Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, February 04, 2020 in City Hall Chambers, 515 2nd Avenue, SW.

1. Roll Call

2. Pledge Of Allegiance

3. Approval Of January 07, 2020 Minutes Of Regular Meeting

Documents:

01 (JAN) RECOMMENDATIONS 2020.PDF

4. Starr Subdivision - Rezoning And Subdivision Plat
   Public hearing request on an application by Jesse Starr, Owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as the north half of Outlot 7 in Section 25, Township 156 North, Range 83 West to create a two-lot rural residential subdivision to be known as Starr Subdivision, and also to rezone said property from AG, Agricultural District to RA, Agricultural Residential District. This property is located at 7051 13th Street NE.

Documents:

SUBDIVISION AND ZONE CHANGE - STARR SUBDIVISION.PDF
Meeting Called to Order by Chairman Charles DeMakis.

Approval of the November 25, 2019 Regular Meeting Minutes

Motion by Commissioner Koop to approve November 25, 2019 Planning Commission Meeting minutes, second by Commissioner Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1
Avery’s Addition – Rezoning and Subdivision

It is recommended that the City Council approve the subdivision of 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.

It is recommended that the City Council pass an ordinance on first reading to change the zone from AG (Agricultural District) to RA (Agricultural Residential District) on Avery’s Addition, Lot 1.

This property is located at 3300 County Road 19 South

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

1) The applicant has submitted a complete application.
2) The 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 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.

Chairman DeMakis asked the Principal Planner for staff comments.

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.

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. 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. 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.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had comments.

Chairman DeMakis opened up comments from the public. No one from the public came forward with comments.

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

Motion carries

**Item #2**

**Ramstad Heights 5th Addition – Rezoning and Subdivision Plat**

It is recommended that the City Council approve the subdivision of 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.

It is recommended that the City Council pass an ordinance on first reading to change the zone 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.

**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 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.

Chairman DeMakis asked the Principal Planner for staff comments.

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.

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.

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. 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 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.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had comments.

Chairman DeMakis opened up comments from the public. No one from the public came forward with comments.

Motion by Commissioner Koop to approve original motion based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl and carried by the following vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast

ayes: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast

nays: none

Motion carries

**Item #3**

**Ramstad Heights 6th Addition – Rezoning and Subdivision Plat**

It is recommended that the City Council approve the subdivision of property described as Lots 1A thru 9B, Statesboro Addition to create a nine-lot subdivision to be known as Ramstad Heights 6th Addition.

It is recommended that the City Council pass an ordinance on first reading to change the zone 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 east of Kodiak Street NW.

**Finding of Facts:**

The Minot Planning Commission should accept the following findings of facts:
1) The applicant has submitted a complete application.
2) The applicant’s request is consistent with Minot’s Comprehensive Plan.
3) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
4) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed 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 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.

Commissioner DeMakis asked the Principal Planner for staff comments.

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.

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. 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. 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. 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.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had comments.

Chairman DeMakis opened up comments from the public. No one from the public came forward with comments.
Motion by Commissioner Baumann to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Sivertson, and was carried by the following roll call vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast ayes: nays: None

Motion carries

**Item #4**

**Zoning Ordinance Text Amendment to Chapter 30, Administrative Procedures**

It is recommended that the City Council pass an ordinance on first reading 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 application, 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 the City Council from the Planning Commission.

Chairman DeMakis opened up comments from the commissioners.

Chairman DeMakis voiced his concern as to whether the text amendment would end public testimony at City Council or if that option would still be there if either the public or the applicant do not agree with the advice the Planning Commission has given. Community and Economic Development Director Billingsley responded that he believed that the Mayor would have discretion to allow public comment during the meeting, but it would not be required of him. Chairman DeMakis then mentioned that the Planning Commission is an advisory board and that the comments and/or concerns stated during Planning Commission meeting need to be voiced at City Council as well. Director Billingsley responded with the fact that all of the meetings are recorded, and that the Aldermen and the Mayor have the ability to watch the meetings and testimony. Additionally, they will be able to review the written minutes and the video of the hearing. Chairman DeMakis responded by saying that Billingsley responses cleared some things up for him, but his concern was for the public and not for the Mayor and the Aldermen.

Commissioner Baumann asked if there is any opportunity for a member of the public to ask for a review or a second look at a decision that the Planning Commission makes. Director Billingsley replied that the only decision by the Planning Commission that the public has the ability to appeal is a variance and that everything else is a recommendation that is forwarded to the City Council, which makes the final decision. Commissioner Baumann then asked how the proposed text amendment would streamline city operations to which Director Billingsley responded that City Council has been getting longer, using the example that the City Council meeting the night before went for over three hours (3) without having any planning commission items on its agenda and that removing the requirement of a second public hearing could help reduce some of the unnecessary, redundant testimony that happens routinely. He imagines that if there was a highly controversial case that the Mayor would still open it up for comment.

Commissioner Wegenast asked if the four items recommended are brought up equally over the course of time or are some more common than others, are some weighted more than others, and could we eliminate some of them? Billingsley responded that the Planning Commission certainly could recommend that one or more of these types of cases keep their public hearing.
requirements. Additionally, he brought up that the City currently use a model like Grand Forks in which it requires all of them to go before City Council, however, only annexations and appeals are required to have public hearings by state law. Principal Planner Lang responded to the question of which items are more or less common: there aren’t many text amendments usually, there are more in Minot than most communities because we’ve been working with the Zoning Ordinance Steering Committee, but they are not common normally; rezoning’s are quite common and planning staff sees a lot of them; staff also sees quite a few conditional use permits; interim use permits are not seen that often. He then went on to explain that any of these items could come up at any time and that they are all treated equally, and all require public hearings currently. The proposal here is to treat them all the same and not require public hearings for all of them.

Commissioner Offerdahl brought up what happened with Eastside Estates, when the Planning Commission chose to not recommend an R1 property be rezoned to MH but the City Council overturned that decision and allowed the property to be rezoned. Each decision should be based on the public testimony that was given at the respective public hearing and it is important to have more than one opportunity to be heard.

Chairman DeMakis followed up on Chairman Offerdahl’s comment, stating that rezoning’s and conditional uses are important and that those people that have opinions on it need to be heard. He understands that the Mayor has discretion, but that doesn’t mean that they will allow public comment and could decide that they don’t want to hear comment that night and that the public would then be “up the creek.”

Commissioner Barnett then asked how the amendment aligns with public hearing requirements that were required by state law. Director Billingsley responded that state law doesn’t require city’s to hold public hearings on these four applications, only on annexations and appeals.

Motion by Commissioner Wegenast to approve the language to not require having public hearings for text amendment applications and interim use permits at City Council and to continue requiring a second hearing for rezoning and conditional use permits, second by Commissioner Koop, and was carried by the following roll call vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast ayes: nays: None

Motion carries.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:58.
**Application Date:** 12/28/19  
**Date of Staff Report:** 1/7/20  
**Staff Contact:** Peter Baumgartner, Planner I  
**Staff Recommendation:** Approval  

**Status:** New Application

<table>
<thead>
<tr>
<th>Staff Report Item #:</th>
<th>1 (Agenda Item # 5)</th>
<th>Project Number:</th>
<th>8020-2.1</th>
<th>Project Name:</th>
<th>Starr Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Legal Description:</strong></td>
<td>N1/2 Outlot 7, NE Quarter of Section 25 Township 156 North, Range 83 West, Ward County, North Dakota</td>
<td><strong>Proposed Legal Description:</strong></td>
<td>Lots 1 &amp; 2 Starr Subdivision</td>
<td></td>
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<tr>
<td><strong>Present Address:</strong></td>
<td>7051 13th St. NE, Minot, ND.</td>
<td><strong>Entitlement Requested:</strong></td>
<td>Subdivision into 2 Lots and Rezone from AG to RA</td>
<td></td>
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<tr>
<td><strong>Existing Zoning Profile:</strong></td>
<td>One AG Lot</td>
<td><strong>Owner:</strong></td>
<td>Jesse Starr</td>
<td></td>
<td></td>
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<tr>
<td><strong>Present Zone:</strong></td>
<td>AG</td>
<td><strong>3545 5th Ave. SW, Minot, 58701</strong></td>
<td><strong>Representative:</strong></td>
<td>Jason Main/Ackerman-Estvold</td>
<td></td>
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</tbody>
</table>
| **Present Use:** | Residential Home on an Agricultural Lot | **email:** | pastor@minotafc.com  
(701) 240-7057 |
| **Uses Allowed in Present Zone:** | See Chapter 19 for residential uses. | **email:** | jason.main@ackermansurveying.com  
(701) 837-8737 |
| **Future Land Use Map:** | N/A | **Proposed Zoning Profile:** | Two RA Lots |
| **Proposed Zone:** | RA | **Proposed Use:** | 2 RA Lots |
| **Proposed Use:** | 2 RA Lots | **Uses Allowed in Proposed Zone:** | See Chapter 5.2 for residential uses. |
| **Future Land Use Map:** | N/A |

**PROJECT DESCRIPTION:**

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

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

The new common lot line is platted such that the majority of the North ½ of Outlot 7 will form proposed Lot 2 while the remaining portion which includes the residence, the shelterbelts and additional frontage along 13th Street NE will form proposed Lot 1 of Starr Subdivision. Proposed Lot 1 contains approximately 87,111.86 square feet of lot area or 2.00 acres and is approximately 240 feet in width with approximately 364 feet of street frontage on 13th Street NE. Proposed Lot 2 contains 264,964.13 square feet or 6.08 acres with approximately 190 feet of street frontage on 13th Street NE and approximately 635 feet of street frontage on 72nd Avenue NE (see Preliminary Plat exhibit). Seven (7) feet of additional road right-of-way is shown on the plat providing forty feet of total road right-of-way from the centerline of both roads. A ten-foot (10’) wide utility easement is provided along both road frontages. Both of the proposed lots exceed the minimum lot size requirements of two (2) acres in RA zoning. The location of the new lot lines meets all setback requirements in RA zoning bulk regulations.

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

VICINTY MAP: This map highlights the subject property and the 300-foot notification boundary surrounding the subject site.
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 from the City of Minot's official comprehensive plan map adopted in 2012.

SUBDIVISION PLAT OVER AERIAL IMAGE
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 guided 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 28-23(b).

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.

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).

**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:**

1. City Engineer: Any driveway locations onto township roadways must be permitted by the township.

**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 rezoning request is in character with the surrounding zoning and use of land.
5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

**RECOMMENDATION:**

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

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