

PLANNING COMMISSION MINUTES

Regular Meeting

November 04, 2020

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Regular Meeting: Planning Commission

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

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

Presiding Official: Dustin Offerdahl, Vice Chairman

Members in Attendance: Kelly Barnett (on Teams), Tim Baumann (on Teams), Aaron Faken (on Teams), Elisha Gates (on Teams), Justin Hochhalter (on Teams), Todd Koop, Tammy Nesdahl, Dustin Offerdahl, Todd Wegenast

Members Absent: Jody Bullinger, Charles DeMakis, Shane Lider, Boyd Sivertson

City Staff Present: Community and Economic Development Director Brian Billingsley, Principal Planner John Van Dyke, Assistant City Planner (Planner I) Peter Baumgartner, Assistant City Attorney Stephanie Stalheim (on Teams), City Engineer Lance Meyer (on Teams).

Others Present: Lyrissa Ronyak, Applicant for Item #4; Mike Ilse and Todd Busche, Representative and Applicant for Item #6; Kerry Fines, Adjacent property owner in opposition to Item #4

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

Roll Call

Pledge of Allegiance

Approval of the October 06, 2020 Regular Meeting Minutes

Motion by Commissioner Koop to approve the October 06, 2020 Planning Commission Meeting Minutes, second by Commissioner Wegenast, and was carried by the following roll call vote: ayes: Barnett, Baumann, Faken, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Wegenast nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Subdivision – The Bluffs 15th Addition

Planning Commission recommends City Council approve a subdivision plat to create a new subdivision from Lot 24, Block 1, The Bluffs Addition and Lot 5, The Bluffs 11th Addition, with the intention of selling a portion of Lot 5 to his neighbor. The resulting lots will be known as Lots 1 & 2, The Bluffs 15th Addition.

These properties are located at 3517 and 3521 21st Street SE.

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 and

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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.

Vice Chairman Offerdahl asked Assistant City Planner Baumgartner for comments.

The applicant is requesting approval to make a lot line adjustment between Lot 34, Block 1, The Bluffs Addition and Lot 5, The Bluffs 11th Addition to reflect a sale of land from Lot 5 to Lot 34. The subdivision that will result from this adjustment is to be known as Lots 1 & 2, The Bluffs 15th Addition. These properties are located at 3517 and 3521 21st Street SE.

Lot 5 of The Bluffs 11th Addition, is vacant and is owned by the applicant, Lot 34 is owned by his neighbor and has a single-family house on it. The applicant is selling the land that he acquired in The Bluffs 11th Addition to his neighbor on Lot 34.

Lot 1 of The Bluffs 15th Addition will be adding 7824 square feet from the Lot 5 of The Bluffs 11th Addition and consist of approximately 20,694 sqft or .48 acres. The remainder of Lot 5 will make up proposed Lot 2 and will consist of 23,385 square feet or .54 acres, more or less. Both lots meet the minimum lot area requirements of 7,500 square feet in R1 zoning. The location of the new lot lines meets the all setback requirements and R1 zoning regulations.

Vice Chairman Offerdahl opened up comments from the commissioners. None of the Commissioners had any.

Vice Chairman Offerdahl opened up comments from the public. No one from the public got up to speak for or against the proposed subdivision plat.

Vice Chairman Offerdahl asked for a motion from the commissioners.

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

Motion carries

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Item #2

Subdivision – The Bluffs 16th Addition

Planning Commission recommends City Council approve a subdivision plat to consolidate Lots 33 & 34, Block 1, The Bluffs Second Addition and Lot 26, The Bluffs 7th Addition, into two new lots to be known as Lots 1 & 2, The Bluffs 16th Addition.

These properties are located at 81, 85 & 89 Valley Bluffs Court.

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 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.

Vice Chairman Offerdahl asked Assistant City Planner Baumgartner for comments.

The applicant is requesting approval to create a new subdivision from Lot 33 and 34, Block 1, The Bluffs 2nd Addition and Lot 26, The Bluffs 7th Addition with the intention of splitting Lot 34 between the two adjacent lots. The resulting subdivision be known as Lots 1 & 2, The Bluffs 16th Addition. These properties are located at 81, 85, and 89 Valley Bluffs Court.

As of this time, Lot 34, Block 1, The Bluffs 2nd Addition has already been split in half and deeded over to both the applicant and his neighbor, the owner shown on both the Ward County Parcel Map and the City of Minot GIS system is no longer involved. Of the three properties involved in the subdivision, two of them have single-family homes on them and one is owned by the applicant, the other is owned by the neighbor that he is splitting Lot 34 with.

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Proposed Lot 1 of The Bluffs 16th Addition will consist of approximately 32,563 sqft or .75 acres. Lot 2 will consist of 25,399 square feet or .58 acres, more or less. Both lots meet the minimum lot area requirements of 7,500 square feet in R1 zoning. The location of the new lot lines meets the all setback requirements and R1 zoning regulations.

Vice Chairman Offerdahl opened up comments from the commissioners. None of the commissioners had any.

Vice Chairman Offerdahl opened up comments from the public. No one from the public got up to speak for or against the proposed subdivision plat.

Vice Chairman Offerdahl 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 Koop, and was carried by the following roll call vote: ayes: Barnett, Baumann, Faken, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Wegenast nays: None

Motion carries

Item #3

Subdivision – Johnerson’s 2nd Addition

Planning Commission recommends City Council approve a subdivision plat to replat Lot 6, Johnerson’s Subdivision of Lots 8, 9 & 10 of Hecker’s Second Addition to include an adjacent abandoned alleyway. The resulting property will be known as Lot 1, Johnerson’s 2nd Addition.

This property is located at 924 Valley Street.

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 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). A utility access easement must be shown on the site of the proposed alley vacation for the final plat.
2. All three properties abutting the vacated alley will be required to be shown on the final plat.
3. The signatures from the owners of all three properties abutting the vacated alley will be required on the final plat.
4. 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.

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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.

Vice Chairman Offerdahl asked the staff for comments.

The applicant is requesting approval to vacate a city owned alleyway through subdivision and add it to his property. The resulting subdivision will be known as Johnerson's 2nd Addition. This property is located at 924 Valley Street SE.

Normally when an alleyway is vacated it is split among the property's abutting it evenly, in this case however, the applicant owns two of the abutting properties and has acquired the rights to the remaining portion of the alleyway from his neighbor. The property that the applicant is involving with the subdivision plat, 924 Valley St, currently has a single-family home on it, and the alleyway that he is seeking to add to his property has a concrete pad situated on its northwestern end.

Overall, the property is going to be slightly larger than it is now. Johnerson's 2nd Addition will consist of approximately 5,900 square feet or .14 acres.

Vice Chairman Offerdahl opened to comments from commissioners. None of the Commissioners had any comments.

Vice Chairman Offerdahl opened up comments from the public. No one from the public came forward to speak for or against the proposed subdivision plat.

Vice Chairman Offerdahl asked for a motion from the commissioners.

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

Motion carries

Item #4

Conditional Use Permit – Prairie Green Addition N 100' of Lot 25

Planning Commission recommends City Council approve a resolution for a Conditional Use Permit to operate a doggie daycare.

This property is located at 3001 7th Street SW.

Finding of Facts:

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

1. The applicant has submitted a complete application.

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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. This request meets the additional standards required by Section 30-3 c) related to Conditional Use Permits with the following conditions of approval:
 - An eight (8) foot sight-obscuring fence shall be installed surrounding the fenced area per the site plan. The fence shall be constructed with materials of either wood, vinyl, or slatted chain link.
 - The hours of operation shall be limited to between 6:30am and 7:00pm
 - Animal waste shall be disposed of in a timely and sanitary manner. Pea gravel shall be placed within the fenced area per the site plan and shall be sanitized routinely as needed to remove odors.
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 Conditional Use Permit, subject to the following conditions, to the City Council:

1. The parking lot shall be paved to fit 12 parking spaces, one of which must be an ADA van parking space.
2. An eight (8) foot sight-obscuring fence shall be installed surrounding the fenced area per the site plan. The fence shall be constructed with materials of either wood, vinyl, or slatted chain link.
3. The hours of operation shall be limited to between 6:30am and 7:00pm
4. Animal waste shall be disposed of in a timely and sanitary manner. Pea gravel shall be placed within the fenced area per the site plan and shall be sanitized routinely as needed to remove odors.
5. 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.
6. 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.

Vice Chairman Offerdahl asked the Principal Planner for comments.

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The applicant is requesting approval to obtain a Conditional Use Permit (CUP) for a doggie daycare. This property is located at 3001 7th St SW.

The property is currently owned by Mike Vetter and is intended to be sold to the applicant subject to the Conditional Use Permit approval. The property itself consists of a vacant building and a parking lot. The property is currently zoned C2, General Commercial District which specifies "Doggy Daycare" as a conditional use per Section 11-4. f).

Section 30-3 c) related to standards for all conditional use permits, provides for ten (10) standards in addition to the bulk requirements for the respective zone of the property in question. Conditions may be required to mitigate negative characteristics related to the proposed use. Section 30-3 c) states, "In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses."

Staff finds that eight (8) of the ten (10) standards for approval are met without additional conditions being necessary and two (2) standards for approval can be met with additional conditions. The two (2) standards requiring additional conditions are found in Section 30-3 c) 4 & 7 (see below):

- 4. Will not be hazardous or disturbing to existing or future neighboring uses.*
- 7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, **noise**, smoke, fumes, glare or odors.*

Staff maintains concerns with mitigating noise of the barking dogs within the fenced area becoming a nuisance the adjacent residential uses to the north and east. The applicant has already indicated that an eight (8) foot tall chain link fence will be installed in their letter of intent. A follow-up phone call by staff to the applicant determined that slats would also be used. To formalize this condition and to allow the applicant flexibility to change the materials of fencing to either wood or vinyl, staff recommends this as a condition of approval. The applicant is amenable to this condition.

The Doggy Daycare is, in part, separated from a kennel by hours of operation. Typically, kennels would be longer-term housing including overnight stays. This would require a separate evaluation by staff to mitigate impacts to adjacent property owners. Staff is recommending limited hours of operation to prevent overnight use of the fenced area. The applicant is amenable to this condition.

The City received a comment in opposition to the Conditional Use Permit (CUP) and is included as an attachment. One of the concerns related to the potential for animal waste runoff onto their property to the North, particularly when it rains or during spring thaw. The applicant indicated in the letter of intent that pea gravel will be utilized within the fenced area so it can be sanitized periodically to reduce or eliminate odors. To formalize the intent of the applicant related to this matter, staff recommends including a condition addressing this concern should the Planning Commission approve the CUP.

In summary, staff recommends including the following as conditions of approval:

- An eight (8) foot sight-obscuring fence shall be installed surrounding the fenced area per the site plan. The fence shall be constructed with materials of either wood, vinyl, or slatted chain link.
- The hours of operation shall be limited to between 6:30am and 7:00pm

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- Animal waste shall be disposed of in a timely and sanitary manner. Pea gravel shall be placed within the fenced area per the site plan and shall be sanitized routinely as needed to remove odors.

The property exceeds the minimum lot size requirement of 10,000 sqft in C2 zoning, it meets the majority of the bulk requirements found in the zoning ordinance, it does not however meet the requirements for building setbacks, as a result, any expansion of the building would have to be brought up to a code that it could not meet. The Future Land Use Map of the Comprehensive Plan depicts the area as being designated "Commercial" The CUP are in conformance with the comprehensive plan and it needs not be amended.

Vice Chairman Offerdahl opened to comments from commissioners.

Vice Chairman Offerdahl asked if there was any stipulation on whether the hours were just for Monday-Friday or if that covered the weekend as well. Principal Planner Van Dyke responded that staff did not restrict it to any specific days of the week and he did not recall if applicant specified it in her letter of intent, but she is in attendance to answer it.

Vice Chairman Offerdahl opened up comments from the public.

The property owner for the multi-family building to the north, Kerry Fines stating the following concerns:

- His building has 18 bedrooms within 30 feet of that building and the dog noise would have an effect on his tenants.
- Due to the elevation of the proposed location being 6 feet higher than his property, he currently has water runoff issues and is concerned about animal waste adding being thrown into the mix.
- He was also concerned about the customers of the proposed doggie daycare parking on the street, stating that "it's a very narrow street, it has an awful lot of traffic, and there is no place for cars on that street."

He concluded that he is totally opposed to the project because he has 36 bedrooms within 75 feet of that building and there's got to be a commercial lot that you can put that building on somewhere else. The building he has is zoned R3B, it's not commercial.

Vice Chairman Offerdahl asked him to clarify that the address he owns is 2901 and what his name is. Mr. Fines responded that that is the property he owns and that his name is Kerry Fines. Mr. Fines also mentioned that he spoke to several other property owners in the area and that said that they were also opposed. Mr. Fines finally went on to state that he does not know how many dogs will be there and reiterated that 7th Street SW is a narrow street that people park on, he doesn't like the idea of the drainage or of the dogs being there.

Vice Chairman Offerdahl told Mr. Fines that the applicant can answer some of his questions and after she has a chance to speak she he can get up and answer some more if he needs to.

Ms. Ronyak then got up gave us the scope of her business and the plans for the proposed property:

- Their hours of operation are currently Monday-Wednesday, 7:00am to 4:00pm; Thursday and Friday, 7:00am to 3:00pm; and one Saturday a month, 9:00am to 3:00pm
- They are currently book through 2021, having become popular since they opened in 2018
- They only offer grooming services at this time but many of her clients already treat them like a daycare, dropping their dogs and cats off before work and picking them up at lunch or after work.
- Their main issue now is that they don't have the ability to let dogs go outside and go to the bathroom, resulting in them either holding it or making a mess and needing to be regroomed.

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- With moving into a new property, they are building an 8' fence and are putting a concrete mow strip underneath it to prevent the dogs from digging out.
- She didn't realize there is a drainage issue with the building.
- There are 30-40 dogs going in and out of it each day with drop off and pick up being spaced out in intervals. The check in, check out process is quick unless it's a new client, in which case they do an interview with the dog and it's parents
- She mentioned that it isn't a kennel, it's an established grooming business and they want the ability to let the dogs go outside and do their business.

Commissioner Wegenast asked how she plans to address the drainage issues, to which Ms. Ronyak responded that she thinks the concrete barrier she's placing under the fence should help deter some of the runoff and that the dogs will not be out there 24/7, and she open to look into other ways to negate the current runoff issues.

Vice Chairman Offerdahl asked if that is with the pea gravel that was mentioned. She responded in the affirmative and that it is the easiest to sanitize though she would like to move to a rubberized surface at some point in the future.

Commissioner Gates asked if the animals will be limited to how many will be outside at any time, if they will be supervised, and if there was a limit to how long they will be out there for. Ms. Ronyak responded that it will be 4-6 normal dogs and 6-8 small dogs at any time, and although there will be 30-40 dogs going through in a day they will most likely not all be there at the same time and that it would be scheduled like how a human daycare is. Additionally, for every two dogs outside, there will be one employee watching.

Mr. Fines mentioned that he thought that the fence couldn't be built as depicted, it would have to be closer to the building and that there are still drainage issues that shouldn't be there because the City of Minot requires a drainage plan when something is built. Ms. Ronyak responded

Commissioner Barnett asked if there are animals in the apartment that Mr. Fines owns to which he responded that there are due to people being able to get special use dogs that you can't restrict, and he believes that there are two.

Ms. Ronyak responded that she doesn't actually own that hill, Mr. Fines does and that the drawing is actually overblown. She also mentioned that there are dogs in the building to the East in addition the ones at the nearby animal clinic and at Pet Parade.

With no further questions, Vice Chairman Offerdahl closed the public hearing.

Vice Chairman Offerdahl asked for a motion from the commissioners.

Commissioner Wegenast asked if it would be reasonable to add a condition for a drainage plan. To which Principal Planner Van Dyke referred him to City Engineer Meyer. Meyer had the following to say:

- This area was platted before these regulations were put in place in 2006, as thus the area was not designed with them in mind.
- He would encourage that Ms. Ronyak and Mr. Fines work together to find a solution, regardless of what it is.
- Looking at the existing contours for the area, the South half of the building and parking lot would drain toward 7th St SW, the North side drains to the North.
- In his opinion, a plan would be more of a private property issue between the two and there isn't much that the City of Minot cannot do about it.

With no further questions, Vice Chairman Offerdahl once again opened it up for a motion.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Koop.

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Commissioner Wegenast clarified that if there are any major issues, he believed that they can be addressed by the Conditional Use Permit.

Commissioner Baumann asked Director Billingsley if we have anything in the zoning code for Conditional Use Permits (CUP) that would prompt a buffer yard to be placed between the two properties. Principal Planner Van Dyke responded that the nature of CUP acknowledges that certain uses of land may not be appropriate at all locations within the district and that's where the adjacent uses and zones would be taken into consideration, potential future development, and in this case the concerns that were brought forward. That is where the conditions that staff included come into play, it's all part of the context of the applicant and it's not just an allowed use. The case came before Planning Commission to determine whether or not the conditions that staff came up with are adequate to mitigate the externalities that are spilling over into the adjacent property.

Commissioner Baumann clarified his previous question and asked: going from C2 to residential, the owner of the C2 zone would normally be required to put up a buffer in-between the two zones, would that apply here? Principal Planner Van Dyke responded that this project is not new construction, so it would not.

With no further questions the commissioners voted on the aforementioned motion and it was carried by the following roll call vote: ayes: Barnett, Baumann, Faken, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Wegenast nays: None

Motion carries

Item #5

Outlot Plat, Zone Change and Comprehensive Plan/Future Land Use Map Amendment, Outlot 1, Section 10-154-83

Planning Commission recommends City Council pass an ordinance on first reading to change the zone from AG "Agricultural District" to P "Public", adopt a resolution to amend the Comprehensive Land Use Map from "Rural/Agricultural" to "Cemetery", and approve an outlot plat from an unplatted portion of the NE ¼ NE ¼ of Section 10-154N-83W for a family cemetery for private use.

This property is located in an unplatted portion of the NE ¼ NE ¼ of Section 10-154N-83W.

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 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 outlot plat application and rezoning request, and Future Land Use Map amendment subject to the following conditions, to the City Council:

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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.
2. The location of the burial sites shall be limited to those shown in the exhibit on the Outlot Plat Exhibit.

Vice Chairman Offerdahl asked the Brian Billingsley, Community and Economic Development Director for comments.

The applicant is requesting approval of the creation of a new outlot from a portion of unplatted land located in the NE ¼ NE ¼ of Section 10-155N-83W for the purpose of placing a family cemetery. This new outlot will be known as Outlot 1 of Section 10-155N-83W. The applicant is also requesting to have the property rezoned from "AG" Agricultural District to "P" Public and to have the Future Land Use (FLU) of the Comprehensive Plan amended to Cemetery for this property. This property is located approximately 1,050 feet West from the intersection of 16th St SW and 54th Ave SW.

The land that the outlot is being created from is currently owned by the applicant's mother-in-law, for whom he is undertaking this application on behalf of. The proposed outlot is currently vacant.

The Outlot 1 will be approximately 10890 sqft or .25 acres. The proposed property will be rezoned from AG, Agricultural to P, Public District.

The land use designation on the Future Land Use Map of the Comprehensive Plan depicts this property as being "Medium Density Residential," due to the change of use of the property, the FLU is going to be amended to show Outlot 1 as being classified as a "Cemetery".

Vice Chairman Offerdahl opened to comments from commissioners. None of the commissioners came forward with any questions.

Vice Chairman Offerdahl opened up comments from the public. No one from the public came forward to speak for or against the project, however there was one public comment that was included as part of staff's presentation, it is as follows:

"I can't believe that this is even a possibility this close to town . I would hope that the planing commission would look at the sounding area area and the houses in the area and realize the affect that a cemetery could have on property values sounding the area , and the possibility that the family will not Owen this ground for ever and the body's will end up being moved someday witch is a huge expenses. I hope to here your decision, please keep in mind I live out of state, and regret I am not able to travel to be at the meeting."

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Vice Chairman Offerdahl 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 Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Faken, Hochhalter, Koop, Nesdahl, Offerdahl, Wegenast nays: Gates

Motion carries

Item #6

Conditional Use Permit and Zone Change – Highlander Estates 2nd Addition, Lots 1, 2, 4 & 8

Planning Commission recommends City Council pass an ordinance on first reading to change the zone from C1 "Neighborhood Commercial District" to C2 "General Commercial District" and pass a resolution for a Conditional Use Permit on Lot 8 for a carwash.

These properties are located at 2050, 2051, 2250 and 2251 36th Avenue SW.

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. Per the staff's analysis of this case, the applicant's request is consistent with Minot's Comprehensive Plan.
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 zone change and CUP, subject to the following conditions, to the City Council:

1. Site plan storm water management plan must conform to existing plan on file or submit a modification for review, conform to NAWS easement requirements, sewer connection fees apply, access must be from 36th Ave SW only and locations must be approved by the traffic engineer, sidewalks are required on 36th Ave SW and 23rd St SW.
2. The car wash shall be designed to be an integral part of the principal building, or, if freestanding, constructed of the same materials and design of the principal structure.
3. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of carwash and the amount of time it takes to wash the vehicle. Stacking space shall not interfere with parking spaces or traffic circulation.
4. The exit from the car wash shall have a drainage system which is subject to approval by the City and gives special consideration to the prevention of ice build-up during winter months.
5. Neither the carwash nor an accessory vacuum shall be located within three hundred (300) feet of any residentially zoned or guided property, unless completely screened by an intervening building

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or located across an arterial or major collector roadway from residentially zoned or guided property.

6. 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.
7. 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.

Vice Chairman Offerdahl asked Director Billingsley for comments.

The applicants are requesting approval to rezone lots 1, 2, 4, and 8 of Highlander Estates 2nd Addition from C1, Neighborhood Commercial to C2, General Commercial and to obtain a Conditional Use Permit (CUP) for a car wash on Lot 1. These properties are located at 2051, 2151, 2250, and 2251 36th Ave SW.

Lots 1, 4, and 8 of Highlander Estates 2nd Addition are owned by one of the applicants, Blue Ridge Properties, LLC while Lot 2 is owned by Highlander Office Park, all four properties are currently vacant.

All four properties are currently zoned C1, Neighborhood Commercial District and are all going to be changed to C2, General Commercial District. Each property meets and exceeds the minimum lot size requirement of 10,000 sqft in C2 zoning, they meet all of the bulk requirements found in the zoning ordinance. The Future Land Use Map of the Comprehensive Plan depicts the area as being designated "General Mixed Use." The proposed rezoning and CUP are in conformance with the comprehensive plan and it needs not be amended.

One of the applicants, the one that intends to purchase Lot 8, is proposing that a car wash be placed on the site. Normally, a car wash is permitted use on a C2 lot, that however, is an only for a carwash as the primary use. With all of the other businesses being proposed on the property, the carwash becomes conditionally permitted as an accessory carwash and is subject to the following conditions from Section 11-5 b):

1. The carwash shall be designed to be an integral part of the principal building, or, if freestanding, constructed of the same materials and design of the principal structure.
2. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of carwash and the amount of time it takes to wash the vehicle. Stacking space shall not interfere with parking spaces or traffic circulation.
3. The exit from the car wash shall have a drainage system, which is subject to approval by the City and gives special consideration to the prevention of ice build-up during winter months.
4. Neither the carwash nor an accessory vacuum shall be located within three hundred (300) feet of any residentially zoned or guided property, unless completely screened by an intervening building or located across an arterial or major collector roadway from residentially zoned or guided property.

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Vice Chairman Offerdahl opened to comments from commissioners.

Commissioner Baumann asked Director Billingsley if the rezoning from C1, Neighborhood Commercial to C2, General Commercial in this area is both necessary and needed change for the area, and if we need more C2 properties in Minot in general. Director Billingsley responded that C2 zoning is not plentiful, unlike M1, I1, and I2 industrial zonings, most of the C2 zoned properties are along Broadway, Burdick, and other major streets. There are some nearby in the neighborhood, but most are already spoken for and this isn't a new zoning designation to the area considering the nearby properties to the South and East. Additionally, Billingsley noted that Lots 1 and 2 of Highlander Estates 2nd would need buffers on them once they are built.

Commissioner Baumann then asked if there would need to be a buffer between the proposed C2 zoned properties and the existing C1 properties to which Director Billingsley answered that there would not need to be, only between commercial and residential.

Vice Chairman Offerdahl opened up comments from the public. No one from the public came forward to speak for or against the item up for consideration.

Vice Chairman Offerdahl asked for a motion from the commissioners.

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

Motion carries

Item #7

Outlot Plat & Zone Change – OTL15 NE1/4 S26-156N-83W

Planning Commission recommends City Council pass an ordinance on first reading to change the zone from AG "Agricultural District" and RA "Agricultural Residential District" to just RA "Agricultural Residential District" and to approve a new outlot to include all of Outlot 13 and a portion of the unplatted NE ¼ of Section 26-156N-83W to be known as Outlot 15 of NE ¼ Section 26-156N-83W for the purpose of installing new rows of trees around the outside perimeter of the property.

This property is located at 7009 Hwy 83N.

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 and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

Staff Recommendations:

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Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this outlot plat application and rezoning request, 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.

Vice Chairman Offerdahl asked the Assistant City Planner Baumgartner for comments.

The applicant is requesting approval of the creation of a new outlot from all of Outlot 13 and an unplatted portion of land found north of Outlot 11 of S26-156N-83W. This new outlot will be known as Outlot 15 of Section 26-156N-83W. The applicant is also requesting to have the property rezoned from "AG" Agricultural District and "RA" Agricultural Residential District to just "RA" Agricultural Residential District. This property is located at 7009 Hwy 83 N.

The applicant currently owns Outlot 13 and has both a single-family home and an accessory structure on the property. The unplatted portion of land that the applicant is seeking to add to his property is owned by a neighbor and is a farm field.

Outlot 15 will be approximately 157,600 sqft or 3.61 acres. The proposed outlot meets and exceeds the minimum lot size of 2.00 acres for RA zoning. With the perimeter of the property expanding in every direction but South, the property will continue to meet the bulk requirements for RA zoning.

Outlot 13 is currently zoned as RA, Agricultural Residential, while the unplatted portion of the property that's being added to it is zoned AG, Agricultural, the proposed outlot will be rezoned to only be RA, while the remaining unplatted area will remain AG. The land use designation on the Future Land Use (FLU) Map of the Comprehensive Plan does not currently cover this area, this gap in the FLU Map will be filled when the Comprehensive Plan is updated. Looking at the rural/agricultural makeup of the area, and taking into account that outlot already owned by the applicant is zoned RA, it is the belief of city staff that the proposed the zoning change is in harmony with the rest of the local area.

Vice Chairman Offerdahl opened to comments from commissioners. None of the Commissioners presented any comments on the item.

Vice Chairman Offerdahl opened up comments from the public. No one from the came forward with any comments for or against the proposed outlot plat and rezone

Vice Chairman Offerdahl asked for a motion from the commissioners.

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

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Motion carries

Item #8

Zoning Ordinance Text Amendment to Chapter 20 – Flood Protection Requirements

Planning Commission recommends City Council pass an ordinance on first reading to amend Chapter 20 of the Minot Zoning Ordinance. Changes include formatting adjustments, clarifying language surrounding structural equipment such as heating, plumbing, and ventilation systems to be elevated at least one foot above base flood elevation, and the addition of a severability clause.

City Engineer Lance Meyer reported to the Planning Commission on the following proposed changes: Chapter 20 of the City of Minot Zoning Supplement to the Code of Ordinances, which regulates building and development in the regulatory floodplain, is based on a model ordinance from the State Engineer's office. In order to keep the City of Minot's Floodplain Management ordinance consistent with this model ordinance, several items were added to Section 20-5: Definitions, including:

- Existing Manufactured Home Park or Subdivision
- Expansion to an Existing Manufactured Home Park or Subdivision
- Manufactured Home Park or Subdivision
- New Manufactured Home Park or Subdivision
- Violation

Changes were also made to the following portions of Section 20-16: General Standards, as noted by underlined text:

B. Construction Materials and Methods

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall be installed at least one foot above the Base Flood Elevation.

C. Utilities

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. All tanks must be watertight and all access openings must be at least one foot above the Base Flood Elevation.

Changes were made to the following portions of Section 20-17: Specific Standards, as noted by underlined text:

B. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and attendant utilities elevated on fill to at least one foot above the Base Flood Elevation.

Staff Recommendations:

Staff recommends the Planning Commission recommend approval of the revision of Chapter 20 of the City of Minot Zoning Code to Planning Commission.

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Vice Chairman Offerdahl opened to comments from commissioners.

Commissioner Baumann thanked City Engineer Meyer and Planning Staff for making sure that this goes through the proper process in a timely manner to meet state deadlines.

Vice Chairman Offerdahl opened up comments from the public. No one from the came forward with any comments for or against the proposed outlot plat and rezone

Vice Chairman Offerdahl 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 Koop, and was carried by the following roll call vote: ayes: Barnett, Baumann, Faken, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Wegenast nays: None

Motion carries

Other Business

Principal Planner Van Dyke went over the free planning commissioner training that will be occurring virtually on November 18th.

With no other business before the committee, Vice Chairman Offerdahl adjourned the meeting at 7:01 PM.