

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 1 of 8

Regular Meeting: Planning Commission

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

Meeting Called to Order: Tuesday, October 06, 2020, 5:30 p.m.

Presiding Official: Chairman, Charles DeMakis

Members in Attendance: Kelly Barnett, Tim Baumann, Charles DeMakis, Elisha Gates, Justin Hochhalter, Shane Lider, Tammy Nesdahl, Dustin Offerdahl, Todd Wegenast.

Members Absent: Jody Bullinger, Aaron Faken, Todd Koop, Boyd Sivertson

City Staff Present: Community and Economic Development Director Billingsley, City Engineer Meyer, Assistant City Planner Baumgartner, Assistant City Attorney Stalheim.

Others Present: Helen Otto, Marlyn Bischke, Tom Mickelson

Meeting Called to Order by Chairman Charles DeMakis at 5:30 p.m.

Roll Call

Pledge of Allegiance

Approval of the September 01, 2020 Regular Meeting Minutes

Motion by Commissioner Offerdahl to approve the September 01, 2020 Planning Commission Meeting Minutes, second by Commissioner Hochhalter, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Lider, Nesdahl, Offerdahl, Wegenast nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Rezoning – Chaparelle Subdivision, Less Lots 1 & 2, Sundre Valley Addition, Block 1, Lots 1-7 and Block 2 Lots 1-15, and Outlots 27 & 47 of Section 4-155N-82W.

Planning Commission recommends City Council pass an ordinance on first reading to change the zone from M1 "Light Industrial District" and C2 "General Commercial District" to R1 "Single-Family Residential District".

These properties are located at 3821, 3901, 3911, 4001, 4111, 4121, 4221, 4301, 4311, 4321, 4401, 4411, 4421, 4501, 4511, 4515, 4601, 4621, 4701, 4801, 4811, 4821, 4901, 4911, 4921, 5001, 5011, 5021, 5101, and 5111 County RD 19 S & at 4600 Highway 52, Lots 14-38.

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

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 2 of 8

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 rezoning from M1, Light Industrial and C2, General Commercial to R1, Single-Family Residential and RA, Agricultural Residential, to the City Council.

Chairman DeMakis asked the Principal Planner for staff comments.

The City of Minot is requesting approval to rezone the Chaparelle Subdivision, Less Lots 1 & 2, Sundre Valley Addition, Block 1, Lots 1-17 and Block, 2 Lots 1-15, and Outlots 27 of Section 4-154N-82W from C2, "General Commercial" and M1, "Light Industrial" to R1, "Single-Family Residential." Outlot 47 of Section 4-154N-82W will be rezoned from M1, "Light Industrial" to RA, "Agricultural Residential." These properties are located at 3821, 3901, 3911, 4001, 4111, 4121, 4221, 4301, 4311, 4321, 4401, 4411, 4421, 4501, 4511, 4515, 4601, 4621, 4701, 4801, 4811, 4821, 4901, 4911, 4921, 5001, 5011, 5021, 5101, and 5111 County RD 19 S & at 4600 Highway 52, Lots 14-38.

According to the 1962 Ward County Zoning Map that the City of Minot has for Sundre Township, Ward County lists the area between County Road 19 South and Highway 52 South as being zoned as M1, Light Industrial. In 1962, the County platted the Sundre Valley Addition, in 1971 they platted the Chaparelle Subdivision, and in 1979, Outlot 27 was created. At some point between 1997, when Lots 1-6 of the Sundre Valley Addition were brought into Minot's 2-Mile Extraterritorial Jurisdiction, Lots 1-7 of the Sundre Valley were rezoned from M1 to C2, General Commercial. Lots 1-6 were changed from Ward County's C2 zoning to Minot's C2 zoning in 1997. Fast-forwarding to 2011, Outlot 47 was created from Lots 16 and 17, Sundre Valley Addition and an unplatted portion of SE ¼ of the NW ¼, Section 4-154N-83W. In 2012, the entirety of the Chaparelle Subdivision, less Lots 1 & 2 were brought into Minot's 2-Mile Jurisdiction and were rezoned from Ward County's M1 zoning to Minot's M1 Zoning.

The properties involved in the proposed rezoning all currently either have residential structures on them or are under common ownership with a next door lot that has one.

The subject properties are currently either M1, Light Industrial District or C2, General Commercial District and are proposed to all be changed to R1, Single-Family Residential District, with the exception of Outlot 47. Each lot meets the required minimum lot size of either 7,500 square feet for an interior lot, or 9,000 square feet for a corner lot in R1 zoning. Outlot 47 of Section 4-154N-82W meets the minimum required lot size of 2.0 acres in RA, Agricultural Residential zoning. The land use designation on the Future Land Use Map of the Comprehensive Development Plan currently does not cover this area, however, staff believes that the proposed rezoning would be within the character of the neighborhood. The city plans to address this gap in the Future Land Use Map of the Comprehensive Development Plan in the 2021 update.

Chairman DeMakis opened up comments from the commissioners. There were none.

Chairman DeMakis opened up comments from the public.

Marlin Bischke stood up, mentioning that he was neither for or against the rezoning but was seeking clarification, and started off asking several questions with the following statement "I have a map of the 1962 Sundre Township Zoning Map provided to me by the City Planner. On the back side of that map is

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 3 of 8

some background information about the proposed zoning area. Near the bottom of that information, reference is made to a Comprehensive Development Plan and city plans to address a gap in the Future Land Use Map of said plan. Following this statement that his questions were as follows.

- 1) Is there a plan in the CDP to annex the aforementioned rezoning area into Minot City Limits?
 - a. Mr. Bischke said that staff had answered that already and that was not part of the plan
- 2) Is part of the motivation for this rezoning beyond what is mentioned in the information we received, e.g. to force the residents to connect to the Minot City Sewer System either through the existing line installed and owned by Paul Zaharia or a new line that would be constructed on an easement SE of the existing sewer line in Talon Point?
 - a. This was also answered by Director Billingsley during his testimony, Mr. Bischke moved on the next question before it was answered.
- 3) What are the requirements for an area such as the proposed rezoning area to be annexed into the City of Minot?
 - a. Director Billingsley answered that it has to be adjacent to city limits and that the area in question is over a mile out of city limits
- 4) Is the Talon Point Addition inside the Minot City Limits and is it zoned R1?
 - a. Director Billingsley answered that it is not within city limits and he did not know at the time if it was zoned R1 (it is indeed zoned R1).

Tom Mickelson then stood up and said he was not opposed to the rezoning if it would have any effect on his property taxes. Director Billingsley said that he can talk to the City Assessor about it after the meeting and get back to him. Mr. Billingsley corrected himself a few moments later and advised Mr. Mickelson to speak to the Ward County Assessor since these properties are located in the two-mile. Mr. Bischke then got back up and mentioned that he spoke to the County Equalization Office and confirmed that taxes is based of usage, not zoning, so the taxes would not change.

Helen Otto then got up and said that she had spoken to the equalization office and their taxes would not go up.

Chairman Demakis asked for a motion from the commissioners.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Bauman, DeMakis, Gates, Hochhalter, Lider, Nesdahl, Offerdahl, Wegenast. nays: None

Motion carries

Item #2

Subdivision – Ramstad Heights 10th Addition, Lots 1 & 2

Planning Commission recommends City Council approve a subdivision plat by consolidating the following from Ramstad Heights 2nd Addition, Lot 4, Ramstad Heights 3rd Addition, Lot 6, and a vacated portion of Kodiak Street Northwest, to be known as Ramstad Heights 10th Addition, Lots 1 & 2.

These properties are located at 3421 15th St NW and 1421 35th Ave NW.

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 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

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 4 of 8

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. 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 to consolidate two existing lots, Lot 4, Ramstad Heights 2nd Addition and Lot 6, Ramstad Heights 3rd Addition, as well as a vacated portion of Kodiak Street, into a two-lot subdivision to be known as Lots 1 & 2, Ramstad Heights 10th Addition. These properties are located at 1421 35th Ave NW and 3421 15th St NW.

One lot, being Lot 6 of Ramstad Heights 3th Addition, is under ownership by the applicant, the other lot is under ownership by a neighbor who also involved with the subdivision. Both lots have single-family homes on them.

Following suit with Ramstad Heights 5th Addition, each of the lots in the proposed subdivision are being replatted to absorb the 10' of vacated Kodiak Street Northwest. Other than that, the proposed lots are going to be largely the same as their predecessors from the Ramstad Heights 2nd and 3rd Additions. Proposed Lot 1 will be approximately 10,238 square feet or 0.24 acres. Lot 2 will consist of approximately 11,475 square feet or .26 acres. The proposed lots meet the minimum lot size requirements of 7,000 square feet in R1S zoning for a corner lot. The location of the new lot lines meets all setback requirements in R1S zoning bulk regulations.

The properties involved in this subdivision are currently zoned R1S, "Single-Family Residential District with Small Lot Size Flexibility", and will remain as such. The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts these properties as "Medium Density Residential." The requested lot consolidation is in conformance with the land use map designation and it will not be amended.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Baumann asked Mr. Baumgartner if due to the lot size expansion will the proposed subdivision be taking over the sidewalk and going right up to the road. Mr. Baumgartner responded that sidewalk will not be taken over by proposed subdivision, the 10' eastward expansion would only be taking

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 5 of 8

the land that was set aside for the abandoned walking path and that the sidewalk would remain in the public right-of-way.

Chairman DeMakis opened up comments from the public. There were none.

Chairman Demakis asked for a motion from the commissioners.

Motion by Commissioner Wegenast, to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Bauman, DeMakis, Gates, Hochhalter, Lider, Nesdahl, Offerdahl, Wegenast. nays: None

Motion carries

Item #3

Subdivision, Rezoning, Comprehensive Plan Map Amendment, and a Conditional Use Permit – Southeast Ridge Business Park 2nd Addition, Lots 1-24

Planning Commission recommends City Council pass an ordinance on first reading to change the zone from MH “Manufactured Home District” to M1 “Light Industrial District”, adopt a resolution to amend the Comprehensive Land Map from “Medium Density Residential” to “Industrial”, approve a 24-lot subdivision to be known as Southeast Ridge Business Park 2nd Addition, Lots 1-24 and approve a resolution for a Conditional Use Permit (CUP) to place bulk propane storage tanks on one of the lots that will be zoned M1.

These properties are located at the approximate intersection of 35th Street and 13th Ave SE extending south.

Finding of Facts:

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

- 1) The applicant has submitted a complete application.
- 2) The proposed uses are conditionally permitted by the terms of the ordinance and are subject to conditions of approval.
- 3) The applicant’s request will be consistent with Minot’s Comprehensive Plan, following the proposed amendments.
- 4) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
- 5) The rezoning request is in character with the surrounding zoning and use of land.
- 6) 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, Comprehensive Plan Amendment, and zone change, subject to the following conditions, to the City Council:

- 1) A storm water management plan is required for development.
- 2) A traffic impact study is required for future development.
- 3) Connection fees are required for future development.
- 4) Roads and utilities will be private and require easements.

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 6 of 8

- 5) A 30' wide easement is required over the entire length of the existing sanitary sewer force main.
- 6) A Developer's Agreement is required prior to the recording of the plat.
- 7) An owner's association(s) is required prior to the recording of the plat.
- 8) 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.
- 9) If substantial construction has not taken place within one (1) year of the date on which the conditional use permit was granted, the permit is void except that, on application, the council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period, as it deems appropriate. If the conditional use is discontinued for six (6) months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this title, but the six (6) month period shall not be deemed to commence until the effective date of this title.
- 10) An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include reapplications for permits that have expired or have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance. Applications for conditionally permitted uses which consist of multiple structures to be developed on the property shall include a conceptual development plan showing the structures proposed. The conditional use permit is approved for the use of the property which does not require an amendment each time a structure is proposed; however, once proposed development exceeds the approved conceptual development plan or if the characteristics of use change, an amended application shall be submitted for consideration.
- 11) Any change in ownership requires the renewal of the conditional use permit.
- 12) Liquid propane storage tanks are conditionally permitted on Lot #24. The tanks shall have a maximum combined capacity of 270,000 gallons. The tanks shall meet all setback requirements from all buildings, public ways, and lots lines of adjoining property that can be built upon to a distance that is required in Section 6104.4 and Table 6104.3 of the 2018 International Fire Code. Increasing the maximum capacity of the storage tanks on this lot beyond 270,000 gallons shall require a new conditional use permit.
- 13) Per Section 6111 of the 2018 International Fire Code, LP gas tank vehicles shall not be left unattended at any time on property within 500-feet of a residence.

Chairman Demakis asked the Principal Planner for comments.

The applicant is requesting approval of a 24-lot mixed use subdivision. Eight (8) of the lots are to be rezoned from MH, Manufactured Home District to M1, Light Industrial District. For these seven (8) lots, the applicant is requesting to amend the Future Land Use Map (FLU) from Medium Density Residential to Industrial, for the remainder of the lots are to stay zoned MH the applicant is requesting that the FLU be amended to designate them as Manufactured Home Park instead of Medium Density Residential. Additionally, the applicant is requesting a Conditional Use Permit (CUP) for proposed Lot 24, to allow for the storage and distribution of propane.

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 7 of 8

Both properties are currently under common ownership by the property owner and are vacant.

The proposed subdivision consists of two lots that are approximately 16.80 acres in area and will be divided up the following ways. Lots 2-5, 22, and 23, the lots that will have shop condos on them, will all consist of approximately 10,000-16,540 square feet or 0.23-0.38 acres. Lots 6-21, the properties that will remain MH, will all consist of approximately 13,322-18,343 square feet or 0.31-0.42 acres. Lot 24 will consist of approximately 146,020 square feet or 3.35 acres. The remaining land in the subdivision will be consolidated into Lot 1 and will consist of approximately 271,000 square feet or 6.22 acres. Lots 1-5, and 22-24 all meet the minimum lot size of 10,000 square feet for M1 zoning, Lots 6-21 meet the minimum lot size of 7,500 square feet for interior lots and 9,000 square feet for a corner lot in MH zoning. All of the proposed lots meet the bulk requirements for their respective zoning districts.

Currently, a small portion of Lot 24 and the bulk of Lot 1 is in the 500-year floodplain. On the proposed FEMA floodplain map, Lot 24 is entirely out of the floodplain and roughly the southern 2/3 of Lot 1 is either in the 100 or 500-year floodplain. Any future development in these areas would require some additional fill to be brought in.

The majority of the lots on the property are going to remain zoned as MH, Manufactured Home District, those that will be changing are going to M1, Light Industrial District. The land use designation on the Future Land Use Map of the Comprehensive Development Plan currently has these properties designated as "Medium Density Residential", which is out of conformance with their proposed uses. For those lots that are going to be rezoned to M1, their designation on the FLU map will be amended to "Industrial" to be consistent with the propose zoning and use of those lots, for those that are staying MH, the Map will be amended to "Manufactured Home Park".

The applicant also proposes to place three (3) liquid propane storage tanks on Lot #24. The placement of these tanks will be regulated through a conditional use permit, which the applicant has submitted an application.

Chairman DeMakis opened to comments from commissioners.

Commissioner Baumann asked Director Billingsley if he could tell him if there are any safeguards that would stop any through traffic through the industrial park or anything that would stop the industrial vehicles from moving through the manufactured home neighborhood. Director Billingsley responded that the only safeguards there are is that the tankers can't park in the residential districts or within 500 feet of a residential property, unless they are attended by an employee.

Chairman DeMakis opened up comments from the public. There were none.

Chairman Demakis asked for a motion from the commissioners.

Commissioner Baumann voiced his concerns over the project, including his concerns over traffic and the location of the tanks being that close to a residential neighborhood, and the river and the conceptual greenway, and that due to these concerns he was going to not support the project.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Barnett, and was carried by the following roll call vote: ayes: Barnett, DeMakis, Hochhalter, Lider, Nesdaahl, Offerdahl, Wegenast. nays: Baumann and Gates.

Motion carries

PLANNING COMMISSION MINUTES

Regular Meeting

October 06, 2020

Page 8 of 8

Other Business:

1. The November Planning Commission meeting has been moved to November 4, 2020.
2. Discuss 2021 Planning Commission meeting schedule.
 - a. Director Billingsley explained that we want to stay on the first or third week of the month to give staff more time to prepare everything for City Council
 - b. It was agreed the next year's meetings would all happen on the first Tuesday of the month in 2021, except when City Council is on that Tuesday, then the Planning Commission would meet on the following Wednesday.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:15 PM.