

PLANNING COMMISSION MINUTES
Regular Meeting
February 04, 2020

Regular Meeting: Planning Commission

Location: City Hall, Council Chambers, 515 2nd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Tuesday, February 04, 2020 at 5:30 p.m.

Presiding Official: Chairman, Charles DeMakis

Members in Attendance: Kelly Barnett, Tim Baumann, Charles DeMakis, Justin Hochhalter, Dustin Offerdahl, Todd Wegenast, Jody Bullinger (present via phone for Item #1).

Members Absent: Randy Bartsch, Todd Koop, Boyd Sivertson

City Staff Present: Brian Billingsley (Community Development Director), Lance Lang (Principal Planner), Peter Baumgartner (Planner I)

Others Present: Stefanie Stalheim (Assistant City Attorney), John Klug (Police Chief)

Meeting Called to Order by Chairman Charles DeMakis.

Approval of the January 07, 2020 Regular Meeting Minutes

Motion by Commissioner Offerdahl to approve January 07, 2020 Planning Commission Meeting minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Offerdahl, Wegenast nays: none

*The Planning Commission did not have a quorum and therefore the minutes will be re-considered during the March 3, 2020 Planning Commission meeting.

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Starr Subdivision - Rezoning and Subdivision Plat

It is recommended that the City Council approve the subdivision to separate the North Half of Outlot 7 into two (2) rural residential lots to be known as Lots 1 and 2 of proposed Starr Subdivision.

Furthermore, it is recommended that the City Council pass an ordinance on first reading to change the zone from AG (Agricultural District) to RA (Agricultural Residential District) since neither parcel can meet the minimum lot size in AG zoning of twenty (20) acres.

These properties are located at 7051 13th Street NE.

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Finding of Facts:

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

- 1) The applicant has submitted a complete application.
- 2) The applicant's request is consistent with Minot's Comprehensive Plan.
- 3) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 4) The rezoning request is in character with the surrounding zoning and use of land.
- 5) 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 Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

- 1) Any driveway locations onto township roadways must be permitted by the township.
- 2) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of a subdivision to separate the North Half of Outlot 7 into two (2) rural residential lots to be known as Lots 1 and 2 of proposed Starr Subdivision. Additionally, the applicant would like to rezone the resulting properties from AG, Agricultural District to RA, Agricultural Residential District since neither parcel can meet the minimum lot size in AG zoning of twenty (20) acres. These properties are located at 7051 13th Street NE.

The North Half of Outlot 7 currently contains an existing residence screened by existing shelterbelts on the north and west sides. The remainder of the property is vacant.

The new common lot line is platted such that the majority of the North ½ of Outlot 7 will form proposed Lot 2 while the remaining portion which includes the residence, the shelterbelts and additional frontage along 13th Street NE will form proposed Lot 1 of Starr Subdivision. Proposed

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Lot 1 contains approximately 87,111.86 square feet of lot area or 2.00 acres and is approximately 240 feet in width with approximately 364 feet of street frontage on 13th Street NE. Proposed Lot 2 contains 264,964.13 square feet or 6.08 acres with approximately 190 feet of street frontage on 13th Street NE and approximately 635 feet of street frontage on 72nd Avenue NE. Seven (7) feet of additional road right-of-way is shown on the plat providing forty feet of total road right-of-way from the centerline of both roads. A ten-foot (10') wide utility easement is provided along both road frontages. Both of the proposed lots exceed the minimum lot size requirements of two (2) acres in RA zoning. The location of the new lot lines meets all setback requirements in RA zoning bulk regulations.

The subject property is currently zoned AG, Agricultural district and is proposed to be changed to RA, Agricultural Residential. The land use designation on the Future Land Use Map of the Comprehensive Development Plan does not address this area of the two-mile jurisdiction. Therefore, the proposed land use for this property is not defined, however RA zoning is the proper zoning for these parcels.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Bauman asked if the City of Minot had an obligation to extend city services out to the Starr property. Principal Planner Lang responded that it does not unless the property is being annexed into the city and that the property in question is too far away to annex.

Chairman DeMakis opened up comments from the public.

Laverne Knapp addressed the Commission asking for help locating her property which was just outside of the City's Two-Mile Extraterritorial Jurisdiction (ETJ), but still within the 300-foot notification zone. Principal Planner Lang helped locate her property on the map and assured her that it was only one existing property being affected and one new lot.

After the public hearing was closed, Assistant City Attorney Stalheim informed the Commission that there are 10 members appointed to the Commission by the City and three by the county, bringing the total to 13 with one position currently open in each category for 11 active members. Therefore, a quorum requires seven commission members and only six are present.

Chairman DeMakis called a recess until 5:45 to allow city staff time to get a hold of one of the missing commissioners, stating that "absent a quorum we cannot take action."

During the recess, Commissioner Bauman suggested that staff maintain a commissioner contact sheet so that the Commission doesn't find itself in this position again.

Assistant City Attorney Stalheim stepped out of the room to contact Commissioner Bullinger by telephone, who was then kept on the line to vote on the item.

Chairman Demakis put the item forward for discussion, for which there was none.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl, and was carried by the

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following roll call vote: ayes: Barnett, Baumann, Bullinger*(by phone), DeMakis, Hochhalter, Offerdahl, Wegenast nays: none

Motion carries

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:50 PM.