is asked, the trash issues to be addressed and for delivery times to be addressed. Chairman Offerdahl closed the public hearing.

FINDING 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 on the Official Zoning Map requiring compliance with "C2" General Commercial District design standards and has a "General Commercial" designation on the Future Land Use Map of the 2040 Comprehensive Plan.

- 3) The variance does not meet the applicable criteria per 9.1-3 G., as outlined in the Staff Analysis section of the Planning Commission Staff 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:

Staff recommends the Planning Commission adopt staff findings of fact and:

Deny a variance to the Section 7.1-4. C. & Section 7.1-3. A & C. related to street landscaping, site landscaping and buffer yard standards.

Alternative Recommendation

It may be possible for the applicant to address the concerns outlined in the Staff Analysis section of staff's written report and provide a reasonable strategy to mitigate the possible noise and light nuisances by removing existing built elements to make room for the required landscaping elements and buffers. This could be done by reconfiguring the site and removing some paving. The possibility of land acquisitions from adjacent property could also be explored to achieve the goal of a conforming site. To this end, staff provides the following alternative recommendation to allow the applicant additional time to address its nonconforming conditions and propose an alternate solution in the form of a site plan, created by a licensed design professional, conforming to the LDO design standards.: Table the item until Tuesday, June 4, 2024 at 5:30p.m. in the Council Chambers of City Hall.

FINAL DECISION:

Motion made by Commissioner Kibler to table this item until June 4th, 2024 at 5:30pm in the Council Chambers of City Hall. Second by Commissioner Johnson. The motion was carried by the following vote; ayes: 8; nays: 0. **Motion carries.**

Item #9: Other Business

None

Item #10: Adjournment

With no further business, Chairman Offerdahl adjourned the meeting at 7:35pm.