Planning Commission
Meeting Agenda
January 07, 2020

Chair: Charles DeMakis
Vice Chair: Dustin Offerdahl

Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, January 07, 2020 in City Hall Chambers, 515 2nd Avenue, SW.

1. Roll Call

2. Pledge Of Allegiance

3. Approval Of November 25, 2019 Minutes Of Regular Meeting

   Documents:
   11 (NOV) RECOMMENDATIONS 2019.PDF

4. Avery’s Addition – Rezoning And Subdivision Plat
   Public hearing request on an application by Arlene Avery, owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as Outlot 12 and an unplatted portion of the SW1/4 of the SE1/4, Section 32, Township 155 North, Range 82 West, Ward County to create a one lot subdivision to be known as Avery’s Addition, Lot 1; and also to rezone said property from AG, Agricultural District to RA, Agricultural Residential District.

   This property is located at 3300 County Road 19 South.

   Documents:
   SUBDIVISION AND REZONE AVERYS ADDITION.PDF

5. Ramstad Heights 5th Addition - Rezoning And Subdivision Plat
   Public hearing request on an application by Bakken Development Group Minot I, LLC, owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as Lots 10A thru 18B, Block 6, Statesboro Addition and the vacated portion of Kodiak Street NW to create a nine-lot subdivision to be known as Ramstad Heights 5th Addition; and also to rezone said property from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

   This property is located north of 32nd Avenue NW and west of Kodiak Street NW.

   Documents:
   SUBDIVISION AND REZONE RAMSTAD HEIGHTS 5TH.PDF

6. Ramstad Heights 6th Addition - Rezoning And Subdivision Plat
   Public hearing request on an application by Bakken Development Group Minot I, LLC, owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as Lots 1A thru 9B, Statesboro Addition to create a nine-lot subdivision to be known as Ramstad Heights 6th Addition; and also to rezone said property from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

   Documents:
   SUBDIVISION AND REZONE RAMSTAD HEIGHTS 6TH.PDF
This property is located north of 32nd Avenue NW and east of Kodiak Street NW.

Documents:

SUBDIVISION AND REZONE RAMSTAD HEIGHTS 6TH.PDF

7. Zoning Ordinance Text Amendment To Chapter 30, Administrative Procedures
   Public hearing request on an application by Brian Billingsley, Applicant, representing the
   City of Minot, to amend Section 30-5(i) of Chapter 30 of the Minot Zoning Ordinance to
   remove the public hearing requirement from actions required by City Council on text
   amendment applications, rezoning applications, conditional use permits, and interim use
   permits because the public hearing requirement is satisfied at the Planning Commission
   meeting, the results of which are contained in the written recommendation to City Council
   from the Planning Commission.

Documents:

ZONING TEXT AMENDMENT SECTION 30-5(I) A.PDF
Meeting Called to Order by Chairman Charles DeMakis.

Approval of the October 28, 2019 Regular Meeting Minutes

Motion by Commissioner Koop to approve October 28, 2019 Planning Commission Meeting minutes, second by Commissioner Offerdahl, and was carried by the following roll call vote:

ayes: Bartsch, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Sivertson, Wegenast, nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #1
Northridge Villas 3rd Addition, Subdivision Plat

It is recommended that City Council pass a motion on a request by John Zimmerman of Northridge Villas, LLC., Applicant, to replat Lots 20, 21 and 23, Block 1, Northridge Villas 2nd Addition to proposed Lots 1, 2A, 2B, 3A and 3B, Northridge Villas 3rd Addition. These properties are located at 817 28th Street, NW., 813 28th Street, NW., and 805 28th Street, NW.

All three lots are currently owned by the applicant and are vacant at this time. You will recall this development is a Planned Unit Development (PUD) featuring a mix of traditional single-family homes and twin homes with each half of the twin homes on their own fee simple lot. These units are basically two-family townhomes, but have been, and continue to be, referred to by the
development team as “Villas.” A corresponding lot split is then required to accommodate the villas on certain selected lots. A portion of Lot 21 will be combined with Lot 20, while the remainder of lot 21 will be subdivided into Lots 2A and 2B. Additionally, Lot 23 will be subdivided into Lots 3A and 3B. Twin villas are proposed on Lots 2A, 2B, 3A, and 3B. It would also be possible in R2 zoning to build a single-family home across the common lot lines separating 2A / 2B and 3A / 3B if both lots are under common ownership.

The new common lot line between lots are platted such that the north 10.35 feet of Lot 21 combines with Lot 20 to form proposed Lot 1 of Northridge Villas 3rd Addition while the remainder of Lot 21 will form the new Lots 2A and 2B. Lot 1 contains approximately 15,154.46 square feet of lot area or .3479 acres. Proposed Lots 2A and 2B contain 7941.03 square feet or 0.1823 acres and 7212.22 square feet or .1656 acres, respectively. Lot 3A will contain 5,383.63 square feet or .1236 acres while Lot 3B will contain 10,792.76 square feet or .2478 acres. All of the proposed lots exceed the minimum R2 lot size requirements of 3,500 square feet and the minimum R2 lot width of 30 feet as measured at the front setback line. The location of the new lot lines meets all setback requirements in R2 zoning bulk regulations.

The streets and utility lines in this subdivision are private and will be maintained by the developer or a homeowner’s association. The Northridge team and appropriate City officials have reached mutual agreement in how the sanitary sewer and municipal water will be split at the lot for the villa units/lots.

The proposed subdivision does not interfere with access to the extensive hike-bike trail system through the neighborhood connecting to Peterson Greenway to the west.

All of the properties involved in this subdivision are zoned R2, Two-Family Residential District and shall remain so. Currently, these properties don’t have a land use designation on the Future Land Use Map of the Comprehensive Development Plan. However, the low density use of these properties is in conformance with neighboring properties.

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 the intent of 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) Separate water and sewer services are required to each lot so that each separate premises will be separately connected in a manner to be described in the Development Agreement between the applicant and the City.

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.

Planner Lang responded that all three lots are currently owned by the applicant and are vacant at this time. You will recall this development is a Planned Unit Development (PUD) featuring a mix of traditional single-family homes and twin homes with each half of the twin homes on their own fee simple lot. These units are basically two-family townhomes, but have been, and continue to be, referred to by the development team as “Villas.” A corresponding lot split is then required to accommodate the villas on certain selected lots. A portion of Lot 21 will be combined with Lot 20, while the remainder of lot 21 will be subdivided into Lots 2A and 2B. Additionally, Lot 23 will be subdivided into Lots 3A and 3B. Twin villas are proposed on Lots 2A, 2B, 3A, and 3B. It would also be possible in R2 zoning to build a single-family home across the common lot lines separating 2A / 2B and 3A / 3B if both lots are under common ownership.

The new common lot line between lots are plotted such that the north 10.35 feet of Lot 21 combines with Lot 20 to form proposed Lot 1 of Northridge Villas 3rd Addition while the remainder of Lot 21 will form the new Lots 2A and 2B. Lot 1 contains approximately 15,154.46 square feet of lot area or .3479 acres. Proposed Lots 2A and 2B contain 7941.03 square feet or 0.1823 acres and 7212.22 square feet or .1656 acres, respectively. Lot 3A will contain 5,383.63 square feet or .1236 acres while Lot 3B will contain 10,792.76 square feet or .2478 acres (see Preliminary Plat exhibit). All of the proposed lots exceed the minimum R2 lot size requirements of 3,500 square feet and the minimum R2 lot width of 30 feet as measured at the front setback line. The location of the new lot lines meets all setback requirements in R2 zoning bulk regulations.

The streets and utility lines in this subdivision are private and will be maintained by the developer or a homeowner’s association. The Northridge team and appropriate City officials have reached mutual agreement in how the sanitary sewer and municipal water will be split at
the lot for the villa units/lots as set forth in the Development Agreement with the Engineering Department.

The proposed subdivision does not interfere with access to the extensive hike-bike trail system through the neighborhood connecting to Peterson Greenway to the west.

All of the properties involved in this subdivision are zoned R2, Two-Family Residential District and shall remain so. Currently, these properties don’t have a land use designation on the Future Land Use Map of the Comprehensive Development Plan. However, the low density use of these properties is in conformance with neighboring properties.

Chairman DeMakis opened up comments from the commissioners. No comments from commissioners.

Chairman DeMakis opened up comments from the public. No comments from the public.

Motion by Commissioner Koop 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: Bartsch, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

**Item #2**

**UNPLATTED SEC 25 155 83 S1/2 SW1/4 SW1/4 incl HOME ACRES 3rd ADDITION AND OUTLOT 11 LESS OUTLOTS 2,3,4,6,7 – Conditional Use Permit**

It is recommended that the City Council approve a resolution on a request by Stephany Sheekey of AMERCO Real Estate Company, Applicant, for a Conditional Use Permit to allow for remodeling of an existing building for climate controlled self-storage and also outdoor display of U-Haul trucks and equipment for sale or rent on the same lot. This property is located at 1 20th Avenue SE.

The uses proposed for this site include remodeling of the existing Kmart building into a “climate controlled self-storage facility” which requires a conditional use permit (CUP) in C2 zones as well as outdoor display of U-Haul trucks and equipment for rent or sale. Outdoor display also requires a CUP. The applicant has submitted a complete application for a CUP.

**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 has met all of the Conditional Use requirements laid out in Section 11-4 Conditional Uses.
4) The applicant’s request is consistent with Minot’s Comprehensive Plan.
5) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
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 and conditional use permit, subject to the following conditions, to the City Council:

1. This conditional use permit is issued to allow climate-controlled storage units at this location inside the existing building and also to allow outdoor display of items for sale or rent on the same lot.
2. Items for sale or rent shall not be parked on the grass or in landscaped areas nor on any part of the public right-of-way.
3. No inventory, equipment, or materials shall be stored or parked outside the building across from the residential lots along the north side of 19th Avenue SE.
4. A revised Landscape Plan shall be submitted to the Planning Department and approved before any Building Permits are issued.
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.

Chairman DeMakis asked the Principal Planner for staff comments.

Planner Lang responded that the uses proposed for this site include remodeling of the existing Kmart building into a “climate controlled self-storage facility” which requires a conditional use permit (CUP) in C2 zones as well as outdoor display of U-Haul trucks and equipment for rent or sale. Outdoor display also requires a CUP. As such, this CUP comprises two uses in one permit, although each use may have provisions enumerated in the zoning ordinance that seemingly clash with one another. For example, climate-controlled storage does not allow outside storage or display, yet outdoor storage and display is a viable conditional use in and of itself. Therefore, in this case, the CUP for this property shall allow outdoor storage and display in conjunction with climate-controlled storage as it is specifically designed to allow both.

The applicant has submitted a complete application for a CUP.
The site is going to consist of three lots, the first and largest lot, which is currently occupied by Kmart is 11.99 acres or 522,440 square feet. The second lot, is currently home to a U.S. Bank branch and is 1.07 acres or 46,412 square feet. The third and smallest lot is an outlot measuring fifty (50) feet in width containing .32 acres, or 14,150 square feet. This outlot serves as an access road from South Broadway to the parking lot, also serving as a utility easement.

The site is required to have one parking space for each 2,000 feet of gross floor area which comes out to 56 parking spaces, which is easily met with 124 parking spaces displayed on the site plan.

Street trees are required along 20th Avenue and 2nd Street SE. Interior parking lot landscaping is required in commercial zoning districts. The quantity of interior parking lot landscaping is based on twenty (20) square feet of landscape island for each parking stall. At 124 parking stalls 2,480 square feet of landscaping is required. The three (3) parking lot islands shown by 20th Avenue fall short of meeting this requirement. Also, it would be preferable to have the islands more to the interior and spread across the large expanse of parking.

Landscaped buffer yards are generally required where commercial use abuts residential zoning districts or uses. In this case, residential property is located directly across 19th Avenue SE, but there is not sufficient space available along the street to install a buffer yard. Therefore, Staff waives the buffer yard requirement based on existing site conditions.

There are still some issues to be worked out between Planning Staff and the applicant in regards to developing a Final Landscaping Plan. Planning Staff requests a revised Landscape Plan that meets the above listed requirements prior to any Building Permits being issued.

The applicant must follow all C2 building design and material standards that are found in Section 11-8 of Chapter 11- “C2” General Commercial District located within the City of Minot Zoning Ordinance. To comply with these requirements the applicant has made changes to the colors and materials of the original building elevation. The exterior structure largely remains the same, keeping the architectural features that were already there, such as the columns, awnings, eves, and varied roof lines. The applicant has made use of five (5) new colors to the exterior of the structure: Natural Choice Beige, Relaxed Khaki, Nurture Green, Obstinate Orange, and Smokehouse Brown. All of these colors contrast with each other but at the same time are complementary in the proposed arrangement.

The interior of the structure is going to be modified to accommodate the installation of climate controlled self-storage units. The units are a mix of 5x5, 5x10, 5x15, 10x10, & 10x15. Each customer will access their unit with a card swipe ID card. Security is provided by video surveillance. Access into the building is available during established hours of; 7 am to 7 pm Monday through Thursday, 7 am to 8 pm Friday, 7 am to 7 pm Saturday, and 9 am to 5 pm on Sundays. U-Haul trucks, trailers, and the like will be displayed in the parking lot in front of the building. The building is staffed by ten (10) to fifteen (15) full-time and part-time employees.

Also depicted are photographic images of persons using U-Haul products with a tagline that says: “Community Lifestyle to Promote a Safe and Welcoming Environment.” Staff is uncertain what this means. Are these signs or not? If these images promote U-Haul products they will be considered part of the overall signage package and will be limited to the maximum amount allowed by the zoning ordinance.
Chairman DeMakis opened up comments from the commissioners.

Commissioner Baumann asked Billingsley about the possibility of another “big box” store similar to K-Mart going into that location. Billingsley responded that it is unlikely. Baumann asked Principal Planner Lang about the landscape buffer strip that would generally be required when commercial uses or zoning abut residential uses or zoning but has been waived here. Lang responded that the buffer width requirement is twenty feet (20’) consisting of grass (no pavement) and there should be one (1) tree per 20’ lineal feet of buffer yard. At least 50% of the trees are to be conifers. The remainder can also be conifers, or a mix of deciduous and conifers. These are minimum size requirements for all the tree types. Unfortunately, there is insufficient space to accommodate such a buffer along the north side of this property. Baumann further inquired if there was a specified use for the remaining acreage, i.e. the Hardees pad site, and Lang responded that nothing specific was mentioned in the plans or in meetings with the developers.

Commissioner Wegenast asked Planner Lang about approving outdoor storage in C2 zoning. Have there been many commercial projects approved lately with outdoor storage? Lang responded that there haven’t been many projects lately, period. But, outdoor storage can be part of a commercial development. There are regulations for where it can be on the site and screening requirements. In this case, the outdoor presence of equipment is not so much storage as it is display, although one could argue that the items are being stored as they are displayed.

Chairman DeMakis opened up comments from the public.

Shawn Odden (U-Haul) came forward and offered to answer any questions the commissioners might have. Commissioner Baumann asked about the southwest corner of the lot and if they have plans along 19th Street. Odden indicated that they did not.

Chairman DeMakis asked if Mr. Odden could explain in more depth the signage, especially the “community image” aspects. Mr. Odden responded that they make an effort to have the signage represent the community they are in, for example, they would depict Air Force personnel in their signage. Mr. Odden also explained that they banners are considered “advanced banners”. DeMakis asked if the banners can be moved and Odden indicated that yes, they are moveable.

Commissioner Baumann asked about the exterior lighting design since the lot abuts residential area. Mr. Odden indicated that although their plans are not advanced to that aspect yet, they would use down draft LED lighting.

Commissioner Bartsch inquired as to how many vehicles would be sitting on-site. Odden replied that it would be difficult to give a specific number, however, he did state that they would not be closing any existing sites in Minot and moving vehicles to that site.
Mike Hayes came forward and stated that he has properties nearby, and although he is not opposed to the project, he did have some questions on building elevations and heated storage.

Motion by Commissioner Wegenast to approve based on staff findings, recommendations and conditions, seconded by Bartsch.

Commissioner Baumann asked for an amendment to the motion to include a requirement that the buffer zone requirements that would have been required along the back of the building but have been waived due to lack of space in this area, be planted somewhere else on the site to increase the overall landscape density. He asked Principal Planner Lang if this made sense as a motion? Lang stated the length of the bufferyard area, if it were to be provided along 19th Avenue, multiplied by the twenty-foot depth requirement, take that area calculation and the number of trees required accordingly, and find a home for it somewhere on site? Baumann nodded yes in agreement.

Motion by Commissioner Baumann for the amendment to the original motion, seconded by Koop and followed by the following vote: ayes: Baumann, Offerdahl; nays: Bartsch, Bullinger, DeMakis, Hochhalter, Koop, Sivertson, Wegenast;

Motion fails

Motion by Wegenast to approve original motion based on finding of facts, staff recommendations and conditions, second by Bartsch and carried by the following vote: ayes: Bartsch, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Sivertson, Wegenast; nays: none

Motion carries

Item #3
Section 30-155-82, Outlot 50, Land Use Map Amendment, Rezone, Subdivision Plat, and Annexation

It is recommended that the City Council approve a resolution to amend the Future Land Use Map of the Comprehensive Development Plan accordingly to “Public/Semi-Public”, to subdivide this parcel with a Right-of-Way Outlot Plat, and to annex the proposed outlot plat into the city limits, and to further pass an ordinance to rezone a portion of the SW corner of Section 30T155NR82W to P (Public) zone, all in order to construct a new building for a NDDOT Driver’s License facility. This location if currently Highway 2/52 right-of-way and was formerly a truck regulatory weigh station and never zoned.

This project was tabled last month to allow time for a meeting with Development Review Team (DRT). The “P” Public District requires a DRT meeting be held with one member of the City Council and one member of the Planning Commission present. This DRT meeting was held November 6.

Finding of Facts:

The Minot Planning Commission should accept the following findings of facts:
1) The applicant has submitted a complete application.
2) This property is somewhat unique in that it has only been used for right-of-way purposes with no conventional development. The site is not zoned, does not have a street address, is not contemplated on the future land use map, and is only partially annexed.

3) Rezoning to the Public zoning district is the proper fit for the use of this property.

4) The Future Land Use Map will be amended to designate this property as “Public/Semi-Public.

5) A DRT meeting was held as required for “P”, Public district rezonings.

6) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.

7) The land to be annexed is urban in character.

8) City services are available to the site with adequate capacity.

9) The annexation is in the best interest of the City and the applicant.

10) 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 map amendment, rezoning, outlot plat application, and annexation request subject to the following conditions, to the City Council:

1) A stormwater management plan is required for development.

2) Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer.

3) Connection fees are required when connections are made to City utilities.

4) All access to US Hwy 2 & 52 will be eliminated as a part of the site development.

5) Access location(s) off of 20th Ave SE to be approved by the City Engineer as a part of a future site plan review.

6) A Landscape Plan is required at the time of Site Plan Review. It shall include a plant list and it shall meet the required commercial landscape components as set forth in Chapter 24, and in this report including street trees, interior parking lot landscaping, foundation plantings, and if applicable, trash enclosures shall be screened.

7) Commercial standards for building construction materials and architectural design shall meet the minimum requirements set forth in Section 11-8 of the Minot Zoning Ordinance.

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) This property will be annexed into the Minot City Limits in accordance with the Century Code, 40-51.2-07 to 40-51.2-11, Annexation by resolution of City.

Commissioner DeMakis asked the Principal Planner for staff comments.

Planner Lang responded the applicant is requesting approval of rezoning and plating a vacant parcel of ground that is currently part of Highway 2 right-of-way to construct a building for driver license operations. The grounds will also be used for driver testing for trucks and motorcycles. An application for annexation has also been submitted. Since this property is currently Highway 2 & 52 right-of-way, it is unique when compared to traditional parcels. There is no assigned address and it has never been zoned. The surrounding zoning is commercial and the future land use map does not provide guidance as there is no specified land use category identified for this parcel. A designation of “Public/Semi-Public will be added to the land use map.

An outlot plat has been created to parcel-off the right-of-way into one lot. The new lot will be known as Outlot 50 in Section 30, Township 155 North, Range 82W. The city limit line cuts through this property on the east end as shown on the Aerial View exhibit. The majority of the property to the west of this line was previously annexed into the City. The remaining 1.05 acres to the east has never been annexed into the City. Since this property is being treated as a single outlot, we cannot have a portion of the outlot annexed and a portion not annexed. Therefore, the 1.05 acres of land within the boundary of the outlot that has not been annexed is now due for annexation as shown on the Annexation exhibit. The applicant has provided a preliminary sketch of how the site may lay out with truck/motorcycle testing to the east, a building roughly centered on the site with parking to the east and west sides of the building. Current accesses to Highway 2/52 will be closed and the site will take access from 20th Avenue SE instead.

Chairman DeMakis opened up comments from the commissioners.

With no comments from the Commission Principal Planner Lang noted that there had been some questions presented to him prior to the meeting regarding traffic concerns by neighboring property owners. Since this is not his area of expertise Lang had emailed the Engineering Department to see if they have any particular concerns. Lang asked the City Engineer Lance Meyer, who was in attendance, to come forward and address any issues or concerns the Engineering Department might have. Meyer indicated that the department did not have any immediate concerns and did not foresee any significant traffic. Meyer did indicate that NDDOT will do a traffic analysis and that there will be no traffic signal installed. Engineering will work with DOT on signs.

Chairman DeMakis asked about left turns and Meyer explained the issue.

Chairman DeMakis opened up comments from the public.

Jim Redding (NDDOT) sited 2019 legislature funding limitations for the project and explained that the project has to be on existing property.

Bob Miller came forward and expressed his concerns about the public cutting through their parking lot and did want to make sure signage was in place regarding the exit on 13th Street, which is one of the two traffic exits, along with the exit on 18th Avenue.
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: Bartsch, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Sivertson, Wegenast, nays: none

**Motion carries**

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:21pm.
PROJECT DESCRIPTION:
The applicant is requesting approval of the subdivision of two portions of her property: Outlot 12 and an Unplatted Portion of the SW1/4 SE1/4 Section 32, Township 155 North, Range 82 West, into one (1) new lot to be known as Avery’s Addition to the City of Minot; as well as the rezoning of the new Avery’s Addition from AG, Agricultural District to RA, Agricultural Residential District. Outlot 12 is addressed at 3300 County Road 19 South, but actually takes access from a long shared driveway and the unplatted area is located north of the outlot, and adjacent to County Road 19 (see Location Map and Aerial View exhibit).
BACKGROUND INFORMATION:
Both the platted and unplatted portions of the property are currently owned by the applicant. Outlot 12 currently has a home on it while the unplatted portion currently has several agricultural accessory buildings on it. A portion of the unplatted land will be combined with Outlot 12, while the remainder of the unplatted land will be left unplatted.

A new lot line will run from the northwestern corner of Outlot 12 to the southernmost corner of Outlot 25, otherwise known as 3220 County Rd 19 South, separating the large remainder of the unplatted land which will be absorbed into the new lot proposed as Avery’s Addition. Avery’s Addition will contain approximately 164,656.8 square feet of lot area or 3.78 acres (see Preliminary Plat exhibit). The proposed lot meets the minimum requirements of two (2) acres of lot area and the minimum lot width of 150 feet in RA zoning. The location of the new lot lines meets all setback requirements.

The two properties involved in this subdivision are currently zoned AG, Agricultural. The land contained in Avery Addition will be rezoned RA, Rural Agricultural, while the remainder of the unplatted portion will remain AG (see Zoning Map exhibit). Currently, both of these properties have the land use designation of “Very Low Density Residential” on the Future Land Use Map of the Comprehensive Development Plan. The character of the area is generally low and very low density residential, especially to the south, with more of a mixture of uses along County Road 19 and to the north and east given the proximity to Highway 52. As thus, the proposed use of these properties, when rezoned to RA, will be in conformance with the current land use map designation (see Future Land Use Map).
LOCATION MAP: This map highlights the subject property and the 300-foot notification area.
AERIAL VIEW: This aerial photograph was taken in 2015

ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is the City of Minot’s official comprehensive plan map adopted in 2012.
CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

In approving or disapproving a proposed subdivision design, the Commission will make a determination as to whether or not the proposed design meets the technical requirements imposed by Sections 28-40 through 28-44, inclusive, of this chapter, and if not, whether any such requirements should be waived. Additionally, as suggested by North Dakota Century Code 40-48-09, the Commission shall bear in mind the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Minot and its environs. The development, in accordance with present and future needs, which will best promote the amenities of life, health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and which will encourage adequate provision for light and air, surface drainage and sewage disposal, distribution of population, good civic design and arrangement. This will also include wise and efficient expenditure of public funds, adequate provisions of public utilities and other public requirements, and the general embellishment of the area under its jurisdiction. Zoning Ordinance of the City of Minot, Section 28-24.

If the Commission approves the subdivision design it shall next be submitted to the City Council for final approval and for acceptance of all streets, alleys, public roadways, easements, parks, or other areas reserved or dedicated to the public. Zoning Ordinance of the City of Minot, Section 28-25(a).

SUBDIVISION DESIGN STANDARDS:

The design and layout of all subdivisions shall conform to the standards set forth in this division, to the extent that they are applicable given the nature of the subdivision or the method by which the subdivision is to be accomplished. Zoning Ordinance of the City of Minot, Section 28-40.

Relation of Streets to Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuance of existing streets in adjoining areas or their proper projection where the land is not subdivided, insofar as they may be deemed necessary by the Commission for public requirements. The street and alley arrangement should also avoid creating hardships to the owners of adjoining property when they plat their own land and seek to provide a convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted. Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked for duplication. Zoning Ordinance of the City of Minot, Section 28-41.

Street and Alley Width, Dead-End Streets: a) The widths and locations of major streets shall conform to widths and locations designated on the plan for major streets. b) The minimum width for minor streets shall be sixty-six (66) feet. When streets adjoin unsubdivided property, a half street at least thirty-three (33) feet in width must be dedicated. c) Dead-ended streets are to be avoided, but if necessary, in the opinion of the
Commission, they shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet unless the Commission approves an equally safe and convenient space, provided that, however, no dead end street or street ending in a cul-de-sac shall be more than five hundred (500) feet in length from the point of intersection with the cross street to the beginning of the cul-de-sac. d) Alleys, when provided, shall have a minimum width of twenty (20) feet. e) Necessary utility easements will be provided as required. Specifically, for storm sewers, sanitary sewers or water mains, permanent easements shall be a minimum of twenty (20) feet wide. Also, ten (10) feet wide public utility easements shall be provided along the front lot line of every lot. Zoning Ordinance of the City of Minot, Section 28-42.

Lot Arrangement: a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites and street access, properly related to topography and the character of surrounding development. b) All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation from this rule will give a better street and lot plan. Lots with double frontage shall be avoided wherever possible. c) The minimum width and area of residential lots subject to the zoning authority of the City of Minot shall not be less than that specified in the zoning district in which the lot is located. d) All lots shall have at least one lot line abutting a street other than an alley. Zoning Ordinance of the City of Minot, Section 28-43.

Easements Along Streams: Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall provide an adequate easement for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. Zoning Ordinance of the City of Minot, Section 28-44.

**APPROVAL AND ACCEPTANCE OF SUBDIVISION DESIGN:**

The applicant for subdivision design approval shall submit as part of his application the subdivision design documents referred to in Subsection (c). The Commission shall study the subdivision design documents and the supplemental materials to see whether or not the design conforms to the minimum standards and requirements set forth in this zoning ordinance, and if not, whether any of the requirements should be waived or varied. The Commission shall not grant final approval or disapproval of the design until it has conducted a public hearing thereon. Notice of the public hearing specifying the time and date thereof, the place where held, and the legal description of the premises to be affected by the proposed subdivision design shall be published once in a newspaper of general circulation within the City of Minot, with the publication to be at least seven (7) days prior to the date of the hearing exclusive of the date of publication and the date of the hearing. The public hearing may be continued by the Commission as it deems necessary in order to solicit additional views and opinions concerning the proposed subdivision design. This will allow applicant to submit requirements imposed at the public hearing, or for any other purpose; provided that, however, final approval or disapproval shall be granted within ninety (90) days of the initial hearing on the design. Zoning Ordinance of the City of Minot, Section 28-23(b).
REZONING & MAP AMENDMENT PETITION REQUIREMENTS:

**PETITION REQUIREMENTS:** All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance, and shall further disclose the purpose for which such property is sought to be used. Zoning Ordinance of the City of Minot, Section 30-5(k).

Petitions for rezoning must also include the following information:

1. A generalized location map and aerial photograph showing the location of the proposed site in relation to the overall city.
2. Zoning of the subject parcel and all adjacent properties.
3. The land use designation on the City’s Future Land Use Map of the subject property and all adjacent properties.
4. A boundary survey of the site, drawn to scale, showing the property lines and any improvements present on the site, with dimensions and with north indicated. Other information such as locations of proposed wetlands, existing woodlands, water courses, or other natural features present on the site shall be shown. In some cases, staff may request more information to be shown to aid in evaluation of the development potential of the site such as contour lines or spot elevations.
5. A list of proposed uses, and whether said uses are either permitted, conditional, or interim in nature.
6. Location of all existing buildings, setback lines, structures, easements of record, or other encumbrances on the proposed site.
7. At a minimum, a written description of the applicant’s intent and vision for the development of the property shall be provided of known a conceptual layout of the site depicting proposed improvements including, but not limited to; buildings, parking, access points, outdoor service areas and loading spaces, landscaping, outdoor storage, etc. Applicants are encouraged to submit additional information that may further describe the applicant’s request.

The applicant states: Our client wishes to purchase land and add it to their home lot. The Subdivision Plat would consist of platted Outlot 12 and an unplatted portion of SW1/4SE1/4 in Sec. 32-155-82.

Zoning Ordinance of the City of Minot, Section 30-5(f).
Applications for rezoning property which has not been previously platted shall also be required to plat the property in accordance with Chapter 28 of the Zoning Supplement. Additionally, applications for rezoning shall be consistent with the City of Minot’s Comprehensive Plan in terms of land use and be located within the stage growth area plans of the Comprehensive Plan to prevent premature subdivision and development. Zoning Ordinance of the City of Minot, Section 30-5(e).

REVIEW BY HEARING BODIES:

ACTION BY PLANNING COMMISSION: No amendment, supplement, change or modification of this zoning ordinance or zoning map shall be made by the City Council without first a public hearing and consideration of the entitlement by the Planning Commission. Zoning Ordinance of the City of Minot, Section 30-5(h).

The Planning Commission may close the public hearing and forward its recommendations to the City Council at the same meeting at which it initially opens the public hearing, or may continue the item for further consideration or for further public comment, or for both, at a later meeting. Zoning Ordinance of the City of Minot, Section 30-5(a).

No application for a rezoning of a property shall be accepted more than once in any six (6) month period except if the prior application was withdrawn before action was taken by the City Council, or if the Planning Commission determines that the circumstances surrounding a previous application for a rezoning has changed. Zoning Ordinance of the City of Minot, Section 30-5(e).

The Planning Commission approval shall be by majority vote of its members (simple majority of those present at the meeting). Zoning Ordinance of the City of Minot, Section 30-5(h).

Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only. Zoning Ordinance of the City of Minot, Section 30-5(h).

ACTION BY THE CITY COUNCIL: After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes). Zoning Ordinance of the City of Minot, Section 30-5(i).

STAFF ANALYSIS:
Comprehensive Plan Analysis:
Current Comprehensive Plan Map Classification: N/A

Proposed Comprehensive Plan Map Classification: No Change

Staff finds that this request is consistent with the goals and objectives of the Minot Comprehensive Plan.

Public Agency Comments:
Staff did not receive any.

FINDINGS OF FACT:

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.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary 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.
PROJECT DESCRIPTION:

The applicant is requesting approval to replat and rezone eighteen (18) existing lots described as; Lots 10A thru 18B, Block 6, Statesboro Addition, along with a vacated portion of Kodiak Street, into nine (9) R1S Lots to be known as Ramstad Heights 5th Addition. The purpose of this project is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots, Lots 10A thru 18B are located at 3201 to 3315 Kodiak Street (see Location map exhibit).
BACKGROUND INFORMATION:

The developer is requesting rezoning from the existing defunct zoning district R4, Planned Residential District, to District R1S, Single-Family Residential with Small Lot Flexibility. Eighteen (18) existing twin home lots will be combined to form nine (9) new R1S lots for the new subdivision plat to be known as Ramstad Heights 5th Addition (see Aerial View exhibit).

The proposed development concept follows the trend set by recent subdivision plats in this area including; Ramstad Heights Addition and Ramstad Heights 2nd, 3rd, and 4th Additions wherein existing lots were combined to form larger lots. Combining two of the existing lots into one allows the proposed lots to meet the reduced minimum width and lot area requirements of the R1S district (See Plat Map Exhibit). The proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families (see Zoning Map Exhibit). Currently, all eighteen (18) lots are designation of “Medium Density Residential” (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Single-family housing is allowed in this land use category along with two-family or duplex zoning. Therefore, staff does not feel the land use map needs to be amended at this time (see Future Land Use Map).

CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

In approving or disapproving a proposed subdivision design, the Commission will make a determination as to whether or not the proposed design meets the technical requirements imposed by Sections 28-40 through 28-44, inclusive, of this chapter, and if not, whether any such requirements should be waived. Additionally, as suggested by North Dakota Century Code 40-48-09, the Commission shall bear in mind the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Minot and its environs. The development, in accordance with present and future needs, which will best promote the amenities of life, health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and which will encourage adequate provision for light and air, surface drainage and sewage disposal, distribution of population, good civic design and arrangement. This will also include wise and efficient expenditure of public funds, adequate provisions of public utilities and other public requirements, and the general embellishment of the area under its jurisdiction. Zoning Ordinance of the City of Minot, Section 28-24.

If the Commission approves the subdivision design it shall next be submitted to the City Council for final approval and for acceptance of all streets, alleys, public roadways, easements, parks, or other areas reserved or dedicated to the public. Zoning Ordinance of the City of Minot, Section 28-25(a).
LOCATION MAP: This map highlights the subject property and the 300-foot notification area.
**AERIAL VIEW:** This aerial photograph was taken in 2015

**ZONING MAP:** This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is the City of Minot’s official comprehensive plan map adopted in 2012.
The design and layout of all subdivisions shall conform to the standards set forth in this division, to the extent that they are applicable given the nature of the subdivision or the method by which the subdivision is to be accomplished. Zoning Ordinance of the City of Minot, Section 28-40.

Relation of Streets to Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuance of existing streets in adjoining areas or their proper projection where the land is not subdivided, insofar as they may be deemed necessary by the Commission for public requirements. The street and alley arrangement should also avoid creating hardships to the owners of adjoining property when they plat their own land and seek to provide a convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted. Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked for duplication. Zoning Ordinance of the City of Minot, Section 28-41.

Street and Alley Width, Dead-End Streets: a) The widths and locations of major streets shall conform to widths and locations designated on the plan for major streets. b) The minimum width for minor streets shall be sixty-six (66) feet. When streets adjoin unsubdivided property, a half street at least thirty-three (33) feet in width must be dedicated. c) Dead-ended streets are to be avoided, but if necessary, in the opinion of the Commission, they shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet unless the Commission approves an equally safe and convenient space, provided that, however, no dead end street or street ending in a cul-de-sac shall be more than five hundred (500) feet in length from the point of intersection with the cross street to the beginning of the cul-de-sac. d) Alleys, when provided, shall have a minimum width of twenty (20) feet. e) Necessary utility easements will be provided as required. Specifically, for storm sewers, sanitary sewers or water mains, permanent easements shall be a minimum of twenty (20) feet wide. Also, ten (10) feet wide public utility easements shall be provided along the front lot line of every lot. Zoning Ordinance of the City of Minot, Section 28-42.

Lot Arrangement: a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites and street access, properly related to topography and the character of surrounding development. b) All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation from this rule will give a better street and lot plan. Lots with double frontage shall be avoided wherever possible. c) The minimum width and area of residential lots subject to the zoning authority of the City of Minot shall not be less than that specified in the zoning district in which the lot is located. d) All lots shall have at least one lot line abutting a street other than an alley. Zoning Ordinance of the City of Minot, Section 28-43.

Easements Along Streams: Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall provide an adequate easement for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. Zoning Ordinance of the City of Minot, Section 28-44.
APPROVAL AND ACCEPTANCE OF SUBDIVISION DESIGN:

The applicant for subdivision design approval shall submit as part of his application the subdivision design documents referred to in Subsection (c). The Commission shall study the subdivision design documents and the supplemental materials to see whether or not the design conforms to the minimum standards and requirements set forth in this zoning ordinance, and if not, whether any of the requirements should be waived or varied. The Commission shall not grant final approval or disapproval of the design until it has conducted a public hearing thereon. Notice of the public hearing specifying the time and date thereof, the place where held, and the legal description of the premises to be affected by the proposed subdivision design shall be published once in a newspaper of general circulation within the City of Minot, with the publication to be at least seven (7) days prior to the date of the hearing exclusive of the date of publication and the date of the hearing. The public hearing may be continued by the Commission as it deems necessary in order to solicit additional views and opinions concerning the proposed subdivision design. This will allow applicant to submit requirements imposed at the public hearing, or for any other purpose; provided that, however, final approval or disapproval shall be granted within ninety (90) days of the initial hearing on the design. Zoning Ordinance of the City of Minot, Section 28-23(b).

REZONING & MAP AMENDMENT PETITION REQUIREMENTS:

PETITION REQUIREMENTS: All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance, and shall further disclose the purpose for which such property is sought to be used. Zoning Ordinance of the City of Minot, Section 30-5(k).

Petitions for rezoning must also include the following information:

1. A generalized location map and aerial photograph showing the location of the proposed site in relation to the overall city.
2. Zoning of the subject parcel and all adjacent properties.
3. The land use designation on the City’s Future Land Use Map of the subject property and all adjacent properties.
4. A boundary survey of the site, drawn to scale, showing the property lines and any improvements present on the site, with dimensions and with north indicated. Other information such as locations of
proposed wetlands, existing woodlands, water courses, or other natural features present on the site shall be shown. In some cases, staff may request more information to be shown to aid in evaluation of the development potential of the site such as contour lines or spot elevations.

5. A list of proposed uses, and whether said uses are either permitted, conditional, or interim in nature.

6. Location of all existing buildings, setback lines, structures, easements of record, or other encumbrances on the proposed site.

7. At a minimum, a written description of the applicant’s intent and vision for the development of the property shall be provided of known a conceptual layout of the site depicting proposed improvements including, but not limited to; buildings, parking, access points, outdoor service areas and loading spaces, landscaping, outdoor storage, etc. Applicants are encouraged to submit additional information that may further describe the applicant’s request.

The applicant states: “This [project] is pretty much the same as the past few plats [at Ramstad] consolidating twin lots into single family with R1S zone change. Mike Hayes will be the developer building the homes, same as the latest lots.”

Zoning Ordinance of the City of Minot, Section 30-5(f).

Applications for rezoning property which has not been previously platted shall also be required to plat the property in accordance with Chapter 28 of the Zoning Supplement. Additionally, applications for rezoning shall be consistent with the City of Minot’s Comprehensive Plan in terms of land use and be located within the stage growth area plans of the Comprehensive Plan to prevent premature subdivision and development. Zoning Ordinance of the City of Minot, Section 30-5(e).

**REVIEW BY HEARING BODIES:**

**ACTION BY PLANNING COMMISSION:** No amendment, supplement, change or modification of this zoning ordinance or zoning map shall be made by the City Council without first a public hearing and consideration of the entitlement by the Planning Commission. Zoning Ordinance of the City of Minot, Section 30-5(h).

The Planning Commission may close the public hearing and forward its recommendations to the City Council at the same meeting at which it initially opens the public hearing, or may continue the item for further consideration or for further public comment, or for both, at a later meeting. Zoning Ordinance of the City of Minot, Section 30-5(a).

No application for a rezoning of a property shall be accepted more than once in any six (6) month period except if the prior application was withdrawn before action was taken by the City Council, or if the Planning Commission determines that the circumstances surrounding a previous application for a rezoning has changed. Zoning Ordinance of the City of Minot, Section 30-5(e).
The Planning Commission approval shall be by majority vote of its members (simple majority of those present at the meeting). Zoning Ordinance of the City of Minot, Section 30-5(h).

Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only. Zoning Ordinance of the City of Minot, Section 30-5(h).

**ACTION BY THE CITY COUNCIL:** After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes). Zoning Ordinance of the City of Minot, Section 30-5(i).

**STAFF ANALYSIS:**

**Comprehensive Plan Analysis:**
Current Comprehensive Plan Map Classification: Medium Density

Proposed Comprehensive Plan Map Classification: No Change

Staff finds that this request is consistent with the goals and objectives of the Minot Comprehensive Plan.

**Public Agency Comments:**
City of Minot Engineering Department:
1) Kodiak Street NW, 32nd Avenue NW, and Hunter Avenue NW need to be removed and replaced to city standards using the 2019 specifications and details.
2) Abandoned utility services must be capped at the utility mains.

**FINDINGS OF FACT:**

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

1) Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
2) Abandoned utility services must be capped at the utility mains.
3) 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.
PROJECT DESCRIPTION:
The applicant is requesting approval of replatting eighteen (18) existing duplex lots described as Lots 1A thru 9B of Statesboro Addition, into nine (9) larger R1S Lots to be known as Ramstad Heights 6th Addition. The applicant is also requesting rezoning of these lots. The purpose of this development is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots, Lots 1A thru 9B, are located at 3200 to 3314 Kodiak Street (see Location Map exhibit).
BACKGROUND INFORMATION:

This property was originally platted as part of the Statesboro Additions designed for higher density twin homes. The proposed subdivision continues the recent trend in rethinking the lot layout, as with Ramstad Heights 6th Addition, by combining two existing lots into one larger lot. Eighteen (18) existing twin home lots will be combined to form nine (9) new single-family lots (see Aerial View exhibit). The developer is also requesting rezoning from the existing defunct zoning district R4, Planned Residential District, to District R1S, Single-Family Residential with Small Lot Flexibility (see Existing Zoning exhibit). The proposed lots meet or exceed the minimum width requirements of an R1S lot at sixty (60) feet as opposed to the sixty-five (65) foot minimum width required in straight R1 zoning. The proposed lots also meet the minimum lot area requirement of 5,000 square feet listed in Chapter 5.2 of City Zoning Code (See Plat Map Exhibit). As such, the proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families.

Currently, all eighteen (18) lots are shown as having the designation of “Medium Density Residential” (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Single-family housing is allowed in this land use category along with two-family or duplex zoning. Therefore, staff does not feel the land use map needs to be amended at this time (see Future Land Use Map).

CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

In approving or disapproving a proposed subdivision design, the Commission will make a determination as to whether or not the proposed design meets the technical requirements imposed by Sections 28-40 through 28-44, inclusive, of this chapter, and if not, whether any such requirements should be waived. Additionally, as suggested by North Dakota Century Code 40-48-09, the Commission shall bear in mind the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Minot and its environs. The development, in accordance with present and future needs, which will best promote the amenities of life, health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and which will encourage adequate provision for light and air, surface drainage and sewage disposal, distribution of population, good civic design and arrangement. This will also include wise and efficient expenditure of public funds, adequate provisions of public utilities and other public requirements, and the general embellishment of the area under its jurisdiction. Zoning Ordinance of the City of Minot, Section 28-24.

If the Commission approves the subdivision design it shall next be submitted to the City Council for final approval and for acceptance of all streets, alleys, public roadways, easements, parks, or other areas reserved or dedicated to the public. Zoning Ordinance of the City of Minot, Section 28-25(a).
LOCATION MAP: This map highlights the subject property and the 300-foot notification area.
AERIAL VIEW: This aerial photograph was taken in 2015

ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is the City of Minot’s official comprehensive plan map adopted in 2012.

SUBDIVISION PLAT OVER AERIAL IMAGE
PRELIMINARY PLAT OF
RAMSTAD HEIGHTS 6TH ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA
(Being Lot 1A thru 9B Block 7, Statesboro Addition
To the City of Minot, North Dakota)

NOTES:
FOR PLANNING PURPOSES ONLY, AREAS AND
DISTANCES SUBJECT TO FINAL FIELD SURVEY.
BEARING AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENT.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS.
A 10' UTILITY EASEMENT WILL BE ON THE
STREETSIDE OF EVERY LOT.

LOT BREAKDOWN:
LOT 1 = 8881.12 SQ FT.
LOT 2 = 7301.14 SQ FT.
LOT 3 = 7301.14 SQ FT.
LOT 4 = 7301.14 SQ FT.
LOT 5 = 7301.14 SQ FT.
LOT 6 = 7301.14 SQ FT.
LOT 7 = 7301.14 SQ FT.
LOT 8 = 7301.14 SQ FT.
LOT 9 = 7301.14 SQ FT.
LOT 9 8957.79 SQ FT.
TOTAL = 8858.67 SQ FT.
OR 2.07 ACRES

ACKERMAN SURVEYING & ASSOCIATES
1907 17TH ST NW MINOT, ND 58701
SUBDIVISION DESIGN STANDARDS:

The design and layout of all subdivisions shall conform to the standards set forth in this division, to the extent that they are applicable given the nature of the subdivision or the method by which the subdivision is to be accomplished. Zoning Ordinance of the City of Minot, Section 28-40.

Relation of Streets to Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuance of existing streets in adjoining areas or their proper projection where the land is not subdivided, insofar as they may be deemed necessary by the Commission for public requirements. The street and alley arrangement should also avoid creating hardships to the owners of adjoining property when they plat their own land and seek to provide a convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted. Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked for duplication. Zoning Ordinance of the City of Minot, Section 28-41.

Street and Alley Width, Dead-End Streets: a) The widths and locations of major streets shall conform to widths and locations designated on the plan for major streets. b) The minimum width for minor streets shall be sixty-six (66) feet. When streets adjoin unsubdivided property, a half street at least thirty-three (33) feet in width must be dedicated. c) Dead-ended streets are to be avoided, but if necessary, in the opinion of the Commission, they shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet unless the Commission approves an equally safe and convenient space, provided that, however, no dead end street or street ending in a cul-de-sac shall be more than five hundred (500) feet in length from the point of intersection with the cross street to the beginning of the cul-de-sac. d) Alleys, when provided, shall have a minimum width of twenty (20) feet. e) Necessary utility easements will be provided as required. Specifically, for storm sewers, sanitary sewers or water mains, permanent easements shall be a minimum of twenty (20) feet wide. Also, ten (10) feet wide public utility easements shall be provided along the front lot line of every lot. Zoning Ordinance of the City of Minot, Section 28-42.

Lot Arrangement: a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites and street access, properly related to topography and the character of surrounding development. b) All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation from this rule will give a better street and lot plan. Lots with double frontage shall be avoided wherever possible. c) The minimum width and area of residential lots subject to the zoning authority of the City of Minot shall not be less than that specified in the zoning district in which the lot is located. d) All lots shall have at least one lot line abutting a street other than an alley. Zoning Ordinance of the City of Minot, Section 28-43.

Easements Along Streams: Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall provide an adequate easement for the purpose of widening,
deepening, sloping, improving, or protecting the stream or drainage course. Zoning Ordinance of the City of Minot, Section 28-44.

APPROVAL AND ACCEPTANCE OF SUBDIVISION DESIGN:

The applicant for subdivision design approval shall submit as part of his application the subdivision design documents referred to in Subsection (c). The Commission shall study the subdivision design documents and the supplemental materials to see whether or not the design conforms to the minimum standards and requirements set forth in this zoning ordinance, and if not, whether any of the requirements should be waived or varied. The Commission shall not grant final approval or disapproval of the design until it has conducted a public hearing thereon. Notice of the public hearing specifying the time and date thereof, the place where held, and the legal description of the premises to be affected by the proposed subdivision design shall be published once in a newspaper of general circulation within the City of Minot, with the publication to be at least seven (7) days prior to the date of the hearing exclusive of the date of publication and the date of the hearing. The public hearing may be continued by the Commission as it deems necessary in order to solicit additional views and opinions concerning the proposed subdivision design. This will allow applicant to submit requirements imposed at the public hearing, or for any other purpose; provided that, however, final approval or disapproval shall be granted within ninety (90) days of the initial hearing on the design. Zoning Ordinance of the City of Minot, Section 28-23(b).

REZONING & MAP AMENDMENT PETITION REQUIREMENTS:

PETITION REQUIREMENTS: All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance, and shall further disclose the purpose for which such property is sought to be used. Zoning Ordinance of the City of Minot, Section 30-5(k).

Petitions for rezoning must also include the following information:

1. A generalized location map and aerial photograph showing the location of the proposed site in relation to the overall city.
2. Zoning of the subject parcel and all adjacent properties.
3. The land use designation on the City’s Future Land Use Map of the subject property and all adjacent properties.
4. A boundary survey of the site, drawn to scale, showing the property lines and any improvements present on the site, with dimensions and with north indicated. Other information such as locations of proposed wetlands, existing woodlands, water courses, or other natural features present on the site shall be shown. In some cases, staff may request more information to be shown to aid in evaluation of the development potential of the site such as contour lines or spot elevations.

5. A list of proposed uses, and whether said uses are either permitted, conditional, or interim in nature.

6. Location of all existing buildings, setback lines, structures, easements of record, or other encumbrances on the proposed site.

7. At a minimum, a written description of the applicant’s intent and vision for the development of the property shall be provided of known a conceptual layout of the site depicting proposed improvements including, but not limited to; buildings, parking, access points, outdoor service areas and loading spaces, landscaping, outdoor storage, etc. Applicants are encouraged to submit additional information that may further describe the applicant’s request.

The applicant states: “This [project] is pretty much the same as the past few plats [at Ramstad] consolidating twin lots into single family with R1S zone change. Mike Hayes will be the developer building the homes, same as the latest lots.”

Zoning Ordinance of the City of Minot, Section 30-5(f).

Applications for rezoning property which has not been previously platted shall also be required to plat the property in accordance with Chapter 28 of the Zoning Supplement. Additionally, applications for rezoning shall be consistent with the City of Minot’s Comprehensive Plan in terms of land use and be located within the stage growth area plans of the Comprehensive Plan to prevent premature subdivision and development. Zoning Ordinance of the City of Minot, Section 30-5(e).

REVIEW BY HEARING BODIES:

ACTION BY PLANNING COMMISSION: No amendment, supplement, change or modification of this zoning ordinance or zoning map shall be made by the City Council without first a public hearing and consideration of the entitlement by the Planning Commission. Zoning Ordinance of the City of Minot, Section 30-5(h).

The Planning Commission may close the public hearing and forward its recommendations to the City Council at the same meeting at which it initially opens the public hearing, or may continue the item for further consideration or for further public comment, or for both, at a later meeting. Zoning Ordinance of the City of Minot, Section 30-5(a).

No application for a rezoning of a property shall be accepted more than once in any six (6) month period except if the prior application was withdrawn before action was taken by the City Council, or if the Planning Commission determines that the circumstances surrounding a previous application for a rezoning has changed. Zoning Ordinance of the City of Minot, Section 30-5(e).
The Planning Commission approval shall be by majority vote of its members (simple majority of those present at the meeting). Zoning Ordinance of the City of Minot, Section 30-5(h).

Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only. Zoning Ordinance of the City of Minot, Section 30-5(h).

**ACTION BY THE CITY COUNCIL:** After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes). Zoning Ordinance of the City of Minot, Section 30-5(i).

**STAFF ANALYSIS:**

**Comprehensive Plan Analysis:**
Current Comprehensive Plan Map Classification: Medium Density

Proposed Comprehensive Plan Map Classification: No Change

Staff finds that this request is consistent with the goals and objectives of the Minot Comprehensive Plan.

**Public Agency Comments:**
City of Minot Engineering Department:
1. Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
2. Abandoned utility services must be capped at the utility mains.

**FINDINGS OF FACT:**

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
RECOMMENDATION:

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

1) Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
2) Abandoned utility services must be capped at the utility mains.
3) 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.
**Project Description:**

City staff is requesting approval of a text amendment to zoning ordinance section 30-5(i): “Action by the City Council” to eliminate duplicative public hearings before the City Council for text amendments applications, rezoning applications, conditional use permits, and interim use permits.

**Background Information:**

Currently, Sections 30-3(b), 30-4(B), 30-5(i), and 30-5(h) of Chapter 30 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota requires both the Minot City Council and the Minot Planning Commission to hold a public hearing on text amendments applications, rezoning applications, conditional use permits, and interim use permits with 30-5(i) applicable to the Minot City Council, and 30-5(h) applicable to the Minot Planning commission, respectively.

The proposed text amendment will eliminate the need for a second public hearing at City Council since the requirement for public input will be satisfied at the Planning Commission meeting.

<table>
<thead>
<tr>
<th>Application Date: 12/2/19</th>
<th>Staff Contact: Brian Billingsley, Community and Economic Development Director</th>
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<tbody>
<tr>
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Owner: City of Minot
1025 31st Street SE, Minot, ND 58701
Brian.billingsley@minotnd.org
(701) 857-4147

Representative: Same as Above
A strikeout/underline version of the proposed text amendment is included below with notes:

Note: Section 30-5(i). This where the actions of the City Council are set forth. The requirement for a public hearing as City Council action is deleted.

Action by the City Council: After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes).

Note: Section 30-3, Conditional Use Permits refers to 30-5(i) as follows:

30-3(b)
Application, Public Hearing, Notice and Procedure: The application, public hearing, public notice and procedure requirements for conditional use permits shall be the same as those for amendments as provided in Section 30-5 of this chapter, except that the permit shall be issued on the affirmative vote of a majority of the entire council.

Note: Section 30-4, Interim Use Permits refers to 30-3

30-4(b)
Application, Public Hearing, Notice, and Procedure: The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for conditional use permits as provided in Sec. 30-3 of this chapter.

Note: Section 30-5, Text Amendments and Zoning District Changes. This is where the public hearing requirement for the Planning Commission is set forth

30-5(h) (emphasis added)
Review by Planning Commission: No amendment, supplement, change or modification of this Ordinance shall be made by the City Council without first the consideration of each by the Planning Commission. The Planning Commission approval shall be by majority vote of its members. Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only.
**HOW HEARINGS ARE HANDLED IN OTHER NORTH DAKOTA CITIES:**

Planning staff contacted several cities throughout the State and asked if public hearings are held before the City Council. Their responses are shown in the table below:

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<th>City</th>
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**RECOMMENDATION:**
Staff recommends the Planning Commission approve the revision of Section 30-5(i) of the City of Minot Zoning Code.